

State of Iowa

**JOURNAL
OF THE SENATE**

**EIGHTY-FIRST
GENERAL ASSEMBLY**

**2006 REGULAR SESSION AND
EXTRAORDINARY SESSION**

Volume II

**JOHN P. KIBBIE, President of the Senate
JEFFREY M. LAMBERTI, President of the Senate
MICHAEL E. MARSHALL, Secretary of the Senate**

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JOURNAL OF THE SENATE

NINETY-FOURTH CALENDAR DAY
FIFTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 12, 2006

The Senate met in regular session at 8:37 a.m., President Lamberti presiding.

Prayer was offered by John Colyer, pastor of the Ankeny Free Church in Ankeny, Iowa. He was the guest of Senator Lamberti.

The Journal of Tuesday, April 11, 2006, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 8:45 a.m. until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 2:06 p.m., President Lamberti presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 2:07 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 2:15 p.m., President Lamberti presiding.

The Senate stood at ease at 2:16 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:41 p.m., President Lamberti presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Larson, until he returns, on request of Senator Ward.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Brenda Wernimont – Commission on the Deaf

Rita Conner – Elevator Safety Board

Benjamin Jung – Grape and Wine Development Commission

Robin Anderson – Iowa Great Places Advisory Board

Samantha Erickson – Iowa Great Places Advisory Board

Sara Greenwood – Iowa Great Places Advisory Board

Thomas Hanafan – Iowa Great Places Advisory Board

Quentin Hart – Iowa Great Places Advisory Board

Gil Spence – Iowa Great Places Advisory Board

Rita Vargas – Iowa Great Places Advisory Board

Vicki Duchene – Iowa Workforce Development Board

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question “Shall the appointees be confirmed?” the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti -	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck

Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirnbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Larson

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

UNFINISHED BUSINESS

House File 2663

On motion of Senator Johnson, **House File 2663**, a bill for an act relating to jurisdiction of the natural resource commission over certain inland lakebeds and riverbeds, placed on the Unfinished Business Calendar on March 30, 2006, with report of committee without recommendation, was taken up for consideration.

Senator Johnson offered amendment S-5169, filed by Senator Johnson, et al., on April 5, 2006, to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-5169 was adopted by a voice vote.

Senator Johnson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2663), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt

Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirnbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Larson

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Mulder, until he returns, on request of Senator Lundby.

UNFINISHED BUSINESS

House File 2351

On motion of Senator Kreiman, **House File 2351**, a bill for an act relating to government authority, including eminent domain authority and condemnation procedures, and other properly related matters, and including effective and applicability provisions, placed on the Unfinished Business Calendar on March 30, 2006, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Kreiman asked and received unanimous consent to withdraw amendment S-5118, filed by the committee on Judiciary on March 22, 2006, to pages 2-5, 7-11, and 13-20 of the bill.

With the withdrawal of amendment S-5118, the Chair ruled amendment S-5129, filed by Senator Angelo on March 28, 2006, to page 2 of the bill, out of order.

Senator Brunkhorst offered amendment S-5166, filed by Senator Brunkhorst, et al., on April 4, 2006, to pages 2-11, 13-20, 25, 28, and 29 of the bill.

President Pro Tempore McKibben took the chair at 4:13 p.m.

Senator Hatch withdrew amendment S-5194, filed by Senator Hatch, et al., from the floor to pages 1 and 3 of amendment S-5166.

President Lamberti took the chair at 4:27 p.m.

Senator Angelo offered amendment S-5168, filed by him on April 5, 2006, to pages 2 and 3 of amendment S-5166, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 3, nays 41.

Amendment S-5168 lost.

Senator Kreiman offered amendment S-5196, filed by him from the floor to pages 11 and 12 and to the title provisions of amendment S-5166, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5196 to amendment S-5166 be adopted?" (H.F. 2351), the vote was:

Yeas, 25:

Beall	Dotzler	Kibbie	Seng
Black	Dvorsky	Kreiman	Stewart
Bolkcom	Fraise	McCoy	Warnstadt
Connolly	Gronstal	Quirnbach	Wood
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	
Dearden	Horn	Schoenjahn	

Nays, 25:

Angelo	Iverson	McKinley	Ward
Behn	Johnson	Miller	Wieck
Boettger	Kettering	Mulder	Zaun

Brunkhorst	Lamberti	Putney	Zieman
Gaskill	Larson	Seymour	
Hahn	Lundby	Shull	
Houser	McKibben	Tinsman	

Absent, none.

Amendment S-5196 lost.

Senator Brunkhorst offered amendment S-5189, filed by Senators Brunkhorst and Kreiman on April 11, 2006, to page 11 of amendment S-5166, and moved its adoption.

Amendment S-5189 was adopted by a voice vote.

Senator Brunkhorst moved the adoption of amendment S-5166, as amended, which motion prevailed by a voice vote.

Amendment S-5166 was adopted by a voice vote.

Senator Kreiman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2351), the vote was:

Yeas, 43:

Angelo	Gronstal	Larson	Seng
Beall	Hahn	Lundby	Seymour
Behn	Hancock	McCoy	Shull
Black	Horn	McKibben	Stewart
Boettger	Houser	McKinley	Tinsman
Brunkhorst	Iverson	Miller	Ward
Connolly	Johnson	Putney	Warnstadt
Courtney	Kettering	Quirmbach	Wieck
Danielson	Kibbie	Ragan	Wood
Fraise	Kreiman	Rielly	Zieman
Gaskill	Lamberti	Schoenjahn	

Nays, 6:

Bolkcom	Dotzler	Hatch
Dearden	Dvorsky	Zaun

Absent, 1:

Mulder

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

CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Nancy Richardson, as Director of the Iowa Department of Transportation, placed on the Individual Confirmation Calendar on April 5, 2006, and found on page 822 of the Senate Journal.

Senator Putney moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	Lundby	Stewart
Black	Hahn	McCoy	Tinsman
Boettger	Hancock	McKibben	Ward
Bolkcom	Hatch	McKinley	Warnstadt
Brunkhorst	Horn	Miller	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirnbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Mulder

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Mark Schuling, as Director of the Department of Revenue, placed on the Individual Confirmation Calendar on April 5, 2006, and found on page 822 of the Senate Journal.

Senator Zieman moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	Lundby	Stewart
Black	Hahn	McCoy	Tinsman
Boettger	Hancock	McKibben	Ward
Bolkcom	Hatch	McKinley	Warnstadt
Brunkhorst	Horn	Miller	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Mulder

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Jack P. Ketterer, as Administrator of the State Racing and Gaming Commission, placed

on the Individual Confirmation Calendar on March 30, 2006, and found on page 754 of the Senate Journal.

Senator Horn moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	Lundby	Stewart
Black	Hahn	McCoy	Tinsman
Boettger	Hancock	McKibben	Ward
Bolkcom	Hatch	McKinley	Warnstadt
Brunkhorst	Horn	Miller	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirnbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Mulder

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Wayne Sawtelle, as a member of the State Transportation Commission, placed on the Individual Confirmation Calendar on February 8, 2006, and found on page 229 of the Senate Journal.

Senator McCoy moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull

Behn	Gronstal	Lundby	Stewart
Black	Hahn	McCoy	Tinsman
Boettger	Hancock	McKibben	Ward
Bolkcom	Hatch	McKinley	Warnstadt
Brunkhorst	Horn	Miller	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Mulder

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Kevin W. Techau, as Commissioner of Public Safety, placed on the Individual Confirmation Calendar on April 5, 2006, and found on page 822 of the Senate Journal.

Senator McCoy moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	Lundby	Stewart
Black	Hahn	McCoy	Tinsman
Boettger	Hancock	McKibben	Ward
Bolkcom	Hatch	McKinley	Warnstadt
Brunkhorst	Horn	Miller	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Mulder

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Elizabeth Robinson, as a member of the Board of Parole, placed on the Individual Confirmation Calendar on April 5, 2006, and found on page 822 of the Senate Journal.

Senator Miller moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	Lundby	Stewart
Black	Hahn	McCoy	Tinsman
Boettger	Hancock	McKibben	Ward
Bolkcom	Hatch	McKinley	Warnstadt
Brunkhorst	Horn	Miller	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirnbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Mulder

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Elizabeth Robinson, as Chairperson of the Board of Parole, placed on the Individual

Confirmation Calendar on April 5, 2006, and found on page 822 of the Senate Journal.

Senator Miller moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	Lundby	Stewart
Black	Hahn	McCoy	Tinsman
Boettger	Hancock	McKibben	Ward
Bolkcom	Hatch	McKinley	Warnstadt
Brunkhorst	Horn	Miller	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirnbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Mulder

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Mary Lawyer, as Director of the Department of Economic Development, placed on the Individual Confirmation Calendar on March 30, 2006, and found on page 753 of the Senate Journal.

Senator Brunkhorst moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull

Behn	Gronstal	Lundby	Stewart
Black	Hahn	McCoy	Tinsman
Boettger	Hancock	McKibben	Ward
Bolkcom	Hatch	McKinley	Warnstadt
Brunkhorst	Horn	Miller	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirmbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Mulder

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Steven K. Young, as Director of the Department of Inspections and Appeals, placed on the Individual Confirmation Calendar on March 30, 2006, and found on page 753 of the Senate Journal.

Senator Horn moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 37:

Angelo	Dotzler	Kibbie	Shull
Beall	Fraise	Kreiman	Stewart
Behn	Gaskill	McKibben	Ward
Black	Gronstal	Miller	Warnstadt
Bolkcom	Hahn	Putney	Wieck
Brunkhorst	Hancock	Quirmbach	Wood
Connolly	Horn	Rielly	Zieman
Courtney	Houser	Schoenjahn	
Danielson	Iverson	Seng	
Dearden	Kettering	Seymour	

Nays, 12:

Boettger	Johnson	Lundby	Ragan
Dvorsky	Lamberti	McCoy	Tinsman
Hatch	Larson	McKinley	Zaun

Absent, 1:

Mulder

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Jill Avery, as Administrator of the Division of Persons with Disabilities, placed on the Individual Confirmation Calendar on March 28, 2006, and found on page 716 of the Senate Journal.

Senator Seymour moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	Lundby	Stewart
Black	Hahn	McCoy	Tinsman
Boettger	Hancock	McKibben	Ward
Bolkcom	Hatch	McKinley	Warnstadt
Brunkhorst	Horn	Miller	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirnbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Mulder

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Kathryn L. Baumann-Reese, as Administrator of the Division of Deaf Services, placed on the Individual Confirmation Calendar on March 28, 2006, and found on page 716 of the Senate Journal.

Senator Ragan moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

Angelo	Fraiser	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	Lundby	Stewart
Black	Hahn	McCoy	Tinsman
Boettger	Hancock	McKibben	Ward
Bolkcom	Hatch	McKinley	Warnstadt
Brunkhorst	Horn	Miller	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirnbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Mulder

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of James Halverson, as a member of the City Development Board, placed on the Individual Confirmation Calendar on April 5, 2006, and found on page 822 of the Senate Journal.

Senator Shull moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 36:

Angelo	Fraise	Kettering	Seng
Beall	Gaskill	Kibbie	Seymour
Boettger	Gronstal	Kreiman	Shull
Brunkhorst	Hahn	Larson	Stewart
Connolly	Hancock	McKibben	Tinsman
Courtney	Hatch	Putney	Ward
Dearden	Horn	Quirnbach	Warnstadt
Dotzler	Iverson	Rielly	Wieck
Dvorsky	Johnson	Schoenjahn	Zieman

Nays, 13:

Behn	Houser	McKinley	Zaun
Black	Lamberti	Miller	
Bolkcom	Lundby	Ragan	
Danielson	McCoy	Wood	

Absent, 1:

Mulder

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Lynn M. Walding, as Administrator of the Alcoholic Beverages Division, placed on the Individual Confirmation Calendar on March 30, 2006, and found on page 754 of the Senate Journal.

Senator Horn moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 44:

Angelo	Dotzler	Kibbie	Schoenjahn
Beall	Dvorsky	Kreiman	Seng
Behn	Fraise	Lamberti	Seymour
Black	Gaskill	Larson	Shull
Boettger	Gronstal	McCoy	Stewart
Bolkcom	Hahn	McKibben	Tinsman
Brunkhorst	Hancock	Miller	Ward
Connolly	Hatch	Putney	Warnstadt
Courtney	Horn	Quirnbach	Wieck

Danielson	Houser	Ragan	Wood
Dearden	Iverson	Rielly	Zaun

Nays, 5:

Johnson	Lundby	Zieman
Kettering	McKinley	

Absent, 1:

Mulder

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Armando Villareal, as Administrator of the Division of Latino Affairs, placed on the Individual Confirmation Calendar on March 30, 2006, and found on page 754 of the Senate Journal.

Senator McKibben moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	Lundby	Stewart
Black	Hahn	McCoy	Tinsman
Boettger	Hancock	McKibben	Ward
Bolkcom	Hatch	McKinley	Warnstadt
Brunkhorst	Horn	Miller	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirnbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Mulder

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Bill Schroeder, as Administrator of Professional Licensing and Regulation, placed on the Individual Confirmation Calendar on March 30, 2006, and found on page 754 of the Senate Journal.

Senator Horn moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	Lundby	Stewart
Black	Hahn	McCoy	Tinsman
Boettger	Hancock	McKibben	Ward
Bolkcom	Hatch	McKinley	Warnstadt
Brunkhorst	Horn	Miller	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirnbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Mulder

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 108, a resolution welcoming the Whirlpool Corporation to the State of Iowa and offering support and assistance for Whirlpool's success and future in Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Lundby, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 108.

Senate Resolution 108

On motion of Senator Black, **Senate Resolution 108**, a resolution welcoming the Whirlpool Corporation to the State of Iowa and offering support and assistance for Whirlpool's success and future in Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Black moved the adoption of Senate Resolution 108, which motion prevailed by a voice vote.

President Pro Tempore McKibben took the chair at 6:15 p.m.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 2663** be **immediately messaged** to the House.

The Senate stood at ease at 6:17 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 6:58 p.m., President Lamberti presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 158, a resolution deferring action on the confirmation of appointments submitted by the Governor.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Gronstal, Lundby, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 158.

Senate Resolution 158

On motion of Senator Gronstal, **Senate Resolution 158**, a resolution deferring action on the confirmation of appointments submitted by the Governor, was taken up for consideration.

Senator Gronstal moved the adoption of Senate Resolution 158, which motion prevailed by a voice vote.

HOUSE AMENDMENT CONSIDERED

Senate File 2183

Senator Gronstal called up for consideration **Senate File 2183**, a bill for an act allowing cities and counties to create enterprise zones near modes of transportation, amended by the House in House amendment S-5135, filed March 28, 2006.

Senator Seymour offered amendment S-5193, filed by Senator Seymour, et al., from the floor to pages 2 and 3 of House amendment S-5135.

Senator Seymour called for the following division of amendment S-5193:

Division S-5193A: Page 1, lines 1-10 and 22-24; and

Division S-5193B: Page 1, lines 11-21.

Senator Seymour moved the adoption of division A of amendment S-5193, which motion prevailed by a voice vote.

Senator Seymour asked and received unanimous consent to withdraw division B of amendment S-5193.

Senator Kreiman offered amendment S-5170, filed by Senator Kreiman, et al., on April 5, 2006, to page 3 of House amendment S-5135, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5170 to House amendment S-5135 be adopted?" (S.F. 2183), the vote was:

Yeas, 21:

Angelo	Gaskill	Kreiman	Seng
Beall	Hahn	Lamberti	Seymour
Brunkhorst	Horn	McKibben	Zieman
Connolly	Houser	McKinley	
Dearden	Kettering	Miller	
Fraise	Kibbie	Quirnbach	

Nays, 28:

Behn	Dvorsky	Lundby	Stewart
Black	Gronstal	McCoy	Tinsman
Boettger	Hancock	Putney	Ward
Bolkcom	Hatch	Ragan	Warnstadt
Courtney	Iverson	Rielly	Wieck
Danielson	Johnson	Schoenjahn	Wood
Dotzler	Larson	Shull	Zaun

Absent, 1:

Mulder

Amendment S-5170 lost.

Senator Seymour withdrew amendment S-5162, filed by him on April 4, 2006, to page 3 of amendment S-5135.

With the withdrawal of amendment S-5162 to House amendment S-5135, the Chair ruled amendment S-5195, filed by Senator Seymour from the floor to pages 1 and 5 of the bill, out of order.

Senator Seymour moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Seymour moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2183), the vote was:

Yeas, 47:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hatch	McKibben	Tinsman
Brunkhorst	Horn	McKinley	Ward
Connolly	Houser	Miller	Warnstadt
Courtney	Iverson	Putney	Wieck
Danielson	Johnson	Quirnbach	Wood
Dearden	Kettering	Ragan	Zaun
Dotzler	Kibbie	Rielly	Zieman
Dvorsky	Kreiman	Schoenjahn	

Nays, 2:

Bolkcom	Hancock
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Absent, 1:

Mulder

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

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 2508

Senator Gronstal called up for consideration **House File 2508**, a bill for an act relating to direct deposit of wages and creating an exception to the payday information employers are required to provide each employee under the Iowa wage payment collection law and providing for retroactive applicability, amended by the Senate

and further amended by the House in House amendment S-5181 to Senate amendment H-8426, filed April 10, 2006.

Senator Behn moved that the Senate concur in the House amendment to the Senate amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Behn moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2508), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	Lundby	Stewart
Black	Hahn	McCoy	Tinsman
Boettger	Hancock	McKibben	Ward
Bolkcom	Hatch	McKinley	Warnstadt
Brunkhorst	Horn	Miller	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirnbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Mulder

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2183** and **House File 2508** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 12, 2006, **concurred in the Senate amendment and passed** the following bills in which the concurrence of the House was asked:

House File 2742, a bill for an act relating to the probate and trust codes and providing applicability date provisions.

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

House File 2754, a bill for an act relating to renewable fuel and energy, providing incentives for infrastructure used to store and dispense renewable fuel, providing for income tax credits and excise taxes, providing for penalties, and providing effective and applicability dates, including retroactive applicability.

ALSO: That the House has on April 12, 2006, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2780, a bill for an act relating to persons with mental illness, mental retardation, developmental disabilities, or brain injury by addressing purposes and quality standards for services and other support available for such persons, establishing basic financial eligibility standards, addressing state and county financial responsibility for the cost of the services and other support, changing the name of a departmental division, providing for an increase in the reimbursement of certain service providers, and providing effective and applicability dates.

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

HOUSE AMENDMENT CONSIDERED

Senate File 2322

Senator Seymour called up for consideration **Senate File 2322**, a bill for an act relating to the investigation and control of

communicable and infectious diseases and notification procedures concerning diseases, health conditions, unusual clusters, or suspicious events which may be the cause of a public health disaster, amended by the House in House amendment S-5174, filed April 10, 2006.

Senator Seymour moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Seymour moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2322), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	Lundby	Stewart
Black	Hahn	McCoy	Tinsman
Boettger	Hancock	McKibben	Ward
Bolkcom	Hatch	McKinley	Warnstadt
Brunkhorst	Horn	Miller	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirnbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Mulder

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

HOUSE AMENDMENT CONSIDERED

Senate File 2290

Senator Ward called up for consideration **Senate File 2290**, a bill for an act relating to the payment of costs of reasonable attorney fees and other expenses related to certain paternity and adoption proceedings, amended by the House in House amendment S-5144, filed April 3, 2006.

Senator Ward moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Ward moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2290), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	Lundby	Stewart
Black	Hahn	McCoy	Tinsman
Boettger	Hancock	McKibben	Ward
Bolkcom	Hatch	McKinley	Warnstadt
Brunkhorst	Horn	Miller	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirnbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Mulder

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

UNFINISHED BUSINESS

Senate File 2286

On motion of Senator Ward, **Senate File 2286**, a bill for an act relating to the judicial branch and court administration and procedure and providing a penalty, placed on the Unfinished Business Calendar on March 23, 2006, was taken up for consideration.

Senator Ward offered amendment S-5184, filed by her on April 10, 2006, to pages 2, 3, 5, and 6 of the bill, and moved its adoption.

Amendment S-5184 was adopted by a voice vote.

Senator Ward asked and received unanimous consent that **House File 2740** be substituted for **Senate File 2286**.

House File 2740

On motion of Senator Ward, **House File 2740**, a bill for an act relating to the judicial branch and court administration and procedure and providing a penalty, was taken up for consideration.

Senator Ward offered amendment S-5185, filed by her on April 10, 2006, to page 2 of the bill, and moved its adoption.

Amendment S-5185 was adopted by a voice vote.

Senator Ward moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2740), the vote was:

Yeas, 49:

Angelo
Beall
Behn

Fraise
Gaskill
Gronstal

Lamberti
Larson
Lundby

Seymour
Shull
Stewart

Black	Hahn	McCoy	Tinsman
Boettger	Hancock	McKibben	Ward
Bolkcom	Hatch	McKinley	Warnstadt
Brunkhorst	Horn	Miller	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirnbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Kreiman	Seng	

Nays, none.

Absent, 1:

Mulder

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

WITHDRAWN

Senator Ward asked and received unanimous consent that **Senate File 2286** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2290** and **2322** and **House File 2740** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 7:48 p.m. until 9:00 a.m., Thursday, April 13, 2006.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Jason Cook, Le Mars—For achieving the rank of Eagle Scout, Boy Scout Troop 188. Senator Wieck (4/12/06).

Gilbert High School Parliamentary Procedure Team—For qualifying for the National Parliamentary Procedure Competition four years in a row. Senator Quirnbach (4/12/06).

Kurt Keller, Le Mars—For achieving the rank of Eagle Scout, Boy Scout Troop 188. Senator Wieck (4/12/06).

Karl L. King Municipal Band, Fort Dodge—For performing at the State Capitol. Senator Beall (4/12/06).

Nathan Peterson, Burlington—For achieving the rank of Eagle Scout, Boy Scout Troop 40. Senator Courtney (4/12/06).

Ryan Stream, Le Mars—For achieving the rank of Eagle Scout, Boy Scout Troop 188. Senator Wieck (4/12/06).

REPORTS OF COMMITTEE MEETINGS

WAYS AND MEANS

Convened: April 11, 2006, 9:50 a.m.

Members Present: Bolkcom and Zieman, Co-chairs; Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKibben, McKinley, Quirnbach, Seng, Stewart, Wieck, and Zaun.

Members Absent: Miller (excused).

Committee Business: Passed SFs 2256 (as amended) and 2269, and HF's 2461, 2748, 2768, and 2777.

Adjourned: 10:25 a.m.

APPROPRIATIONS

Convened: April 12, 2006, 1:10 p.m.

Members Present: Angelo and Dvorsky, Co-chairs; Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt.

Members Absent: Black and Hatch (both excused).

Committee Business: Passed HF's 2319, 2743 (without recommendation), 2759 (without recommendation), 2772, 2773, and 2775 (as amended).

Adjourned: 1:40 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 158, by committee on Rules and Administration, a resolution deferring action on the confirmation of appointments submitted by the Governor.

Read first time under Rule 28 and **placed on calendar.**

INTRODUCTION OF BILL

Senate File 2403, by committee on Ways and Means, a bill for an act relating to devices used for weighing and measuring, by providing for the regulation of the devices, motor fuel, and persons who service the devices, and providing for fees and penalties.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 108 (Reassignment)

RULES AND ADMINISTRATION: Gronstal and Lundby, Co-chairs; Kibbie and Lamberti

Senate Resolution 156

RULES AND ADMINISTRATION: Gronstal and Lundby, Co-chairs; Kibbie and Lamberti

Senate Resolution 157

RULES AND ADMINISTRATION: Gronstal and Lundby, Co-chairs; Kibbie and Lamberti

House Joint Resolution 2006
(Reassignment)

RULES AND ADMINISTRATION: Gronstal and Lundby, Co-chairs; Kibbie and Lamberti

House Concurrent Resolution 112

RULES AND ADMINISTRATION: Gronstal and Lundby, Co-chairs; Kibbie and Lamberti

House File 2789

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs; Boettger and Fraise

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: HOUSE FILE 2319, a bill for an act relating to the personal needs allowance amount for residents of nursing facilities under the medical assistance program.

Recommendation: DO PASS.

Final Vote: Ayes, 22: Angelo, Dvorsky, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, 2: Black and Hatch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2743, a bill for an act relating to and making appropriations from the healthy lowans tobacco trust and the tobacco settlement trust fund.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 22: Angelo, Dvorsky, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, 2: Black and Hatch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2759, a bill for an act providing for the appropriation of moneys to support renewable fuel infrastructure, and providing a contingent effective date.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 22: Angelo, Dvorsky, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, 2: Black and Hatch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2772, a bill for an act creating a brain injury services program and providing for allocation of a previously enacted appropriation.

Recommendation: DO PASS.

Final Vote: Ayes, 22: Angelo, Dvorsky, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, 2: Black and Hatch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2773, a bill for an act relating to real estate education programs and the real estate education fund, establishing an effective date, and making an appropriation.

Recommendation: DO PASS.

Final Vote: Ayes, 22: Angelo, Dvorsky, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, 2: Black and Hatch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *HOUSE FILE 2775, a bill for an act relating to the judicial branch including the assessment of court fees and costs.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5197.

Final Vote: Ayes, 22: Angelo, Dvorsky, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, 2: Black and Hatch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on House File 2775, and they were attached to the committee report.

RULES AND ADMINISTRATION

Bill Title: HOUSE JOINT RESOLUTION 2006, a joint resolution nullifying administrative rules relating to the mandatory reporting of certain acts or omissions by persons licensed by the Iowa board of dental examiners and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Lundby, Angelo, Boettger, Courtney, Dvorsky, Hahn, Lamberti, and Ragan. Nays, 1: Kibbie. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: *SENATE FILE 2403 (formerly SF 2269), a bill for an act relating to devices used for weighing and measuring, by providing for the regulation of the devices, motor fuel, and persons who service the devices, and providing for fees and penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Bolkom, Zieman, Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKibben, McKinley, Quirnbach, Seng, Stewart, and Wieck. Nays, 1: Zaun. Absent, 1: Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2403, and they were attached to the committee report.

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 2351 passed the Senate on April 12, 2006.

MICHAEL E. GRONSTAL

ALSO:

MR. PRESIDENT: I move to reconsider the vote by which House File 2351 passed the Senate on April 12, 2006.

MARY LUNDBY

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 12, 2006, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 2320 – Relating to the development of an Iowa Studies Professional Development Plan and the establishment of an Iowa Studies Committee.

Senate File 2327 – Relating to access to confidential information used to secure an arrest warrant.

Senate File 2343 – Revising the membership requirements for the child advocacy board.

Senate File 2344 – Requiring development of a uniform application form for small employer group health insurance coverage.

Senate File 2358 – Relating to the administrative duties of the state board of regents.

GOVERNOR'S APPOINTEE PLACED ON EN BLOC CALENDAR

The following appointee was placed on the En Bloc Calendar by the committee on Rules and Administration with recommendation for confirmation:

Sara Greenwood – Iowa Great Places Advisory Board

WITHDRAWAL OF GOVERNOR'S APPOINTEE

The following letter from the Governor was received in the office of the Secretary of the Senate on April 12, 2006:

I submitted the name of Christopher Godfrey to serve as the Workers' Compensation Commissioner on March 15, 2006. I am withdrawing his name from further consideration by the Senate.

Sincerely,
THOMAS J. VILSACK
Governor

GOVERNOR'S DEFERRAL LETTER

The following letter from the Governor was received in the office of the Secretary of the Senate on April 12, 2006:

Pursuant to Iowa Code section 2.32(4), the appointment for the Workers' Compensation Commissioner vacancy, formerly held by Christopher Godfrey, is being deferred because no appropriate candidate has been found for this position at this time.

Sincerely,
THOMAS J. VILSACK
Governor

AMENDMENTS FILED

S-5191	H.F.	2515	Dick L. Dearden
S-5192	S.F.	2297	Dick L. Dearden
S-5193	S.F.	2183	James A. Seymour Roger Stewart Jack Hatch Bob Brunkhorst
S-5194	H.F.	2351	Jack Hatch Brad Zaun William A. Dotzler, Jr.
S-5195	S.F.	2183	James A. Seymour
S-5196	H.F.	2351	Keith A. Kreiman
S-5197	H.F.	2775	Appropriations

JOURNAL OF THE SENATE

NINETY-FIFTH CALENDAR DAY
FIFTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 13, 2006

The Senate met in regular session at 9:08 a.m., President Pro Tempore McKibben presiding.

Prayer was offered by Marvin Siems, pastor of the United Methodist Church in Logan, Iowa. He was the guest of Senator Seymour.

The Journal of Wednesday, April 12, 2006, was approved.

ADJOURNMENT

On motion of Senator Dotzler, the Senate adjourned at 9:14 a.m. until 10:00 a.m., Monday, April 17, 2006.

APPENDIX

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on April 12, 2006, when the votes were taken on Senate Files 2183, 2290, and 2322 and House Files 2351, 2508, 2663, and 2740. Had I been present, I would have voted "Yea" on all.

DAVE MULDER

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Mr. and Mrs. Herb and Marie Blum, Harlan—For celebrating your 67th wedding anniversary. Senator Boettger (4/13/06).

Andrew W. Briggs, Eldridge—For achieving the rank of Eagle Scout, Boy Scout Troop 203. Senator Wood (4/13/06).

Mr. and Mrs. Meryl and Phyllis Fett, Adair—For celebrating your 50th wedding anniversary. Senator Boettger (4/13/06).

Madison Frei, Iowa City—For receiving the highest honor given to Senior Girl Scouts, the Gold Award. Senator Bolkcom (4/13/06).

Mr. and Mrs. Charles and Louise Funaro, Des Moines—For celebrating your 50th wedding anniversary. Senator Dearden (4/13/06).

Mr. and Mrs. Roger and Mardell Hansen, Elk Horn—For celebrating your 60th wedding anniversary. Senator Boettger (4/13/06).

Lindsey Hudson, Iowa City—For receiving the highest honor given to Senior Girl Scouts, the Gold Award. Senator Bolkcom (4/13/06).

Mr. and Mrs. Richard and Shirley Ide, Shannon City—For receiving the Iowa Good Neighbor Award. Senator Angelo (4/13/06).

Mr. and Mrs. Eldon McDade, Waterloo—For celebrating your 50th wedding anniversary. Senator Dotzler (4/13/06).

Iva Musch, Evansdale—For celebrating your 90th birthday. Senator Dotzler (4/13/06).

Mr. and Mrs. Dale Peterson, Waterloo—For celebrating your 50th wedding anniversary. Senator Dotzler (4/13/06).

Danielle Schlimmer, Tipton—For achieving the highest award for Senior Girl Scouts, the Gold Award. Senator Hahn (4/13/06).

Richard Schultz, Waterloo—For celebrating your 90th birthday. Senator Dotzler (4/13/06).

Mr. and Mrs. Delbert Timson, Waterloo—For celebrating your 50th wedding anniversary. Senator Dotzler (4/13/06).

REPORTS OF COMMITTEE MEETINGS

GOVERNMENT OVERSIGHT

Convened: April 11, 2006, 12:15 p.m.

Members Present: Courtney and Wieck, Co-chairs; Connolly and Ward.

Members Absent: None.

Committee Business: CIETC hearings.

Recessed: April 11, 2006, 2:35 p.m.

Reconvened: April 12, 2006, 9:00 a.m.

Recessed: April 12, 2006, 11:00 a.m.

Reconvened: April 13, 2006, 11:00 a.m.

Recessed: April 13, 2006, 1:00 p.m.

Reconvened: April 13, 2006, 1:05 p.m.

Adjourned: April 13, 2006, 1:08 p.m.

RULES AND ADMINISTRATION

Convened: April 12, 2006, 2:05 p.m.

Members Present: Gronstal and Lundby, Co-chairs; Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan.

Members Absent: None.

Committee Business: Approved Governor's appointment and adopted SRs 108 and 158 and HJR 2006.

Adjourned: 2:10 p.m.

JOURNAL OF THE SENATE

NINETY-NINTH CALENDAR DAY
FIFTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 17, 2006

The Senate met in regular session at 10:15 a.m., President Kibbie presiding.

The Journal of Thursday, April 13, 2006, was approved.

ADJOURNMENT

On motion of Senator Lundby, the Senate adjourned at 10:16 a.m. until 10:00 a.m., Tuesday, April 18, 2006.

APPENDIX

COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF REVENUE

2005 Iowa Streamlined Sales Tax Advisory Council Report for the General Assembly, pursuant to 2003 Acts, House File 683, section 204. Report received on April 17, 2006.

JOURNAL OF THE SENATE

ONE HUNDREDTH CALENDAR DAY
FIFTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 18, 2006

The Senate met in regular session at 10:04 a.m., President Kibbie presiding.

Prayer was offered by Bob Connors, pastor of the Union Park Independent Christian Church in Des Moines, Iowa. He is the brother of former Representative John Connors. He was the guest of Senator Dearden.

PLEDGE OF ALLEGIANCE

The Pledge was led by Senate Page Liz Moore.

The Journal of Monday, April 17, 2006, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 17, 2006, **concurred in the Senate amendment to the House amendment and passed** the following bill in which the concurrence of the House was asked:

Senate File 2183, a bill for an act relating to the certification of enterprise zones and incentives and assistance under the enterprise zone program and including effective date and retroactive applicability provisions.

ALSO: That the House has on April 17, 2006, **concurred in the Senate amendment and passed** the following bills in which the concurrence of the House was asked:

House File 2651, a bill for an act relating to juvenile court records and restitution orders.

House File 2663, a bill for an act relating to jurisdiction of the natural resource commission over certain areas of lakebeds and riverbeds.

ALSO: That the House has on April 17, 2006, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 2268, a bill for an act relating to financial transactions associated with agricultural production, by providing for tax credits and tax exemptions, and including effective and retroactive and other applicability dates. (S-5200)

Senate File 2312, a bill for an act providing grants on behalf of veterans seriously injured in a combat zone, providing an income tax exclusion, and including an effective date and retroactive applicability provision. (S-5199)

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Johnson, until he arrives, on request of Senator Ward; Senator Gaskill, until he arrives, on request of Senator Iverson; and Senators Fraise and Schoenjahn, until they arrive, on request of Senator Gronstal.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Lundby called up the appointment of Abraham Funchess, Jr., as Administrator of the Division on the Status of African-Americans, placed on the Individual Confirmation Calendar on March 30, 2006, and found on page 754 of the Senate Journal.

Senator Gronstal moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 46:

Angelo	Dvorsky	Larson	Seymour
Beall	Gronstal	Lundby	Shull
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKibben	Tinsman
Boettger	Hatch	McKinley	Ward
Bolkcom	Horn	Miller	Warnstadt
Brunkhorst	Houser	Mulder	Wieck
Connolly	Iverson	Putney	Wood
Courtney	Kettering	Quirnbach	Zaun
Danielson	Kibbie	Ragan	Zieman
Dearden	Kreiman	Rielly	
Dotzler	Lamberti	Seng	

Nays, none.

Absent, 4:

Fraise	Gaskill	Johnson	Schoenjahn
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Lundby called up the appointment of Patrick Palmersheim, as Executive Director of the Commission of Veterans Affairs, placed on the Individual Confirmation Calendar on March 30, 2006, and found on page 754 of the Senate Journal.

Senator Lundby moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 47:

Angelo	Dvorsky	Larson	Seng
Beall	Gronstal	Lundby	Seymour
Behn	Hahn	McCoy	Shull
Black	Hancock	McKibben	Stewart
Boettger	Hatch	McKinley	Tinsman
Bolkcom	Horn	Miller	Ward
Brunkhorst	Houser	Mulder	Warnstadt
Connolly	Iverson	Putney	Wieck
Courtney	Kettering	Quirnbach	Wood

Danielson	Kibbie	Ragan	Zaun
Dearden	Kreiman	Rielly	Zieman
Dotzler	Lamberti	Schoenjahn	

Nays, none.

Absent, 3:

Fraise	Gaskill	Johnson
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

SPECIAL PRESENTATION TO SENATE PAGES

The Senate Pages were invited to the well of the Senate for a special presentation and thanked by Senators Gronstal and Lundby for their service to the Senate.

Certificates of Excellence for serving with honor and distinction as Senate Pages during the 2006 Regular Session of the Eighty-First General Assembly were given to the following:

Rachael Creswell, Brittany Du Bois, Brooke Dummermuth, Maddy Eaton, Jackie Ernst, Sarah Gidlewski, Megan Hart, Jon Kempf, Molly Kuhn, Liz Moore, Hannah Olson, John Racine, Lucas Strittmatter, Nora Tobin, Tia Upchurch-Freelove, and Larry Yeager.

The Senate rose and expressed its appreciation.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 18, 2006, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 2301, a bill for an act, relating to exemptions for certain personal property from execution by creditors in state court debt collection and federal bankruptcy actions. (S-5204)

Senate File 2319, a bill for an act relating to littering and illegal discarding of solid waste and increasing fines and penalties and making appropriations. (S-5202)

Senate File 2369, a bill for an act relating to requirements for open feedlot operations, by providing for nutrient management plans and operating permits, and providing an effective date and retroactive applicability. (S-5203)

RECESS

On motion of Senator Lundby, the Senate recessed at 10:50 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:31 p.m., Senator Bolkom presiding.

CONSIDERATION OF BILLS (Appropriations Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration House Files 2319 and 2772.

House File 2319

On motion of Senator Tinsman, **House File 2319**, a bill for an act relating to the personal needs allowance amount for residents of nursing facilities under the medical assistance program, with report of committee recommending passage, was taken up for consideration.

Senator Tinsman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2319), the vote was:

Yeas, 48:

Angelo	Dvorsky	Lamberti	Schoenjahn
Beall	Gronstal	Larson	Seng
Behn	Hahn	Lundby	Seymour
Black	Hancock	McCoy	Shull

Boettger	Hatch	McKibben	Stewart
Bolkcom	Horn	McKinley	Tinsman
Brunkhorst	Houser	Miller	Ward
Connolly	Iverson	Mulder	Warnstadt
Courtney	Johnson	Putney	Wieck
Danielson	Kettering	Quirnbach	Wood
Dearden	Kibbie	Ragan	Zaun
Dotzler	Kreiman	Rielly	Zieman

Nays, none.

Absent, 2:

Fraise Gaskill

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

House File 2772

On motion of Senator Lamberti, **House File 2772**, a bill for an act creating a brain injury services program and providing for allocation of a previously enacted appropriation, with report of committee recommending passage, was taken up for consideration.

Senator Lamberti moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2772), the vote was:

Yeas, 48:

Angelo	Dvorsky	Lamberti	Schoenjahn
Beall	Gronstal	Larson	Seng
Behn	Hahn	Lundby	Seymour
Black	Hancock	McCoy	Shull
Boettger	Hatch	McKibben	Stewart
Bolkcom	Horn	McKinley	Tinsman
Brunkhorst	Houser	Miller	Ward
Connolly	Iverson	Mulder	Warnstadt
Courtney	Johnson	Putney	Wieck
Danielson	Kettering	Quirnbach	Wood
Dearden	Kibbie	Ragan	Zaun
Dotzler	Kreiman	Rielly	Zieman

Nays, none.

Absent, 2:

Fraise

Gaskill

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

CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration Senate Files 2402 and 2395 and House File 2777.

Senate File 2402

On motion of Senator Miller, **Senate File 2402**, a bill for an act relating to state tax benefits for use of soy-based transformer fluid by electric utilities and including applicability date provisions, was taken up for consideration.

Senator Miller moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2402), the vote was:

Yeas, 48:

Angelo	Dvorsky	Lamberti	Schoenjahn
Beall	Gronstal	Larson	Seng
Behn	Hahn	Lundby	Seymour
Black	Hancock	McCoy	Shull
Boettger	Hatch	McKibben	Stewart
Bolkcom	Horn	McKinley	Tinsman
Brunkhorst	Houser	Miller	Ward
Connolly	Iverson	Mulder	Warnstadt
Courtney	Johnson	Putney	Wieck
Danielson	Kettering	Quirnbach	Wood
Dearden	Kibbie	Ragan	Zaun
Dotzler	Kreiman	Rielly	Zieman

Nays, none.

Absent, 2:

Fraise Gaskill

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

Senate File 2395

On motion of Senator Dotzler, **Senate File 2395**, a bill for an act providing for an increase in the wildlife habitat fee, making an appropriation, and creating an upland game bird habitat development program, was taken up for consideration.

Senator Dotzler offered amendment S-5165, filed by him on April 4, 2006, to pages 2 and 3 of the bill, and moved its adoption.

Amendment S-5165 was adopted by a voice vote.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2395), the vote was:

Yeas, 49:

Angelo	Fraise	Larson	Seymour
Beall	Gronstal	Lundby	Shull
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKibben	Tinsman
Boettger	Hatch	McKinley	Ward
Bolkcom	Horn	Miller	Warnstadt
Brunkhorst	Houser	Mulder	Wieck
Connolly	Iverson	Putney	Wood
Courtney	Johnson	Quirnbach	Zaun
Danielson	Kettering	Ragan	Zieman
Dearden	Kibbie	Rielly	
Dotzler	Kreiman	Schoenjahn	
Dvorsky	Lamberti	Seng	

Nays, none.

Absent, 1:

Gaskill

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

President Kibbie took the chair at 2:08 p.m.

House File 2777

On motion of Senator Quirmbach, **House File 2777**, a bill for an act relating to certification to the county auditor of the amount of loans, advances, indebtedness, or bonds issued or incurred for urban renewal purposes, with report of committee recommending passage, was taken up for consideration.

Senator Quirmbach moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2777), the vote was:

Yeas, 49:

Angelo	Fraise	Larson	Seymour
Beall	Gronstal	Lundby	Shull
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKibben	Tinsman
Boettger	Hatch	McKinley	Ward
Bolkcom	Horn	Miller	Warnstadt
Brunkhorst	Houser	Mulder	Wieck
Connolly	Iverson	Putney	Wood
Courtney	Johnson	Quirmbach	Zaun
Danielson	Kettering	Ragan	Zieman
Dearden	Kibbie	Rielly	
Dotzler	Kreiman	Schoenjahn	
Dvorsky	Lamberti	Seng	

Nays, none.

Absent, 1:

Gaskill

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

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **Senate Files 2395 and 2402** and **House Files 2319, 2772, and 2777** be **immediately messaged** to the House.

UNFINISHED BUSINESS

House File 2362

On motion of Senator Danielson, **House File 2362**, a bill for an act providing for reassignment of a salvage certificate of title for a motor vehicle, placed on the Unfinished Business Calendar on March 30, 2006, with report of committee recommending passage, was taken up for consideration.

Senator Dotzler withdrew amendment S-5136, filed by him on March 29, 2006, to page 1 and to the title page of the bill.

Senator Dotzler offered amendment S-5154, filed by Senators Dotzler and Hahn on April 3, 2006, to page 1 and to the title page of the bill.

Senator Zieman raised the point of order that amendment S-5154 was not germane to the bill.

The Chair ruled the point not well-taken and amendment S-5154 in order.

Senator Angelo asked and received unanimous consent that action on amendment S-5154 and **House File 2362** be **deferred**.

CONSIDERATION OF BILLS (Appropriations Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration House Files 2557 and 2558.

House File 2557

On motion of Senator Miller, **House File 2557**, a bill for an act relating to and making appropriations to the judicial branch, with report of committee without recommendation, was taken up for consideration.

Senator Danielson withdrew amendment S-5206, filed by him from the floor to page 6 of the bill.

Senator Miller moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2557), the vote was:

Yeas, 49:

Angelo	Fraise	Larson	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirnbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Lamberti	Seng	

Nays, 1:

Kreiman

Absent, none.

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

House File 2558

On motion of Senator Fraise, **House File 2558**, a bill for an act relating to and making appropriations to the justice system and

providing an effective date, with report of committee without recommendation, was taken up for consideration.

Senator Danielson withdrew amendment S-5173, filed by him on April 10, 2006, to page 1 of the bill.

Senator Fraise offered amendment S-5207, filed by Senators Fraise and McKibben from the floor to pages 3, 5-7, 10-12, 17, and 21-23 and to the title page of the bill, and moved its adoption.

Amendment S-5207 was adopted by a voice vote.

Senator Putney withdrew amendment S-5205, filed by him from the floor to page 22 of the bill.

Senator Fraise moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2558), the vote was:

Yeas, 49:

Angelo	Fraise	Larson	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirnbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dearden	Kettering	Rielly	
Dotzler	Kibbie	Schoenjahn	
Dvorsky	Lamberti	Seng	

Nays, 1:

Kreiman

Absent, none.

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

CONSIDERATION OF BILLS
(Ways and Means Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration House Files 2768 and 2461.

House File 2768

On motion of Senator Hahn, **House File 2768**, a bill for an act authorizing the state medical examiner to collect and retain fees for medical examiner facility expenses and services related to tissue recovery and making an appropriation, with report of committee recommending passage, was taken up for consideration.

Senator Hahn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2768), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

House File 2461

On motion of Senator Connolly, **House File 2461**, a bill for an act updating the Code references to the Internal Revenue Code and including retroactive applicability and effective date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Connolly moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2461), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **House Files 2461, 2558, and 2768** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration Senate File 2393.

Senate File 2393

On motion of Senator Lundby, **Senate File 2393**, a bill for an act relating to violations of Iowa's noncompetition by government law and providing penalties and remedies, was taken up for consideration.

Senator Lundby moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2393), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

UNFINISHED BUSINESS

Senate File 2297

On motion of Senator Dearden, **Senate File 2297**, a bill for an act relating to obstructions in highways and providing penalties, placed on the Unfinished Business Calendar on March 23, 2006, was taken up for consideration.

Senator Dearden offered amendment S-5192, filed by him on April 12, 2006, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment S-5192 was adopted by a voice vote.

With the adoption of amendment S-5192, the Chair ruled the following amendments out of order:

S-5085, filed by Senator Putney on March 16, 2006, to pages 1-3 of the bill; and

S-5022, filed by Senator Dearden on March 6, 2006, to page 3 of the bill.

Senator Dearden asked and received unanimous consent that **House File 2515** be substituted for **Senate File 2297**.

House File 2515

On motion of Senator Dearden, **House File 2515**, a bill for an act relating to obstructions in highways and providing penalties, was taken up for consideration.

Senator Dearden offered amendment S-5191, filed by him on April 12, 2006, to pages 1 and 3 of the bill, and moved its adoption.

Amendment S-5191 was adopted by a voice vote.

Senator Dearden moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2515), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

WITHDRAWN

Senator Dearden asked and received unanimous consent that **Senate File 2297** be **withdrawn** from further consideration of the Senate.

HOUSE AMENDMENT CONSIDERED

Senate File 2251

Senator Beall called up for consideration **Senate File 2251**, a bill for an act directing the department of education and the Iowa department of public health to convene a healthy children task force and providing an effective date, amended by the House in House amendment S-5175, filed April 10, 2006.

Senator Beall moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Beall moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2251), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

UNFINISHED BUSINESS

House File 2633

On motion of Senator Lundby, **House File 2633**, a bill for an act relating to the definition of recycling property for purposes of the property tax exemption for pollution-control or recycling property and providing an applicability date, placed on the Unfinished Business Calendar on March 30, 2006, with report of committee recommending passage, was taken up for consideration.

Senator Lundby moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2633), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

SENATE INSISTS

House File 2612

Senator Wood called up for consideration **House File 2612**, a bill for an act providing criminal penalties for the failure of a vessel operator to offer assistance and information at the scene of a collision, accident, or casualty, amended by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 2612** on the part of the Senate: Senators Wood and Houser, Co-chairs; Senators Kreiman, Hancock, Johnson, and Gaskill.

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **Senate Files 2251 and 2393** and **House Files 2515, 2612, and 2633** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2301

Senator McKibben called up for consideration **Senate File 2301**, a bill for an act relating to exemptions for certain personal property from execution by creditors in state court debt collection and federal bankruptcy actions, amended by the House in House amendment S-5204, filed April 18, 2006.

Senator McKibben moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator McKibben moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2301), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 540

Senator Zaun called up for consideration **House File 540**, a bill for an act relating to reports of traffic accidents involving certified law enforcement officers, amended by the Senate and further amended by the House in House amendment S-5159 to Senate amendment H-1542, filed April 4, 2006.

Senator Zaun moved that the Senate concur in the House amendment to the Senate amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Zaun moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 540), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun

Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

UNFINISHED BUSINESS

House File 2361

On motion of Senator Bolkcom, **House File 2361**, a bill for an act relating to energy conservation standards included in the state building code for new single-family or two-family residential construction, placed on the Unfinished Business Calendar on March 30, 2006, with report of committee recommending passage, was taken up for consideration.

Senator Bolkcom moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2361), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

HOUSE AMENDMENT CONSIDERED

Senate File 2369

Senator Fraise called up for consideration **Senate File 2369**, a bill for an act relating to requirements for open feedlot operations, by providing for nutrient management plans and operating permits, and providing an effective date and retroactive applicability, amended by the House in House amendment S-5203, filed April 18, 2006.

Senator Fraise moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Fraise moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2369), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

HOUSE AMENDMENT CONSIDERED

Senate File 2319

Senator Bolckcom called up for consideration **Senate File 2319**, a bill for an act relating to littering and illegal discarding of solid waste and increasing fines and penalties and making appropriations, amended by the House in House amendment S-5202, filed April 18, 2006.

Senator Bolckcom moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Bolckcom moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2319), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolckcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration Senate File 2399.

Senate File 2399

On motion of Senator Bolkcom, **Senate File 2399**, a bill for an act relating to renewable energy including the renewable energy tax credit and the wind energy production tax credit, was taken up for consideration.

Senator Bolkcom withdrew amendment S-5178, filed by him on April 10, 2006, to page 4 and to the title page of the bill.

Senator Bolkcom offered amendment S-5208, filed by him from the floor to page 4 and to the title page of the bill, and moved its adoption.

Amendment S-5208 was adopted by a voice vote.

Senator Bolkcom moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2399), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **Senate Files 2301, 2319, 2369, and 2399** and **House Files 540 and 2361** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration House File 2775.

House File 2775

On motion of Senator Miller, **House File 2775**, a bill for an act relating to the judicial branch including the assessment of court fees and costs, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Miller asked and received unanimous consent to withdraw amendment S-5197, filed by the committee on Appropriations on April 12, 2006, to page 1 of the bill.

Senator Miller moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2775), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward

Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **House File 2775** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Lundby, the Senate adjourned at 4:29 p.m. until 8:30 a.m., Wednesday, April 19, 2006.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Laura Clapp, Grinnell—For celebrating your 100th birthday. Senator Rielly (4/18/06).

Ruth Easton, Oskaloosa—For celebrating your 100th birthday. Senator Rielly (4/18/06).

Harold Scheuermann, Oskaloosa—For celebrating your 100th birthday. Senator Rielly (4/18/06).

Velma Sullivan, Oskaloosa—For celebrating your 100th birthday. Senator Rielly (4/18/06).

Spencer Verlo, Eldridge—For achieving the rank of Eagle Scout. Senator Hahn (4/18/06).

Robey Watson, Montezuma—For celebrating your 100th birthday. Senator Rielly (4/18/06).

SUBCOMMITTEE ASSIGNMENTS

House File 2731

WAYS AND MEANS: Bolkcom and Zieman, Co-chairs; Quirmbach and Wieck

House File 2780

APPROPRIATIONS: Hatch and Tinsman, Co-chairs; Angelo and Dvorsky

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which House File 2557 passed the Senate on April 18, 2006.

MARY A. LUNDBY

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2399, the following correction was made:

1. Page 4, line 23: "section 11" was corrected to "section 12".

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 18th day of April, 2006:

Senate Files 2341, 2342, 2368, 2378, and 2381.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S-5199	S.F.	2312	House
S-5200	S.F.	2268	House
S-5201	H.F.	2521	John Putney Roger Stewart
S-5202	S.F.	2319	House
S-5203	S.F.	2369	House
S-5204	S.F.	2301	House
S-5205	H.F.	2558	John Putney
S-5206	H.F.	2557	Jeff Danielson
S-5207	H.F.	2558	Gene Fraise Larry McKibben
S-5208	S.F.	2399	Joe Bolkcom

JOURNAL OF THE SENATE

ONE HUNDRED FIRST CALENDAR DAY
FIFTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 19, 2006

The Senate met in regular session at 8:37 a.m., President Kibbie presiding.

Prayer was offered by Father Steve Brodersen of the Sacred Heart Catholic Church in Boone, Iowa. He was the guest of Senator Behn.

The Journal of Tuesday, April 18, 2006, was approved.

The Senate stood at ease at 8:40 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:52 a.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, until he arrives, on request of Senator Lundby.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration House File 2521.

House File 2521

On motion of Senator Putney, **House File 2521**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory

authority, and other properly related matters and providing an effective date, with report of committee without recommendation, was taken up for consideration.

Senator Stewart offered amendment S-5201, filed by Senators Stewart and Putney on April 18, 2006, to pages 1, 8, 14-16, and 18 of the bill, and moved its adoption.

Amendment S-5201 was adopted by a voice vote.

Senator Beall withdrew amendment S-5190, filed by him on April 11, 2006, to page 9 of the bill.

Senator Putney moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2521), the vote was:

Yeas, 48:

Angelo	Dvorsky	Lamberti	Schoenjahn
Beall	Fraise	Larson	Seng
Behn	Gaskill	Lundby	Seymour
Black	Gronstal	McCoy	Shull
Boettger	Hahn	McKibben	Stewart
Bolkcom	Hancock	McKinley	Tinsman
Brunkhorst	Hatch	Miller	Ward
Connolly	Horn	Mulder	Warnstadt
Courtney	Iverson	Putney	Wieck
Danielson	Johnson	Quirmbach	Wood
Dearden	Kettering	Ragan	Zaun
Dotzler	Kibbie	Rielly	Zieman

Nays, 1:

Kreiman

Absent, 1:

Houser

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

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

House File 2282

Senator Mulder called up for consideration **House File 2282**, a bill for an act relating to the election of mayor and city council members in a city governed by the council-manager-at-large form of city government, amended by the Senate and further amended by the House in House amendment S-5167 to Senate amendment H-8422, filed April 5, 2006.

Senator Mulder moved that the Senate concur and vote "No" in the House amendment to the Senate amendment.

The motion lost by a voice vote and the Senate **refused to concur** in the House amendment to the Senate amendment.

UNFINISHED BUSINESS

House File 2686

On motion of Senator Wieck, **House File 2686**, a bill for an act providing for technical and substantive changes relating to the Iowa communications network, placed on the Unfinished Business Calendar on March 30, 2006, with report of committee recommending passage, was taken up for consideration.

Senator Angelo offered amendment S-5209, filed by him from the floor to pages 1 and 2 and to the title page of the bill, and moved its adoption.

Amendment S-5209 was adopted by a voice vote.

Senator Wieck moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2686), the vote was:

Yeas, 49:

Angelo	Fraise	Larson	Seymour
Beall	Gaskill	Lundby	Shull
Behn	Gronstal	McCoy	Stewart
Black	Hahn	McKibben	Tinsman
Boettger	Hancock	McKinley	Ward
Bolkcom	Hatch	Miller	Warnstadt
Brunkhorst	Horn	Mulder	Wieck
Connolly	Iverson	Putney	Wood
Courtney	Johnson	Quirnbach	Zaun
Danielson	Kettering	Ragan	Zieman
Dearden	Kibbie	Rielly	
Dotzler	Kreiman	Schoenjahn	
Dvorsky	Lamberti	Seng	

Nays, none.

Absent, 1:

Houser

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

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **House Files 2282** and **2521** be **immediately messaged** to the House.

RECESS

On motion of Senator Lundby, the Senate recessed at 10:15 a.m. until the fall of the gavel.

AFTERNOON SESSION

The Senate reconvened at 2:38 p.m., President Kibbie presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 19, 2006, **concurred in the Senate amendment and passed** the following bill in which the concurrence of the House was asked:

House File 2515, a bill for an act relating to obstructions in highways and providing penalties.

ALSO: That the House has on April 19, 2006, insisted on its amendment to **House File 2282**, a bill for an act relating to the election of mayor and city council members in a city governed by the council-manager-at-large form of city government, and the conference committee members on the part of the House are: the Representative from Dallas, Representative Watts, Chair; the Representative from Pottawattamie, Representative Drake; the Representative from Wapello, Representative Gaskill; the Representative from Polk, Representative Huser; the Representative from Benton, Representative Pettengill.

ALSO: That the House has on April 19, 2006, appointed the conference committee to **House File 2612**, a bill for an act providing criminal penalties for the failure of a vessel operator to offer assistance and information at the scene of a collision, accident, or casualty, and the conference committee members on the part of the House are: the Representative from Dickinson, Representative May, Chair; the Representative from Adair, Representative Baudler; the Representative from Jasper, Representative Bell; the Representative from Buena Vista, Representative Freeman; the Representative from Story, Representative Heddens.

ALSO: That the House has on April 19, 2006, **amended the Senate amendment, concurred in the Senate amendment as amended, and passed** the following bill in which the concurrence of the Senate is asked:

House File 711, a bill for an act relating to judicial branch procedures involving the appointment process of certain officers and judges and applications for further review at the appellate level, and providing for temporary delays in filling judgeships. (S-5212)

ALSO: That the House has on April 19, 2006, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2770, a bill for an act relating to economic development by creating a technology and commercialization resource organization, providing tax incentives under the high quality job creation Act, and providing an exempt activity for foreign corporations, and including effective and retroactive applicability date provisions.

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

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

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

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 2282** on the part of the Senate: Senators Mulder and Quirnbach, Co-chairs; Senators Beall, Putney, Shull, and Warnstadt.

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **House File 2282** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Lundby, the Senate adjourned at 2:40 p.m. until 9:30 a.m., Thursday, April 20, 2006.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Mr. and Mrs. Roger and Char Auestad, Story City—For celebrating your 50th wedding anniversary. Senator Iverson (4/19/06)

William Ebert, Burlington—For celebrating your 90th birthday. Senator Courtney (4/19/06)

Mr. and Mrs. Donald and Elaine Elkin, Webster City—For celebrating your 65th wedding anniversary. Senator Iverson (4/19/06)

Ben Hecht and Matt Rohert, Iowa City—For being named Volvo for Life Friendship Award finalists. Senator Dvorsky (4/19/06)

Mr. and Mrs. Welby and Darlene Marshall, Maxwell—For celebrating your 60th wedding anniversary. Senator Iverson (4/19/06)

Shannon Mulligan, Dubuque—For winning the 2006 Iowa Energy Poster Contest. Senator Connolly (4/19/06)

Mr. and Mrs. Richard and Bonnie Odle, Green Mountain—For celebrating your 50th wedding anniversary. Senator McKibben (4/19/06)

Mr. and Mrs. Obed and Elnora Ritland, Story City—For celebrating your 60th wedding anniversary. Senator Iverson (4/19/06)

Garrett Schubert, Story City—For achieving the rank of Eagle Scout, Boy Scout Troop 101. Senator Iverson (4/19/06)

Mary Uppinghouse, Burlington—For celebrating your 90th birthday. Senator Courtney (4/19/06)

STUDY BILL RECEIVED

SSB 3269 Appropriations

Relating to the establishment of a heroes' welcome project within the department of veterans affairs, and providing an appropriation.

SUBCOMMITTEE ASSIGNMENT

SSB 3269

APPROPRIATIONS: Angelo and Warnstadt, Co-chairs; Dvorsky and Kettering

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which House File 2686 passed the Senate on April 19, 2006.

ROBERT E. DVORSKY

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2290, the following correction was made:

1. Title, line 3: "procedings" corrected to "proceedings".

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following resolution and bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 19th day of April, 2006:

Senate Joint Resolution 2001 and Senate Files 2262, 2290, 2292, 2318, and 2322.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S-5209	H.F.	2686	Jeff Angelo
S-5210	H.F.	2095	David Miller
S-5211	H.F.	2362	Jeff Angelo
S-5212	H.F.	711	House

JOURNAL OF THE SENATE

ONE HUNDRED SECOND CALENDAR DAY
SIXTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 20, 2006

The Senate met in regular session at 9:31 a.m., President Kibbie presiding.

The Journal of Wednesday, April 19, 2006, was approved.

ADJOURNMENT

On motion of Senator Lundby, the Senate adjourned at 9:33 a.m. until 1:30 p.m., Monday, April 24, 2006.

APPENDIX**CERTIFICATE OF RECOGNITION**

The Secretary of the Senate issued the following certificate of recognition:

Michelle Gravert, Davenport—For achieving the highest award for Senior Girl Scouts, the Gold Award. Senator Tinsman (4/20/06).

REPORT OF COMMITTEE MEETING**GOVERNMENT OVERSIGHT**

Convened: April 18, 2006, 11:05 a.m.

Members Present: Courtney and Wieck, Co-chairs; Connolly and Ward.

Members Absent: None.

Committee Business: Presentation by the Department of Human Services and CIETC hearings.

Recessed: April 18, 2006, 1:10 p.m.

Reconvened: April 19, 2006, 11:40 a.m.

Recessed: April 19, 2006, 1:00 p.m.

Reconvened: April 20, 2006, 9:05 a.m.

Adjourned: April 20, 2006, 11:30 a.m.

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2219, the following correction was made:

1. Page 3, line 4: need a period at end of sentence, after "trafficking".

MICHAEL E. MARSHALL
Secretary of the Senate

BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 20th day of April, 2006:

Senate File 2219.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 20, 2006, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 2341 – Relating to county processing of orders for observation, evaluation, and treatment of public patients at the state psychiatric hospital at the State University of Iowa.

Senate File 2342 – Relating to the appointment of district associate judges and magistrates.

Senate File 2368 – Concerning alcoholic beverage control relating to manufacturers providing free cleaning services to retailers.

Senate File 2378 – Providing for the conversion of cooperative associations, and providing for an effective date.

Senate File 2381 – Relating to combustion of solid waste with energy recovery.

AMENDMENT FILED

S-5213 S.F. 2345 Ron Wieck

JOURNAL OF THE SENATE

ONE HUNDRED SIXTH CALENDAR DAY
SIXTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 24, 2006

The Senate met in regular session at 1:37 p.m., President Lamberti presiding.

Prayer was offered by the Honorable David Johnson, member of the Senate from Osceola County, Ocheyedan, Iowa, and the Honorable Doug Shull, member of the Senate from Warren County, Indianola, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Maddy Eaton.

The Journal of Thursday, April 20, 2006, was approved.

MOTION TO RECONSIDER WITHDRAWN

House File 2686

Senator Dvorsky withdrew the motion to reconsider **House File 2686**, a bill for an act providing for technical and substantive changes relating to the Iowa communications network, filed by him on April 19, 2006, and found on page 943 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 2686** be **immediately messaged** to the House.

The Senate stood at ease at 2:00 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:28 p.m., President Lamberti presiding.

CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolutions 154, 151, 146, 143, 121, and 112.

Senate Resolution 154

On motion of Senator Iverson, **Senate Resolution 154**, a resolution urging the Iowa department of education to integrate the principles of basic personal finance into the public school curricula in Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 154, which motion prevailed by a voice vote.

Senate Resolution 151

On motion of Senator Ragan, **Senate Resolution 151**, a resolution designating April 2006 as Kidney Cancer Awareness Month, with report of committee recommending passage, was taken up for consideration.

Senator Ragan moved the adoption of Senate Resolution 151, which motion prevailed by a voice vote.

Senate Resolution 146

On motion of Senator Johnson, **Senate Resolution 146**, a resolution honoring the city of Peterson, Iowa, on its sesquicentennial, with report of committee recommending passage, was taken up for consideration.

Senator Johnson moved the adoption of Senate Resolution 146, which motion prevailed by a voice vote.

Senate Resolution 143

On motion of Senator Bolkcom, **Senate Resolution 143**, a resolution requesting the legislative council to establish an interim committee to conduct a study of issues related to home visiting for families with a newborn child, with report of committee recommending passage, was taken up for consideration.

Senator Bolkcom moved the adoption of Senate Resolution 143, which motion prevailed by a voice vote.

Senate Resolution 121

On motion of Senator Dvorsky, **Senate Resolution 121**, a resolution honoring David J. Skorton for his service to Iowa as an educator and administrator and as President of the University of Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky moved the adoption of Senate Resolution 121, which motion prevailed by a voice vote.

Senate Resolution 112

On motion of Senator Johnson, **Senate Resolution 112**, a resolution honoring the Main Street Iowa Program on its 20th anniversary, with report of committee recommending passage, was taken up for consideration.

Senator Johnson moved the adoption of Senate Resolution 112, which motion prevailed by a voice vote.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2403.

Senate File 2403

On motion of Senator McCoy, **Senate File 2403**, a bill for an act relating to devices used for weighing and measuring, by providing for the regulation of the devices, motor fuel, and persons who service the devices, and providing for fees and penalties, was taken up for consideration.

Senator Zaun offered amendment S-5217, filed by him from the floor to pages 4-6 and 12-14 of the bill, and moved its adoption.

Amendment S-5217 was adopted by a voice vote.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2403), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

HOUSE AMENDMENT CONSIDERED

Senate File 2312

Senator Stewart called up for consideration **Senate File 2312**, a bill for an act providing grants on behalf of veterans seriously injured in a combat zone, providing an income tax exclusion, and including an effective date and retroactive applicability provision, amended by the House in House amendment S-5199, filed April 18, 2006.

Senator Stewart moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Stewart moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2312), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 711

Senator Ward called up for consideration **House File 711**, a bill for an act relating to judicial branch procedures involving the appointment process of certain officers and judges and applications for further review at the appellate level, and providing for temporary delays in filling judgeships, amended by the Senate and further amended by the House in House amendment S-5212 to Senate amendment H-1627, filed April 19, 2006.

Senator Ward moved that the Senate concur in the House amendment to the Senate amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Ward moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 711), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2312 and 2403** and **House File 711** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2748.

House File 2748

On motion of Senator Hahn, **House File 2748**, a bill for an act providing for the retention of fees by licensing boards, and the bureau of radiological health, under the purview of the Iowa department of public health, providing for the nontransferability of specified fees, and providing effective dates, with report of committee recommending passage, was taken up for consideration.

Senator Hahn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2748), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 2748** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 24, 2006, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2402, a bill for an act relating to state tax benefits for use of soy-based transformer fluid by electric utilities and including applicability date provisions.

ALSO: That the House has on April 24, 2006, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2765, a bill for an act concerning the military division of the department of public defense.

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

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:00 p.m. until 8:30 a.m., Tuesday, April 25, 2006.

APPENDIX

BILL ASSIGNED TO COMMITTEE

President Lamberti announced the assignment of the following bill to committee:

H.F. 2770 Ways and Means

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Mr. and Mrs. Lonnie and Polly Blass, Casey—For celebrating your 50th wedding anniversary. Senator Boettger (4/24/06).

Mr. and Mrs. John Cooper, Waterloo—For celebrating your 50th wedding anniversary. Senator Dotzler (4/24/06).

Myrtle Flaig, Waterloo—For celebrating your 90th birthday. Senator Dotzler (4/24/06).

Travis J. Greve, Donahue—For achieving the rank of Eagle Scout, Boy Scout Troop 203. Senator Wood (4/24/06).

Mr. and Mrs. Mick and Marilyn Keane, Panama—For celebrating your 50th wedding anniversary. Senator Boettger (4/24/06).

Mr. and Mrs. Joe Ray and Lovetta Kenkel, Earling—For celebrating your 50th wedding anniversary. Senator Boettger (4/24/06).

Mr. and Mrs. Merlin and Mary Lou Kraus, Anita—For celebrating your 50th wedding anniversary. Senator Boettger (4/24/06).

Mr. and Mrs. Ray and Louise Mensing, Greenfield—For celebrating your 65th wedding anniversary. Senator Boettger (4/24/06).

Minnie Plueger, LeMars—For celebrating your 100th birthday. Senator Mulder (4/24/06).

Jordan Porter, Eldridge—For achieving the rank of Eagle Scout. Senator Wood (4/24/06).

Mr. and Mrs. Martin and Catherine Schwarte, Harlan—For celebrating your 50th wedding anniversary. Senator Boettger (4/24/06).

Mr. and Mrs. Robert and Jane Starr, Panora—For celebrating your 50th wedding anniversary. Senator Boettger (4/24/06).

Sunny Fresh and Cargill, Mason City—For being named McDonald's U.S. Supplier of the Year. Senator Ragan (4/24/06).

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 21, 2006, the Governor approved and transmitted to the Secretary of State the following bills:

Senate Joint Resolution 2001 – Authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation.

Senate File 2219 – Relating to human trafficking and related offenses, including the provision of law enforcement training and victim assistance program, providing penalties, and providing for a study.

Senate File 2262 – Relating to the prepayment of agricultural loans secured by a real estate mortgage.

Senate File 2290 – Relating to the payment of costs of reasonable attorney fees and other expenses related to certain adoption proceedings.

Senate File 2292 – Relating to farm tenancies.

Senate File 2318 – Relating to an exception from emergency medical care requirements for persons providing care within the scope of their certification.

Senate File 2322 – Relating to the investigation and control of communicable and infectious diseases and notification procedures concerning diseases, health conditions, unusual clusters, or suspicious events which may be the cause of a public health disaster.

AMENDMENTS FILED

S-5214	H.F.	2332	Doug Shull
S-5215	H.F.	2716	Bob Brunkhorst Keith A. Kreiman
S-5216	H.F.	2717	John Putney
S-5217	S.F.	2403	Brad Zaun
S-5218	H.F.	2362	Jeff Angelo
S-5219	H.F.	2743	Jack Hatch Robert E. Dvorsky

JOURNAL OF THE SENATE

ONE HUNDRED SEVENTH CALENDAR DAY
SIXTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 25, 2006

The Senate met in regular session at 8:38 a.m., President Lamberti presiding.

Prayer was offered by the Honorable Dave Mulder, member of the Senate from Sioux County, Sioux Center, Iowa.

The Journal of Monday, April 24, 2006, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 8:43 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:15 p.m., President Lamberti presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 25, 2006, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 2217, a bill for an act requiring the department of human services to maintain compliance with privacy laws applicable to mental health, mental retardation, developmental disabilities, and brain injury services data. (S-5223)

RECESS

On motion of Senator Gronstal, the Senate recessed at 1:16 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 1:22 p.m., President Lamberti presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Fraise, until he returns, on request of Senator Gronstal.

UNFINISHED BUSINESS
(Deferred April 10, 2006)**House File 2716**

The Senate resumed consideration of **House File 2716**, a bill for an act relating to civil actions for personal injury or death, including certain evidentiary requirements, deferred April 10, 2006.

Senator Brunkhorst asked and received unanimous consent to withdraw amendment S-5215, filed by Senators Brunkhorst and Kreiman on April 24, 2006, to page 1 and to the title page of the bill.

Senator Brunkhorst offered amendment S-5222, filed by Senators Brunkhorst and Kreiman from the floor to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-5222 was adopted by a voice vote.

Senator Kreiman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2716), the vote was:

Yeas, 49:

Angelo	Gaskill	Larson	Seymour
Beall	Gronstal	Lundby	Shull
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKibben	Tinsman
Boettger	Hatch	McKinley	Ward
Bolkcom	Horn	Miller	Warnstadt
Brunkhorst	Houser	Mulder	Wieck
Connolly	Iverson	Putney	Wood
Courtney	Johnson	Quirnbach	Zaun
Danielson	Kettering	Ragan	Zieman
Dearden	Kibbie	Rielly	
Dotzler	Kreiman	Schoenjahn	
Dvorsky	Lamberti	Seng	

Nays, none.

Absent, 1:

Fraise

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

WITHDRAWN

Senator Kreiman asked and received unanimous consent that **Senate File 2356** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 2716** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 1:32 p.m. until fall of the gavel.

RECONVENED

The Senate reconvened at 3:26 p.m., President Lamberti presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 25, 2006, **adopted the conference committee and passed** House File 2282, a bill for an act relating to the election of mayor and city council members in a city governed by the council-manager-at-large form of city government.

ALSO: That the House has on April 25, 2006, **concurred in the Senate amendment and passed** the following bill in which the concurrence of the House was asked:

House File 2686, a bill for an act providing for technical and substantive changes relating to the Iowa communications network, and relating to funding of the network.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Dearden, until he returns, on request of Senator Gronstal.

CONFERENCE COMMITTEE REPORT RECEIVED

House File 2282

A conference committee report, signed by the following Senate and House members, was filed April 24, 2006, on **House File 2282**, a bill for an act relating to the election of mayor and city council members in a city governed by the council-manager-at-large form of city government:

On the part of the Senate:

DAVE MULDER, Co-chair
HERMAN C. QUIRMBACH, Co-chair
DARYL BEALL
JOHN PUTNEY
DOUG SHULL
STEVE WARNSTADT

On the part of the House:

RALPH C. WATTS, Chair
JACK DRAKE
MARY GASKILL
GERI D. HUSER
DAWN E. PETTENGILL

CONFERENCE COMMITTEE REPORT CONSIDERED

House File 2282

Senator Mulder called up the conference committee report on **House File 2282**, a bill for an act relating to the election of mayor and city council members in a city governed by the council-manager-at-large form of city government, filed on April 24, 2006, and moved its adoption.

The motion prevailed by a voice vote, and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Mulder moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2282), the vote was:

Yeas, 48:

Angelo	Gaskill	Lamberti	Schoenjahr
Beall	Gronstal	Larson	Seng
Behn	Hahn	Lundby	Seymour
Black	Hancock	McCoy	Shull
Boettger	Hatch	McKibben	Stewart
Bolkcom	Horn	McKinley	Tinsman
Brunkhorst	Houser	Miller	Ward
Connolly	Iverson	Mulder	Warnstadt
Courtney	Johnson	Putney	Wieck
Danielson	Kettering	Quirnbach	Wood
Dotzler	Kibbie	Ragan	Zaun
Dvorsky	Kreiman	Rielly	Zieman

Nays, none.

Absent, 2:

Dearden Fraise

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

UNFINISHED BUSINESS

House File 2332

On motion of Senator Wood, **House File 2332**, a bill for an act relating to child support, including processing and disbursement of support payments, modification of support based upon permanency orders of the juvenile court, income withholding and information sharing under the child support recovery program and providing for applicability and retroactive applicability, placed on the Unfinished Business Calendar on March 30, 2006, with report of committee recommending passage, was taken up for consideration.

Senator Shull offered amendment S-5214, filed by him on April 24, 2006, to pages 1 and 3 and to the title page of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 30, nays 10.

Amendment S-5214 was adopted.

Senator Wood offered amendment S-5220, filed by him from the floor to page 2 and to the title page of the bill, and moved its adoption.

Amendment S-5220 was adopted by a voice vote.

Senator Kreiman asked and received unanimous consent that action on **House File 2332** be **deferred**.

UNFINISHED BUSINESS
(Deferred April 18, 2006)**House File 2362**

The Senate resumed consideration of **House File 2362**, a bill for an act providing for reassignment of a salvage certificate of title for a motor vehicle, and amendment S-5154, deferred April 18, 2006.

Senator Angelo withdrew amendment S-5211, filed by him on April 19, 2006, to pages 1 and 6 of amendment S-5154.

Senator Angelo offered amendment S-5218, filed by him on April 24, 2006, to pages 1 and 6 of amendment S-5154, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 11, nays 32.

Amendment S-5218 lost.

Senator Hahn offered amendment S-5221, filed by him from the floor to pages 1 and 6 of amendment S-5154, and moved its adoption.

Amendment S-5221 was adopted by a voice vote.

Senator Dotzler moved the adoption of amendment S-5154, as amended, which motion prevailed by a voice vote.

Senator Danielson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2362), the vote was:

Yeas, 49:

Angelo	Gaskill	Larson	Seymour
Beall	Gronstal	Lundby	Shull
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKibben	Tinsman
Boettger	Hatch	McKinley	Ward
Bolkcom	Horn	Miller	Warnstadt
Brunkhorst	Houser	Mulder	Wieck
Connolly	Iverson	Putney	Wood
Courtney	Johnson	Quirnbach	Zaun
Danielson	Kettering	Ragan	Zieman
Dearden	Kibbie	Rielly	
Dotzler	Kreiman	Schoenjahn	
Dvorsky	Lamberti	Seng	

Nays, none.

Absent, 1:

Fraise

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 2282 and 2362** be **immediately messaged** to the House.

The Senate stood at ease at 4:08 p.m. until the fall of the gavel.

The Senate resumed session at 5:00 p.m., President Lamberti presiding.

HOUSE AMENDMENT CONSIDERED

Senate File 2217

Senator Kreiman called up for consideration **Senate File 2217**, a bill for an act requiring the department of human services to maintain compliance with privacy laws applicable to mental health, mental retardation, developmental disabilities, and brain injury services data, amended by the House in House amendment S-5223, filed April 25, 2006.

Senator Kreiman moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Kreiman moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2217), the vote was:

Yeas, 49:

Angelo	Gaskill	Larson	Seymour
Beall	Gronstal	Lundby	Shull
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKibben	Tinsman
Boettger	Hatch	McKinley	Ward
Bolkcom	Horn	Miller	Warnstadt
Brunkhorst	Houser	Mulder	Wieck
Connolly	Iverson	Putney	Wood
Courtney	Johnson	Quirnbach	Zaun
Danielson	Kettering	Ragan	Zieman
Dearden	Kibbie	Rielly	
Dotzler	Kreiman	Schoenjahn	
Dvorsky	Lamberti	Seng	

Nays, none.

Absent, 1:

Fraise

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2217** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:10 p.m. until 11:00 a.m., Wednesday, April 26, 2006.

APPENDIX

BILL ASSIGNED TO COMMITTEE

President Lamberti announced the assignment of the following bill to committee:

H.F. 2765 Government Oversight

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Eighteen students from Titonka Middle School in Titonka, Iowa, accompanied by teacher Randy Tjaden and chaperone Mike Kadow. Senators Gaskill and Kibbie.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Steve Frankel, Bettendorf—For your outstanding commitment to the legal profession and your community. Senator Tinsman (4/25/06).

Stella Holcomb, Sioux City—For celebrating your 100th birthday. Senator Warnstadt (4/25/06).

Emily Kawaler, Ames—For earning a perfect ACT score. Senator Quirnbach (4/25/06).

Harold Koester, Gladbrook—Honoring your service in the United States Army from 1942–1945. Senator Putney (4/25/06).

Maxine McElvenny, Waterloo—For celebrating your 90th birthday. Senator Dotzler (4/25/06).

Anna Mae Mohler, Burlington—For celebrating your 90th birthday. Senator Courtney (4/25/06).

Mr. and Mrs. James Rudendall, Waterloo—For celebrating your 50th wedding anniversary. Senator Dotzler (4/25/06).

LaRue D. Taylor, Garner—For celebrating your 90th birthday. Senator Gaskill (4/25/06).

Ollie Wright, Wapello—For celebrating your 90th birthday. Senator Courtney (4/25/06).

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: April 25, 2006, 1:17 p.m.

Members Present: Gronstal and Lundby, Co-chairs; Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan.

Members Absent: None.

Committee Business: Approved SRs 156, 157, 159, and 160 and HCR 112.

Adjourned: 1:20 p.m.

WAYS AND MEANS

Convened: April 25, 2006, 1:25 p.m.

Members Present: Bolkcom and Ziemann, Co-chairs; Connolly, Danielson, Dotzler, Hahn, McCoy, McKibben, McKinley, Miller, Quirnbach, Seng, Stewart, Wieck, and Zaun.

Members Absent: Larson (excused).

Committee Business: Passed HFs 2751, 2764, 2770, 2774, and 2786.

Adjourned: 2:20 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 159, by Warnstadt, Larson, Lamberti, Gronstal, Miller, and Kreiman, a resolution urging the General Assembly to continue the work begun during the 2006 Legislative Session in determining the proper manner for the Iowa court system to recognize civil judgments, decrees, and orders issued by the Meskwaki Tribal Court.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 160, by Putney and McCoy, a resolution honoring Dwayne McAninch for his pioneering work in revolutionizing the construction industry.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

STUDY BILLS RECEIVED

SSB 3270 Ways and Means

Relating to financial transactions involving businesses by providing certain businesses with withholding tax credits to fund improvements in urban renewal areas and by providing a limitation on the amount of interest charged by certain businesses on loans secured by a motor vehicle certificate of title and providing for penalties.

SSB 3271 Government Oversight

Relating to government accountability and concerning service contract requirements, contractual requirements for certain entities receiving public moneys, requirements for joint agreements involving governmental entities, additional review by the auditor of the state, the authority of the citizens' aide, establishment of a whistleblower board, and the authority of the legislative oversight committee, and including an implementation provision and making penalties applicable.

SSB 3272 Ways and Means

Relating to the percentage of actual value at which residential property and certain commercial property are assessed for purposes of property taxation and providing an annual appropriation for the specified number of years to replace commercial property revenues lost to counties and cities.

SSB 3273 Rules and Administration

To legalize participation in an instructional support program by the Winterset community school district, and providing an effective date.

SSB 3274 Rules and Administration

To legalize actions taken and proceedings conducted by the Walnut Community School District which relates to erroneously certified instructional support levy and providing an effective date.

SSB 3275 Rules and Administration

To legalize participation in an instructional support program by the Waterloo community school district, and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS**Senate Resolution 159**

RULES AND ADMINISTRATION: Gronstal and Lundby, Co-chairs; Kibbie and Lamberti

Senate Resolution 160

RULES AND ADMINISTRATION: Gronstal and Lundby, Co-chairs; Kibbie and Lamberti

House File 2765

GOVERNMENT OVERSIGHT: Courtney and Wieck, Co-chairs; Connolly and Ward

House File 2770

WAYS AND MEANS: Dotzler and Miller, Co-chairs; Bolckcom and Zieman

House File 2791

APPROPRIATIONS: Bolckcom and Kettering, Co-chairs; Dvorsky and Shull

SSB 3270

WAYS AND MEANS: Bolckcom and Wieck, Co-chairs; Connolly and Zieman

SSB 3271

GOVERNMENT OVERSIGHT: Courtney and Wieck, Co-chairs; Connolly and Ward

SSB 3272

WAYS AND MEANS: Bolkcom and Miller, Co-chairs; Connolly, Quirmbach, Wieck, and Ziemann

SSB 3273

RULES AND ADMINISTRATION: Gronstal and Lundby, Co-chairs; Kibbie and Lamberti

SSB 3274

RULES AND ADMINISTRATION: Gronstal and Lundby, Co-chairs; Kibbie and Lamberti

SSB 3275

RULES AND ADMINISTRATION: Gronstal and Lundby, Co-chairs; Kibbie and Lamberti

FINAL COMMITTEE REPORTS OF BILL ACTION**RULES AND ADMINISTRATION**

Bill Title: SENATE RESOLUTION 156, a resolution honoring the Wartburg College wrestling team.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Lundby, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 157, a resolution recognizing the Make-A-Wish Foundation of Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Lundby, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 159, a resolution urging the General Assembly to continue the work begun during the 2006 Legislative Session in determining the proper manner for the Iowa court system to recognize civil judgments, decrees, and orders issued by the Meskwaki Tribal Court.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Lundby, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 160, a resolution honoring Dwayne McAninch for his pioneering work in revolutionizing the construction industry.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Lundby, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE CONCURRENT RESOLUTION 112, a concurrent resolution designating May 2006 as Motorcycle Safety Awareness Month.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Lundby, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: HOUSE FILE 2751, a bill for an act relating to eligibility for the military service property tax credit and exemption and including effective and applicability date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Bolcom, Zieman, Connolly, Danielson, Dotzler, Hahn, McCoy, McKibben, McKinley, Miller, Quirnbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 1: Larson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2764, a bill for an act authorizing a school district to share its portion of incremental property taxes with a contiguous school district.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, McCoy, McKibben, McKinley, Miller, Quirnbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 1: Larson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2770, a bill for an act relating to economic development by creating a technology and commercialization resource organization, providing tax incentives under the high quality job creation Act, and providing an exempt activity for foreign corporations, and including effective and retroactive applicability date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Bolkcom, Zieman, Connolly, Danielson, Dotzler, McCoy, Miller, Quirnbach, Seng, Stewart, and Wieck. Nays, 4: Hahn, McKibben, McKinley, and Zaun. Absent, 1: Larson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2774, a bill for an act relating to trust and agency funds by allowing city contributions for pension and related employee benefits pursuant to contracted public safety services.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, McCoy, McKibben, McKinley, Miller, Quirnbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 1: Larson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2786, a bill for an act relating to civil actions and the foreclosure of real estate mortgages, and providing fees and applicability provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Bolkcom, Zieman, Connolly, Danielson, Dotzler, Hahn, McCoy, McKibben, McKinley, Miller, Quirnbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 1: Larson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5220	H.F.	2332	Frank B. Wood
S-5221	H.F.	2362	James F. Hahn
S-5222	H.F.	2716	Bob Brunkhorst Keith A. Kreiman
S-5223	S.F.	2217	House
S-5224	H.F.	2527	Paul McKinley Bob Brunkhorst
S-5225	H.F.	2592	Joe Bolkcom

JOURNAL OF THE SENATE

ONE HUNDRED EIGHTH CALENDAR DAY
SIXTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 26, 2006

The Senate met in regular session at 11:08 a.m., President Lamberti presiding.

Prayer was offered by the Honorable Amanda Ragan, member of the Senate from Cerro Gordo County, Mason City, Iowa.

The Journal of Tuesday, April 25, 2006, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 25, 2006, **adopted the conference committee report and passed** House File 2612, a bill for an act providing criminal penalties for the failure of a vessel operator to offer assistance and information at the scene of a collision, accident, or casualty.

ALSO: That the House has on April 25, 2006, **concurred in the Senate amendment and passed** the following bills in which the concurrence of the House was asked:

House File 2567, a bill for an act creating a multidimensional treatment level foster care program.

House File 2716, a bill for an act relating to civil actions for personal injury or death, including certain evidentiary, reporting, and study information requirements.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Warnstadt asked and received unanimous consent to take up for consideration Senate Resolution 159.

Senate Resolution 159

On motion of Senator Warnstadt, **Senate Resolution 159**, a resolution urging the General Assembly to continue the work begun during the 2006 Legislative Session in determining the proper manner for the Iowa court system to recognize civil judgments, decrees, and orders issued by the Meskwaki Tribal Court, with report of committee recommending passage, was taken up for consideration.

Senator Warnstadt moved the adoption of Senate Resolution 159, which motion prevailed by a voice vote.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:29 a.m. until until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 11:34 a.m., President Lamberti presiding.

CONSIDERATION OF RESOLUTIONS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolutions 109 and 156.

Senate Resolution 109

On motion of Senator Brunkhorst, **Senate Resolution 109**, a resolution honoring the Wartburg College women's track team, with report of committee recommending passage, was taken up for consideration.

Senator Brunkhorst moved the adoption of Senate Resolution 109, which motion prevailed by a voice vote.

Senate Resolution 156

On motion of Senator Brunkhorst, **Senate Resolution 156**, a resolution honoring the Wartburg College wrestling team, with report of committee recommending passage, was taken up for consideration.

Senator Brunkhorst moved the adoption of Senate Resolution 156, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Brunkhorst introduced to the Senate chamber the 2005 Wartburg College Women's track team, the 2006 Wartburg College wrestling team, and their coaching staffs.

The coach of the wrestling team, Jim Miller, and the coach of the women's track team, Marcus Newsom, addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

President Pro Tempore McKibben took the chair at 11:44 a.m.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 160.

Senate Resolution 160

On motion of Senator Putney, **Senate Resolution 160**, a resolution honoring Dwayne McAninch for his pioneering work in revolutionizing the construction industry, with report of committee recommending passage, was taken up for consideration.

Senator Putney moved the adoption of Senate Resolution 160, which motion prevailed by a voice vote.

The Senate stood at ease at 11:51 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 12:44 p.m., President Pro Tempore McKibben presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 12:45 p.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:02 p.m., President Pro Tempore McKibben presiding.

QUORUM CALL

Senator Ragan requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent, and a quorum present.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Bolkcom, for the day, on request of Senator Dvorsky; and Senator Fraise, until he arrives, on request of Senator Courtney.

CONSIDERATION OF BILLS (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2759 and 2540.

House File 2759

On motion of Senator Johnson, **House File 2759**, a bill for an act providing for the appropriation of moneys to support renewable fuel infrastructure, and providing a contingent effective date, with report

of committee without recommendation, was taken up for consideration.

Senator Johnson offered amendment S-5227, filed by Senators Johnson and Rielly from the floor to pages 1 and 2 and to the title page of the bill.

Senator Lundby asked and received unanimous consent that action on amendment S-5227 and **House File 2759** be **deferred**.

House File 2540

On motion of Senator Seng, **House File 2540**, a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources and providing fees, with report of committee without recommendation, was taken up for consideration.

Senator Seng offered amendment S-5228, filed by Senator Seng, et al., from the floor to pages 2, 4, 6-9, 12, and 13 and to the title page of the bill.

Senator Seng offered amendment S-5229, filed by Senators Seng and Gaskill from the floor to pages 1-3 of amendment S-5228, and moved its adoption.

Amendment S-5229 was adopted by a voice vote.

Senator Seng moved the adoption of amendment S-5228, as amended, which motion prevailed by a voice vote.

Senator Hatch withdrew amendment S-5231, filed by him from the floor to page 13 of the bill.

Senator Seng moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2540), the vote was:

Yeas, 46:

Angelo	Gaskill	Larson	Seng
Beall	Gronstal	Lundby	Seymour
Behn	Hahn	McCoy	Shull
Black	Hancock	McKibben	Stewart
Boettger	Hatch	McKinley	Tinsman
Brunkhorst	Horn	Miller	Ward
Connolly	Houser	Mulder	Warnstadt
Courtney	Iverson	Putney	Wieck
Danielson	Johnson	Quirnbach	Wood
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Lamberti	Schoenjahn	

Nays, 2:

Kreiman Zaun

Absent, 2:

Bolkcom Fraise

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

CONFERENCE COMMITTEE REPORT RECEIVED

House File 2612

A conference committee report, signed by the following Senate and House members, was filed April 25, 2006, on **House File 2612**, a bill for an act providing criminal penalties for the failure of a vessel operator to offer assistance and information at the scene of a collision, accident, or casualty.

On the part of the Senate:

FRANK B. WOOD, Co-chair
 HUBERT HOUSER, Co-chair
 E. THURMAN GASKILL
 DAVID JOHNSON
 KEITH A. KREIMAN

On the part of the House:

MIKE MAY, Chair
 CLEL BAUDLER
 PAUL A. BELL
 MARY LOU FREEMAN
 LISA K. HEDDENS

CONFERENCE COMMITTEE REPORT CONSIDERED

House File 2612

Senator Wood called up the conference committee report on **House File 2612**, a bill for an act providing criminal penalties for the failure of a vessel operator to offer assistance and information at the scene of a collision, accident, or casualty, filed on April 25, 2006, and moved its adoption.

The motion prevailed by a voice vote, and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Wood moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2612), the vote was:

Yeas, 48:

Angelo	Gaskill	Lamberti	Schoenjahn
Beall	Gronstal	Larson	Seng
Behn	Hahn	Lundby	Seymour
Black	Hancock	McCoy	Shull
Boettger	Hatch	McKibben	Stewart
Brunkhorst	Horn	McKinley	Tinsman
Connolly	Houser	Miller	Ward
Courtney	Iverson	Mulder	Warnstadt
Danielson	Johnson	Putney	Wieck
Dearden	Kettering	Quirmbach	Wood
Dotzler	Kibbie	Ragan	Zaun
Dvorsky	Kreiman	Rielly	Zieman

Nays, none.

Absent, 2:

Bolkcom Fraise

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

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Concurrent Resolution 112.

House Concurrent Resolution 112

On motion of Senator Courtney, **House Concurrent Resolution 112**, a concurrent resolution designating May 2006 as Motorcycle Safety Awareness Month, with report of committee recommending passage, was taken up for consideration.

Senator Courtney moved the adoption of House Concurrent Resolution 112, which motion prevailed by a voice vote.

CONSIDERATION OF BILLS
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2786 and 2774.

House File 2786

On motion of Senator Miller, **House File 2786**, a bill for an act relating to civil actions and the foreclosure of real estate mortgages, and providing fees and applicability provisions, with report of committee recommending passage, was taken up for consideration.

Senator Kreiman offered amendment S-5232, filed by Senators Kreiman and Miller from the floor to pages 1, 2, 4, 5, and 7 of the bill, and moved its adoption.

Amendment S-5232 was adopted by a voice vote.

Senator Miller moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2786), the vote was:

Yeas, 48:

Angelo	Gaskill	Lamberti	Schoenjahn
Beall	Gronstal	Larson	Seng
Behn	Hahn	Lundby	Seymour
Black	Hancock	McCoy	Shull
Boettger	Hatch	McKibben	Stewart
Brunkhorst	Horn	McKinley	Tinsman
Connolly	Houser	Miller	Ward
Courtney	Iverson	Mulder	Warnstadt
Danielson	Johnson	Putney	Wieck
Dearden	Kettering	Quirnbach	Wood
Dotzler	Kibbie	Ragan	Zaun
Dvorsky	Kreiman	Rielly	Zieman

Nays, none.

Absent, 2:

Bolkcom Fraise

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

House File 2774

On motion of Senator Wieck, **House File 2774**, a bill for an act relating to trust and agency funds by allowing city contributions for pension and related employee benefits pursuant to contracted public safety services, with report of committee recommending passage, was taken up for consideration.

Senator Wieck moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2774), the vote was:

Yeas, 48:

Angelo	Gaskill	Lamberti	Schoenjahn
Beall	Gronstal	Larson	Seng
Behn	Hahn	Lundby	Seymour
Black	Hancock	McCoy	Shull
Boettger	Hatch	McKibben	Stewart
Brunkhorst	Horn	McKinley	Tinsman

Connolly	Houser	Miller	Ward
Courtney	Iverson	Mulder	Warnstadt
Danielson	Johnson	Putney	Wieck
Dearden	Kettering	Quirnbach	Wood
Dotzler	Kibbie	Ragan	Zaun
Dvorsky	Kreiman	Rielly	Zieman

Nays, none.

Absent, 2:

Bolkcom Fraise

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Concurrent Resolution 112** and **House Files 2540, 2612, 2774, and 2786** be **immediately messaged** to the House.

BUSINESS PENDING

House File 2759

The Senate resumed consideration of **House File 2759**, a bill for an act providing for the appropriation of moneys to support renewable fuel infrastructure, and providing a contingent effective date, and amendment S-5227, previously deferred.

Senator Johnson moved the adoption of amendment S-5227, which motion prevailed by a voice vote.

Senator Johnson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2759), the vote was:

Yeas, 49:

Angelo	Gaskill	Larson	Seymour
Beall	Gronstal	Lundby	Shull
Behn	Hahn	McCoy	Stewart

Black	Hancock	McKibben	Tinsman
Boettger	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	
Fraise	Lamberti	Seng	

Nays, none.

Absent, 1:

Bolkcom

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 2759** be **immediately messaged** to the House.

The Senate stood at ease at 2:05 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:34 p.m., President Pro Tempore McKibben presiding.

CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Hatch asked and received unanimous consent to take up for consideration House Files 2764 and 2751.

House File 2764

On motion of Senator McKinley, **House File 2764**, a bill for an act authorizing a school district to share its portion of incremental property taxes with a contiguous school district, with report of committee recommending passage, was taken up for consideration.

Senator McKinley moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2764), the vote was:

Yeas, 49:

Angelo	Gaskill	Larson	Seymour
Beall	Gronstal	Lundby	Shull
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKibben	Tinsman
Boettger	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	
Fraise	Lamberti	Seng	

Nays, none.

Absent, 1:

Bolkcom

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

House File 2751

On motion of Senator Stewart, **House File 2751**, a bill for an act relating to eligibility for the military service property tax credit and exemption and including effective and applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Stewart moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2751), the vote was:

Yeas, 49:

Angelo	Gaskill	Larson	Seymour
Beall	Gronstal	Lundby	Shull
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKibben	Tinsman
Boettger	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	
Fraise	Lamberti	Seng	

Nays, none.

Absent, 1:

Bolkcom

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

IMMEDIATELY MESSAGED

Senator Kibbie asked and received unanimous consent that **House Files 2751 and 2764** be **immediately messaged** to the House.

SPECIAL GUEST

Senator Black introduced to the Senate chamber MayMay Ng, CEO of Ck International, Ltd., in Waukee, Iowa.

The Senate rose and expressed its welcome.

ADJOURNMENT

On motion of Senator Kibbie, the Senate adjourned at 2:58 p.m. until 8:45 a.m., Thursday, April 27, 2006.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Mr. and Mrs. John and Doris Crosswhite, Greenfield—For celebrating your 50th wedding anniversary. Senator Boettger (4/26/06).

Mr. and Mrs. Virgil and Irene Goetzinger, Alma, Michigan—For celebrating your 60th wedding anniversary. Senator Boettger (4/26/06).

Mr. and Mrs. Dwight and Marjorie Groom, Rowan—For celebrating your 50th wedding anniversary. Senator Iverson (4/26/06).

Thomas Kruse, Iowa Falls—Upon your passing, for your high business principles, devout faith, and enormous generosity. Senator Iverson (4/26/06).

Vernon McKibben, Marshalltown—For celebrating your 80th birthday. Senator McKibben (4/26/06).

Mr. and Mrs. Vernon and Mary Miller, Irwin—For celebrating your 50th wedding anniversary. Senator Boettger (4/26/06).

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: April 26, 2006, 11:30 a.m.

Members Present: Gronstal and Lundby, Co-chairs; Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan.

Members Absent: None.

Committee Business: Approved SSBs 3273, 3274, and 3275.

Adjourned: 11:35 a.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 161, by Dvorsky, a resolution to recognize the centennial of the city of Tiffin, Iowa.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILLS

Senate File 2404, by committee on Rules and Administration, a bill for an act to legalize participation in an instructional support program by the Winterset community school district, and providing an effective date.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2405, by committee on Rules and Administration, a bill for an act to legalize participation in an instructional support program by the Waterloo community school district, and providing an effective date.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2406, by committee on Rules and Administration, a bill for an act to legalize actions taken and proceedings conducted by the Walnut Community School District which relates to erroneously certified instructional support levy and providing an effective date.

Read first time under Rule 28 and **placed on calendar**.

STUDY BILL RECEIVED

SSB 3276 Government Oversight

Concerning governmental regulation and accountability by providing for contractual requirements for service contracts, the authority of the citizens' aide, employment rights of employees making a disclosure of information, and providing a prohibition against reprisals relating to health care workers disclosing specified information, and including an implementation provision and providing penalties.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 161

RULES AND ADMINISTRATION: Gronstal and Lundby, Co-chairs; Kibbie and Lamberti

SSB 3276

GOVERNMENT OVERSIGHT: Courtney and Wieck, Co-chairs; Connolly and Ward

FINAL COMMITTEE REPORTS OF BILL ACTION**RULES AND ADMINISTRATION**

Bill Title: SENATE FILE 2404 (SSB 3273), a bill for an act to legalize participation in an instructional support program by the Winterset community school district, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Gronstal, Lundby, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2405 (SSB 3275), a bill for an act to legalize participation in an instructional support program by the Waterloo community school district, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Gronstal, Lundby, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2406 (SSB 3274), a bill for an act to legalize actions taken and proceedings conducted by the Walnut Community School District which relates to erroneously certified instructional support levy and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Gronstal, Lundby, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2319, the following correction was made:

1. Page 1, line 13: "clean up" was corrected to "cleanup".

MICHAEL E. MARSHALL
Secretary of the Senate

ALSO:

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2369, the following correction was made:

1. Page 1, lines 34 and 35: "feedlot" is one word.

MICHAEL E. MARSHALL
Secretary of the Senate

ALSO:

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2394, the following correction was made:

1. Sec. 20, page 9, line 27: "Manufactured or Mobile Home Hookups" – should be capped.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 26th day of April, 2006:

Senate Files 2251, 2301, 2319, 2369, 2374, and 2394.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 26, 2006, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 2251 – Directing the Department of Education and the Iowa Department of Public Health to convene a Healthy Children Task Force and providing an effective date.

Senate File 2301 – Relating to exemptions for certain personal property from execution by creditors in state court debt collection and federal bankruptcy actions.

Senate File 2319 – Relating to littering and illegal discarding of solid waste and increasing fines and penalties and making appropriations.

Senate File 2369 – Relating to requirements for open feedlot operations, by providing for nutrient management plans, stockpiling of solids, and operating permits, and providing an effective date and retroactive applicability.

Senate File 2374 – Containing various provisions relating to business entities, including limited partnerships, corporations, limited liability companies, cooperatives, and nonprofit corporations.

Senate File 2394 – Relating to manufactured or mobile home regulation, and including fee, penalty, and effective date provisions.

PUBLICATION OF LEGALIZING ACTS

PROOF OF PUBLICATION

(Senate File 2404)

Published copy of Senate File 2404 and verified proof of publication of said bill in the Winterset Madisonian, a once weekly paper of general circulation, published in Winterset, Iowa, on April 19, 2006, was filed with the Secretary of the Senate on April 26, 2006, in accordance with Iowa Code section 585.1.

PROOF OF PUBLICATION

(Senate File 2405)

Published copy of Senate File 2405 and verified proof of publication of said bill in the Waterloo/Cedar Falls Courier, a daily newspaper printed in Waterloo, Black Hawk County, Iowa, for 1 issue on April 21, 2006, was filed with the Secretary of the Senate on April 26, 2006, in accordance with Iowa Code section 585.1.

PROOF OF PUBLICATION
(Senate File 2406)

Published copy of Senate File 2406 and verified proof of publication of said bill in the Walnut Bureau, a weekly paper published at Walnut, Pottawattamie County, Iowa, on April 20, 2006, was filed with the Secretary of the Senate on April 26, 2006, in accordance with Iowa Code section 585.1.

AMENDMENTS FILED

S-5226	S.F.	2400	Tom Hancock
S-5227	H.F.	2759	David Johnson Tom Rielly
S-5228	H.F.	2540	Joe M. Seng E. Thurman Gaskill Robert E. Dvorsky Jeff Angelo
S-5229	H.F.	2540	Joe M. Seng E. Thurman Gaskill
S-5230	H.F.	2592	James A. Seymour
S-5231	H.F.	2540	Jack Hatch
S-5232	H.F.	2786	Keith A. Kreiman David Miller
S-5233	H.F.	2773	Nancy J. Boettger

JOURNAL OF THE SENATE

ONE HUNDRED NINTH CALENDAR DAY
SIXTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 27, 2006

The Senate met in regular session at 8:45 a.m., President Pro Tempore McKibben presiding.

Prayer was offered by the Honorable Maggie Tinsman, member of the Senate from Scott County, Davenport, Iowa.

The Journal of Wednesday, April 26, 2006, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Lamberti and Ward, until they arrive, and Senators McKinley and Wood, for the day, on request of Senator Zaun; and Senator Bolkom, for the day, on request of Senator Gronstal.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2406, 2405, and 2404.

Senate File 2406

On motion of Senator Gronstal, **Senate File 2406**, a bill for an act to legalize actions taken and proceedings conducted by the Walnut Community School District which relates to erroneously certified instructional support levy and providing an effective date, was taken up for consideration.

Senator Gronstal moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2406), the vote was:

Yeas, 45:

Angelo	Fraise	Kreiman	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Brunkhorst	Hatch	Miller	Warnstadt
Connolly	Horn	Mulder	Wieck
Courtney	Houser	Putney	Zaun
Danielson	Iverson	Quirnbach	Zieman
Dearden	Johnson	Ragan	
Dotzler	Kettering	Rielly	
Dvorsky	Kibbie	Schoenjahn	

Nays, none.

Absent, 5:

Bolkcom	McKinley	Wood
Lamberti	Ward	

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

Senate File 2405

On motion of Senator Gronstal, **Senate File 2405**, a bill for an act to legalize participation in an instructional support program by the Waterloo community school district, and providing an effective date, was taken up for consideration.

Senator Gronstal moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2405), the vote was:

Yeas, 46:

Angelo	Fraise	Kreiman	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Brunkhorst	Hatch	Miller	Ward
Connolly	Horn	Mulder	Warnstadt
Courtney	Houser	Putney	Wieck
Danielson	Iverson	Quirmbach	Zaun
Dearden	Johnson	Ragan	Zieman
Dotzler	Kettering	Rielly	
Dvorsky	Kibbie	Schoenjahn	

Nays, none.

Absent, 4:

Bolkcom	Lamberti	McKinley	Wood
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2404

On motion of Senator Gronstal, **Senate File 2404**, a bill for an act to legalize participation in an instructional support program by the Winterset community school district, and providing an effective date, was taken up for consideration.

Senator Gronstal moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2404), the vote was:

Yeas, 46:

Angelo	Fraise	Kreiman	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Brunkhorst	Hatch	Miller	Ward
Connolly	Horn	Mulder	Warnstadt

Courtney	Houser	Putney	Wieck
Danielson	Iverson	Quirnbach	Zaun
Dearden	Johnson	Ragan	Zieman
Dotzler	Kettering	Rielly	
Dvorsky	Kibbie	Schoenjahn	

Nays, none.

Absent, 4:

Bolkcom	Lamberti	McKinley	Wood
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2404, 2405, and 2406** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:02 a.m. until 1:00 p.m., Monday, May 1, 2006.

APPENDIX

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on April 27, 2006, when the vote was taken on Senate File 2406. Had I been present, I would have voted "Aye."

PAT WARD

JOURNAL OF THE SENATE

ONE HUNDRED THIRTEENTH CALENDAR DAY
SIXTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, May 1, 2006

The Senate met in regular session at 1:10 p.m., President Kibbie presiding.

Prayer was offered by the Honorable David Johnson, member of the Senate from Osceola County, Ocheyedan, Iowa, and the Honorable Doug Shull, member of the Senate from Warren County, Indianola, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jon Kempf.

The Journal of Thursday, April 27, 2006, was approved.

RECESS

On motion of Senator Lundby, the Senate recessed at 1:28 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 1:33 p.m., President Kibbie presiding.

RECESS

On motion of Senator Lundby, the Senate recessed at 1:35 p.m. until the fall of the gavel.

APPENDIX — 1**REPORTS OF COMMITTEE MEETINGS****GOVERNMENT OVERSIGHT**

Convened: April 27, 2006, 11:05 a.m.

Members Present: Courtney and Wieck, Co-chairs; Connolly and Ward.

Members Absent: None.

Committee Business: Passed HF 2765.

Adjourned: 11:10 a.m.

APPROPRIATIONS

Convened: May 1, 2006, 2:45 p.m.

Members Present: Angelo and Dvorsky, Co-chairs; Black, Boettger, Bolcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt.

Members Absent: None.

Committee Business: Passed HFs 2780, 2789, and 2791.

Adjourned: 2:55 p.m.

RULES AND ADMINISTRATION

Convened: May 1, 2006, 1:30 p.m.

Members Present: Gronstal and Lundby, Co-chairs; Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, and Ragan.

Members Absent: Lamberti (excused).

Committee Business: Approved SSB 3277, SR 161, and retirement resolutions.

Adjourned: 1:32 p.m.

WAYS AND MEANS

Convened: May 1, 2006, 3:30 p.m.

Members Present: Bolcom and Ziemann, Co-chairs; Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKibben, McKinley, Miller, Quirnbach, Seng, Stewart, Wieck, and Zaun.

Members Absent: None.

Committee Business: Approved SSBs 3278 and 3279 (as amended).

Adjourned: 4:05 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 162, by Tinsman, Ward, Dearden, Hatch, McCoy, Zaun, and Lamberti, a resolution to recognize the new Des Moines Public Library.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 163, by committee on Rules and Administration, a resolution honoring Senator Doug Shull for his years of service in the General Assembly.

Read first time under Rule 28 and **placed on calendar**.

Senate Resolution 164, by committee on Rules and Administration, a resolution honoring Senator Charles W. Larson, Jr., for his years of service in the General Assembly.

Read first time under Rule 28 and **placed on calendar**.

Senate Resolution 165, by committee on Rules and Administration, a resolution honoring Senator Jeff Lamberti for his years of service in the General Assembly.

Read first time under Rule 28 and **placed on calendar**.

Senate Resolution 166, by committee on Rules and Administration, a resolution honoring Senator Bob Brunkhorst for his years of service in the General Assembly.

Read first time under Rule 28 and **placed on calendar**.

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: HOUSE FILE 2780, a bill for an act relating to persons with mental illness, mental retardation, developmental disabilities, or brain injury by addressing purposes and quality standards for services and other support available for such persons, establishing basic financial eligibility standards, addressing state and county financial responsibility for the cost of the services and other support, changing the name of a departmental division, providing for an increase in the reimbursement of certain service providers, and providing effective and applicability dates.

Recommendation: DO PASS.

Final Vote: Ayes, 24: Angelo, Dvorsky, Black, Boettger, Bolkom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2789, a bill for an act relating to assessing court costs, providing for indigent defense, and making appropriations to the judicial branch and department of inspections and appeals.

Recommendation: DO PASS.

Final Vote: Ayes, 23: Angelo, Dvorsky, Black, Boettger, Bolkom, Connolly, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, 1: Dotzler. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2791, a bill for an act concerning community foundations and economic development relating to the endow Iowa tax credit, the allocation of gambling tax revenues, the distribution of county endowment moneys, making an appropriation, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 24: Angelo, Dvorsky, Black, Boettger, Bolkom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 161, a resolution to recognize the centennial of the city of Tiffin, Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Lundby, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, and Ragan. Nays, none. Absent, 1: Lamberti.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 163 (LSB 6707sv), a resolution honoring Senator Doug Shull for his years of service in the General Assembly.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Gronstal, Lundby, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, and Ragan. Nays, none. Absent, 1: Lamberti.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 164 (LSB 6706sv), a resolution honoring Senator Charles W. Larson, Jr., for his years of service in the General Assembly.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Gronstal, Lundby, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, and Ragan. Nays, none. Absent, 1: Lamberti.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 165 (LSB 6705sv), a resolution honoring Senator Jeff Lamberti for his years of service in the General Assembly.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Gronstal, Lundby, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, and Ragan. Nays, none. Absent, 1: Lamberti.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 166 (LSB 6704sv), a resolution honoring Senator Bob Brunkhorst for his years of service in the General Assembly.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Gronstal, Lundby, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, and Ragan. Nays, none. Absent, 1: Lamberti.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RECONVENED

The Senate reconvened at 4:42 p.m., President Kibbie presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 1, 2006, **concurred in the Senate amendment and passed** the following bills in which the concurrence of the House was asked:

House File 2362, a bill for an act relating to end-of-life and salvage vehicles by providing for the removal, replacement, collection, and recovery of mercury-added vehicle components and providing for reassignment of a salvage certificate of title for a motor vehicle.

House File 2759, a bill for an act relating to renewable fuel, by providing for the appropriation of moneys to support renewable fuel infrastructure, providing for tax credits, and providing contingent and other effective dates.

House File 2786, a bill for an act relating to civil actions and the foreclosure of real estate mortgages, and providing fees and applicability provisions.

ALSO: That the House has on May 1, 2006, **amended the Senate amendment, concurred in the Senate amendment as amended, and passed** the following bill in which the concurrence of the Senate is asked:

House File 2540, a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources and providing fees. (S-5236)

CONSIDERATION OF RESOLUTIONS
(Regular Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration Senate Resolutions 157, 132, 131, and 118.

Senate Resolution 157

On motion of Senator Lamberti, **Senate Resolution 157**, a resolution recognizing the Make-A-Wish Foundation of Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Lamberti moved the adoption of Senate Resolution 157, which motion prevailed by a voice vote.

Senate Resolution 132

On motion of Senator Angelo, **Senate Resolution 132**, a resolution congratulating the Creston, Iowa, radio station KSIB for 60 years of broadcasting excellence, with report of committee recommending passage, was taken up for consideration.

Senator Angelo moved the adoption of Senate Resolution 132, which motion prevailed by a voice vote.

Senate Resolution 131

On motion of Senator Angelo, **Senate Resolution 131**, a resolution congratulating the Matilda J. Gibson Memorial Library in Creston, Iowa, on its 75th anniversary, with report of committee recommending passage, was taken up for consideration.

Senator Angelo moved the adoption of Senate Resolution 131, which motion prevailed by a voice vote.

Senate Resolution 118

On motion of Senator Boettger, **Senate Resolution 118**, a resolution requesting that the legislative council conduct a study of the feasibility of implementing cooperative public and private development projects around public and private lakes in the state, with report of committee recommending passage, was taken up for consideration.

Senator Boettger moved the adoption of Senate Resolution 118, which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senate Resolution 164

Senator Lundby asked and received unanimous consent to take up for consideration the following resolution:

1 SENATE RESOLUTION 164
2 By: Committee on Rules and Administration
3 A resolution honoring Senator Charles W. Larson, Jr.,
4 for his years of service in the General Assembly.
5 WHEREAS, Senator Charles W. Larson, Jr., is retiring
6 from legislative service that began with his service
7 in the Iowa House of Representatives from 1993 through
8 2002; and
9 WHEREAS, on entering the Senate in 2003, Senator
10 Larson served as the vice chairperson of the Judiciary
11 Committee and as a member of the Committees on
12 Commerce, Economic Growth, Education, and Ways and
13 Means; and
14 WHEREAS, Senator Larson served his country as well
15 as the state of Iowa when, as Major Larson, he was
16 mobilized for duty, for over a year, in Iraq, along
17 with members of the 372nd Engineer Group, a unit of
18 the United States Army Reserve; and
19 WHEREAS, Senator Larson resumed his legislative
20 duties in 2005, serving as co-chairperson of the
21 Ethics Committee and serving as a member of the
22 Committees on Commerce, Education, Judiciary, and Ways
23 and Means, and on the Justice System Appropriations
24 Subcommittee; and
25 WHEREAS, Senator Larson has served on many other
26 standing committees throughout his 14 years of service
27 and has been an influential and devoted legislator in
28 this state; and
29 WHEREAS, Senator Larson is recognized for his
30 knowledge and work in the areas of civil and criminal

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1 law and economic development; and
2 WHEREAS, Senator Larson has unselfishly given of
3 his time and efforts to further the interests of the
4 State of Iowa and to provide beneficial programs for
5 the citizens of Iowa; NOW THEREFORE,
6 BE IT RESOLVED BY THE SENATE, That the Senate
7 thanks Senator Charles W. Larson, Jr., for his years of
8 service in the Iowa General Assembly and wishes him
9 the very best in the years to come; and

10 BE IT FURTHER RESOLVED, That an official copy of
11 this resolution be prepared and presented to Senator
12 Larson.

Senator Larson addressed the Senate with brief remarks.

The Senate rose and expressed its tribute to Senator Larson.

Senator Lundby moved the adoption of Senate Resolution 164,
which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senate Resolution 166

Senator Lundby asked and received unanimous consent to take up
for consideration the following resolution:

1 SENATE RESOLUTION 166
2 By: Committee on Rules and Administration
3 A resolution honoring Senator Bob Brunkhorst
4 for his years of service in the General Assembly.
5 WHEREAS, Senator Bob Brunkhorst is retiring from
6 legislative service after completing five terms in the
7 House of Representatives and completing one term in
8 the Senate; and
9 WHEREAS, in 2003 and 2004, Senator Brunkhorst
10 served as a member of the Committees on Commerce,
11 Education, Judiciary, and Natural Resources and
12 Environment, and served as the vice chairperson of the
13 Government Oversight Committee; and
14 WHEREAS, in 2005 and 2006, he served as the
15 co-chairperson of the Economic Growth Committee,
16 served as a member of the Committees on Agriculture,
17 Education, Judiciary, and State Government, and served
18 on the Economic Development Appropriations
19 Subcommittee; and
20 WHEREAS, Senator Brunkhorst has served on many
21 other standing committees throughout his 14 years of
22 service and has been an influential and devoted
23 legislator in this state; and
24 WHEREAS, Senator Brunkhorst is recognized for his
25 knowledge and work in the areas of education and
26 school finance, economic development and property
27 rights, and information technology; and
28 WHEREAS, Senator Brunkhorst has unselfishly given
29 of his time and efforts to further the interests of
30 the State of Iowa and to provide beneficial programs

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- 1 for the citizens of Iowa; NOW THEREFORE,
- 2 BE IT RESOLVED BY THE SENATE, That the Senate
- 3 thanks Senator Bob Brunkhorst for his years of
- 4 legislative service and wishes him the very best in
- 5 the years to come; and
- 6 BE IT FURTHER RESOLVED, That an official copy of
- 7 this resolution be prepared and presented to Senator
- 8 Brunkhorst.

Senator Brunkhorst addressed the Senate with brief remarks.

The Senate rose and expressed its tribute to Senator Brunkhorst.

Senator Lundby moved the adoption of Senate Resolution 166, which motion prevailed by a voice vote.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 162, a resolution to recognize the new Des Moines Public Library.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Gronstal, Lundby, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration Senate Resolution 162.

Senate Resolution 162

On motion of Senator Ward, **Senate Resolution 162**, a resolution to recognize the new Des Moines Public Library, was taken up for consideration.

Senator Ward moved the adoption of Senate Resolution 162, which motion prevailed by a voice vote.

BILL REFERRED TO COMMITTEE

Senator Lundby asked and received unanimous consent that **Senate File 2407** be referred from the Regular Calendar to the committee on **Appropriations**.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Boettger, McKibben, and Tinsman, until they return, on request of Senator Lundby.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration Senate File 2398.

Senate File 2398

On motion of Senator Danielson, **Senate File 2398**, a bill for an act providing a sales tax exemption for purchases of solar energy equipment, was taken up for consideration.

Senator Danielson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2398), the vote was:

Yeas, 46:

Angelo	Gaskill	Lamberti	Seng
Beall	Gronstal	Larson	Seymour
Behn	Hahn	Lundby	Shull
Black	Hancock	McCoy	Stewart
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dotzler	Kettering	Ragan	Zieman
Dvorsky	Kibbie	Rielly	
Fraise	Kreiman	Schoenjahn	

Nays, 1:

Dearden

Absent, 3:

Boettger

McKibben

Tinsman

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

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 167 (LSB 6721sv), a resolution honoring Senator Robert E. Dvorsky for his years of legislative service.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Gronstal, Lundby, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 168 (LSB 6722sv), a resolution honoring Senator Gene Fraise for his years of legislative service.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Gronstal, Lundby, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 169 (LSB 6723sv), a resolution honoring Senator Mary Lundby for her years of legislative service.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Gronstal, Lundby, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTIONS
(Regular Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration Senate Resolutions 167, 168, and 169.

Senate Resolution 167

On motion of Senator Lundby, **Senate Resolution 167**, a resolution honoring Senator Robert E. Dvorsky for his years of legislative service, was taken up for consideration.

1 SENATE RESOLUTION 167
2 By: Committee on Rules and Administration
3 A resolution honoring Senator Robert E. Dvorsky for
4 his years of legislative service.
5 WHEREAS, Senator Robert E. Dvorsky will this year
6 complete his twentieth year of office in the Iowa
7 General Assembly; and
8 WHEREAS, Senator Dvorsky has served honorably and
9 has unselfishly given his time and efforts to further
10 the interests of the State of Iowa and to provide
11 beneficial programs for the citizens of Iowa; and
12 WHEREAS, it is proper that Senator Dvorsky be
13 honored for his many years of service to the State of
14 Iowa; NOW THEREFORE,
15 BE IT RESOLVED BY THE SENATE, That the Senate pay
16 tribute to Senator Dvorsky and express its gratitude
17 for the service rendered by him; and
18 BE IT FURTHER RESOLVED, That the Senate present to
19 Senator Dvorsky his Senate chair in appreciation for
20 his service.

Senator Lundby moved the adoption of Senate Resolution 167, which motion prevailed by a voice vote.

Senate Resolution 168

On motion of Senator Gronstal, **Senate Resolution 168**, a resolution honoring Senator Gene Fraise for his years of legislative service, was taken up for consideration. -

1 SENATE RESOLUTION 168
2 By: Committee on Rules and Administration
3 A resolution honoring Senator Gene Fraise for his years
4 of legislative service.

5 WHEREAS, Senator Gene Fraise will this year have
6 served for over twenty years in the Senate; and
7 WHEREAS, Senator Fraise has served honorably and
8 has unselfishly given his time and efforts to further
9 the interests of the State of Iowa and to provide
10 beneficial programs for the citizens of Iowa; and
11 WHEREAS, it is proper that Senator Fraise be
12 honored for his many years of service to the State of
13 Iowa; NOW THEREFORE,
14 BE IT RESOLVED BY THE SENATE, That the Senate pay
15 tribute to Senator Fraise and express its gratitude
16 for the service rendered by him; and
17 BE IT FURTHER RESOLVED, That the Senate present to
18 Senator Fraise his Senate chair in appreciation for
19 his service.

Senator Gronstal moved the adoption of Senate Resolution 168,
which motion prevailed by a voice vote.

Senate Resolution 169

On motion of Senator Dvorsky, **Senate Resolution 169**, a
resolution honoring Senator Mary Lundby for her years of legislative
service, was taken up for consideration.

1 SENATE RESOLUTION 169
2 By: Committee on Rules and Administration
3 A resolution honoring Senator Mary Lundby for her years
4 of legislative service.
5 WHEREAS, Senator Mary Lundby will this year
6 complete her twentieth year of office in the Iowa
7 General Assembly; and
8 WHEREAS, Senator Lundby has served honorably and
9 has unselfishly given her time and efforts to further
10 the interests of the State of Iowa and to provide
11 beneficial programs for the citizens of Iowa; and
12 WHEREAS, it is proper that Senator Lundby be
13 honored for her many years of service to the State of
14 Iowa; NOW THEREFORE,
15 BE IT RESOLVED BY THE SENATE, That the Senate pay
16 tribute to Senator Lundby and express its gratitude
17 for the service rendered by her; and
18 BE IT FURTHER RESOLVED, That the Senate present to
19 Senator Lundby her Senate chair in appreciation for
20 her service.

Senator Dvorsky moved the adoption of Senate Resolution 169,
which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **Senate File 2398** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Lundby, the Senate adjourned at 6:08 p.m. until 8:30 a.m., Tuesday, May 2, 2006.

APPENDIX — 2

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Bernard Emergency Services of Bernard, Iowa—For celebrating your 25th anniversary. Senator Hancock (5/1/06).

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: May 1, 2006, 4:30 p.m.

Members Present: Gronstal and Lundby, Co-chairs; Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan.

Members Absent: None.

Committee Business: Approved SR 162, LSBs 6721sv, 6722sv, and 6723sv.

Adjourned: 4:35 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 167, by committee on Rules and Administration, a resolution honoring Senator Robert E. Dvorsky for his years of legislative service.

Read first time under Rule 28 and **placed on calendar**.

Senate Resolution 168, by committee on Rules and Administration, a resolution honoring Senator Gene Fraise for his years of legislative service.

Read first time under Rule 28 and **placed on calendar**.

Senate Resolution 169, by committee on Rules and Administration, a resolution honoring Senator Mary Lundby for her years of legislative service.

Read first time under Rule 28 and **placed on calendar**.

INTRODUCTION OF BILLS

Senate File 2407, by committee on Rules and Administration, a bill for an act providing for participation in an instructional support program by school districts, and providing for an effective date.

Read first time under Rule 28 and **placed on calendar**.

Senate File 2408, by committee on Ways and Means, a bill for an act relating to elderly income tax relief by providing for an elderly taxpayer income tax exclusion and the phasing out of the income tax on social security benefits and including effective and applicability date provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

STUDY BILLS RECEIVED

SSB 3277 Rules and Administration

Providing for participation in an instructional support program by school districts, and providing for an effective date.

SSB 3278 Ways and Means

Relating to elderly income tax relief by providing for an elderly taxpayer income tax exclusion and the phasing out of the income tax

on social security benefits and including effective and applicability date provisions.

SSB 3279 Ways and Means

Allowing individual income tax credits for contributions made to certain school tuition organizations and including effective and retroactive applicability date provisions.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 162

RULES AND ADMINISTRATION: Gronstal and Lundby, Co-chairs; Kibbie and Lamberti

SSB 3277

RULES AND ADMINISTRATION: Gronstal and Lundby, Co-chairs; Kibbie and Lamberti

SSB 3278

WAYS AND MEANS: Miller and Stewart, Co-chairs; Seng and Zieman

SSB 3279

WAYS AND MEANS: McKinley and Seng, Co-chairs; McCoy and Zieman

LSB 6721sv

RULES AND ADMINISTRATION: Gronstal and Lundby, Co-chairs; Kibbie and Lamberti

LSB 6722sv

RULES AND ADMINISTRATION: Gronstal and Lundby, Co-chairs; Kibbie and Lamberti

LSB 6723sv

RULES AND ADMINISTRATION: Gronstal and Lundby, Co-chairs; Kibbie and Lamberti

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE FILE 2407 (SSB 3277), a bill for an act providing for participation in an instructional support program by school districts, and providing for an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Gronstal, Lundby, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, and Ragan. Nays, none. Absent, 1: Lamberti.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: SENATE FILE 2408 (SSB 3278), a bill for an act relating to elderly income tax relief by providing for an elderly taxpayer income tax exclusion and the phasing out of the income tax on social security benefits and including effective and applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Bolkcom, Zieman, Connolly, Dotzler, Hahn, McCoy, McKibben, McKinley, Miller, Quirnbach, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 2: Danielson and Larson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5234	H.F.	2527	Brad Zaun Bob Brunkhorst Paul McKinley Larry McKibben
S-5235	S.F.	2400	Steve Kettering Steve Warnstadt
S-5236	H.F.	2540	House
S-5237	H.F.	2789	Jeff Angelo Robert E. Dvorsky
S-5238	S.F.	2350	Thomas G. Courtney

JOURNAL OF THE SENATE

ONE HUNDRED FOURTEENTH CALENDAR DAY
SIXTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, May 2, 2006

The Senate met in regular session at 8:37 a.m., President Kibbie presiding.

Prayer was offered by the Reverend Reginald H. Merrill of Our Savior United Methodist Church in Manson, Iowa. He was the guest of Senator Beall.

The Journal of Monday, May 1, 2006, was approved.

UNFINISHED BUSINESS

House File 2095

On motion of Senator Dvorsky, **House File 2095**, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date, placed on the Unfinished Business Calendar on March 30, 2006, with report of committee without recommendation, was taken up for consideration.

Senator Miller withdrew amendment S-5210, filed by him on April 19, 2006, to page 1 and to the title page of the bill.

Senator Connolly withdrew amendment S-5005, filed by Senator Connolly, et. al., on February 14, 2006, to page 1 of the bill.

Senator Dvorsky moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2095), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

UNFINISHED BUSINESS (Deferred April 25, 2006)

House File 2332

The Senate resumed consideration of **House File 2332**, a bill for an act relating to child support, including processing and disbursement of support payments, modification of support based upon permanency orders of the juvenile court, income withholding and information sharing under the child support recovery program and providing for applicability and retroactive applicability, deferred April 25, 2006.

Senator Shull called up the following motion to reconsider filed by him from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S-5214 to House File 2332 was adopted by the Senate on April 25, 2006.

The motion prevailed by a voice vote and amendment S-5214 was taken up for consideration.

Senator Shull withdrew amendment S-5214, filed by him on April 24, 2006, to pages 1 and 3 and to the title page of the bill.

Senator Kreiman asked and received unanimous consent that action on **House File 2332** be **deferred**.

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **House File 2095** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 1, 2006, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 2364, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce including the securities and regulated industries bureau, insurance premium taxes, the uniform securities Act, insurance division procedures, regulation of insurance companies and other entities including administrative penalties, motor vehicle service contracts, county and state mutual insurance associations, reciprocal or interinsurance insurers, consolidation, merger and reinsurance contracts, insurance holding company systems, and cemeteries. (S-5242)

ALSO: That the House has on May 1, 2006, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2794, a bill for an act relating to the policy and technical administration of the tax and related laws by the department of revenue, including administration of and tax exemptions under the income, sales, use, local option sales, and property taxes, updating the streamlined sales and use tax, and including effective and retroactive applicability date provisions.

Read first time and referred to committee on **Ways and Means**.

The Senate stood at ease at 9:23 a.m. until the fall of the gavel.

The Senate resumed session at 11:09 a.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McKinley, until he returns, on request of Senator Mulder; Senator Dearden, until he returns, on request of Senator Seng; Senator McCoy, until he returns, on request of Senator Dvorsky; and Senator Warnstadt, until he returns, on request of Senator Beall.

BUSINESS PENDING

House File 2332

The Senate resumed consideration of **House File 2332**, a bill for an act relating to child support, including processing and disbursement of support payments, modification of support based upon permanency orders of the juvenile court, income withholding and information sharing under the child support recovery program and providing for applicability and retroactive applicability, previously deferred.

Senator Shull offered amendment S-5240, filed by Senators Shull and Kreiman from the floor to page 3 and to the title page of the bill, and moved its adoption.

Amendment S-5240 was adopted by a voice vote.

Senator Wood moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2332), the vote was:

Yeas, 46:

Angelo	Fraise	Kreiman	Seng
Beall	Gaskill	Lamberti	Seymour
Behn	Gronstal	Larson	Shull
Black	Hahn	Lundby	Stewart

Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	Miller	Ward
Brunkhorst	Horn	Mulder	Wieck
Connolly	Houser	Putney	Wood
Courtney	Iverson	Quirnbach	Zaun
Danielson	Johnson	Ragan	Zieman
Dotzler	Kettering	Rielly	
Dvorsky	Kibbie	Schoenjahn	

Nays, none.

Absent, 4:

Dearden	McCoy	McKinley	Warnstadt
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **House File 2332** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senate Resolution 165

Senator Boettger asked and received unanimous consent to take up the following resolution:

1 SENATE RESOLUTION 165
2 By: Committee on Rules and Administration
3 A resolution honoring Senator Jeff Lamberti for his
4 years of service in the General Assembly.
5 WHEREAS, Senator Jeff Lamberti is retiring from
6 legislative office after having served two terms in
7 the House of Representatives and two terms in the
8 Senate; and
9 WHEREAS, Senator Lamberti served as President of
10 the Senate in 2004 and Co-president of the Senate in
11 2005 and 2006; and
12 WHEREAS, in his eight years in the Senate, Senator
13 Lamberti also served as chairperson of the Committee
14 on Appropriations and vice chairperson of the
15 Committee on the Judiciary; and
16 WHEREAS, Senator Lamberti has served on many other
17 standing committees throughout his 12 years of service
18 and has been an influential and devoted legislator in
19 this state; and

20 WHEREAS, Senator Lamberti is recognized for his
21 knowledge and work in the areas of appropriations,
22 state finance and tax policy, and civil and criminal
23 law; and
24 WHEREAS, Senator Lamberti has unselfishly given of
25 his time and efforts to further the interests of the
26 State of Iowa and to provide beneficial programs for
27 the citizens of Iowa; NOW THEREFORE,
28 BE IT RESOLVED BY THE SENATE, That the Senate
29 thanks Senator Jeff Lamberti for his years of
30 legislative service and wishes him the very best in

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1 the years ahead; and
2 BE IT FURTHER RESOLVED, That an official copy of
3 this resolution be prepared and presented to Senator
4 Lamberti.

Senator Lamberti addressed the Senate with brief remarks.

The Senate rose and expressed its tribute to Senator Lamberti.

Senator Boettger moved the adoption of Senate Resolution 165,
which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senate Resolution 163

Senator Angelo asked and received unanimous consent to take up
the following resolution:

1 SENATE RESOLUTION 163
2 By: Committee on Rules and Administration
3 A resolution honoring Senator Doug Shull for his
4 years of service in the General Assembly.
5 WHEREAS, Senator Doug Shull is retiring from the
6 Senate after performing legislative service that has
7 spanned parts of three decades; and
8 WHEREAS, Senator Shull was initially elected to the
9 Iowa House of Representatives in 1978, serving from
10 1979 through 1983; and
11 WHEREAS, in 2002 Senator Shull was elected to the
12 Iowa Senate; and
13 WHEREAS, Senator Shull began his Senate service in
14 2003, serving as vice chairperson of the Committee on
15 Economic Growth and as the vice chairperson of the
16 Committee on Ways and Means and serving on the

17 Committees on Appropriations, State Government, and
18 Transportation, and the Education Appropriations
19 Subcommittee, becoming chair of that subcommittee in
20 2004; and
21 WHEREAS, in 2005 and 2006 Senator Shull served as
22 the co-chairperson of the Committee on Local
23 Government; and
24 WHEREAS, Senator Shull has served on many other
25 standing committees throughout his eight years of
26 service and has been an influential and devoted
27 legislator in this state; and
28 WHEREAS, Senator Shull is recognized for his
29 knowledge and work in the areas of public finance and
30 local government; and

Page 2

1 WHEREAS, Senator Shull has unselfishly given of his
2 time and efforts to further the interests of the State
3 of Iowa and to provide beneficial programs for the
4 citizens of Iowa; NOW THEREFORE,
5 BE IT RESOLVED BY THE SENATE, That the Senate
6 thanks Senator Doug Shull for his years of legislative
7 service and wishes him the very best in the years
8 ahead; and
9 BE IT FURTHER RESOLVED, That an official copy of
10 this resolution be prepared and presented to Senator
11 Shull.

Senator Shull addressed the Senate with brief remarks.

The Senate rose and expressed its tribute to Senator Shull.

Senator Angelo moved the adoption of Senate Resolution 163,
which motion prevailed by a voice vote.

RECESS

On motion of Senator Lundby, the Senate recessed at 12:00 p.m.
until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:50 p.m., President Kibbie presiding.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration House File 2743.

House File 2743

On motion of Senator Seymour, **House File 2743**, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund, with report of committee without recommendation, was taken up for consideration.

Senator Seymour withdrew amendment S-5245, filed by him from the floor to pages 1, 2, and 4-10 and to the title page of the bill.

Senator Seymour offered amendment S-5253, filed by Senators Seymour and Bolkcom from the floor to pages 1, 2, and 4-10 and to the title page of the bill, and moved its adoption.

Amendment S-5253 was adopted by a voice vote.

Senator Mulder asked and received unanimous consent to withdraw amendment S-5172, filed by Senators Mulder and Dvorsky on April 6, 2006, to page 2 of the bill.

Senator Hatch offered amendment S-5219, filed by Senators Hatch and Dvorsky on April 24, 2006, to page 10 of the bill.

The Senate stood at ease at 2:10 p.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 2:19 p.m., President Kibbie presiding.

Senator Brunkhorst raised the point of order that amendment S-5219 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5219 out of order.

Senator Seymour moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2743), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **House File 2743** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration Senate Resolution 161.

Senate Resolution 161

On motion of Senator Dvorsky, **Senate Resolution 161**, a resolution to recognize the centennial of the city of Tiffin, Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky moved the adoption of Senate Resolution 161, which motion prevailed by a voice vote.

HOUSE AMENDMENT CONSIDERED

Senate File 2364

Senator McCoy called up for consideration **Senate File 2364**, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce including the securities and regulated industries bureau, insurance premium taxes, the uniform securities Act, insurance division procedures, regulation of insurance companies and other entities including administrative penalties, motor vehicle service contracts, county and state mutual insurance associations, reciprocal or interinsurance insurers, consolidation, merger and reinsurance contracts, insurance holding company systems, and cemeteries, amended by the House in House amendment S-5242, filed May 2, 2006.

Senator McCoy moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator McCoy moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2364), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun

Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **Senate File 2364** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration House File 2789.

House File 2789

On motion of Senator Angelo, **House File 2789**, a bill for an act relating to assessing court costs, providing for indigent defense, and making appropriations to the judicial branch and department of inspections and appeals, with report of committee recommending passage, was taken up for consideration.

Senator Angelo asked and received unanimous consent to withdraw amendment S-5237, filed by Senators Angelo and Dvorsky on May 1, 2006, to pages 1 and 3-5 and to the title page of the bill.

Senator Angelo offered amendment S-5243, filed by Senators Angelo and Dvorsky from the floor to pages 1 and 3-5 and to the title page of the bill.

Senator Hancock withdrew amendment S-5250, filed by him from the floor to pages 1-3 of amendment S-5243.

Senator Connolly withdrew amendment S-5254, filed by him from the floor to page 2 of amendment S-5243.

Senator Angelo moved the adoption of amendment S-5243, which motion prevailed by a voice vote.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2789), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **House File 2789** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration Senate File 2408.

Senate File 2408

On motion of Senator Miller, **Senate File 2408**, a bill for an act relating to elderly income tax relief by providing for an elderly taxpayer income tax exclusion and the phasing out of the income tax on social security benefits and including effective and applicability date provisions, was taken up for consideration.

Senator Miller moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2408), the vote was:

Yeas, 46:

Angelo	Gaskill	Lamberti	Seymour
Beall	Gronstal	Larson	Shull
Behn	Hahn	Lundby	Stewart
Black	Hancock	McCoy	Tinsman
Boettger	Hatch	McKibben	Ward
Brunkhorst	Horn	McKinley	Warnstadt
Connolly	Houser	Miller	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Ragan	Zaun
Dotzler	Kettering	Rielly	Zieman
Dvorsky	Kibbie	Schoenjahn	
Fraise	Kreiman	Seng	

Nays, 4:

Bolkcom	Dearden	Mulder	Quirmbach
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Absent, none.

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

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **Senate File 2408** be **immediately messaged** to the House.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 2, 2006, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 2272, a bill for an act relating to the duties and operations of the state board of education, the department of education, and local school boards and including effective and applicability provisions. (S-5257)

RECESS

On motion of Senator Lundby, the Senate recessed at 3:20 p.m. until the completion of a meeting of the committee on Ways and Means.

APPENDIX — 1

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on April 27, 2006, when the votes were taken on Senate Files 2404, 2405, and 2406, and on May 2, 2006, when the vote was taken on House File 2332. Had I been present, I would have voted "Yea" on all.

PAUL MCKINLEY

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Tyler Cahill, Donahue—For your achievement at Junior State History Day. Senator Wood (5/2/06).

Devin C. Christoffel, LeMars—For achieving the rank of Eagle Scout. Senator Mulder (5/2/06).

Jane Condon of Calhoun County Department of Public Health, Rockwell City—For being one of the 100 Great Iowa Nurses for 2006. Senator Beall (5/2/06).

Blaire Dinsdale—For being a member of the 2006 Drake Relays Champion 4 x 800 Meter Relay Team. Senator Putney (5/2/06).

Brooke Dinsdale—For being a member of the 2006 Drake Relays Champion 4 x 800 Meter Relay Team. Senator Putney (5/2/06).

Brooke Dinsdale—For setting a Drake Relays Record of 2:10:35 in the girls 800 meter event and for recording the second fastest 800 clocking ever by an Iowa girl. Senator Putney (5/2/06).

Diane Ferry, Eldridge—For your achievement at Senior State History Day. Senator Wood (5/2/06).

Cory Greenleaf, Eldridge—For your achievement at Junior State History Day. Senator Wood (5/2/06).

Kristyn Griesbach, Eldridge—For your achievement at Junior State History Day. Senator Wood (5/2/06).

Erin Guzman—For being a member of the 2006 Drake Relays Champion 4 x 800 Meter Relay Team. Senator Putney (5/2/06).

Coleen Haatvedt of Trinity Health Systems and Iowa Health Systems/Northwoods Living, Fort Dodge—For being one of the 100 Great Iowa Nurses for 2006. Senator Beall (5/2/06).

Larry Kisor, Sioux City—For your retirement after more than three decades as a high school band director. Senator Warnstadt (5/2/06).

Clarence Kruse, Hampton—For celebrating your 80th birthday. Senator Ragan (5/2/06).

Chelsea Kvidera—For being a member of the 2006 Drake Relays Champion 4 x 800 Meter Relay Team. Senator Putney (5/2/06).

Sean Lovellette, Eldridge—For your achievement at Junior State History Day. Senator Wood (5/2/06).

Kirstin Marriot, Eldridge—For your achievement at Junior State History Day. Senator Wood (5/2/06).

Reverend Reginald H. Merrill, Pastor of Our Savior United Methodist Church in Manson and Pomeroy—For serving as the Pastor of the Day in the Iowa Senate. Senator Beall (5/2/06).

Matt Pacha, Eldridge—For your achievement at Junior State History Day. Senator Wood (5/2/06).

Jeremy P. Rhodes, LeMars—For achieving the rank of Eagle Scout. Senator Mulder (5/2/06).

Andrew J. Schmitz, LeMars—For achieving the rank of Eagle Scout. Senator Mulder (5/2/06).

Sibley-Ocheyedan FFA—For receiving the prestigious National Chapter Award at the 2006 Iowa FFA Leadership Conference. Senator Johnson (5/2/06).

Donald Stachour, Sibley—For celebrating your 90th birthday. Senator Johnson (5/2/06).

Nicholas H. Swalve, LeMars—For achieving the rank of Eagle Scout. Senator Mulder (5/2/06).

Nolan Swanson, Eldridge—For your achievement at Junior State History Day. Senator Wood (5/2/06).

REPORT OF COMMITTEE MEETING

GOVERNMENT OVERSIGHT

Convened: May 2, 2006, 12:05 p.m.

Members Present: Courtney and Wieck, Co-chairs; Connolly and Ward.

Members Absent: None.

Committee Business: CIETC hearings.

Adjourned: 1:10 p.m.

INTRODUCTION OF BILL

Senate File 2409, by committee on Ways and Means, a bill for an act allowing individual income tax credits for contributions made to certain school tuition organizations and including effective and retroactive applicability date provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

SUBCOMMITTEE ASSIGNMENTS

Senate File 2407

APPROPRIATIONS: Boettger and Connolly, Co-chairs; Angelo and Dvorsky

House File 2794

WAYS AND MEANS: Connolly and Ziemann, Co-chairs; Bolckcom and Hahn

FINAL COMMITTEE REPORTS OF BILL ACTION

GOVERNMENT OVERSIGHT

Bill Title: HOUSE FILE 2765, a bill for an act concerning the military division of the department of public defense.

Recommendation: DO PASS.

Final Vote: Ayes, 4: Courtney, Wieck, Connolly, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: *SENATE FILE 2409 (SSB 3279), a bill for an act allowing individual income tax credits for contributions made to certain school tuition organizations and including effective and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkom, Zieman, Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKibben, McKinley, Miller, Seng, Stewart, Wieck, and Zaun. Nays, 1: Quirnbach. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2409, and they were attached to the committee report.

RECONVENED

The Senate reconvened at 4:28 p.m., President Kibbie presiding.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration Senate File 2409.

Senate File 2409

On motion of Senator Seng, **Senate File 2409**, a bill for an act allowing individual income tax credits for contributions made to certain school tuition organizations and including effective and retroactive applicability date provisions, was taken up for consideration.

Senator Bolkom withdrew amendment S-5255, filed by him from the floor to page 2 of the bill.

Senator Bolkom offered amendment S-5258, filed by him from the floor to pages 2-4 of the bill, and moved its adoption.

Amendment S-5258 was adopted by a voice vote.

Senator Seng moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2409), the vote was:

Yeas, 49:

Angelo	Fraise	Lamberti	Seymour
Beall	Gaskill	Larson	Shull
Behn	Gronstal	Lundby	Stewart
Black	Hahn	McCoy	Tinsman
Boettger	Hancock	McKinben	Ward
Bolkom	Hatch	McKinley	Warnstadt
Brunkhorst	Horn	Miller	Wieck
Connolly	Houser	Mulder	Wood
Courtney	Iverson	Putney	Zaun
Danielson	Johnson	Ragan	Zieman

Dearden	Kettering	Rielly
Dotzler	Kibbie	Schoenjahn
Dvorsky	Kreiman	Seng

Nays, 1:

Quirmbach

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **Senate File 2409** be **immediately messaged** to the House.

RECESS

On motion of Senator Lundby, the Senate recessed at 4:38 p.m. until 6:30 p.m.

EVENING SESSION

The Senate reconvened at 7:35 p.m., President Kibbie presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 2, 2006, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2797, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, reducing, and transferring appropriations, providing for salaries and compensation of state employees, providing for fees and penalties, providing tax exemptions, and providing for properly related matters, and including effective and retroactive applicability date provisions.

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

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

House File 2540

Senator Seng called up for consideration **House File 2540**, a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources and providing fees, amended by the Senate and further amended by the House in House amendment S-5236 to Senate amendment H-8587, filed May 1, 2006.

Senator Seng moved that the Senate concur and vote "No" in the House amendment to the Senate amendment.

The motion lost by a voice vote and the Senate **refused to concur** in the House amendment to the Senate amendment.

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: HOUSE FILE 2731, a bill for an act relating to a targeted jobs withholding tax credit to be used for funding improvements in certain urban renewal areas.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Bolkcom and Zieman, Co-chairs; Connolly, Danielson, Dotzler, Hahn, McCoy, McKibben, McKinley, Miller, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 2: Larson and Quirnbach.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration House File 2731.

House File 2731

On motion of Senator Bolkcom, **House File 2731**, a bill for an act relating to a targeted jobs withholding tax credit to be used for funding improvements in certain urban renewal areas, with report of committee recommending passage, was taken up for consideration.

Senator Bolkcom moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2731), the vote was:

Yeas, 47:

Angelo	Fraise	Kreiman	Schoenjahn
Beall	Gaskill	Lamberti	Seng
Behn	Gronstal	Larson	Seymour
Black	Hahn	Lundby	Shull
Boettger	Hancock	McCoy	Stewart
Bolkcom	Hatch	McKibben	Tinsman
Connolly	Horn	McKinley	Ward
Courtney	Houser	Mulder	Warnstadt
Danielson	Iverson	Putney	Wieck
Dearden	Johnson	Quirnbach	Wood
Dotzler	Kettering	Ragan	Zieman
Dvorsky	Kibbie	Rielly	

Nays, 3:

Brunkhorst	Miller	Zaun
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Absent, none.

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

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **House Files 2540** and **2731** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration House File 2527.

House File 2527

On motion of Senator Boettger, **House File 2527**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of cultural affairs, the department of education, and the state board of regents and including effective and retroactive applicability dates, with report of committee without recommendation, was taken up for consideration.

Senator Boettger offered amendment S-5259, filed by Senators Boettger and Horn from the floor to pages 2, 4, 5-7, 10, 11, 16-19, 21, 22, 24, 27, 29, and 36 of the bill.

Senator Shull called for the following division of amendment S-5259:

Division S-5259 A: Page 5, line 49 through page 7, line 8; and
Division S-5259 B: Page 1, line 1 through page 5, line 48, and page 7, lines 9-30.

Senator Boettger moved the adoption of amendment S-5259A.

A nonrecord roll call was requested.

The ayes were 11, nays 32.

Amendment S-5259A lost.

Senator Lundby asked and received unanimous consent that action on amendment S-5259B and **House File 2527** be deferred.

The Senate stood at ease at 8:10 p.m. until the fall of the gavel.

The Senate resumed session at 8:18 p.m., President Kibbie presiding.

BUSINESS PENDING

House File 2527

The Senate resumed consideration of **House File 2527**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of cultural affairs, the department of education, and the state board of regents and including effective and retroactive applicability dates, and S-5259B, previously deferred.

Senator Boettger moved the adoption of amendment S-5259B, which motion prevailed by a voice vote.

Senator Zaun asked and received unanimous consent to withdraw amendment S-5234, filed by Senator Zaun, et al., on May 1, 2006, to pages 7 and 25 of the bill.

Senator McKinley asked and received unanimous consent to withdraw amendment S-5224, filed by Senators McKinley and Brunkhorst on April 25, 2006, to page 15 of the bill.

Senator Boettger moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2527), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbäch	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 2, 2006, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2408, a bill for an act relating to elderly income tax relief by providing for an elderly taxpayer income tax exclusion and the phasing out of the income tax on social security benefits and including effective and applicability date provisions.

Senate File 2409, a bill for an act allowing individual income tax credits for contributions made to certain school tuition organizations and including effective and retroactive applicability date provisions.

ALSO: That the House has on May 2, 2006, **concurred in the Senate amendment and passed** the following bill in which the concurrence of the House was asked:

House File 2789, a bill for an act relating to assessing court costs and modifying fines, providing for indigent defense, and making appropriations to the judicial branch, attorney general, department of corrections, and department of inspections and appeals.

ALSO: That the House has on May 2, 2006, **insisted** on its amendment to House File 2540, a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources and providing fees, and the conference committee on the part of the House are: the Representative from Keokuk, Representative De Boef, Chair; the Representative from Pottawattamie, Representative Drake; the Representative from Kossuth, Representative Mertz; the Representative from Boone, Representative Olson, Donovan; the Representative from Polk, Representative Raecker.

ALSO: That the House has on May 2, 2006, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2769, a bill for an act relating to the community empowerment initiative and making appropriations.

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

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 2540** on the part of the Senate: Senators Angelo and Seng, Co-chairs; Senators Black, Dvorsky, Gaskill, and Johnson.

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **House Files 2527** and **2540** be **immediately messaged** to the House.

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: HOUSE FILE 2794, a bill for an act relating to the policy and technical administration of the tax and related laws by the department of revenue, including administration of and tax exemptions under the income, sales, use, local option sales, and property taxes, updating the streamlined sales and use tax, and including effective and retroactive applicability date provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5260.

Final Vote: Ayes, 14: Bolkcom and Ziemann, Co-chairs; Connolly, Danielson, Dotzler, Hahn, McCoy, McKibben, McKinley, Miller, Seng, Stewart, Wieck, and Zaun. Nays, none. Absent, 2: Larson and Quirnbach.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration House File 2794.

House File 2794

On motion of Senator Zieman, **House File 2794**, a bill for an act relating to the policy and technical administration of the tax and related laws by the department of revenue, including administration of and tax exemptions under the income, sales, use, local option sales, and property taxes, updating the streamlined sales and use tax, and including effective and retroactive applicability date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Bolkcom offered amendment S-5260, filed by the committee on Ways and Means from the floor to pages 4 and 5 of the bill, and moved its adoption.

Amendment S-5260 lost by a voice vote.

Senator Zieman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2794), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **House File 2794** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration House File 2791.

House File 2791

On motion of Senator Kettering, **House File 2791**, a bill for an act concerning community foundations and economic development relating to the endow Iowa tax credit, the allocation of gambling tax revenues, the distribution of county endowment moneys, making an appropriation, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Kettering moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2791), the vote was:

Yeas, 50:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	McKinley	Ward
Brunkhorst	Horn	Miller	Warnstadt
Connolly	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	

Nays, none.

Absent, none.

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

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration House File 2780.

House File 2780

On motion of Senator Tinsman, **House File 2780**, a bill for an act relating to persons with mental illness, mental retardation, developmental disabilities, or brain injury by addressing purposes and quality standards for services and other support available for such persons, establishing basic financial eligibility standards, addressing state and county financial responsibility for the cost of the services and other support, changing the name of a departmental division, providing for an increase in the reimbursement of certain service providers, and providing effective and applicability dates, with report of committee recommending passage, was taken up for consideration.

Senator Tinsman offered amendment S-5261, filed by Senators Tinsman and Ragan from the floor to pages 1, 8-11, and 18 of the bill, and moved its adoption.

Amendment S-5261 was adopted by a voice vote.

Senator Tinsman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2780), the vote was:

Yeas, 48:

Angelo	Dvorsky	Kreiman	Rielly
Beall	Gaskill	Lamberti	Schoenjahn
Behn	Gronstal	Larson	Seng
Black	Hahn	Lundby	Seymour
Boettger	Hancock	McCoy	Shull
Bolkcom	Hatch	McKibben	Stewart

Brunkhorst	Horn	McKinley	Tinsman
Connolly	Houser	Miller	Ward
Courtney	Iverson	Mulder	Warnstadt
Danielson	Johnson	Putney	Wieck
Dearden	Kettering	Quirmbach	Wood
Dotzler	Kibbie	Ragan	Zieman

Nays, 2:

Fraise Zaun

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **House File 2780** be **immediately messaged** to the House.

RECESS

On motion of Senator Lundby, the Senate recessed at 9:39 p.m. until the fall of the gavel.

RECONVENED

The Senate reconvened at 9:50 p.m., President Kibbie presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 2, 2006, **amended the Senate amendment, concurred in the Senate amendment as amended, and passed** the following bill in which the concurrence of the Senate is asked:

House File 2743, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund. (S-5262)

ADJOURNMENT

On motion of Senator Lundby, the Senate adjourned at 9:51 p.m. until 8:45 a.m., Wednesday, May 3, 2006.

APPENDIX — 2

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 2791 passed the Senate on May 2, 2006.

MICHAEL E. GRONSTAL

REPORTS OF COMMITTEE MEETINGS

GOVERNMENT OVERSIGHT

Convened: May 2, 2006, 7:00 p.m.

Members Present: Courtney and Wieck, Co-chairs; Connolly and Ward.

Members Absent: None.

Committee Business: Passed SSB 3271 (without recommendation).

Recessed: 7:05 p.m.

Reconvened: 7:25 p.m.

Adjourned: 7:30 p.m.

ALSO:

Convened: May 2, 2006, 9:40 p.m.

Members Present: Courtney and Wieck, Co-chairs; and Ward.

Members Absent: Connolly (excused).

Committee Business: Passed LSB 6731xc.

Adjourned: 9:45 p.m.

WAYS AND MEANS

Convened: May 2, 2006, 3:30 p.m.

Members Present: Bolckcom and Zieman, Co-chairs; Connolly, Danielson, Dotzler, Hahn, Larson, McCoy, McKibben, McKinley, Miller, Seng, Stewart, Wieck, and Zaun.

Members Absent: Quirnbach (excused).

Committee Business: Passed HF's 2731 and 2794 (as amended).

Recessed: 4:00 p.m.

Reconvened: 4:05 p.m.

Adjourned: 4:15 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 170, by committee on Government Oversight, a resolution conferring authority upon the standing Committee on Government Oversight to conduct an investigation into the compensation levels, use of public moneys, personnel, operations, funding, and oversight of the Central Iowa Employment and Training Consortium, the Iowa Department of Workforce Development, and all matters reasonably related thereto.

Read first time under Rule 28 and **placed on calendar.**

FINAL COMMITTEE REPORT OF BILL ACTION

GOVERNMENT OVERSIGHT

Bill Title: SENATE RESOLUTION 170 (LSB 6731xc); a resolution conferring authority upon the standing Committee on Government Oversight to conduct an investigation into the compensation levels, use of public moneys, personnel, operations, funding, and oversight of the Central Iowa Employment and Training Consortium, the Iowa Department of Workforce Development, and all matters reasonably related thereto.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 3: Courtney, Wieck, and Ward. Nays, none. Absent, 1: Connolly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5239	H.F.	2734	Nancy J. Boettger
S-5240	H.F.	2332	Doug Shull
			Keith A. Kreiman

S-5241	H.F.	2734	Jack Hatch Michael E. Gronstal Mary Lundby Maggie Tinsman David Johnson Amanda Ragan
S-5242	S.F.	2364	House
S-5243	H.F.	2789	Jeff Angelo Robert E. Dvorsky
S-5244	H.F.	2734	Michael E. Gronstal
S-5245	H.F.	2743	James A. Seymour
S-5246	S.F.	2361	Michael Connolly
S-5247	S.F.	2361	Michael Connolly
S-5248	S.F.	2361	Michael Connolly
S-5249	S.F.	2361	Michael Connolly
S-5250	H.F.	2789	Tom Hancock
S-5251	S.F.	2361	Michael Connolly
S-5252	S.F.	2361	Michael Connolly
S-5253	H.F.	2743	James A. Seymour Joe Bolkcom
S-5254	H.F.	2789	Michael Connolly
S-5255	S.F.	2409	Joe Bolkcom
S-5256	H.F.	2734	Bob Brunkhorst
S-5257	S.F.	2272	House
S-5258	S.F.	2409	Joe Bolkcom
S-5259	H.F.	2527	Nancy J. Boettger Wally E. Horn
S-5260	H.F.	2794	Ways and Means
S-5261	H.F.	2780	Maggie Tinsman Amanda Ragan
S-5262	H.F.	2743	House

JOURNAL OF THE SENATE

ONE HUNDRED FIFTEENTH CALENDAR DAY
SIXTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, May 3, 2006

The Senate met in regular session at 8:51 a.m., President Kibbie presiding.

Prayer was offered by Reverend Steve Williams of Nevada, Iowa. He was the guest of Senator Putney.

The Journal of Tuesday, May 2, 2006, was approved.

The Senate stood at ease at 9:02 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:05 a.m., President Kibbie presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 2, 2006, **concurred in the Senate amendment and passed** the following bill in which the concurrence of the House was asked:

House File 2780, a bill for an act relating to persons with mental illness, mental retardation, developmental disabilities, or brain injury by addressing purposes and quality standards for services and other support available for such persons, establishing basic financial eligibility standards, addressing state and county financial responsibility for the cost of the services and other support, changing the name of a departmental division, providing for an increase in the

reimbursement of certain service providers, and providing effective and applicability dates.

ALSO: That the House has on May 2, 2006, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2792, a bill for an act relating to education finances, including the funding of, operation of, and appropriation of moneys to the department of education, the department of management, and the state board of regents, providing for participation in an instructional support program by school districts, relating to education standards and services by providing for a statewide core curriculum and standards study, providing for adjusted additional property tax levy aid for school districts, allocating and restricting utilization of local option sales and services tax moneys under specified circumstances, providing for an equity in property taxation interim study, making an appropriation, providing for an increase in the number of years for which supplementary weighting for limited English proficient students may be obtained, and providing effective and applicability dates.

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

RECESS

On motion of Senator Lundby, the Senate recessed at 10:07 a.m. until the completion of a meeting of the committee on Appropriations.

RECONVENED

The Senate reconvened at 11:20 a.m., President Kibbie presiding.

RECESS

On motion of Senator Lundby, the Senate recessed at 11:21 a.m. until 1:45 p.m.

APPENDIX — 1**REPORT OF COMMITTEE MEETING****APPROPRIATIONS**

Convened: May 3, 2006, 10:15 a.m.

Members Present: Angelo and Dvorsky, Co-chairs; Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt.

Members Absent: Black (excused).

Committee Business: Passed HF's 2002, 2769, and 2797.

Adjourned: 10:25 a.m.

INTRODUCTION OF BILL

Senate File 2410, by committee on Government Oversight, a bill for an act relating to government accountability and concerning service contract requirements, contractual requirements for certain entities receiving public moneys, requirements for joint agreements involving governmental entities, additional review by the auditor of state, the authority of the citizens' aide, establishment of a whistleblower board, and the authority of the legislative oversight committee, and including an implementation provision and making penalties applicable.

Read first time under Rule 28 and **placed on calendar**.

FINAL COMMITTEE REPORTS OF BILL ACTION**APPROPRIATIONS**

Bill Title: HOUSE FILE 2002, a bill for an act increasing the standing amount required to be appropriated, reverted, or transferred to the credit of the senior living trust fund and including effective and retroactive applicability date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 23: Angelo, Dvorsky, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2769, a bill for an act relating to the community empowerment initiative and making appropriations.

Recommendation: DO PASS.

Final Vote: Ayes, 22: Angelo, Dvorsky, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, 1: Hatch. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2797, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, reducing, and transferring appropriations, providing for salaries and compensation of state employees, providing for fees and penalties, providing tax exemptions, and providing for properly related matters, and including effective and retroactive applicability date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 23: Angelo, Dvorsky, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNMENT OVERSIGHT

Bill Title: *SENATE FILE 2410 (SSB 3271), a bill for an act relating to government accountability and concerning service contract requirements, contractual requirements for certain entities receiving public moneys, requirements for joint agreements involving governmental entities, additional review by the auditor of state, the authority of the citizens' aide, establishment of a whistleblower board, and the authority of the legislative oversight committee, and including an implementation provision and making penalties applicable.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 4: Courtney, Wieck, Connolly, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Government Oversight Committee on Senate File 2410, and they were attached to the committee report.

AFTERNOON SESSION

The Senate reconvened at 2:50 p.m., President Kibbie presiding.

QUORUM CALL

Senator Lundby requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent, and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Connolly, for the day, on request of Senator Courtney.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 3, 2006, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 2377, a bill for an act relating to animal feeding operations, by providing for standards and evaluations by the department of natural resources. (S-5270)

UNFINISHED BUSINESS

(Deferred March 21, 2006)

House File 2706

The Senate resumed consideration of **House File 2706**, a bill for an act providing for the confidentiality of certain records relating to charitable donations made to a foundation acting solely for the support of an institution governed by the state board of regents, to a private foundation as defined in section 509 of the Internal Revenue Code organized for the support of a government body, or to an endow Iowa qualified community foundation, as defined in section 15E.303,

organized for the support of a government body, deferred March 21, 2006.

Senator Quirnbach offered amendment S-5264, filed by Senators Quirnbach and McKibben from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5264 was adopted by a voice vote.

Senator McKibben moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2706), the vote was:

Yeas, 49:

Angelo	Gaskill	Larson	Seymour
Beall	Gronstal	Lundby	Shull
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKibben	Tinsman
Boettger	Hatch	McKinley	Ward
Bolkcom	Horn	Miller	Warnstadt
Brunkhorst	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	
Fraise	Lamberti	Seng	

Nays, none.

Absent, 1:

Connolly

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

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **House File 2706** be **immediately messaged** to the House.

WITHDRAWN

Senator McKibben asked and received unanimous consent that **Senate File 2270** be **withdrawn** from further consideration of the Senate.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED**House File 2743**

Senator Seymour called up for consideration **House File 2743**, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund, amended by the Senate and further amended by the House in House amendment S-5262 to Senate amendment H-8617, filed May 2, 2006.

Senator Seymour moved that the Senate concur and vote "No" in the House amendment to the Senate amendment.

The motion lost by a voice vote and the Senate **refused to concur** in the House amendment to the Senate amendment.

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **House File 2743** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration Senate Resolution 170.

Senate Resolution 170

On motion of Senator Wieck, **Senate Resolution 170**, a resolution conferring authority upon the standing Committee on Government Oversight to conduct an investigation into the compensation levels, use of public moneys, personnel, operations, funding, and oversight of the Central Iowa Employment and Training Consortium, the Iowa

Department of Workforce Development, and all matters reasonably related thereto, was taken up for consideration.

Senator Wieck moved the adoption of Senate Resolution 170, which motion prevailed by a voice vote.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration House File 2002.

House File 2002

On motion of Senator Dvorsky, **House File 2002**, a bill for an act increasing the standing amount required to be appropriated, reverted, or transferred to the credit of the senior living trust fund and including effective and retroactive applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2002), the vote was:

Yeas, 49:

Angelo	Gaskill	Larson	Seymour
Beall	Gronstal	Lundby	Shull
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKibben	Tinsman
Boettger	Hatch	McKinley	Ward
Bolkcom	Horn	Miller	Warnstadt
Brunkhorst	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	
Fraise	Lamberti	Seng	

Nays, none.

Absent, 1:

Connolly

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

CONSIDERATION OF BILL
(Regular Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration Senate File 2107.

Senate File 2107

On motion of Senator Miller, **Senate File 2107**, a bill for an act allowing private landowners limited immunity from premises liability during urban deer control hunts, with report of committee recommending passage, was taken up for consideration.

Senator Miller offered amendment S-5127, filed by him on March 28, 2006, striking and replacing everything after the enacting clause and to the title page of the bill, and moved its adoption.

Amendment S-5127 was adopted by a voice vote.

Senator Miller asked and received unanimous consent that **House File 2546** be **substituted** for **Senate File 2107**.

House File 2546

On motion of Senator Miller, **House File 2546**, a bill for an act allowing private landowners limited immunity from premises liability during urban deer control hunts, was taken up for consideration.

Senator Miller offered amendment S-5128, filed by him on March 28, 2006, striking and replacing everything after the enacting clause and to the title page of the bill, and moved its adoption.

Amendment S-5128 was adopted by a voice vote.

Senator Miller moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2546), the vote was:

Yeas, 49:

Angelo	Gaskill	Larson	Seymour
Beall	Gronstal	Lundby	Shull
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKibben	Tinsman
Boettger	Hatch	McKinley	Ward
Bolkcom	Horn	Miller	Warnstadt
Brunkhorst	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	
Fraise	Lamberti	Seng	

Nays, none.

Absent, 1:

Connolly

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

WITHDRAWN

Senator Miller asked and received unanimous consent that **Senate File 2107** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **House File 2002** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration House File 2765.

House File 2765

On motion of Senator Wieck, **House File 2765**, a bill for an act concerning the military division of the department of public defense, with report of committee recommending passage, was taken up for consideration.

Senator Wieck moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2765), the vote was:

Yeas, 49:

Angelo	Gaskill	Larson	Seymour
Beall	Gronstal	Lundby	Shull
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKibben	Tinsman
Boettger	Hatch	McKinley	Ward
Bolkcom	Horn	Miller	Warnstadt
Brunkhorst	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	
Fraise	Lamberti	Seng	

Nays, none.

Absent, 1:

Connolly

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

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **House File 2765** be **immediately messaged** to the House.

MOTION TO RECONSIDER WITHDRAWN

House File 2546

Senator Kreiman withdrew the following motion to reconsider filed by him from the floor:

MR. PRESIDENT: I move to reconsider the vote by which H.F. 2546 passed the Senate on May 3, 2006.

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **House File 2546** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2272

Senator Brunkhorst called up for consideration **Senate File 2272**, a bill for an act relating to the duties and operations of the state board of education, the department of education, and local school boards and including effective and applicability provisions, amended by the House in House amendment S-5257, filed May 2, 2006.

Senator Gronstal offered amendment S-5263, filed by him from the floor to pages 3, 5-9, and 12 of House amendment S-5257, and moved its adoption.

Amendment S-5263 was adopted by a voice vote.

Senator Brunkhorst moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Brunkhorst moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2272), the vote was:

Yeas, 49:

Angelo	Gaskill	Larson	Seymour
Beall	Gronstal	Lundby	Shull
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKibben	Tinsman
Boettger	Hatch	McKinley	Ward
Bolkcom	Horn	Miller	Warnstadt
Brunkhorst	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	
Fraise	Lamberti	Seng	

Nays, none.

Absent, 1:

Connolly

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

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **Senate File 2272** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 3, 2006, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 2398, a bill for an act providing a sales tax exemption for purchases of solar energy equipment. (S-5272)

ALSO: That the House has on May 3, 2006, **amended the Senate amendment, concurred in the Senate amendment as amended, and passed** the following bill in which the concurrence of the Senate is asked:

House File 2332, a bill for an act relating to child support, including processing and disbursement of support payments, modification of support based upon permanency orders of the juvenile court, income withholding and information sharing under the child support recovery program and providing for applicability and retroactive applicability. (S-5271)

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

House File 2332

Senator Wood called up for consideration **House File 2332**, a bill for an act relating to child support, including processing and disbursement of support payments, modification of support based upon permanency orders of the juvenile court, income withholding and information sharing under the child support recovery program and providing for applicability and retroactive applicability, amended by the Senate and further amended by the House in House amendment S-5271 to Senate amendment H-8607, filed May 3, 2006.

Senator Wood moved that the Senate concur in the House amendment to the Senate amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Wood moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2332), the vote was:

Yeas, 49:

Angelo	Gaskill	Larson	Seymour
Beall	Gronstal	Lundby	Shull
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKibben	Tinsman

Boettger	Hatch	McKinley	Ward
Bolkcom	Horn	Miller	Warnstadt
Brunkhorst	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	
Fraise	Lamberti	Seng	

Nays, none.

Absent, 1:

Connolly

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

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration House File 2769.

House File 2769

On motion of Senator Angelo, **House File 2769**, a bill for an act relating to the community empowerment initiative and making appropriations, with report of committee recommending passage, was taken up for consideration.

Senator Wood offered amendment S-5275, filed by him from the floor to page 6 of the bill, and moved its adoption.

Amendment S-5275 was adopted by a voice vote.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2769), the vote was:

Yeas, 49:

Angelo	Gaskill	Larson	Seymour
Beall	Gronstal	Lundby	Shull
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKibben	Tinsman
Boettger	Hatch	McKinley	Ward
Bolkcom	Horn	Miller	Warnstadt
Brunkhorst	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	
Fraise	Lamberti	Seng	

Nays, none.

Absent, 1:

Connolly

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

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **House Files 2332** and **2769** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2398

Senator Danielson called up for consideration **Senate File 2398**, a bill for an act providing a sales tax exemption for purchases of solar energy equipment, amended by the House in House amendment S-5272, filed May 3, 2006.

Senator Danielson moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Danielson moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2398), the vote was:

Yeas, 48:

Angelo	Gaskill	Lamberti	Schoenjahn
Beall	Gronstal	Larson	Seng
Behn	Hahn	Lundby	Seymour
Black	Hancock	McCoy	Shull
Boettger	Hatch	McKibben	Stewart
Bolkcom	Horn	McKinley	Tinsman
Brunkhorst	Houser	Miller	Ward
Courtney	Iverson	Mulder	Warnstadt
Danielson	Johnson	Putney	Wieck
Dotzler	Kettering	Quirnbach	Wood
Dvorsky	Kibbie	Ragan	Zaun
Fraise	Kreiman	Rielly	Zieman

Nays, 1:

Dearden

Absent, 1:

Connolly

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

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **Senate File 2398** be **immediately messaged** to the House.

MOTION TO RECONSIDER WITHDRAWN**House File 2791**

Senator Gronstal withdrew the motion to reconsider **House File 2791**, a bill for an act concerning community foundations and economic development relating to the endow Iowa tax credit, the allocation of gambling tax revenues, the distribution of county endowment moneys, making an appropriation, and providing an effective date, filed by him on May 2, 2006, and found on page 1045 of the Senate Journal.

**CONSIDERATION OF BILL
(Appropriations Calendar)**

Senator Lundby asked and received unanimous consent to take up for consideration House File 2797.

House File 2797

On motion of Senator Angelo, **House File 2797**, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, reducing, and transferring appropriations, providing for salaries and compensation of state employees, providing for fees and penalties, providing tax exemptions, and providing for properly related matters, and including effective and retroactive applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Kreiman asked and received unanimous consent to withdraw amendment S-5268, filed by Senator Kreiman, et al., from the floor to pages 39 and 45 of the bill.

Senator Kreiman asked and received unanimous consent to withdraw amendment S-5266, filed by Senators Kreiman and Ward from the floor to page 45 of the bill.

Senator Shull withdrew amendment S-5273, filed by him from the floor to page 55 of the bill.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2797), the vote was:

Yeas, 47:

Angelo	Gaskill	Lamberti	Schoenjahn
Beall	Gronstal	Larson	Seng
Behn	Hahn	Lundby	Seymour
Black	Hancock	McCoy	Shull
Boettger	Hatch	McKibben	Stewart
Bolkcom	Horn	McKinley	Tinsman
Courtney	Houser	Miller	Ward
Danielson	Iverson	Mulder	Warnstadt
Dearden	Johnson	Putney	Wieck
Dotzler	Kettering	Quirnbach	Wood
Dvorsky	Kibbie	Ragan	Zieman
Fraise	Kreiman	Rielly	

Nays, 2:

Brunkhorst Zaun

Absent, 1:

Connolly

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

IMMEDIATELY MESSAGED

President Lamberti asked and received unanimous consent that **House File 2791** be **immediately messaged** to the House.

The Senate stood at ease at 4:47 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 6:07 p.m., President Kibbie presiding.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration Senate File 2400.

Senate File 2400

On motion of Senator Kettering, **Senate File 2400**, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, environment first fund, tobacco settlement trust fund, vertical infrastructure fund, the endowment for Iowa's health restricted capitals fund, and the endowment for Iowa's health account, and related matters, was taken up for consideration.

Senator Kettering offered amendment S-5235, filed by Senators Kettering and Warnstadt on May 1, 2006, striking and replacing everything after the enacting clause and to the title page of the bill, and moved its adoption.

Amendment S-5235 was adopted by a voice vote.

With the adoption of amendment S-5235, the Chair ruled the following amendments out of order:

Amendment S-5226, filed by Senator Hancock on April 26, 2006, to pages 3 and 4 of the bill; and

Amendment S-5177, filed by Senator Stewart on April 10, 2006, to page 17 of the bill.

Senator Kettering asked and received unanimous consent that **House File 2782** be substituted for **Senate File 2400**.

House File 2782

On motion of Senator Kettering, **House File 2782**, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, environment first fund, tobacco settlement trust fund, vertical infrastructure fund, the endowment for Iowa's health restricted capitals fund, and the

endowment for Iowa's health account, and related matters, was taken up for consideration.

Senator Warnstadt offered amendment S-5265, filed by Senators Warnstadt and Kettering from the floor to pages 1-8, 11-21, 24, 25, 31-38, and 41 and to the title page of the bill.

Senator Warnstadt offered amendment S-5277, filed by Senators Warnstadt and Kettering from the floor to pages 1-3, 7, 9, 14, 15, 18, 19, and 22 of amendment S-5265, and moved its adoption.

Amendment S-5277 was adopted by a voice vote.

Senator Lundby asked and received unanimous consent that action on amendment S-5265 and **House File 2782** be **deferred**.

MOTIONS TO RECONSIDER WITHDRAWN

House File 2351

Senator Lundby withdrew the motion to reconsider **House File 2351**, a bill for an act relating to government authority, including eminent domain authority and condemnation procedures, and other properly related matters, and including effective and applicability provisions, filed by her on April 12, 2006, found on page 899 of the Senate Journal.

House File 2351

Senator Gronstal withdrew the motion to reconsider **House File 2351**, a bill for an act relating to government authority, including eminent domain authority and condemnation procedures, and other properly related matters, and including effective and applicability provisions, filed by him on April 12, 2006, found on page 899 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **House File 2351** be **immediately messaged** to the House.

BUSINESS PENDING

House File 2782

The Senate resumed consideration of **House File 2782**, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, environment first fund, tobacco settlement trust fund, vertical infrastructure fund, the endowment for Iowa's health restricted capitals fund, the technology reinvestment fund, the endowment for Iowa's health account, and related matters and providing an immediate effective date, and amendment S-5265, previously deferred.

Senator Warnstadt moved the adoption of amendment S-5265, which motion prevailed by a voice vote.

Senator Kettering moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2782), the vote was:

Yeas, 46:

Angelo	Gaskill	Lamberti	Seng
Beall	Gronstal	Larson	Seymour
Behn	Hahn	Lundby	Shull
Black	Hancock	McCoy	Stewart
Boettger	Hatch	McKibben	Tinsman
Bolkcom	Horn	McKinley	Ward
Courtney	Houser	Miller	Warnstadt
Danielson	Iverson	Mulder	Wieck
Dearden	Johnson	Quirnbach	Wood
Dotzler	Kettering	Ragan	Zieman
Dvorsky	Kibbie	Rielly	
Fraise	Kreiman	Schoenjahn	

Nays, 2:

Brunkhorst	Zaun
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Present, 1:

Putney

Absent, 1:

Connolly

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

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **House File 2782** be **immediately messaged** to the House.

WITHDRAWN

Senator Kettering asked and received unanimous consent that **Senate File 2400** be **withdrawn** from further consideration of the Senate.

HOUSE AMENDMENT CONSIDERED

Senate File 2377

Senator Wood called up for consideration **Senate File 2377**, a bill for an act relating to animal feeding operations, by providing for standards and evaluations by the department of natural resources, amended by the House in House amendment S-5270, filed May 3, 2006.

Senator Wood moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Wood moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2377), the vote was:

Yeas, 38:

Angelo	Hahn	Larson	Shull
Beall	Hancock	Lundby	Stewart
Behn	Horn	McKibben	Tinsman
Black	Houser	McKinley	Ward
Boettger	Iverson	Miller	Wieck
Brunkhorst	Johnson	Mulder	Wood
Courtney	Kettering	Putney	Zaun
Fraise	Kibbie	Rielly	Zieman
Gaskill	Kreiman	Seng	
Gronstal	Lamberti	Seymour	

Nays, 11:

Bolkcom	Dotzler	McCoy	Schoenjahn
Danielson	Dvorsky	Quirnbach	Warnstadt
Dearden	Hatch	Ragan	

Absent, 1:

Connolly

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

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **Senate File 2377** be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Black, until he returns, on request of Senator Gronstal.

CONSIDERATION OF BILL (Regular Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration Senate File 2410.

Senate File 2410

On motion of Senator Wieck, **Senate File 2410**, a bill for an act relating to government accountability and concerning service contract requirements, contractual requirements for certain entities receiving public moneys, requirements for joint agreements involving governmental entities, additional review by the auditor of state, the authority of the citizens' aide, establishment of a whistleblower board, and the authority of the legislative oversight committee, and including an implementation provision and making penalties applicable, with report of committee without recommendation, was taken up for consideration.

Senator Courtney offered amendment S-5276, filed by him from the floor to pages 1-4, 6, 7, 9, and 12-19 and to the title page of the bill, and moved its adoption.

Amendment S-5276 was adopted by a voice vote.

Senator Gronstal offered amendment S-5274, filed by him from the floor to page 19 and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5274 be adopted?" (S.F. 2410), the vote was:

Yeas, 23:

Beall	Dvorsky	Kibbie	Schoenjahn
Bolkcom	Fraise	Kreiman	Seng
Courtney	Gronstal	McCoy	Stewart
Danielson	Hancock	Quirnbach	Warnstadt
Dearden	Hatch	Ragan	Wood
Dotzler	Horn	Rielly	

Nays, 25:

Angelo	Iverson	McKinley	Ward
Behn	Johnson	Miller	Wieck
Boettger	Kettering	Mulder	Zaun
Brunkhorst	Lamberti	Putney	Zieman

Gaskill	Larson	Seymour
Hahn	Lundby	Shull
Houser	McKibben	Tinsman

Absent, 2:

Black	Connolly
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Amendment S-5274 lost.

Senator Wieck moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2410), the vote was:

Yeas, 48:

Angelo	Gaskill	Lamberti	Schoenjahn
Beall	Gronstal	Larson	Seng
Behn	Hahn	Lundby	Seymour
Boettger	Hancock	McCoy	Shull
Bolkcom	Hatch	McKibben	Stewart
Brunkhorst	Horn	McKinley	Tinsman
Courtney	Houser	Miller	Ward
Danielson	Iverson	Mulder	Warnstadt
Dearden	Johnson	Putney	Wieck
Dotzler	Kettering	Quirmbach	Wood
Dvorsky	Kibbie	Ragan	Zaun
Fraise	Kreiman	Rielly	Zieman

Nays, none.

Absent, 2:

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

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **Senate File 2410** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration House Joint Resolution 2006.

House Joint Resolution 2006

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

Senator Lundby moved that the resolution be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the resolution was read the last time.

House Joint Resolution 2006, a joint resolution nullifying administrative rules relating to the mandatory reporting of certain acts or omissions by persons licensed by the Iowa board of dental examiners and providing an effective date.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. 650 Iowa administrative code, rule 10.6, subrule 4, and rule 30.4, subrule 24, first unnumbered paragraph, relating to the mandatory reporting of certain acts or omissions by persons licensed by the Iowa board of dental examiners, are nullified.

Sec. 2. **EFFECTIVE DATE.** This joint resolution, being deemed of immediate importance, takes effect upon enactment.

On the question "Shall the resolution be adopted?" (H.J.R. 2006), the vote was:

Yeas, 45:

Angelo	Hahn	McCoy	Shull
Beall	Hancock	McKibben	Stewart
Behn	Hatch	McKinley	Tinsman
Black	Horn	Miller	Ward
Boettger	Houser	Mulder	Warnstadt
Bolkcom	Iverson	Putney	Wieck

Brunkhorst	Johnson	Quirnbach	Wood
Courtney	Kettering	Ragan	Zaun
Danielson	Kreiman	Rielly	Zieman
Dotzler	Lamberti	Schoenjahn	
Gaskill	Larson	Seng	
Gronstal	Lundby	Seymour	

Nays, 4:

Dearden	Dvorsky	Fraise	Kibbie
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Absent, 1:

Connolly

The resolution, having received a constitutional majority, was declared to have been adopted by the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **House Joint Resolution 2006** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration House File 2459.

House File 2459

On motion of Senator Ward, **House File 2459**, a bill for an act relating to and making appropriations to the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters, and providing effective and retroactive applicability dates, with report of committee without recommendation, was taken up for consideration.

Senator Ward offered amendment S-5267, filed by Senators Ward and Dotzler from the floor to pages 3, 4, 6, and 10-12 of the bill, and moved its adoption.

Amendment S-5267 was adopted by a voice vote.

Senator Ward moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2459), the vote was:

Yeas, 44:

Angelo	Fraise	Lamberti	Schoenjahn
Beall	Gaskill	Larson	Seng
Behn	Gronstal	Lundby	Seymour
Black	Hahn	McCoy	Shull
Boettger	Hancock	McKibben	Stewart
Bolkcom	Hatch	Miller	Tinsman
Courtney	Horn	Mulder	Ward
Danielson	Houser	Putney	Warnstadt
Dearden	Iverson	Quirmbach	Wieck
Dotzler	Johnson	Ragan	Wood
Dvorsky	Kibbie	Rielly	Zieman

Nays, 5:

Brunkhorst	Kreiman	Zaun
Kettering	McKinley	

Absent, 1:

Connolly

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

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **House File 2459** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 3, 2006, **concurred in the Senate amendment and passed** the following bills in which the concurrence of the House was asked:

House File 2546, a bill for an act allowing private landowners limited immunity from premises liability during urban deer control hunts.

House File 2706, a bill for an act providing for the confidentiality of certain records relating to charitable donations made to a foundation acting solely for the support of an institution governed by the state board of regents, to a private foundation as defined in section 509 of the Internal Revenue Code organized for the support of a government body, or to an endow Iowa qualified community foundation, as defined in section 15E.303, organized for the support of a government body.

House File 2769, a bill for an act relating to the community empowerment initiative and making appropriations.

ALSO: That the House has on May 3, 2006, **concurred in the Senate amendment to the House amendment**, and passed the following bill in which the concurrence of the House was asked:

Senate File 2272, a bill for an act relating to the duties and operations of the state board of education, the department of education, and local school boards and including effective and applicability provisions.

ALSO: That the House has on May 3, 2006, **receded from the House amendment to the Senate amendment**, and passed the following bill in which the concurrence of the House was asked:

House File 2743, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund.

ALSO: That the House has on May 3, 2006, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 2399, a bill for an act relating to renewable energy including the renewable energy tax credit and the wind energy production tax credit and including an effective date. (S-5280)

HOUSE AMENDMENT CONSIDERED

Senate File 2268

Senator Stewart called up for consideration **Senate File 2268**, a bill for an act relating to financial transactions associated with agricultural production, by providing for tax credits and tax exemptions, and including effective and retroactive and other applicability dates, amended by the House in House amendment S-5200, filed April 18, 2006.

Senator Stewart moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Stewart moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2268), the vote was:

Yeas, 47:

Angelo	Gaskill	Lamberti	Schoenjahn
Beall	Gronstal	Larson	Seng
Behn	Hahn	Lundby	Seymour
Black	Hancock	McCoy	Shull
Boettger	Hatch	McKibben	Stewart
Bolkcom	Horn	McKinley	Tinsman
Brunkhorst	Houser	Miller	Ward
Courtney	Iverson	Mulder	Warnstadt
Danielson	Johnson	Putney	Wieck
Dotzler	Kettering	Quirmbach	Wood
Dvorsky	Kibbie	Ragan	Zieman
Fraise	Kreiman	Rielly	

Nays, 2:

Dearden	Zaun
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Absent, 1:

Connolly

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

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **Senate File 2268** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration House File 2734.

House File 2734

On motion of Senator Tinsman, **House File 2734**, a bill for an act relating to and making appropriations to the department of human services, the department of elder affairs, the Iowa department of public health, the department of veterans affairs and the Iowa veterans home, and the department of inspections and appeals, providing for fee increases, and including other related provisions and appropriations, and providing effective dates, with report of committee without recommendation, was taken up for consideration.

Senator Tinsman offered amendment S-5269, filed by Senators Tinsman and Hatch from the floor to pages 1-6, 10, 12, 14-17, 19, 20, 22-25, 27, 30, 32, 34, 35, 37, 39-41, 47, 48, 50-55, 57, and 59-67 and to the title page of the bill.

Senator Hatch offered amendment S-5279, filed by Senators Hatch and Tinsman from the floor to pages 2, 6, 7, 9, and 28 of amendment S-5269, and moved its adoption.

Amendment S-5279 was adopted by a voice vote.

Senator Tinsman moved the adoption of amendment S-5269, as amended, which motion prevailed by a voice vote.

Senator Boettger withdrew amendment S-5239, filed by her on May 2, 2006, to page 64 of the bill.

Senator Hatch asked and received unanimous consent to withdraw amendment S-5241, filed by Senator Hatch, et al., on May 2, 2006, to page 64 of the bill.

Senator Gronstal withdrew amendment S-5244, filed by him on May 2, 2006, to page 64 and to the title page of the bill.

Senator Brunkhorst withdrew amendment S-5256, filed by him on May 2, 2006, to page 66 of the bill.

Senator Tinsman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2734), the vote was:

Yeas, 43:

Angelo	Fraise	Lamberti	Seng
Beall	Gaskill	Larson	Seymour
Behn	Gronstal	Lundby	Shull
Black	Hahn	McCoy	Stewart
Boettger	Hancock	McKibben	Tinsman
Bolkcom	Hatch	Mulder	Ward
Courtney	Horn	Putney	Warnstadt
Danielson	Houser	Quirnbach	Wieck
Dearden	Iverson	Ragan	Wood
Dotzler	Johnson	Rielly	Zieman
Dvorsky	Kibbie	Schoenjahn	

Nays, 6:

Brunkhorst	Kreiman	Miller
Kettering	McKinley	Zaun

Absent, 1:

Connolly

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

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **House File 2734** be **immediately messaged** to the House.

RECESS

On motion of Senator Lundby, the Senate recessed at 7:57 p.m. until 9:00 p.m.

RECONVENED

The Senate reconvened at 9:15 p.m., President Kibbie presiding.

QUORUM CALL

Senator Lundby requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 38 present, 12 absent, and a quorum present.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 3, 2006, **concurred in the Senate amendment and passed** the following bill in which the concurrence of the House was asked:

House File 2351, a bill for an act relating to government authority, including eminent domain authority and condemnation procedures, and other properly related matters, and including effective and applicability provisions.

HOUSE AMENDMENT CONSIDERED

Senate File 2399

Senator Miller called up for consideration **Senate File 2399**, a bill for an act relating to renewable energy including the renewable energy tax credit and the wind energy production tax credit and including an effective date, amended by the House in House amendment S-5280, filed May 3, 2006.

Senator Miller moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Miller moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2399), the vote was:

Yeas, 49:

Angelo	Gaskill	Larson	Seymour
Beall	Gronstal	Lundby	Shull
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKibben	Tinsman
Boettger	Hatch	McKinley	Ward
Bolkcom	Horn	Miller	Warnstadt
Brunkhorst	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	
Fraise	Lamberti	Seng	

Nays, none.

Absent, 1:

Connolly

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

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **Senate File 2399** be **immediately messaged** to the House.

The Senate stood at ease at 9:30 p.m. until the fall of the gavel for the purpose of a meeting of the committee on Appropriations.

The Senate resumed session at 9:52 p.m., President Kibbie presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 3, 2006, **adopted the conference committee report and passed** House File 2540, a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources and providing fees.

CONFERENCE COMMITTEE REPORT RECEIVED

House File 2540

A conference committee report, signed by the following Senate and House members, was filed May 3, 2006, on **House File 2540**, a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources and providing fees:

On the part of the Senate:

JEFF ANGELO, Co-chair
ROBERT E. DVORSKY
E. THURMAN GASKILL
DAVID JOHNSON

On the part of the House:

BETTY R. DE BOEF, Chair
JACK DRAKE
J. SCOTT RAECKER

EXPLANATION REGARDING CONFERENCE COMMITTEE REPORT

MR. PRESIDENT: I was necessarily absent from the Senate chamber on May 3, 2006, when the Conference Committee Report on House File 2540 was signed. Had I been present, I would have approved and signed the Conference Committee Report.

DENNIS H. BLACK

CONFERENCE COMMITTEE REPORT CONSIDERED

House File 2540

Senator Seng called up the conference committee report on **House File 2540**, a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture

and natural resources and providing fees, filed on May 3, 2006, and moved its adoption.

The motion prevailed by a voice vote, and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Seng moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2540), the vote was:

Yeas, 47:

Angelo	Fraise	Lamberti	Schoenjahn
Beall	Gaskill	Larson	Seng
Behn	Gronstal	Lundby	Seymour
Black	Hahn	McCoy	Shull
Boettger	Hancock	McKibben	Stewart
Bolkcom	Hatch	McKinley	Tinsman
Brunkhorst	Horn	Miller	Ward
Courtney	Houser	Mulder	Warnstadt
Danielson	Iverson	Putney	Wieck
Dearden	Johnson	Quirmbach	Wood
Dotzler	Kettering	Ragan	Zieman
Dvorsky	Kibbie	Rielly	

Nays, 2:

Kreiman	Zaun
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Absent, 1:

Connolly

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

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **House File 2540** be **immediately messaged** to the House.

The Senate stood at ease at 10:02 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:44 p.m., President Kibbie presiding.

RECESS

On motion of Senator Lundby, the Senate recessed at 10:45 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 11:09 p.m., President Kibbie presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: SENATE FILE 2411 (SSB 3268), a bill for an act relating to local governments by creating a local government innovation commission and fund, creating a center for governing excellence, and including an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 22: Angelo, Dvorsky, Boettger, Bolkcom, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, 2: Black and Connolly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration Senate File 2411.

Senate File 2411

On motion of Senator Angelo, **Senate File 2411**, a bill for an act relating to local governments by creating a local government innovation commission and fund, creating a center for governing excellence, and including an effective date, was taken up for consideration.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2411), the vote was:

Yeas, 49:

Angelo	Gaskill	Larson	Seymour
Beall	Gronstal	Lundby	Shull
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKibben	Tinsman
Boettger	Hatch	McKinley	Ward
Bolkcom	Horn	Miller	Warnstadt
Brunkhorst	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirmbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	
Fraise	Lamberti	Seng	

Nays, none.

Absent, 1:

Connolly

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

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **Senate File 2411** be **immediately messaged** to the House.

MOTIONS TO RECONSIDER WITHDRAWN

House File 2797

Senator Courtney withdrew the following motion to reconsider filed by him from the floor:

MR. PRESIDENT: I move to reconsider the vote by which House File 2797 passed the Senate on May 3, 2006.

House File 2557

Senator Lundby withdrew the motion to reconsider **House File 2557**, a bill for an act relating to and making appropriations to the judicial branch, filed by her on April 18, 2006, found on page 934 of the Senate Journal.

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: HOUSE FILE 2792, a bill for an act relating to education finances, including the funding of, operation of, and appropriation of moneys to the department of education, the department of management, and the state board of regents, providing for participation in an instructional support program by school districts, relating to education standards and services by providing for a statewide core curriculum and standards study, providing for adjusted additional property tax levy aid for school districts, allocating and restricting utilization of local option sales and services tax moneys under specified circumstances, providing for an equity in property taxation interim study, making an appropriation, providing for an increase in the number of years for which supplementary weighting for limited English proficient students may be obtained, and providing effective and applicability dates.

Recommendation: DO PASS.

Final Vote: Ayes, 19: Angelo, Dvorsky, Black, Boettger, Fraise, Gaskill, Horn, Johnson, Kettering, Lamberti, Miller, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, 5: Bolkcom, Connolly, Dotzler, Hatch, and Putney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration House File 2792.

House File 2792

On motion of Senator Dvorsky, **House File 2792**, a bill for an act relating to education finances, including the funding of, operation of, and appropriation of moneys to the department of education, the department of management, and the state board of regents, providing for participation in an instructional support program by school districts, relating to education standards and services by providing

for a statewide core curriculum and standards study, providing for adjusted additional property tax levy aid for school districts, allocating and restricting utilization of local option sales and services tax moneys under specified circumstances, providing for an equity in property taxation interim study, making an appropriation, providing for an increase in the number of years for which supplementary weighting for limited English proficient students may be obtained, and providing effective and applicability dates, with report of committee recommending passage, was taken up for consideration.

Senator Wood offered amendment S-5282, filed by him from the floor to pages 1, 18, 20, 24-27, and 29-31 of the bill, and moved its adoption.

Amendment S-5282 was adopted by a voice vote.

Senator Larson offered amendment S-5278, filed by Senator Larson, et al., from the floor to page 25 and to the title page of the bill, and moved its adoption.

Amendment S-5278 was adopted by a voice vote.

Senator Gronstal offered amendment S-5281, filed by Senators Gronstal and Lundby from the floor to page 32 and to the title page of the bill, and moved its adoption.

Amendment S-5281 was adopted by a voice vote.

Senator Wieck offered amendment S-5283, filed by Senators Wieck and Courtney from the floor to page 32 of the bill, and moved its adoption.

Amendment S-5283 was adopted by a voice vote.

Senator Dvorsky moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2792), the vote was:

Yeas, 49:

Angelo	Gaskill	Larson	Seymour
Beall	Gronstal	Lundby	Shull
Behn	Hahn	McCoy	Stewart
Black	Hancock	McKibben	Tinsman
Boettger	Hatch	McKinley	Ward
Bolkcom	Horn	Miller	Warnstadt
Brunkhorst	Houser	Mulder	Wieck
Courtney	Iverson	Putney	Wood
Danielson	Johnson	Quirnbach	Zaun
Dearden	Kettering	Ragan	Zieman
Dotzler	Kibbie	Rielly	
Dvorsky	Kreiman	Schoenjahn	
Fraise	Lamberti	Seng	

Nays, none.

Absent, 1:

Connolly

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

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **House Files 2557, 2792, and 2797** be **immediately messaged** to the House.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 106, by committee on Rules and Administration, a Senate concurrent resolution to provide for adjournment sine die.

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

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Lundby asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 106.

Senate Concurrent Resolution 106

On motion of Senator Lundby, **Senate Concurrent Resolution 106**, a Senate concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Lundby moved the adoption of Senate Concurrent Resolution 106, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Lundby asked and received unanimous consent that **Senate Concurrent Resolution 106** be **immediately messaged** to the House.

FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 106, duly adopted, the day of May 3, 2006, having arrived, President Kibbie declared the 2006 Regular Session of the Eighty-first General Assembly adjourned sine die.

APPENDIX — 2**EXPLANATION OF VOTE**

MR. PRESIDENT: I was necessarily absent from the Senate chamber on May 3, 2006, when the vote was taken on Senate File 2410. Had I been present, I would have voted "Yea."

DENNIS H. BLACK

REPORTS OF COMMITTEE MEETINGS**APPROPRIATIONS**

Convened: May 3, 2006, 8:00 p.m.

Members Present: Angelo and Dvorsky, Co-chairs; Black, Boettger, Fraise, Gaskill, Horn, Johnson, Kettering, Lamberti, Miller, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt.

Members Absent: Bolkcom, Connolly, Dotzler, Hatch, and Putney (all excused).

Committee Business: Passed HF 2792.

Adjourned: 8:05 p.m.

ALSO:

Convened: May 3, 2006, 9:35 p.m.

Members Present: Angelo and Dvorsky, Co-chairs; Boettger, Bolkcom, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Shull, Stewart, Tinsman, Ward, and Warnstadt.

Members Absent: Black and Connolly (both excused).

Committee Business: Approved SSB 3268 (as amended).

Adjourned: 9:40 p.m.

INTRODUCTION OF BILL

Senate File 2411, by committee on Appropriations, a bill for an act relating to local governments by creating a local government innovation commission and fund, creating a center for governing excellence, and including an effective date.

Read first time under Rule 28 and **placed on calendar.**

SUBCOMMITTEE ASSIGNMENT

House File 2792

APPROPRIATIONS: Angelo and Dvorsky, Co-chairs

AMENDMENTS FILED

S-5263	S.F.	2272	Michael E. Gronstal
S-5264	H.F.	2706	Herman C. Quirnbach Larry McKibben
S-5265	H.F.	2782	Steve Warnstadt Steve Kettering
S-5266	H.F.	2797	Keith A. Kreiman Pat Ward
S-5267	H.F.	2459	Pat Ward William A. Dotzler, Jr.
S-5268	H.F.	2797	Keith A. Kreiman Pat Ward Michael E. Gronstal
S-5269	H.F.	2734	Jack Hatch Maggie Tinsman
S-5270	S.F.	2377	House
S-5271	H.F.	2332	House
S-5272	S.F.	2398	House
S-5273	H.F.	2797	Doug Shull
S-5274	S.F.	2410	Michael E. Gronstal
S-5275	H.F.	2769	Frank B. Wood
S-5276	S.F.	2410	Thomas G. Courtney
S-5277	H.F.	2782	Steve Warnstadt Steve Kettering
S-5278	H.F.	2797	Charles W. Larson, Jr. Jack Hatch Tom Rielly Michael E. Gronstal Steve Warnstadt Daryl Beall Brad Zaun Dave Mulder Mark Zieman Jerry Behn E. Thurman Gaskill

Hubert Houser
 James F. Hahn
 David Johnson
 William A. Dotzler, Jr.
 Dennis H. Black
 Wally E. Horn
 Roger Stewart
 Dick L. Dearden
 Gene Fraise
 Thomas G. Courtney
 Joe Bolkcom
 Matt McCoy
 John P. Kibbie
 Jeff Danielson
 Joe M. Seng
 Brian Schoenjahn
 Frank B. Wood
 Tom Hancock
 Herman C. Quirmbach
 Keith A. Kreiman
 Amanda Ragan
 Jack Hatch
 Maggie Tinsman
 House
 Michael E. Gronstal
 Mary Lundby
 Frank B. Wood
 Ron Wieck
 Thomas G. Courtney

S-5279	H.F.	2734
S-5280	S.F.	2399
S-5281	H.F.	2792
S-5282	H.F.	2792
S-5283	H.F.	2792

SENATE REPORTS RECEIVED SUBSEQUENT TO ADJOURNMENT

The following is a record of Senate reports received after the close of the 2006 Regular Session.

HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 19, 2006, **concurred in the Senate amendment and passed** the following bills in which the concurrence of the House was asked:

House File 2521, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters and providing an effective date.

House File 2558, a bill for an act relating to and making appropriations to the justice system, providing for a fee, and providing an effective date.

ALSO: That the House has on May 2, 2006, **concurred in the Senate amendment and passed** the following bill in which the concurrence of the House was asked:

House File 2527, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of cultural affairs, the department of education, and the state board of regents and including effective and retroactive applicability dates.

ALSO: That the House has on May 3, 2006, **adopted** the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 106, a Senate concurrent resolution to provide for adjournment sine die.

ALSO: That the House has on May 3, 2006, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2410, a bill for an act relating to government accountability and concerning service contract requirements, contractual requirements for certain entities receiving public moneys, requirements for joint agreements involving governmental entities, additional review by the auditor of state, the authority of the citizens' aide, employment rights of employees making a disclosure of information, and the authority of the legislative oversight committee, and including an implementation provision and making penalties applicable.

ALSO: That the House has on May 3, 2006, **concurred in the Senate amendment and passed** the following bills in which the concurrence of the House was asked:

House File 2459, a bill for an act relating to and making appropriations to the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters, and providing effective and retroactive applicability dates.

House File 2734, a bill for an act relating to and making appropriations to the department of human services, the department of elder affairs, the Iowa department of public health, the department of veterans affairs and the Iowa veterans home, the department of human rights, and the department of inspections and appeals, providing for fee increases, and including other related provisions and appropriations, and including effective, applicability, and retroactive applicability date provisions.

House File 2782, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, environment first fund, tobacco settlement trust fund, vertical infrastructure fund, the endowment for Iowa's health restricted capitals fund, the technology reinvestment fund, the endowment for Iowa's health account, the public transit infrastructure grant fund, the Iowa great places program fund, and related matters and providing immediate, retroactive, and future effective dates.

ALSO: That the House has on May 4, 2006, **concurred in the Senate amendment and passed** the following bill in which the concurrence of the House was asked:

House File 2792, a bill for an act relating to government operations and finances, including the funding of, operation of, and appropriation of moneys to the department of education, the department of management, the department of veterans affairs, and the state board of regents, providing for participation in an instructional support program by school districts, relating to education standards and services by providing for a statewide core curriculum and standards study, providing for adjusted additional property tax levy aid for school districts, allocating and restricting utilization of local option sales and services tax moneys under specified circumstances, providing for an equity in property taxation interim study, making an appropriation, providing for an increase in the number of years for which supplementary weighting for limited English proficient students may be obtained, and providing effective and applicability dates.

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2364, the following corrections were made:

1. Page 17, line 23: insert comma after the year "2005,".
2. Page 25, line 31: insert a period after the words "NEW PARAGRAPH."
3. Page 51, line 7: hyphenate the words "third-party".

ALSO:

Pursuant to Senate Rule 21, I report that in enrolling Senate File 2399, the following correction was made:

1. Page 5, line 9: the words "multi-county" should be written as "multicounty". No hyphen.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 3rd day of May, 2006:

Senate Files 2076, 2183, 2217, 2249, 2268, 2272, 2312, 2333, 2362, 2363, 2364, 2377, 2390, 2391, 2398, 2399, 2402, 2408, 2409, and 2410.

MICHAEL E. MARSHALL
Secretary of the Senate

SENATE BILLS APPROVED AND VETOED SUBSEQUENT TO ADJOURNMENT

The following is a record of action by the Governor transmitted to the Secretary of State after the close of the 2006 Regular Session:

SENATE BILLS APPROVED

Senate File 2183 – Relating to the certification of enterprise zones and incentives and assistance under the enterprise zone program and including effective date and retroactive applicability provisions. Approved May 30, 2006.

Senate File 2217 – Relating to health and human services programs and procedures involving compliance with privacy laws applicable to mental health, mental retardation, developmental disabilities, and brain injury services data, medical assistance program eligibility, creation of an electronic health records system task force, foster parent training, young adults transitioning from foster care, and persons with a developmental disability or other special need and the persons' families, and involuntary hospitalization proceedings. Approved June 2, 2006.

Senate File 2249 – Relating to the rights and responsibilities of a person providing family foster care. Approved June 2, 2006.

Senate File 2268 – Relating to financial transactions associated with agricultural production, by providing for tax credits and tax exemptions, and including effective and retroactive and other applicability dates. Approved June 2, 2006.

Senate File 2272 – Relating to the duties and operations of the state board of education, the department of education, the board of educational examiners, and local school boards. Approved June 1, 2006.

Senate File 2312 – Providing grants on behalf of veterans seriously injured in a combat zone, providing income tax exclusions, and including an effective date and retroactive applicability provision. Approved May 8, 2006.

Senate File 2333 – Relating to the transfer of veterans commemorative property placed in a cemetery, recodifying a provision regarding veteran markers, and providing a penalty. Approved May 8, 2006.

Senate File 2362 – Relating to involuntary hospitalization proceedings for chronic substance abusers and persons with mental illness. Approved May 24, 2006.

Senate File 2363 – Relating to water quality standards. Approved May 31, 2006.

Senate File 2364 – Relating to various matters under the purview of the insurance division of the department of commerce including the securities and regulated industries bureau, insurance premium taxes, the Uniform Securities Act, insurance division procedures including fees and an appropriation, regulation of insurance companies and other entities including administrative penalties, motor vehicle service contracts, county and state mutual insurance associations, reciprocal or interinsurance insurers, consolidation, merger and reinsurance contracts, insurance holding company systems, and cemeteries. Approved May 24, 2006.

Senate File 2390 – Relating to the sales and use tax exemption for central office equipment and transmission equipment used in telecommunications operations. Approved June 2, 2006.

Senate File 2391 – Relating to the assessment for property taxation purposes of machinery, equipment, and fixtures used at concrete mixing facilities and hot mix asphalt facilities and including effective date and retroactive applicability date provisions. Approved May 31, 2006.

Senate File 2398 – Providing a sales tax exemption for purchases of solar energy equipment. Approved May 30, 2006.

Senate File 2399 – Relating to renewable energy including the renewable energy tax credit and the wind energy production tax credit and including effective dates. Approved May 30, 2006.

Senate File 2402 – Relating to state tax benefits for use of soy-based transformer fluid by electric utilities and including applicability date provisions. Approved May 30, 2006.

Senate File 2408 – Relating to elderly income tax relief by providing for an elderly taxpayer income tax exclusion and the phasing out of the income tax on social security benefits and including effective and applicability date provisions. Approved May 22, 2006.

Senate File 2409 – Allowing individual income tax credits for contributions made to certain school tuition organizations and including effective and retroactive applicability date provisions. Approved June 2, 2006.

Senate File 2410 – Relating to government accountability and concerning service contract requirements, contractual requirements for certain entities receiving public moneys, requirements for joint agreements involving governmental entities, additional review by the auditor of state, the authority of the citizens' aide, employment rights of employees making a disclosure of information, and the authority of the legislative oversight committee, and including an implementation provision and making penalties applicable. Approved June 1, 2006.

GOVERNOR'S VETO MESSAGES

June 2, 2006

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 2076, an act relating to confinement feeding operations and by providing for manure management plans.

I am keenly aware of the importance of the livestock industry in Iowa and the tremendous economic impact it contributes to the health of Iowa's economy. Iowa has witnessed unprecedented growth in the swine industry across the state with new permitted and nonpermitted facilities. I have serious concerns, however, with the policy changes established in section two of the bill. The new language would allow a person renting land for crop production to spread manure without express permission or knowledge of the landowner. Current law limits the authority to execute written agreements for manure application to the owner of the land. This bill would create real opportunity for friction between neighbors, which is contrary to Iowa values.

I cannot accept section two of the bill as it will weaken landowners' rights to make decisions concerning their own land. A landowner is in the best position to determine what is applied to their land, not a renter of the land. Tenants can still negotiate and contract with landowners for the right to apply manure to rented land.

This office supports section one of the bill as it would help streamline the process of filing manure management plans, and for this reason I will ask the Department of Natural Resources to expedite electronic filing of manure management plans.

For the reasons stated above, I disapprove of Senate File 2076.

Sincerely,
THOMAS J. VILSACK
Governor

May 31, 2006

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2377, an act relating to animal feeding operations, by providing for standards and evaluations by the Department of Natural Resources.

SF 2377 is an attempt to pre-empt a proposed rule by the Department of Natural Resources, which defines the circumstances in which the DNR would have authority to deny a construction permit or require modifications of a manure management plan. The passage of SF 2377 represents a significant step backward in the state's ability to protect the environment at a time when we are making great strides and significant investments toward improving water quality.

The discussion on the proposed "department evaluation" administrative rules has prompted spirited debate regarding the potential implications of the DNR having this authority. The facts, however, are that in the last four years more than 2,000 new livestock confinement facilities have been constructed in Iowa. Had these rules been in place during this growth in the industry, less than 1 percent of these operations would have been affected and only in areas where the potential environmental impact was obvious, as defined by rule. The DNR proposed rule is a step toward being able to control a handful of operations that could adversely impact Iowa's natural resources.

Given the record number of new livestock operations being constructed, the citizens of Iowa are becoming more vocal in demanding protection of the environment. The General Assembly has previously charged the DNR with the primary responsibility of protecting the environment and managing water resources in this state. If the General Assembly no longer wishes for the DNR to carry out that mandate, it should address the issue directly instead of attempting to undermine the ability of the Department to perform its core mission through this legislation.

The fact that SF 2377 would prevent reasonable additional protection of Iowa's environment, and could also result in weakening existing rule authority, makes this bill unacceptable. For the above reasons, I hereby respectfully disapprove Senate File 2377.

Sincerely,
THOMAS J. VILSACK
Governor

**EIGHTY-FIRST GENERAL ASSEMBLY
2006 EXTRAORDINARY SESSION**

Convened July 14, 2006

Adjourned July 14, 2006

JOURNAL OF THE SENATE

EXTRAORDINARY SESSION

FIRST CALENDAR DAY
FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, July 14, 2006

Pursuant to Article III, Section 2 of the Constitution of Iowa, upon the written request of two-thirds of the members of both the Senate and the House of Representatives, convening the Eighty-first General Assembly in Extraordinary Session, the Senate was called to order at 10:07 a.m. by the Honorable Jeff Lamberti, President of the Senate.

Prayer was offered by the Honorable David Johnson, member of the Senate from Osceola County, Ocheyedan, Iowa, and the Honorable Doug Shull, member of the Senate from Warren County, Indianola, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate President Jeff Lamberti.

ORGANIZATION OF THE SENATE

Senator Gronstal moved that the selection of seats, determination of mileage of senators, assignment of press seats, and all other organizational or administrative matters not specifically provided for in Joint Rule 3 be the same for this Extraordinary Session as for the 2006 Regular Session of the Eighty-first General Assembly.

The motion prevailed by a voice vote.

SECRETARY TO NOTIFY THE GOVERNOR AND THE HOUSE

Senator Gronstal moved that the Secretary of the Senate be directed to send a written message to the Governor and the House of Representatives informing them that the Senate was organized and ready to transact business and receive any messages that they may transmit.

The motion prevailed by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Wood, for the day, on request of Senator Gronstal.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has, pursuant to Article Three, Sections Two and Sixteen of the Iowa Constitution, duly organized for the Extraordinary Session of the Eighty-First General Assembly and is ready to receive communications from the Senate.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:11 a.m. until the completion of a meeting of the committee on Rules and Administration.

APPENDIX — 1

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: July 14, 2006, 10:12 a.m.

Members Present: Gronstal and Lundby, Co-chairs; Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan.

Members Absent: None.

Committee Business: Approved SCR ex, LSB 6738sv, and LSB 6739sv.

Adjourned: 10:15 a.m.

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE CONCURRENT RESOLUTION 107, a Senate concurrent resolution to provide for adjournment sine die.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Gronstal, Lundby, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 171, a resolution honoring Senator Stewart E. Iverson, Jr., for his years of service in the General Assembly.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Gronstal, Lundby, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 172, a resolution honoring Senator Margaret Tinsman for her years of service in the Iowa Senate.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Gronstal, Lundby, Angelo, Boettger, Courtney, Dvorsky, Hahn, Kibbie, Lamberti, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RECONVENED

The Senate reconvened at 10:16 a.m., President Lamberti presiding.

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 107, by committee on Rules and Administration, a Senate concurrent resolution to provide for adjournment sine die.

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

Senate Resolution 171, by committee on Rules and Administration, a resolution honoring Senator Stewart E. Iverson, Jr., for his years of service in the General Assembly.

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

Senate Resolution 172, by committee on Rules and Administration, a resolution honoring Senator Margaret Tinsman for her years of service in the Iowa Senate.

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

The Senate stood at ease at 10:23 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 12:07 p.m., President Lamberti presiding.

SPECIAL GUESTS

Senator Lundby introduced to the Senate chamber her husband Michael and her nephew, Michael Jensen, from Phoenix, Arizona, who were visiting the Senate.

The Senate rose and expressed its welcome.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on July 14, 2006, in accordance with Article III, sections 2 and 16, of the Constitution of the State of Iowa, upon reconsideration following receipt of the Governor's objections, passed the following bill in which the concurrence of the Senate is asked:

House File 2351, a bill for an act relating to government authority, including eminent domain authority and condemnation procedures, and other properly related matters, and including effective and applicability provisions.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senate Resolution 172

Senator Mulder asked and received unanimous consent to take up the following resolution:

1 SENATE RESOLUTION 172
2 By: Committee on Rules and Administration
3 A resolution honoring Senator Margaret Tinsman for
4 her years of service in the Iowa Senate.
5 WHEREAS, the Honorable Margaret Tinsman, State
6 Senator, is retiring from a legislative career that
7 began with her election to the 73rd General Assembly;
8 and
9 WHEREAS, already a local government official and a
10 community activist, Senator Tinsman began her
11 senatorial career in 1989, specializing in the areas
12 of human services, public health, and education; and
13 WHEREAS, from 1991 through 1996, Senator Tinsman
14 served as an Assistant Minority Leader; and
15 WHEREAS, in 1995, Senator Tinsman served as the
16 ranking member of the Health and Human Rights
17 Appropriations Subcommittee and as a member of the

18 Committees on Appropriations, Education, Human
 19 Resources, and Local Government; and
 20 WHEREAS, in 1997, Senator Tinsman became the chair
 21 of the Human Services Appropriations Subcommittee,
 22 keeping that position until 2005, then becoming
 23 co-chair of that subcommittee when the Senate's
 24 membership became evenly divided; and
 25 WHEREAS, Senator Tinsman served on a variety of
 26 other standing committees throughout her years in the
 27 Senate, including the Committees on Human Resources;
 28 Education; Judiciary; State Government; and Small
 29 Business, Economic Development and Tourism; and
 30 WHEREAS, it is in the area of human services that

Page 2

1 the work of Senator Tinsman will best be remembered,
 2 where she worked with vision and dedication to provide
 3 health care, opportunity, and hope to the less
 4 advantaged; NOW THEREFORE,
 5 BE IT RESOLVED BY THE SENATE, That the Senate
 6 thanks Senator Margaret Tinsman, better known as
 7 "Maggie", for her years of service in the Iowa Senate
 8 and wishes her the very best in the years to come; and
 9 BE IT FURTHER RESOLVED, That the Secretary of the
 10 Senate is directed to prepare an official copy of this
 11 Resolution for presentation to Senator Tinsman.

Senator Mulder moved the adoption of Senate Resolution 172,
 which motion prevailed by a voice vote.

Senator Tinsman addressed the Senate with brief remarks.

The Senate rose and expressed its tribute to Senator Tinsman.

Senator Tinsman was presented an enrolled copy of Senate
 Resolution 172.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senate Resolution 171

Senator Boettger asked and received unanimous consent to take
 up the following resolution:

1 SENATE RESOLUTION 171
 2 By: Committee on Rules and Administration
 3 A resolution honoring Senator Stewart E. Iverson, Jr.,
 4 for his years of service in the General Assembly.

5 WHEREAS, Senator Stewart E. Iverson, Jr., known to
6 all as "Stew", is retiring from a legislative career
7 that began in the second regular session of the 73rd
8 General Assembly; and

9 WHEREAS, Senator Iverson, a lifelong Iowa farmer
10 and former United States Marine, began his legislative
11 career as a member of the House of Representatives,
12 first winning election in 1989; and

13 WHEREAS, in those first years Senator Iverson
14 specialized in the areas of education and local
15 government, serving as chair of the Committee on Local
16 Government in 1993-1994; and

17 WHEREAS, on entering the Senate in 1995, Senator
18 Iverson served as the ranking member of the Justice
19 System Appropriations Subcommittee and as a member of
20 the Committees on Appropriations, Business and Labor,
21 Education, and Ways and Means; and

22 WHEREAS, in 1997, Senator Iverson was elected
23 Senate Majority Leader and in 2005 assumed the role of
24 Republican Floor Leader in the Senate when that
25 chamber's membership became evenly divided; and

26 WHEREAS, Senator Iverson has served as chair and
27 later co-chair of the Committee on Rules and
28 Administration from 1997 through 2006; and

29 WHEREAS, Senator Iverson fought for Iowa's
30 families, Iowa's farmers, and Iowa's businesses, has

Page 2

1 been an influential and devoted legislator in this
2 state, and has unselfishly given of his time and
3 efforts to further the interests of the State of Iowa
4 and to provide beneficial programs for the citizens of
5 Iowa; NOW THEREFORE,

6 BE IT RESOLVED BY THE SENATE, That the Senate
7 thanks Senator Stewart E. Iverson, Jr., for his years
8 of service in both the House of Representatives and
9 the Senate, and wishes him the very best in the years
10 to come; and

11 BE IT FURTHER RESOLVED, That the Secretary of the
12 Senate is directed to prepare an official copy of this
13 Resolution for presentation to Senator Iverson.

Senator Boettger moved the adoption of Senate Resolution 171,
which motion prevailed by a voice vote.

Senator Iverson addressed the Senate with brief remarks.

The Senate rose and expressed its tribute to Senator Iverson.

Senator Iverson was presented an enrolled copy of Senate Resolution 171.

MOTION TO OVERRIDE GOVERNOR'S VETO

Senator Kreiman called up for consideration **House File 2351**, a bill for an act relating to government authority, including eminent domain authority and condemnation procedures, and other properly related matters, and including effective and applicability provisions, and moved to reconsider and pass the bill, the objections of the Governor notwithstanding, as vetoed by the Governor on June 2, 2006.

President Pro Tempore McKibben took the chair at 2:08 p.m.

President Lamberti took the chair at 2:25 p.m.

Senator Kreiman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the Senate on reconsideration, agree to pass the bill, the objections of the Governor notwithstanding?" (H.F. 2351), the vote was:

Yeas, 41:

Angelo	Hancock	McCoy	Shull
Beall	Horn	McKibben	Stewart
Behn	Houser	McKinley	Tinsman
Black	Iverson	Miller	Ward
Boettger	Johnson	Mulder	Warnstadt
Brunkhorst	Kettering	Putney	Wieck
Courtney	Kibbie	Ragan	Zaun
Danielson	Kreiman	Rielly	Zieman
Gaskill	Lamberti	Schoenjahn	
Gronstal	Larson	Seng	
Hahn	Lundby	Seymour	

Nays, 8:

Bolkcom	Dearden	Dvorsky	Hatch
Connolly	Dotzler	Fraise	Quirmbach

Absent, 1:

Wood

The motion having received a constitutional two-thirds majority, was declared to have passed the Senate, notwithstanding the objections of the Governor, and the title was agreed to. The Governor's veto was overridden.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 2351** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 107.

Senate Concurrent Resolution 107

On motion of Senator Gronstal, **Senate Concurrent Resolution 107**, a Senate concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Gronstal moved the adoption of Senate Concurrent Resolution 107, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Concurrent Resolution 107** be **immediately messaged** to the House.

SECRETARY TO NOTIFY THE GOVERNOR AND THE HOUSE

Senator Gronstal moved that the Secretary of the Senate be directed to send the written message to the Governor and the House of Representatives informing them that the Senate was prepared to adjourn in accordance with Senate Concurrent Resolution 107.

The motion prevailed by a voice vote.

MOTION TO ADJOURN ADOPTED

Senator Gronstal moved that the 2006 Extraordinary Session of the Eighty-first General Assembly adjourn sine die in accordance with Senate Concurrent Resolution 107, duly adopted.

The motion prevailed by a voice vote.

FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 107, duly adopted, the day of July 14, 2006, having arrived, President Lamberti declared the 2006 Extraordinary Session of the Eighty-first General Assembly adjourned sine die.

APPENDIX — 2

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on July 14, 2006, when the vote was taken on House File 2351. Had I been present, I would have voted "Yea."

FRANK B. WOOD

HOUSE MESSAGES RECEIVED SUBSEQUENT TO ADJOURNMENT

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on July 14, 2006, **adopted** the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 107, a Senate concurrent resolution to provide for adjournment sine die.

ALSO:

MR. PRESIDENT: The House is prepared to adjourn the 2006 Extraordinary Session of the Eighty-First General Assembly pursuant to Senate Concurrent Resolution 107 duly adopted.

AMENDMENTS FILED

EIGHTY-FIRST GENERAL ASSEMBLY 2006 REGULAR SESSION

S-5001

- 1 Amend Senate File 2056 as follows:
- 2 1. Page 3, by inserting after line 30, the
- 3 following:
- 4 "Sec. ____ EFFECTIVE DATE. This Act, being deemed
- 5 of immediate importance, takes effect upon enactment."
- 6 2. Title page, line 2, by inserting after the
- 7 word "program" the following: "and providing an
- 8 effective date".
- 9 3. By renumbering as necessary.

JEFF ANGELO
ROBERT E. DVORSKY

S-5002

- 1 Amend Senate File 2086 as follows:
- 2 1. Page 1, line 23, by inserting after the word
- 3 "program." the following: "The school district shall
- 4 provide for an alternative, noninvasive, and discreet
- 5 means of allowing children whose parents or guardians
- 6 do not authorize the use of biometric technology to
- 7 easily participate in the school lunch program."

HERMAN C. QUIRMBACH

S-5003

- 1 Amend House File 729, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting after line 2 the
- 4 following:
- 5 "Section 1. Section 97B.1A, Code Supplement 2005,
- 6 is amended by adding the following new subsection:
- 7 **NEW SUBSECTION.** 11A. "Fully funded" means a
- 8 funded ratio of at least one hundred percent using the
- 9 most recent actuarial valuation. For purposes of this
- 10 subsection, "funded ratio" means the ratio produced by
- 11 dividing the lesser of the actuarial value of the
- 12 system's assets or the market value of the system's
- 13 assets, by the system's actuarial liabilities, using
- 14 the actuarial method adopted by the investment board
- 15 pursuant to section 97B.8A, subsection 3.

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

19 a. "Three-year average covered wage" means, ~~for a~~
20 ~~member who retires prior to July 1, 2008~~, a member's
21 covered wages averaged for the highest three years of
22 the member's service, except as otherwise provided in
23 this subsection. The highest three years of a
24 member's covered wages shall be determined using
25 calendar years. However, if a member's final quarter
26 of a year of employment does not occur at the end of a
27 calendar year, the system may determine the wages for
28 the third year by computing the average quarter of all
29 quarters from the member's highest calendar year of
30 covered wages not being used in the selection of the
31 two highest years and using the computed average
32 quarter for each quarter in the third year in which no
33 wages have been reported in combination with the final
34 quarter or quarters of the member's service to create
35 a full year. However, the system shall not use the
36 member's final quarter of wages if using that quarter
37 would reduce the member's three-year average covered
38 wage. If the three-year average covered wage of a
39 member exceeds the highest maximum covered wages in
40 effect for a calendar year during the member's period
41 of service, the three-year average covered wage of the
42 member shall be reduced to the highest maximum covered
43 wages in effect during the member's period of service.
44 Notwithstanding any other provision of this paragraph
45 to the contrary, a member's wages for the third year
46 as computed by this paragraph shall not exceed, by
47 more than three percent, the member's highest actual
48 calendar year of covered wages for a member whose
49 first month of entitlement is January 1999 or later.
50 Sec. ____ Section 97B.1A, subsection 24, paragraph

Page 2

1 c, Code Supplement 2005, is amended by striking the
2 paragraph and inserting in lieu thereof the following:
3 c. Notwithstanding any other provisions of this
4 subsection to the contrary, for a member who retires
5 on or after July 1, 2007, the member's three-year
6 average covered wage shall be the lesser of the three-
7 year average covered wage as calculated pursuant to
8 paragraph "a" and the adjusted covered wage amount.
9 For purposes of this paragraph, the adjusted covered
10 wage amount shall be the greater of the member's
11 three-year average covered wage calculated pursuant to
12 paragraph "a" as of July 1, 2007, and an amount equal
13 to one hundred twenty-one percent of the member's
14 applicable calendar year wages. The member's

15 applicable calendar year wages shall be the member's
16 highest full calendar year of covered wages not used
17 in the calculation of the member's three-year average
18 covered wage pursuant to paragraph "a", or, if the
19 member does not have another full calendar year of
20 covered wages that was not used in the calculation of
21 the three-year average covered wage under paragraph
22 "a", the lowest full calendar year of covered wages
23 that was used in the calculation of the member's
24 three-year average covered wage pursuant to paragraph
25 "a".

26 2. Page 1, line 23, by striking the figure "2006"
27 and inserting the following: "2007".

28 3. Page 1, line 24, by striking the figure "2014"
29 and inserting the following: "2011".

30 4. Page 1, line 31, by striking the figure "2014"
31 and inserting the following: "2011".

32 5. Page 2, by inserting after line 2 the
33 following:

34 "Sec. ____ Section 97B.48A, subsection 1, Code
35 2005, is amended by adding the following new
36 unnumbered paragraph:
37 NEW UNNUMBERED PARAGRAPH. For purposes of this
38 subsection and not for purposes of determining a
39 retiree's covered wages, remuneration paid on and
40 after July 1, 2007, includes noncovered contributions
41 to a defined contribution plan qualified under
42 Internal Revenue Code section 401(a), a tax-deferred
43 annuity qualified under Internal Revenue Code section
44 403(b), an eligible deferred compensation plan
45 qualified under Internal Revenue Code section 457, or
46 any other tax qualified or nonqualified investment
47 vehicle, that is provided by an employer to a retiree
48 who has been or will be reemployed in covered
49 employment."

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

Page 3

1 "Code" the following: "Supplement".

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

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

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

13 Sec. ____ Section 97B.49H, subsection 3, Code

14 2005, is amended to read as follows:

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

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

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

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

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

Page 4

1 retirement system the amount of benefits which at the
 2 time of any such alteration, amendment, or repeal
 3 shall have accrued to any member of the retirement
 4 system shall not be repudiated, provided further,
 5 however, that the amount of benefits accrued on
 6 account of prior service shall be adjusted to the
 7 extent of any unfunded accrued liability then
 8 outstanding. Any An increase enacted in the benefits
 9 or retirement allowance allowances provided under this
 10 chapter shall not be enacted until after the system's
 11 actuary determines that the system is fully funded and
 12 will continue to be fully funded immediately following

13 enactment of the increase. However, an increase in
 14 the benefits or retirement allowances provided under
 15 this chapter may be enacted if the increase is
 16 accompanied by a change in the employer and employee
 17 contribution rates necessary to support such increase,
 18 ~~all as determined in accordance with sound actuarial~~
 19 ~~principles and methods~~ by the system's actuary."

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

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

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

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

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

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

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

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

37 17. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT
 WALLY E. HORN, Co-Chair
 LARRY MCKIBBEN, Co-Chair

S-5004

1 Amend Senate File 2051 as follows:

2 1. Page 2, by striking line 1, and inserting the
 3 following: "\$20,216,039".

4 2. Page 3, by striking line 3, and inserting the
 5 following: "source available, \$54,639,129, which is
 6 an amount equal to the appropriations made".

7 3. Page 3, by striking lines 7 and 8, and
 8 inserting the following: "subsection 2, paragraph
 9 "b". Of the amount".

10 4. Page 3, line 10, by striking the figure
 11 "21,186,597" and inserting the following:
 12 "19,350,061".

13 5. Page 3, line 12, by striking the figure
 14 "33,452,532" and inserting the following:
 15 "35,289,068".

16 6. Page 3, by inserting after line 14, the
 17 following:

18 "Sec. ____ APPROPRIATION — HEALTH CARE
 19 TRANSFORMATION ACCOUNT. There is appropriated from
 20 the account for health care transformation created in

21 section 249J.23, to the university of Iowa hospitals
 22 and clinics for the fiscal year beginning July 1,
 23 2005, and ending June 30, 2006, the following amount,
 24 or so much thereof as is necessary, for the purposes
 25 designated:

26 For provision of services pursuant to and for costs
 27 associated with chapter 249J:

28 \$ 2,000,000

29 Notwithstanding section 8.33, moneys appropriated
 30 in this section that remain unencumbered or
 31 unobligated at the close of the fiscal year shall not
 32 revert, but shall remain available for expenditure for
 33 the purposes designated until the close of the
 34 succeeding fiscal year."

JAMES A. SEYMOUR
 AMANDA RAGAN
 JEFF ANGELO
 ROBERT E. DVORSKY

S-5005

1 Amend House File 2095, as passed by the House, as
 2 follows:

3 1. Page 1, line 7, by striking the word "four"
 4 and inserting the following: "six".

MICHAEL CONNOLLY
 DARYL BEALL
 DENNIS H. BLACK
 JOE BOLKCOM
 THOMAS G. COURTNEY
 JEFF DANIELSON
 DICK L. DEARDEN
 WILLIAM A. DOTZLER, JR.
 ROBERT E. DVORSKY
 GENE FRAISE
 MICHAEL E. GRONSTAL
 TOM HANCOCK
 JACK HATCH
 WALLY E. HORN
 JOHN P. KIBBIE
 KEITH A. KREIMAN
 MATT McCOY
 HERMAN C. QUIRMBACH
 AMANDA RAGAN
 TOM RIELLY
 BRIAN SCHOENJAHN
 JOE M. SENG
 ROGER STEWART
 STEVE WARNSTADT
 FRANK B. WOOD

S-5006

1 Amend Senate File 2190 as follows:

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

4 "Section 1. HEALTHY CHILDREN TASK FORCE.

5 1. The department of education and the Iowa
6 department of public health shall convene a healthy
7 children task force to do the following:

8 a. Assess current policies and statutes affecting
9 the health of children, specifically physical
10 activity, physical education, food and nutrition, and
11 nutrition education for children ages three through
12 eighteen.

13 b. Develop recommendations for policy and
14 statutory changes to enhance the health and well-being
15 of children including, but not limited to, physical
16 activity, food and nutrition, and education related to
17 these topics.

18 c. Submit its findings and recommendations to the
19 governor and the general assembly not later than
20 January 1, 2007.

21 2. Members of the healthy children task force
22 shall include the following:

23 a. Four legislative members who shall be appointed
24 as follows:

25 (1) Two state senators, one appointed by the
26 president of the senate, after consultation with the
27 majority leader of the senate, and one appointed by
28 the minority leader of the senate, after consultation
29 with the president of the senate, from their
30 respective parties.

31 (2) Two state representatives, one appointed by
32 the speaker and one appointed by the minority leader
33 of the house of representatives from their respective
34 parties.

35 b. A representative of each of the following,
36 appointed by the respective entity:

37 (1) The department of education.

38 (2) The Iowa department of public health.

39 (3) The American heart association.

40 (4) The Iowa association for health, physical
41 education, recreation and dance.

42 (5) The Iowa association of school boards.

43 (6) The Iowa dietetic association.

44 (7) The school nutrition association of Iowa.

45 (8) The Iowa state education association.

46 (9) The school administrators of Iowa.

47 (10) The Iowa medical association.

48 (11) Iowa partners: action for healthy kids.

49 (12) The Iowa parent teacher association.

50 (13) The Iowa nurses association.

Page 2

1 (14) The American cancer association.
 2 (15) The Iowa dental association.
 3 (16) The Iowa academy of pediatrics.
 4 3. a. The task force shall elect a chairperson
 5 and vice chairperson from the members appointed
 6 pursuant to subsection 2, paragraph "b", subparagraphs
 7 (3) through (16).
 8 b. In case of the absence or disability of the
 9 chairperson and vice chairperson, the members of the
 10 task force shall elect a temporary chairperson in the
 11 same manner as provided in paragraph "a".
 12 c. A majority of the members of the task force
 13 present shall constitute a quorum.
 14 4. The department of education and the Iowa
 15 department of public health shall work cooperatively
 16 to provide staffing and administrative support to the
 17 task force.
 18 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
 19 immediate importance, takes effect upon enactment."
 20 2. Title page, line 1, by inserting after the
 21 word "education" the following: "and the Iowa
 22 department of public health".
 23 3. Title page, by striking line 2 and inserting
 24 the following: "children task force and providing an
 25 effective date."

DARYL BEALL
 MICHAEL CONNOLLY
 BRIAN SCHOENJAHN
 AMANDA RAGAN
 DAVE MULDER
 FRANK B. WOOD
 JACK HATCH
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 WILLIAM A. DOTZLER, JR.
 ROBERT E. DVORSKY
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 TOM HANCOCK
 GENE S. FRAISE
 THOMAS G. COURTNEY
 HERMAN C. QUIRMBACH
 JOHN-P. KIBBIE
 DENNIS H. BLACK
 JOE BOLKCOM
 ROGER STEWART
 BRAD ZAUN

S-5007

- 1 Amend Senate File 2182 as follows:
 2 1. Page 1, by inserting before line 1, the
 3 following:
 4 "Section 1. Section 321.1, Code Supplement 2005,
 5 is amended by adding the following new subsection:
 6 NEW SUBSECTION. 95. "Work truck" means a motor
 7 truck not used for hire, with an unladen weight of
 8 seven thousand five hundred pounds or less, owned by a
 9 person engaged in farming, as evidenced by the owner's
 10 registration with the United States department of
 11 agriculture's farm service agency."
 12 2. Page 1, line 7, by inserting after the word
 13 "trucks" the following: "other than work trucks."
 14 3. Page 2, line 22, by inserting after the word
 15 "trucks" the following: "other than work trucks."
 16 4. By renumbering as necessary.

GENE FRAISE

S-5008

- 1 Amend Senate File 2251 as follows:
 2 1. Page 2, line 16, by striking the figure "(16)"
 3 and inserting the following: "(17) and subsection 2,
 4 paragraph "c".

NANCY J. BOETTGER

S-5009

- 1 Amend Senate File 2253 as follows:
 2 1. Page 4, by inserting after line 1, the
 3 following:
 4 "Sec. . Section 29B.100, Code 2005, is amended
 5 to read as follows:
 6 29B.100 CAPTURED OR ABANDONED PROPERTY.
 7 1. All persons subject to this code shall secure
 8 all public property taken from the enemy for the
 9 service of the United States, and shall give notice
 10 and turn over to the proper authority without delay
 11 all captured or abandoned property in their
 12 possession, custody or control.
 13 2. Any person subject to this code ~~who shall be~~
 14 punished as a court-martial may direct if the person
 15 does any of the following:
 16 1- a. Fails to carry out the duties prescribed
 17 herein;
 18 2- b. Buys, sells, trades, or in any way deals in
 19 or disposes of captured or abandoned property, whereby

20 the person receives or expects any profit, benefit or
 21 advantage to the person or another directly or
 22 indirectly connected with the person; ~~and,~~
 23 ~~§. c. Engages in looting or pillaging; shall be~~
 24 ~~punished as a court-martial may direct."~~

25 2. Page 4, by inserting after line 27, the
 26 following:

27 "Sec. ____ Section 63.6, Code 2005, is amended to
 28 read as follows:

29 63.6 JUDGES.

30 All judges of courts of record shall qualify before
 31 taking office following appointment by taking and
 32 subscribing an oath to the effect that they will
 33 support the Constitution of the United States and that
 34 the Constitution of the state State of Iowa, and that,
 35 without fear, favor, affection, or hope of reward,
 36 they will, to the best of their knowledge and ability,
 37 administer justice according to the law, equally to
 38 the rich and the poor.

39 Sec. ____ Section 124.401, subsection 1,
 40 paragraphs a through c, Code 2005, are amended to read
 41 as follows:

42 a. Violation of this subsection, with respect to
 43 the following controlled substances, counterfeit
 44 substances, or simulated controlled substances is a
 45 class "B" felony, and notwithstanding section 902.9,
 46 subsection 2, shall be punished by confinement for no
 47 more than fifty years and a fine of not more than one
 48 million dollars:

49 (1) More than one kilogram of a mixture or
 50 substance containing a detectable amount of heroin.

Page 2

1 (2) More than five hundred grams of a mixture or
 2 substance containing a detectable amount of any of the
 3 following:

4 (a) Coca leaves, except coca leaves and extracts
 5 of coca leaves from which cocaine, ecgonine, and
 6 derivatives of ecgonine ~~or~~ and their salts have been
 7 removed.

8 (b) Cocaine, its salts, optical and geometric
 9 isomers, ~~and~~ or salts of isomers.

10 (c) Ecgonine, its derivatives, their salts,
 11 isomers, ~~and~~ or salts of isomers.

12 (d) Any compound, mixture, or preparation which
 13 contains any quantity of any of the substances
 14 referred to in subparagraph subdivisions (a) through
 15 (c).

16 (3) More than fifty grams of a mixture or
 17 substance described in subparagraph (2) which contains
 18 cocaine base.

- 19 (4) More than one hundred grams of phencyclidine
20 (PCP) or one kilogram or more of a mixture or
21 substance containing a detectable amount of
22 phencyclidine (PCP).
- 23 (5) More than ten grams of a mixture or substance
24 containing a detectable amount of lysergic acid
25 diethylamide (LSD).
- 26 (6) More than one thousand kilograms of a mixture
27 or substance containing a detectable amount of
28 marijuana.
- 29 (7) More than five kilograms of a mixture or
30 substance containing a detectable amount of any of the
31 following:
- 32 (a) Methamphetamine, its salts, isomers, or salts
33 of isomers.
- 34 (b) Amphetamine, its salts, isomers, and salts of
35 isomers.
- 36 (c) Any compound, mixture, or preparation which
37 contains any quantity of any of the substances
38 referred to in subparagraph subdivisions (a) and (b).
- 39 b. Violation of this subsection with respect to
40 the following controlled substances, counterfeit
41 substances, or simulated controlled substances is a
42 class "B" felony, and in addition to the provisions of
43 section 902.9, subsection 2, shall be punished by a
44 fine of not less than five thousand dollars nor more
45 than one hundred thousand dollars:
- 46 (1) More than one hundred grams but not more than
47 one kilogram of a mixture or substance containing a
48 detectable amount of heroin.
- 49 (2) More than one hundred grams but not more than
50 five hundred grams of any of the following:

Page 3

- 1 (a) Coca leaves, except coca leaves and extracts
2 of coca leaves from which cocaine, ecgonine, and
3 derivatives of ecgonine or their salts have been
4 removed.
- 5 (b) Cocaine, its salts, optical and geometric
6 isomers, and salts of isomers.
- 7 (c) Ecgonine, its derivatives, their salts,
8 isomers, and salts of isomers.
- 9 (d) Any compound, mixture, or preparation which
10 contains any quantity of any of the substances
11 referred to in subparagraph subdivisions (a) through
12 (c).
- 13 (3) More than ten grams but not more than fifty
14 grams of a mixture or substance described in
15 subparagraph (2) which contains cocaine base.
- 16 (4) More than ten grams but not more than one
17 hundred grams of phencyclidine (PCP) or more than one

18 hundred grams but not more than one kilogram of a
 19 mixture or substance containing a detectable amount of
 20 phencyclidine (PCP).

21 (5) Not more than ten grams of a mixture or
 22 substance containing a detectable amount of lysergic
 23 acid diethylamide (LSD).

24 (6) More than one hundred kilograms but not more
 25 than one thousand kilograms of marijuana.

26 (7) More than five grams but not more than five
 27 kilograms of methamphetamine, its salts, isomers, or
 28 salts of isomers, or analogs of methamphetamine, or
 29 any compound, mixture, or preparation which contains
 30 any quantity or detectable amount of methamphetamine,
 31 its salts, isomers, or salts of isomers, or analogs of
 32 methamphetamine.

33 (8) More than five grams but not more than five
 34 kilograms of amphetamine, its salts, isomers, or salts
 35 of isomers, or any compound, mixture, or preparation
 36 which contains any quantity or detectable amount of
 37 amphetamine, its salts, isomers, ~~and~~ or salts of
 38 isomers.

39 c. Violation of this subsection with respect to
 40 the following controlled substances, counterfeit
 41 substances, or simulated controlled substances is a
 42 class "C" felony, and in addition to the provisions of
 43 section 902.9, subsection 4, shall be punished by a
 44 fine of not less than one thousand dollars nor more
 45 than fifty thousand dollars:

46 (1) One hundred grams or less of a mixture or
 47 substance containing a detectable amount of heroin.

48 (2) One hundred grams or less of any of the
 49 following:

50 (a) Coca leaves, except coca leaves and extracts

Page 4

1 of coca leaves from which cocaine, ecgonine, and
 2 derivatives of ecgonine ~~or~~ and their salts have been
 3 removed.

4 (b) Cocaine, its salts, optical and geometric
 5 isomers, ~~and~~ or salts of isomers.

6 (c) Ecgonine, its derivatives, their salts,
 7 isomers, ~~and~~ or salts of isomers.

8 (d) Any compound, mixture, or preparation which
 9 contains any quantity of any of the substances
 10 referred to in subparagraph subdivisions (a) through
 11 (c).

12 (3) Ten grams or less of a mixture or substance
 13 described in subparagraph (2) which contains cocaine
 14 base.

15 (4) Ten grams or less of phencyclidine (PCP) or
 16 one hundred grams or less of a mixture or substance

17 containing a detectable amount of phencyclidine (PCP).
18 (5) More than fifty kilograms but not more than
19 one hundred kilograms of marijuana.

20 (6) Five grams or less of methamphetamine, its
21 salts, isomers, or salts of isomers, or analogs of
22 methamphetamine, or any compound, mixture, or
23 preparation which contains any quantity or detectable
24 amount of methamphetamine, its salts, isomers, or
25 salts of isomers, or analogs of methamphetamine.

26 (7) Five grams or less of amphetamine, its salts,
27 isomers, or salts of isomers, or any compound,
28 mixture, or preparation which contains any quantity or
29 detectable amount of amphetamine, its salts, isomers,
30 ~~and~~ or salts of isomers.

31 (8) Any other controlled substance, counterfeit
32 substance, or simulated controlled substance
33 classified in schedule I, II, or III.

34 Sec. ____ Section 124.401C, subsection 1, Code
35 2005, is amended to read as follows:

36 1. In addition to any other penalties provided in
37 this chapter, a person who is eighteen years of age or
38 older and who either directly or by extraction from
39 natural substances, or independently by means of
40 chemical processes, or both, unlawfully manufactures
41 methamphetamine, its salts, isomers, ~~and~~ or salts of
42 its isomers in the presence of a minor shall be
43 sentenced up to an additional term of confinement of
44 five years. However, the additional term of
45 confinement shall not be imposed on a person who has
46 been convicted and sentenced for a child endangerment
47 offense under section 726.6, subsection 1, paragraph
48 "g", arising from the same facts."

49 3. Page 7, by inserting after line 24, the
50 following:

Page 5

1 "Sec. ____ Section 192.102, Code 2005, is amended
2 to read as follows:
3 192.102 GRADE "A" PASTEURIZED MILK ORDINANCE.
4 The department shall adopt, by rule, the "Grade 'A'
5 Pasteurized Milk Ordinance, ~~2003~~ 2005 Revision",
6 including a subsequent revision of the ordinance. If
7 the ordinance specifies that compliance with a
8 provision of the ordinance's appendices is mandatory,
9 the department shall also adopt that provision. The
10 department shall not amend the ordinance, unless the
11 department explains each amendment and reasons for the
12 amendment in the Iowa administrative bulletin when the
13 rules are required to be published pursuant to chapter
14 17A. The department shall administer this chapter
15 consistent with the provisions of the ordinance."

- 16 4. Page 14, by inserting after line 2, the
 17 following:
 18 "Sec. ____ Section 258.1, Code 2005, is amended to
 19 read as follows:
 20 258.1 FEDERAL ACT ACCEPTED.
 21 The provisions of the Act of Congress entitled "~~An~~
 22 ~~Act to provide for the promotion of vocational~~
 23 ~~education; to provide for co-operation with the states~~
 24 ~~in the promotion of such education in agriculture and~~
 25 ~~in the trades and industries; to provide for co-~~
 26 ~~operation with the states in the preparation of~~
 27 ~~teachers of vocational subjects; and to appropriate~~
 28 ~~money and regulate its expenditure~~", approved February
 29 23, 1917, [39 Stat. L. 929; 20 U.S.C., ch 2] known as
 30 the Carl D. Perkins Vocational and Technical
 31 Education Act of 1998, codified at 20 U.S.C. § 2301 et
 32 seq., originally known as the Vocational Education Act
 33 of 1963, and enacted December 18, 1963, as part A of
 34 Pub. L. No. 88-210, 77 Stat. 403, and all amendments
 35 thereto and the benefit of all funds appropriated
 36 under said Act and all other Acts pertaining to
 37 vocational education, are accepted."
 38 5. By renumbering as necessary.

BY COMMITTEE ON JUDICIARY
 KEITH A. KREIMAN, Co-Chair
 DAVID MILLER, Co-Chair

S-5010

- 1 Amend Senate File 2255 as follows:
 2 1. Page 6, line 3, by striking the word and
 3 figure "and 6" and inserting the following: "and 6".
 4 2. Page 10, by inserting after line 21, the
 5 following:
 6 "Sec. ____ Section 29B.48, Code 2005, is amended
 7 to read as follows:
 8 29B.48 REFUSAL TO APPEAR OR TESTIFY.
 9 1. Any person not subject to this code who is
 10 guilty of a simple misdemeanor if the person does all
 11 of the following:
 12 1- a. Has been duly subpoenaed to appear as a
 13 witness or to produce books and records before a
 14 military court or before any military or civil officer
 15 and designated to take a deposition to be read in
 16 evidence before such a court;
 17 2- b. Has been duly paid or tendered the fees and
 18 mileage of a witness at the rates allowed to witnesses
 19 attending the courts of the state; and,
 20 3- c. Willfully neglects or refuses to appear, or
 21 refuses to qualify as a witness or to testify or to
 22 produce any evidence which that person has been

23 legally subpoenaed to produce;
 24 ~~is guilty of a simple misdemeanor.~~
 25 2. Upon certification of the facts in a case under
 26 this section by the military judge, president of
 27 courts-martial without a military judge, or summary
 28 courts-martial officer, the county attorney of the
 29 county where the offense occurred shall prosecute the
 30 offense as if it were included in the Iowa criminal
 31 code.

32 Sec. ____ Section 29B.74, Code 2005, is amended to
 33 read as follows:

34 29B.74 PRINCIPALS.

35 Any person subject to this code ~~who is a principal~~
 36 if the person does any of the following:

37 1. Commits an offense punishable by this code, or
 38 aids, abets, counsels, commands, or procures its
 39 commission; ~~or.~~

40 2. Causes an act to be done which if directly
 41 performed by the person would be punishable by this
 42 code;
 43 ~~is a principal.~~

44 Sec. ____ Section 29B.80, Code 2005, is amended to
 45 read as follows:

46 29B.80 FRAUDULENT ENLISTMENT — APPOINTMENT OR
 47 SEPARATION.

48 Any person ~~who shall be punished as a court-martial~~
 49 may direct if the person does any of the following:

50 1. Procures the person's own enlistment or

Page 2

1 appointment in the state military forces by knowingly
 2 false representation or deliberate concealment as to
 3 the person's qualifications for that enlistment or
 4 appointment and receives pay or allowances thereunder;
 5 ~~or.~~

6 2. Procures the person's own separation from the
 7 state military forces by knowingly false
 8 representation or deliberate concealment as to the
 9 person's eligibility for that separation;
 10 ~~shall be punished as a court-martial may direct.~~

11 Sec. ____ Section 29B.83, Code 2005, is amended to
 12 read as follows:

13 29B.83 ABSENCE WITHOUT LEAVE.

14 Any person subject to this code ~~who shall be~~
 15 punished as a court-martial may direct, if the person
 16 without authority does any of the following:

17 1. Fails to go to the person's appointed place of
 18 duty at the time prescribed; ~~or.~~

19 2. Goes from that place; ~~or.~~

20 3. Leaves or remains absent from the unit,
 21 organization, or place of duty at which the person is

22 required to be at the time prescribed;

23 ~~shall be punished as a court-martial may direct.~~

24 Sec. ____ Section 29B.87, Code 2005, is amended to
25 read as follows:

26 29B.87 ASSAULTING OR WILLFULLY DISOBEYING SUPERIOR
27 COMMISSIONED OFFICER.

28 Any person subject to this code ~~who shall be~~
29 punished as a court-martial may direct if the person
30 does any of the following:

31 1. Strikes the person's superior commissioned
32 officer or draws or lifts up any weapon or offers any
33 violence against the superior commissioned officer
34 while the superior commissioned officer is in the
35 execution of the officer's office; ~~or,~~

36 2. Willfully disobeys a lawful command of the
37 person's superior commissioned officer; ~~or~~
38 ~~shall be punished as a court-martial may direct.~~

39 Sec. ____ Section 29B.88, Code 2005, is amended to
40 read as follows:

41 29B.88 INSUBORDINATE CONDUCT TOWARD WARRANT
42 OFFICER, NONCOMMISSIONED OFFICER OR PETTY OFFICER.

43 Any warrant officer or enlisted member ~~who shall be~~
44 punished as a court-martial may direct if the person
45 does any of the following:

46 1. Strikes or assaults a warrant officer,
47 noncommissioned officer or petty officer, while that
48 officer is in the execution of the officer's office; ~~or,~~

49 2. Willfully disobeys the lawful order of a
50 warrant officer, noncommissioned officer, or petty

Page 3

1 officer; ~~or,~~

2 3. Treats with contempt or is disrespectful in
3 language or deportment toward a warrant officer,
4 noncommissioned officer, or petty officer, while that
5 officer is in the execution of the officer's office;
6 ~~shall be punished as a court-martial may direct.~~

7 Sec. ____ Section 29B.89, Code 2005, is amended to
8 read as follows:

9 29B.89 FAILURE TO OBEY ORDER OR REGULATION.

10 Any person subject to this code ~~who shall be~~
11 punished as a court-martial may direct if the person
12 does any of the following:

13 1. Violates or fails to obey any lawful general
14 order or regulation; ~~or,~~

15 2. Having knowledge of any other lawful order
16 issued by a member of the state military forces which
17 it is the person's duty to obey, fails to obey the
18 order; ~~or,~~

19 3. Is derelict in the performance of the person's
20 duties;

21 ~~shall be punished as a court-martial may direct.~~

22 Sec. ____ Section 29B.95, Code 2005, is amended to
23 read as follows:

24 29B.95 NONCOMPLIANCE WITH PROCEDURAL RULES.

25 Any person subject to this code ~~who shall be~~
26 punished as a court-martial may direct if the person
27 does any of the following:

28 1. Is responsible for unnecessary delay in the
29 disposition of any case of a person accused of an
30 offense under this code; ~~or,~~

31 2. Knowingly and intentionally fails to enforce or
32 comply with any provisions of this code regulating the
33 proceedings before, during, or after trial of an
34 accused;

35 ~~shall be punished as a court-martial may direct.~~

36 Sec. ____ Section 29B.96, Code 2005, is amended to
37 read as follows:

38 29B.96 MISBEHAVIOR BEFORE THE ENEMY.

39 Any person subject to this code ~~who shall be~~
40 punished as a court-martial may direct if the person,
41 before or in the presence of the enemy, does any of
42 the following:

43 1. Runs away; ~~;~~

44 2. Shamefully abandons, surrenders, or delivers up
45 any command, unit, place, or military property which
46 it is the person's duty to defend; ~~;~~

47 3. Through disobedience, neglect, or intentional
48 misconduct endangers the safety of any such command,
49 unit, place, or military property; ~~;~~

50 4. Casts away the person's arms or ammunition; ~~;~~

Page 4

1 5. Is guilty of cowardly conduct; ~~;~~

2 6. Quits the person's place of duty to plunder or
3 pillage; ~~;~~

4 7. Causes false alarms in any command, unit, or
5 place under control of the armed forces of the United
6 States or the state military forces; ~~;~~

7 8. Willfully fails to do the person's utmost to
8 encounter, engage, capture, or destroy any enemy
9 troops, combatants, vessels, aircraft, or any other
10 thing, which it is the person's duty so to encounter,
11 engage, capture or destroy; ~~or,~~

12 9. Does not afford all practicable relief and
13 assistance to any troops, combatants, vessels, or
14 aircraft of the armed forces belonging to the United
15 States or their allies, to the state, or to any other
16 state, when engaged in battle;

17 ~~shall be punished as a court-martial may direct.~~

18 Sec. ____ Section 29B.101, Code 2005, is amended
19 to read as follows:

20 29B.101 AIDING THE ENEMY.

21 Any person subject to this code ~~who shall be~~
 22 punished as a court-martial may direct if the person
 23 does any of the following:

- 24 1. Aids, or attempts to aid, the enemy with arms,
 25 ammunition, supplies, money, or other things;~~or~~
 26 2. Without proper authority, knowingly harbors or
 27 protects or gives intelligence to, or communicates or
 28 corresponds with or holds any intercourse with the
 29 enemy, either directly or indirectly;
 30 ~~shall be punished as a court-martial may direct.~~

31 Sec. ____ Section 29B.102, Code 2005, is amended
 32 to read as follows:

33 29B.102 MISCONDUCT OF A PRISONER.

34 Any person subject to this code ~~who shall be~~
 35 punished as a court-martial may direct if the person,
 36 while in the hands of the enemy in time of war, does
 37 any of the following:

- 38 1. For the purpose of securing favorable treatment
 39 by the captors acts without proper authority in a
 40 manner contrary to law, custom, or regulation, to the
 41 detriment of others of whatever nationality held by
 42 the enemy as civilian or military prisoners;~~or~~
 43 2. While in a position of authority over such
 44 persons maltreats them without justifiable cause;
 45 ~~shall be punished as a court-martial may direct.~~

46 Sec. ____ Section 29B.109, Code 2005, is amended
 47 to read as follows:

48 29B.109 MALINGERING.

49 Any person subject to this code ~~who shall be~~
 50 punished as a court-martial may direct if the person

Page 5

1 for the purpose of avoiding work, duty, or service in
 2 the state military forces does any of the following:

- 3 1. Feigns illness, physical disablement, mental
 4 lapse or derangement;~~or~~
 5 2. Intentionally inflicts self-injury;
 6 ~~shall be punished as a court-martial may direct.~~

7 Sec. ____ Section 29B.113, Code 2005, is amended
 8 to read as follows:

9 29B.113 FRAUDS AGAINST THE GOVERNMENT.

10 Any person subject to this code shall, upon
 11 conviction of any of the following, be punished as a
 12 court-martial may direct:

- 13 1. ~~Who~~ The person, knowing it to be false or
 14 fraudulent does any of the following:
 15 a. Makes any claim against the United States, the
 16 state, or any officer thereof;~~or~~
 17 b. Presents to any person in the civil or military
 18 service thereof, for approval or payment any claim

19 against the United States, the state, or any officer
20 thereof;

21 2. ~~Who~~ The person, for the purpose of obtaining
22 the approval, allowance, or payment of any claim
23 against the United States, the state, or any officer
24 thereof, does any of the following:

25 a. Makes or uses any writing or other paper
26 knowing it to contain any false or fraudulent
27 statements;

28 b. Makes any oath to any fact or to any writing or
29 other paper knowing the oath to be false; ~~or~~

30 c. Forges or counterfeits any signature upon any
31 writing or other paper, or uses any such signature
32 knowing it to be forged or counterfeited;

33 3. ~~Who~~ The person, having charge, possession,
34 custody, or control of any money, or other property of
35 the United States or the state, furnished or intended
36 for the armed forces of the United States or the state
37 military forces, knowingly delivers to any person
38 having authority to receive it, any amount thereof
39 less than that for which the person receives a
40 certificate or receipt; ~~or~~

41 4. ~~Who~~ The person, being authorized to make or
42 deliver any paper certifying the receipt of any
43 property of the United States or the state, furnished
44 or intended for the armed forces of the United States
45 or the state military forces, makes or delivers to any
46 person such writing without having full knowledge of
47 the truth of the statements therein contained and with
48 intent to defraud the United States or the state;
49 ~~shall, upon conviction, be punished as a court-martial~~
50 ~~may direct.~~

Page 6

1 Sec. ____ Section 29B.114, Code 2005, is amended
2 to read as follows:

3 29B.114 LARCENY AND WRONGFUL APPROPRIATION.

4 1. Any person subject to this code who wrongfully
5 takes, obtains, or withholds, by any means, from the
6 possession of the owner or of any other person any
7 money, personal property, or article of value of any
8 kind:

9 1. a. With intent permanently to deprive or
10 fraud another person of the use and benefit of
11 property or to appropriate it to the person's own use
12 or the use of any person other than the owner, steals
13 that property and is guilty of larceny; or

14 2. b. With intent temporarily to deprive or
15 fraud another person of the use and benefit of
16 property or to appropriate it to the person's own use
17 or the use of any person other than the owner, is

- 18 guilty of wrongful appropriation.
 19 2. Any person found guilty of larceny or wrongful
 20 appropriation shall be punished as a court-martial may
 21 direct.”
 22 3. Page 16, line 19, by striking the word “are”
 23 and inserting the following: “is”.
 24 4. Page 44, line 23, by striking the words “of
 25 an” and inserting the following: “of ~~an~~ a”.
 26 5. Page 53, line 15, by striking the words and
 27 figure “~~Public Law 346~~” and inserting the following:
 28 “Public Law 346”.
 29 6. Page 53, line 16, by striking the words and
 30 figure “~~Session, Pub. L. No. 78-348~~” and inserting the
 31 following: “~~Session, Pub. L. No. 78-268~~”.
 32 7. Page 53, line 17, by striking the word and
 33 figures “~~58 Stat. 291~~” and inserting the following:
 34 “~~58 Stat. 284~~”.
 35 8. Page 56, by striking lines 22 through 26, and
 36 inserting the following: “company if ~~(1) such~~ either
 37 of the following apply:
 38 1. ~~The securities shall be~~ are registered, or
 39 ~~shall be~~ are required to be registered, pursuant to
 40 section 12 of the Securities Exchange Act of 1934, [~~48~~
 41 ~~48 Stat. L. 881~~, 15 U.S.C., § 77b et seq.] seq., as
 42 ~~amended, or if (2) such,~~
 43 2. ~~The~~ domestic stock insurance company ~~shall~~ does
 44 not have any”.
 45 9. Page 67, line 1, by striking the words “~~for~~
 46 ~~the~~” and inserting the following: “~~for~~ the”.
 47 10. By renumbering as necessary.

COMMITTEE ON JUDICIARY
 KEITH A. KREIMAN, Co-chair
 DAVID MILLER, Co-chair

S-5011

- 1 Amend Senate File 2182 as follows:
 2 1. Page 1, by inserting before line 1, the
 3 following:
 4 “Section 1. Section 321.1, Code Supplement 2005,
 5 is amended by adding the following new subsection:
 6 NEW SUBSECTION. 24AA. “Farm truck” means a motor
 7 truck not used for hire, with an unladen weight of
 8 seven thousand five hundred pounds or less, owned by a
 9 person engaged in farming, as evidenced by the owner’s
 10 registration with the United States department of
 11 agriculture’s farm service agency.”
 12 2. Page 1, line 7, by inserting after the word
 13 “trucks” the following: “other than farm trucks”.
 14 3. Page 2, line 22, by inserting after the word

- 15 "trucks" the following: "other than farm trucks."
16 4. By renumbering as necessary.

GENE FRAISE

S-5012

- 1 Amend Senate File 2250 as follows:
2 1. Page 1, line 11, by striking the words "or its
3 successor organization".
4 2. Page 1, by striking lines 21 through 24 and
5 inserting the following: "Towa healthcare
6 collaborative" means an organization which is exempt
7 from federal income taxation under section 501(c)(3)
8 of the Internal Revenue Code and which is established
9 to provide direction to promote quality, safety, and
10 value improvement".
11 3. Page 1, line 32, by striking the words "or its
12 successor organization".

JAMES A. SEYMOUR

S-5013

- 1 Amend Senate File 2147 as follows:
2 1. Page 1, by inserting after line 8 the
3 following:
4 "Sec. ____ Section 15E.193, subsection 1, Code
5 2005, is amended by adding the following new
6 paragraph:
7 NEW PARAGRAPH. f. If the business is only
8 partially located in an enterprise zone, the business
9 must be located on contiguous land."
10 2. By renumbering as necessary.

BOB BRUNKHORST
JEFF ANGELO
WILLIAM A. DOTZLER, JR.

S-5014

- 1 Amend Senate File 2051 as follows:
2 1. Page 2, by striking line 1, and inserting the
3 following: "\$20,216,039."
4 2. Page 3, by striking line 3, and inserting the
5 following: "source available, \$54,639,129, which is
6 an amount equal to the appropriations made".
7 3. Page 3, by striking lines 7 and 8, and
8 inserting the following: "subsection 2, paragraph
9 "b". Of the amount".
10 4. Page 3, line 10, by striking the figure

11 "21,186,597" and inserting the following:
12 "19,350,061".

13 5. Page 3, line 12, by striking the figure
14 "33,452,532" and inserting the following:
15 "35,289,068".

16 6. Page 3, by inserting after line 14, the
17 following:

18 "Sec. __. APPROPRIATION — HEALTH CARE
19 TRANSFORMATION ACCOUNT. There is appropriated from
20 the account for health care transformation created in
21 section 249J.23, to the department of human services
22 for the fiscal year beginning July 1, 2005, and ending
23 June 30, 2006, the following amount, or so much
24 thereof as is necessary, for the purposes designated:
25 For payments to the university of Iowa hospitals
26 and clinics for provision of services pursuant to and
27 for costs associated with chapter 249J:

28 \$ 2,000,000
29 Notwithstanding section 8.33, moneys appropriated
30 in this section that remain unencumbered or
31 unobligated at the close of the fiscal year shall not
32 revert, but shall remain available for expenditure for
33 the purposes designated until the close of the
34 succeeding fiscal year."

JAMES A. SEYMOUR
AMANDA RAGAN
JEFF ANGELO
ROBERT E. DVORSKY

S-5015

1 Amend Senate File 2251 as follows:
2 1. Page 2, by inserting after line 11 the
3 following:

4 "(18) The Iowa chiropractic association."

5 2. Page 2, line 16, by striking the figure "(16)"
6 and inserting the following: "(18) and subsection 2,
7 paragraph "c".

NANCY J. BOETTGER

S-5016

1 Amend Senate File 2273 as follows:

2 1. Page 5, line 21, by striking the words
3 "director of the department of management" and
4 inserting the following: "secretary of the executive
5 council".

ROBERT E. DVORSKY
JEFF ANGELO

S-5017

- 1 Amend Senate File 2147 as follows:
- 2 1. Page 1, by inserting after line 8, the
- 3 following:
- 4 "Sec. ____ EFFECTIVE DATE. This Act, being deemed
- 5 of immediate importance, takes effect upon enactment."
- 6 2. Title page, line 2, by inserting after the
- 7 word "program" the following: "and providing an
- 8 effective date".
- 9 3. By renumbering as necessary.

JEFF ANGELO

S-5018

- 1 Amend Senate File 2256 as follows:
- 2 1. Page 1, by inserting after line 7, the
- 3 following:
- 4 "Sec. ____ Section 422.16, Code Supplement 2005,
- 5 is amended by adding the following new subsection:
- 6 **NEW SUBSECTION.** 15. An employer or withholding
- 7 agent in possession of a soy-based transformer fluid
- 8 tax credit certificate issued pursuant to chapter 476D
- 9 who is required to deduct and withhold tax under
- 10 subsections 1 and 12 may receive a tax credit from the
- 11 amount of the tax deducted and withheld which is
- 12 payable to the department equal to the amount of the
- 13 soy-based transformer fluid tax credit certificate.
- 14 To obtain the tax credit, the person shall attach to
- 15 the return required under subsection 2, the soy-based
- 16 transformer fluid tax credit certificate issued to the
- 17 person pursuant to chapter 476D and provide any other
- 18 information the director may require. The amount of
- 19 the tax deducted and withheld which is not remitted to
- 20 the department under this subsection may be used for
- 21 any purpose of the employer or withholding agent.
- 22 This subsection is repealed December 31, 2008."
- 23 2. Page 2, by striking lines 11 through 28.
- 24 3. Page 2, by striking lines 32 and 33.
- 25 4. Page 4, line 14, by striking the word "board"
- 26 and inserting the following: "department".
- 27 5. Page 4, line 15, by striking the word "board"
- 28 and inserting the following: "department".
- 29 6. Page 4, line 18, by striking the word "board"
- 30 and inserting the following: "department".
- 31 7. Page 4, by striking lines 19 and 20.
- 32 8. Page 4, line 23, by striking the word "board"
- 33 and inserting the following: "department".
- 34 9. Page 4, by striking lines 24 and 25, and
- 35 inserting the following:

36 "1A. An electric utility may seek assurance of the
 37 availability of tax credits by getting approval from
 38 the department for the tax credits by submitting an
 39 estimate of the soy-based transformer fluid to be used
 40 during the transition period prior to the utility
 41 entering into any agreement to purchase the soy-based
 42 transformer fluid and prior to the start of its
 43 transition period. If tax credits are available, the
 44 department shall reserve the tax credits for the
 45 electric utility. Prior approval under this
 46 subsection shall be granted based upon the earliest
 47 date of application. Prior approval under this
 48 subsection does not eliminate the requirement for the
 49 electric utility to file the application under
 50 subsection 1."

Page 2

1 10. Page 4, line 26, by striking the word
 2 "utility." and inserting the following: "2."
 3 11. Page 4, line 27, by inserting after the word
 4 "issue" the following: ", or in the case of prior
 5 approval under subsection 1A, shall reserve".
 6 12. Page 4, line 32, by inserting after the
 7 figure "17A." the following: "However, the denial of
 8 an application solely because of the lack of the
 9 availability of tax credits is not appealable."
 10 13. Page 5, line 11, by striking the words "and
 11 the board".
 12 14. Page 5, by inserting after line 17, the
 13 following:
 14 "Sec. __. EFFECTIVE DATE. This Act, being deemed
 15 of immediate importance, takes effect upon enactment."
 16 15. Title page, line 2, by inserting after the
 17 word "including" the following: "effective and".

BOB BRUNKHORST
 JOHN P. KIBBIE

S-5019

1 Amend House File 845, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 6, by inserting after the word
 4 "appointment" the following: "prior to the fourth
 5 Monday in January of the first regular session of each
 6 general assembly and".
 7 2. Page 1, line 10, by striking the words and
 8 figures "sections 333A.2 and 455A.8" and inserting the
 9 following: "section 333A.2".
 10 3. Page 1, by striking lines 21 and 22.
 11 4. Page 3, by striking lines 2 through 29.

- 12 5. Page 3, line 30, by inserting after the word
 13 "Code" the following: "Supplement".
- 14 6. Page 5, line 13, by inserting after the word
 15 "Code" the following: "Supplement".
- 16 7. Page 5, by striking lines 15 through 21, and
 17 inserting the following:
 18 "a. "Authority" means a department, or public or
 19 quasi-public instrumentality of the state including,
 20 but not limited to, the authority created under
 21 chapter 12E, 16, ~~16A~~, 175, 257C, 261A, 327I, or 463C,
 22 which has the power to issue obligations, except that
 23 "authority" does not include the state board of
 24 regents or the Iowa finance authority to the extent it
 25 acts pursuant to chapter 260C. "Authority" also
 26 includes a port authority created under chapter 28J."
- 27 8. Page 6, line 23, by inserting after the word
 28 "Code" the following: "Supplement".
- 29 9. Page 7, by striking lines 18 through 30.
- 30 10. Page 8, line 10, by inserting after the word
 31 "Code" the following: "Supplement".
- 32 11. By striking page 11, line 25, through page
 33 13, line 1, and inserting the following:
 34 "Sec. ____ Section 249A.4B, subsection 2,
 35 paragraph g, unnumbered paragraph 1, Code Supplement
 36 2005, is amended to read as follows:
 37 The following members of the general assembly, each
 38 for a term of two years as provided in section
 39 69.16B:"
- 40 12. Page 13, by inserting before line 2, the
 41 following:
 42 "Sec. ____ Section 249J.20, Code Supplement 2005,
 43 is amended by adding the following new subsection:
 44 NEW SUBSECTION. 1A. The members of the council
 45 shall serve terms as provided in section 69.16B and
 46 are eligible for per diem and expenses as provided in
 47 section 2.10."
- 48 13. Page 14, by inserting after line 28, the
 49 following:
 50 "Sec. ____ Section 261D.3, subsection 3, Code

Page 2

- 1 Supplement 2005, is amended to read as follows:
 2 3. The Nonlegislative members shall serve two-year
 3 terms except as otherwise provided under the terms of
 4 the compact. Legislative members shall serve two-year
 5 terms as provided in section 69.16B. Nonlegislative
 6 members shall serve without compensation, but shall
 7 receive their actual and necessary expenses and
 8 travel. Legislative members shall receive actual and
 9 necessary expenses pursuant to sections 2.10 and 2.12.
 10 Vacancies on the commission shall be filled for the

11 unexpired portion of the term in the same manner as
 12 the original appointments. If a member ceases to be a
 13 member of the general assembly, the member shall no
 14 longer serve as a member of the commission.”

15 14. Page 15, by inserting after line 15, the
 16 following:

17 “Sec. ____ Section 280A.2, subsection 8, Code
 18 Supplement 2005, is amended to read as follows:

19 8. TERMS OF MEMBERS. The members shall be
 20 appointed to three-year staggered terms and the terms
 21 shall commence and end as provided by section 69.19,
 22 except that the appointment and terms of legislators
 23 shall be as provided in section 69.16B. If a vacancy
 24 occurs, a successor shall be appointed to serve the
 25 unexpired term. A successor shall be appointed in the
 26 same manner and subject to the same qualifications as
 27 the original appointment to serve the unexpired term.”

28 15. Page 16, by striking lines 1 through 19, and
 29 inserting the following:

30 “1. The Brushy creek recreation trails advisory
 31 board shall be organized within the department and
 32 shall be composed of ten members including but not
 33 limited to the following: the director of the
 34 department or the director’s designee who shall serve
 35 as a nonvoting ex officio member, the park ranger
 36 responsible for the Brushy creek recreation area, a
 37 member of the state advisory board for preserves
 38 established under chapter 465C, and a person appointed
 39 by the governor, ~~and six persons appointed by the~~
 40 ~~legislative council.~~ Each ~~The~~ person appointed by the
 41 governor ~~or legislative council~~ must actively
 42 participate in recreational trail activities such as
 43 hiking, an equestrian sport, or a winter sport at the
 44 Brushy creek recreation area. The voting members
 45 shall elect a chairperson at the board’s first meeting
 46 each year.”

47 16. Page 16, by inserting before line 20, the
 48 following:

49 “Sec. ____ Section 466A.3, subsection 2, paragraph
 50 a, Code Supplement 2005, is amended to read as

Page 3

1 follows:

2 a. The nonlegislator voting members of the board
 3 shall serve three-year staggered terms commencing and
 4 ending as provided in section 69.19. Legislator
 5 voting members of the board shall serve two-year terms
 6 as provided in section 69.16B. If a vacancy occurs, a
 7 successor shall be appointed in the same manner and
 8 subject to the same qualifications as the original
 9 appointment, to serve the remainder of the term.”

- 10 17. Page 16, line 20, by inserting after the word
- 11 "Code" the following: "Supplement".
- 12 18. By renumbering as necessary.

COMMITTEE ON RULES AND
ADMINISTRATION
MICHAEL E. GRONSTAL, Co-chair
STEWART IVERSON, JR., Co-chair

S-5020

- 1 Amend House File 2365, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 3, by striking the word "three"
- 4 and inserting the following: "five".

STEVE WARNSTADT

S-5021

- 1 Amend Senate File 2240 as follows:
- 2 1. Page 1, line 2, by striking the word
- 3 "MILITARY".
- 4 2. Page 1, line 5, by striking the word
- 5 "military".
- 6 3. Page 1, line 6, by striking the words "three
- 7 hundred feet of a military" and inserting the
- 8 following: "five hundred feet of a".
- 9 4. Page 1, line 18, by striking the word "thirty"
- 10 and inserting the following: "sixty".
- 11 5. Page 1, line 19, by striking the words "thirty
- 12 minutes after a military" and inserting the following:
- 13 "sixty minutes after a".
- 14 6. Title page, line 1, by striking the word
- 15 "military".

STEVE WARNSTADT

S-5022

- 1 Amend Senate File 2297 as follows:
- 2 1. Page 3, by striking lines 15 through 18.

DICK L. DEARDEN

S-5023

- 1 Amend Senate File 2252 as follows:
- 2 1. Page 1, line 6, by inserting after the word
- 3 "conviction" the following: "or deferred judgment for

- 4 an offense other than a simple misdemeanor”.
 5 2. Page 1, line 20, by inserting after the word
 6 “conviction” the following: “or deferred judgment for
 7 an offense other than a simple misdemeanor”.
 8 3. Page 1, line 32, by inserting after the word
 9 “conviction” the following: “or deferred judgment for
 10 an offense other than a simple misdemeanor”.

BRAD ZAUN

S-5024

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

STEVE WARNSTADT

S-5025

- 1 Amend House File 2365, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 3, by striking the word “three”
 4 and inserting the following: “six”.
 5 2. Page 1, line 5, by striking the word “five”
 6 and inserting the following: “one thousand two”.

JAMES F. HAHN

S-5026

- 1 Amend Senate File 2272 as follows:
 2 1. Page 2, lines 29 and 30, by striking the words
 3 “the child is a foreign exchange student;” and
 4 inserting the following: “the child is a foreign
 5 exchange student, unless undue influence was exerted
 6 to place the child for primarily athletic purposes;”.

BOB BRUNKHORST
FRANK B. WOOD

S-5027

- 1 Amend Senate File 2301 as follows:
- 2 1. Page 2, by striking line 30 and inserting the
3 following: "medical expenses, past and future
4 earnings, and past and future loss of bodily
5 functions."
6 2. By renumbering as necessary.

LARRY McKIBBEN

S-5028

- 1 Amend Senate File 2353 as follows:
- 2 1. Page 12, line 26, by striking the words
3 "SUSPENSION OR REVOCATION OF LICENSE", and inserting
4 the following: "SUSPENSION OR REVOCATION OF LICENSE
5 DISCIPLINARY ACTION".
- 6 2. Page 12, line 27, by striking the word
7 "suspend", and inserting the following: "suspend".
- 8 3. Page 12, by striking lines 28 and 29, and
9 inserting the following: "or revoke any license
10 issued pursuant to this chapter take disciplinary
11 action against a licensee or individual registrant if
12 the administrator finds any of the".
- 13 4. Page 13, by inserting after line 8, the
14 following:
15 "d. The licensee or individual registrant has
16 violated an order of the administrator.
17 2. The administrator may impose one or more of the
18 following disciplinary actions against a licensee or
19 individual registrant:
20 a. Revoke a license or individual registration.
21 b. Suspend a license or individual registration
22 until further order of the administrator or for a
23 specified period of time.
24 c. Impose a period of probation under specified
25 conditions.
26 d. Impose civil penalties in an amount not to
27 exceed five thousand dollars for each violation.
28 e. Issue a citation and warning respecting
29 licensee or individual registrant behavior."
- 30 5. Page 13, line 9, by striking the figure "2."
31 and inserting the following: "2. 3.".
- 32 6. Page 13, line 21, by striking the figure "3."
33 and inserting the following: "3. 4.".
- 34 7. Page 13, line 27, by striking the figure "4."
35 and inserting the following: "4. 5.".
- 36 8. Page 13, by inserting after line 31, the
37 following:
38 "Sec. ____ Section 535B.9, subsection 1, Code

39 2005, as amended by 2005 Iowa Acts, chapter 83,
 40 section 7, is amended to read as follows:
 41 1. An applicant for a license shall file with the
 42 administrator a bond furnished by a surety company
 43 authorized to do business in this state. The bond
 44 shall be in the amount of ~~twenty-five~~ fifty thousand
 45 dollars ~~for an applicant seeking to transact business~~
 46 ~~solely as a mortgage broker, or fifty thousand dollars~~
 47 ~~for an applicant seeking to transact business as a~~
 48 ~~mortgage banker.~~ The bond shall be continuous in
 49 nature until canceled by the surety with not less than
 50 thirty days' notice in writing to the mortgage broker

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1 or mortgage banker and to the administrator indicating
 2 the surety's intention to cancel the bond on a
 3 specific date. The bond shall be for the use of the
 4 state and any persons who may have causes of action
 5 against the applicant. The bond shall be conditioned
 6 upon the applicant's faithfully conforming to and
 7 abiding by this chapter and any rules adopted under
 8 this chapter and shall require that the surety pay to
 9 the state and to any persons all moneys that become
 10 due or owing to the state and to the persons from the
 11 applicant by virtue of this chapter."

12 9. Page 14, line 1, by inserting before the word
 13 "licensee's" the following: "mortgage banker".

14 10. Page 14, line 1, by inserting after the word
 15 "the" the following: "mortgage banker".

16 11. Page 14, line 2, by striking the word
 17 "certified", and inserting the following: "certified
 18 audited".

19 12. Page 14, line 2, by inserting after the word
 20 "independent" the following: "certified public".

21 13. Page 17, line 10, by striking the words "five
 22 business", and inserting the following: "five
 23 business fifteen calendar".

24 14. Page 17, line 11, by inserting after the word
 25 "days" the following: "prior to the effective date".

26 15. Page 17, by striking lines 13 through 26.

27 16. Page 19, line 26, by striking the words and
 28 figures "subsections 2 and 3", and inserting the
 29 following: "subsection 2".

30 17. Page 19, line 27, by striking the word "are"
 31 and inserting the following: "is".

32 18. Page 19, by striking lines 28 through 30.

33 19. Page 19, line 31, by striking the figures "2."
 34 3." and inserting the following: "2."

35 20. Page 20, by striking lines 18 through 22.

36 21.

- 37 21. Page 20, by striking lines 23 through 26.
38 22. By renumbering as necessary.

ROGER STEWART

S-5029

- 1 Amend Senate File 2264 as follows:
2 1. Page 6, lines 22 and 23, by striking the words
3 "city, block," and inserting the following: "block".
4 2. Page 6, by striking lines 28 and 29.
5 3. Page 7, by striking lines 12 through 23.
6 4. By renumbering and correcting internal
7 references as necessary.

KEITH A. KREIMAN

S-5030

- 1 Amend Senate File 2368 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 123.186, Code 2005, is amended
5 to read as follows:
6 123.186 FEDERAL REGULATIONS ADOPTED AS RULES.
7 1. The division shall adopt as rules the substance
8 of the federal regulations 27 C.F.R. pt. 6, 27 C.F.R.
9 pt. 8, 27 C.F.R. pt. 10, and 27 C.F.R. pt. 11 as they
10 relate to transactions between wholesalers and
11 retailers.
12 2. The division shall adopt as rules the substance
13 of 27 C.F.R. § 6.88, to permit a manufacturer of
14 alcoholic beverages, wine, or beer, or agent of such
15 manufacturer, to provide to a retailer without charge
16 wine and beer coil cleaning services, including carbon
17 dioxide filters and other necessary accessories to
18 properly clean the coil and affix carbon dioxide
19 filters. The rules shall provide that the
20 manufacturer shall be responsible for paying the costs
21 of any filters provided."
22 2. By renumbering as necessary.

PAT WARD

S-5031

- 1 Amend Senate File 2251 as follows:
2 1. Page 1, by striking lines 19 through 23 and
3 inserting the following:
4 "(1) Two state senators, one appointed by each co-
5 president of the senate from their respective parties,

6 after consultation with the respective floor leader of
7 the senate.”

FRANK B. WOOD

S-5032

1 Amend Senate File 2354 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 “Section 1. NEW SECTION. 279.63 STUDENT
5 ADVANCEMENT POLICY — FINDINGS.
6 1. The general assembly finds and declares that
7 students should be able to meet or exceed the
8 standards and benchmarks established by the school
9 district of enrollment in order to advance to the next
10 grade level.
11 2. The board of directors of each school district
12 shall adopt a student advancement policy which
13 provides for the following:
14 a. Supplemental strategies to be provided to all
15 students in kindergarten through grade five who do not
16 meet the grade level standards or benchmarks
17 established by the school district for English-
18 language arts, social studies, mathematics, and
19 science.
20 b. A requirement that students in grades six
21 through eight who fail one or more of the core courses
22 make up deficiencies before advancing to the next
23 level in the subject area. “Core course” for purposes
24 of this section means a course in the following
25 subject areas: English-language arts, social studies,
26 mathematics, and science.
27 c. Opportunities for students to meet the school
28 district’s standards or benchmarks as provided in
29 paragraphs “a” and “b” which shall include but not be
30 limited to supplemental educational services such as
31 tutoring that may be offered before and after school
32 or during the summer and that may be provided by
33 private service providers.
34 3. If a student in kindergarten through grade
35 eight does not meet the grade level core course
36 standards or benchmarks established by the school
37 district as provided in this section, the school
38 district shall develop a plan for supplemental
39 strategies or supplemental educational services; and
40 for measuring student progress, in consultation with
41 the student’s parent or guardian.
42 4. The decision of whether or not to advance a
43 student to the next grade level shall be made at the
44 sole discretion of the board of directors of the
45 school district.

46 Sec. 2. NEW SECTION. 279.64 SUPPLEMENTAL
 47 STRATEGIES AND EDUCATIONAL SERVICES GRANT PROGRAM.
 48 1. If money is appropriated for this purpose, a
 49 supplemental strategies and educational services grant
 50 program is established to be administered by the

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1 department of education to award grants to school
 2 districts for purposes of providing supplemental
 3 strategies and educational services to students who do
 4 not meet the grade level standards or benchmarks
 5 established by the school district for English-
 6 language arts, social studies, mathematics, and
 7 science.
 8 2. The department shall develop the criteria and a
 9 process for awarding supplemental strategies and
 10 educational services grants to school districts.”

FRANK B. WOOD

S-5033

1 Amend Senate File 2272 as follows:
 2 1. Page 3, by inserting after line 25 the
 3 following:
 4 “Sec. __. Section 257.17, Code 2005, is amended
 5 to read as follows:
 6 257.17 AID REDUCTION FOR EARLY SCHOOL STARTS.
 7 State aid payments made pursuant to section 257.16
 8 for a fiscal year shall be reduced by one one-
 9 hundred-eightieth for each day of that fiscal year for
 10 which the school district begins school before the
 11 earliest starting date specified in section 279.10,
 12 subsection 1. ~~However, this section does not apply to~~
 13 ~~a school district that has received approval from the~~
 14 ~~director of the department of education under section~~
 15 ~~279.10, subsection 4, to commence classes for~~
 16 ~~regularly established elementary and secondary schools~~
 17 ~~in advance of the starting date established in section~~
 18 ~~279.10, subsection 1.”~~
 19 2. Page 9, by inserting after line 1 the
 20 following:
 21 “Sec. __. Section 279.10, subsection 2, Code
 22 2005, is amended to read as follows:
 23 2. The board of directors shall hold a public
 24 hearing on any ~~proposal~~ request made pursuant to
 25 subsection 3 prior to submitting it to the department
 26 of education for approval.
 27 Sec. __. Section 279.10, subsection 4, Code 2005,

- 28 is amended by striking the subsection.”
 29 3. By renumbering as necessary.

JOHN PUTNEY

S-5034

- 1 Amend Senate File 2272 as follows:
 2 1. By striking page 12, line 12, through page 13,
 3 line 3.
 4 2. By renumbering as necessary.

BOB BRUNKHORST

S-5035

- 1 Amend Senate File 2272 as follows:
 2 1. Title page, line 3, by inserting after the
 3 word “boards” the following: “by amending provisions
 4 pertaining to quality instructional centers, sharing
 5 instructors and services, student participation in
 6 extracurricular activities, the division of libraries
 7 and information services, modified allowable growth
 8 and dropout and dropout prevention programs, community
 9 college reciprocal tuition agreements, high school
 10 equivalency diplomas, new area education agency
 11 contracts, school district payments and settlements,
 12 schoolhouses and sites, evening and part-time schools,
 13 open enrollment, school bus driver fitness and
 14 disciplinary actions, and school fences”.

MICHAEL CONNOLLY

S-5036

- 1 Amend Senate File 2300 as follows:
 2 1. Page 4, by striking lines 5 and 6 and
 3 inserting the following: “revocable trust ~~subject to~~
 4 ~~the settlor’s power of revocation at the time of death~~
 5 is subject to the ~~claims~~ debts of the”.
 6 2. Page 7, line 8, by striking the words “the
 7 creditor’s” and inserting the following: “its”.
 8 3. Page 8, by striking line 17 and inserting the
 9 following: “of the claim, if ascertainable, and
 10 accompanied by an”.
 11 4. Page 11, by inserting after line 14 the
 12 following:
 13 “Sec. ____ . APPLICABILITY DATES.
 14 1. The section of this Act amending section
 15 633A.3109 shall apply to trusts of settlors who die on
 16 or after July 1, 2006.

- 17 2. The sections of this Act amending section
18 633A.4213 shall apply to trust accounting periods
19 ending on or after July 1, 2006.
- 20 3. The section of this Act creating section
21 633A.4707 shall apply to property, benefit, or other
22 trust interests distributed on or after July 1, 2006.
- 23 4. The section of this Act amending section
24 633A.6301 shall apply to trust terminations or
25 modifications completed on or after July 1, 2006.”
- 26 5. Title page, line 1, by inserting after the
27 word “codes” the following: “and providing
28 applicability date provisions”.
- 29 6. By renumbering as necessary.

GENE FRAISE

S-5037

- 1 Amend Senate File 2346 as follows:
- 2 1. Page 1, by inserting before line 1 the
3 following:
- 4 “Section 1. Section 123.47, subsection 1, Code
5 Supplement 2005, is amended to read as follows:
- 6 1. a. A person shall not sell, give, or otherwise
7 supply alcoholic liquor, wine, or beer to any person
8 knowing or having reasonable cause to believe that
9 person to be under legal age.
- 10 b. A person who is the owner, lessee, or who has
11 control of property that is not a licensed premises
12 shall not permit any person, knowing or having
13 reasonable cause to believe the person to be under
14 legal age, to consume or possess on such property any
15 alcoholic liquor, wine, or beer.
- 16 Sec. 2. Section 123.47, subsection 4, Code
17 Supplement 2005, is amended to read as follows:
- 18 4. Except as otherwise provided in subsections 5
19 and 6, a person who is of legal age, other than a
20 licensee or permittee, who ~~sells, gives, or otherwise~~
21 ~~supplies alcoholic liquor, wine, or beer to a person~~
22 ~~who is under legal age in violation of this section~~
23 ~~violates subsection 1~~ commits a serious misdemeanor
24 punishable by a minimum fine of five hundred dollars.
- 25 Sec. 3. Section 123.47, subsection 5, Code
26 Supplement 2005, is amended to read as follows:
- 27 5. A person who is of legal age, other than a
28 licensee or permittee, who sells, gives, or otherwise
29 supplies alcoholic liquor, wine, or beer to a person
30 who is under legal age in violation of ~~this section~~
31 subsection 1, paragraph “a,” which results in serious
32 injury to any person commits an aggravated
33 misdemeanor.
- 34 Sec. 4. Section 123.47, subsection 6, Code

35 Supplement 2005, is amended to read as follows:

36 6. A person who is of legal age, other than a
37 licensee or permittee, who sells, gives, or otherwise
38 supplies alcoholic liquor, wine, or beer to a person
39 who is under legal age in violation of ~~this section~~
40 subsection 1, paragraph "a", which results in the
41 death of any person commits a class "D" felony.

42 Sec. 5. Section 123.92, unnumbered paragraph 3,
43 Code 2005, is amended to read as follows:

44 Notwithstanding section 123.49, subsection 1, any
45 person who is injured in person or property or means
46 of support by an intoxicated person who is under legal
47 age or resulting from the intoxication of a person who
48 is under legal age, has a right of action for all
49 damages actually sustained, severally or jointly,
50 against a person who is not a licensee or permittee

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1 and who dispensed or gave any beer, wine, or
2 intoxicating liquor to the intoxicated underage person
3 when the nonlicensee or nonpermittee who dispensed or
4 gave the beer, wine, or intoxicating liquor to the
5 underage person knew or should have known the underage
6 person was intoxicated, or who dispensed or gave beer,
7 wine, or intoxicating liquor to the underage person to
8 a point where the nonlicensee or nonpermittee knew or
9 should have known that the underage person would
10 become intoxicated. If the injury was caused by an
11 intoxicated person who is under legal age, a person
12 who is not a licensee or permittee and who dispensed
13 or gave beer, wine, or intoxicating liquor to the
14 underage person may establish as an affirmative
15 defense that the intoxication did not contribute to
16 the injurious action of the underage person. For
17 purposes of this paragraph, "dispensed" or "gave"
18 means the act of physically presenting a receptacle
19 containing beer, wine, or intoxicating liquor to the
20 underage person, or intentionally making available a
21 receptacle containing beer, wine, or intoxicating
22 liquor to the underage person with direct knowledge
23 that the underage person intends to consume the beer,
24 wine, or other intoxicating liquor, but without
25 physically presenting such receptacle to the underage
26 person, whose actions or intoxication results in the
27 sustaining of damages by another person. However, a
28 person who dispenses or gives beer, wine, or
29 intoxicating liquor to an underage person, or who
30 intentionally makes available a receptacle containing
31 beer, wine, or intoxicating liquor to an underage
32 person, shall only be liable for any damages if the
33 person knew or should have known that the underage

34 person was under legal age.”

35 2. Title page, line 1, by striking the words
36 “relating to driver education” and inserting the
37 following: “concerning the operation of motor
38 vehicles by minors by establishing criminal and civil
39 liability for providing alcoholic beverages to persons
40 under legal age, and including driver education
41 requirements.”

42 3. Title page, lines 3 and 4, by striking the
43 words “a penalty” and inserting the following:
44 “penalties”.

45 4. By renumbering as necessary.

MATT McCOY
BOB BRUNKHORST
DAVID MILLER
JOHN PUTNEY

S-5038

1 Amend Senate File 2269 as follows:

- 2 1. Page 1, line 20, by striking the word
3 “vehicle” and inserting the following: “vehicle”.
- 4 2. Page 2, line 2, by striking the words “device
5 other” and inserting the following: “device, other”.
- 6 3. Page 2, lines 2 and 3, by striking the words
7 “pump meter” and inserting the following: “pump”.
- 8 4. Page 7, by striking lines 9 and 10 and
9 inserting the following: “caused the complaint.”
- 10 5. Page 11, by striking lines 27 through 30.
- 11 6. By renumbering as necessary.

DAVID JOHNSON

S-5039

1 Amend Senate File 2272 as follows:

- 2 1. Page 3, by inserting after line 25 the
3 following:
4 “Sec. ____ Section 257.17, Code 2005, is amended
5 to read as follows:
6 257.17 AID REDUCTION FOR EARLY SCHOOL STARTS.
7 State aid payments made pursuant to section 257.16
8 for a fiscal year shall be reduced by one one-
9 hundred-eightieth for each day of that fiscal year for
10 which the school district begins school before the
11 earliest starting date specified in section 279.10,
12 subsection 1. However, this section does not apply to
13 a school district that has received approval from the
14 director of the department of education for a pilot
15 project under section 256.20, or for a pilot program

16 under section 279.10, ~~subsection 4, to commence~~
 17 ~~classes for regularly established elementary and~~
 18 ~~secondary schools in advance of the starting date~~
 19 ~~established in section 279.10, subsection 4 3."~~

20 2. Page 9, by inserting after line 1 the
 21 following:

22 "Sec. ____ Section 279.10, subsections 1 and 2,
 23 Code 2005, are amended to read as follows:

24 1. The school year shall begin on the first day of
 25 July and each regularly established elementary and
 26 secondary school shall begin no sooner than ~~a day~~
 27 ~~during the calendar week in which the first day of~~
 28 ~~September falls~~ August 25 but no later than the first
 29 Monday in December unless the school district has
 30 received approval from the department of education for
 31 a pilot program or pilot project in accordance with
 32 subsection 3 or section 256.20. However, if the first
 33 day of September falls on a Sunday, school may begin
 34 on a day during the calendar week which immediately
 35 precedes the first day of September. School shall
 36 continue for at least one hundred eighty days, except
 37 as provided in subsection 3, and may be maintained
 38 during the entire calendar year. However, if the
 39 board of directors of a district extends the school
 40 calendar because inclement weather caused the district
 41 to temporarily close school during the regular school
 42 calendar, the district may excuse a graduating senior
 43 who has met district or school requirements for
 44 graduation from attendance during the extended school
 45 calendar. A school corporation may begin employment
 46 of personnel for in-service training and development
 47 purposes before the date to begin elementary and
 48 secondary school.

49 2. The board of directors shall hold a public
 50 hearing on any ~~proposal~~ request made pursuant to

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1 subsection 3 prior to submitting it to the department
 2 of education for approval.

3 Sec. ____ Section 279.10, subsection 4, Code 2005,
 4 is amended by striking the subsection."

5 3. Page 14, by inserting after line 28 the
 6 following:

7 "Sec. ____ FUTURE EFFECTIVE DATE. The sections of
 8 this Act amending sections 257.17 and 279.10 take
 9 effect July 1, 2007, and apply to the 2007-2008 school
 10 year."

11 4. Title page, line 3, by inserting after the
 12 word "boards" the following: "and including effective

- 13 and applicability provisions”.
14 5. By renumbering as necessary.

JOHN PUTNEY
MICHAEL CONNOLLY

S-5040

- 1 Amend Senate File 2085 as follows:
2 1. Page 1, line 12, by striking the word
3 “serious” and inserting the following: “simple”.
4 2. Page 1, line 15, by striking the word
5 “aggravated” and inserting the following: “serious”.
6 3. Page 1, by inserting after line 15, the
7 following:
8 “_. In the event of a collision, accident, or
9 other casualty resulting in a serious injury to a
10 person, the operator is guilty upon conviction of an
11 aggravated misdemeanor.”
12 4. By relettering as necessary.

DAVID JOHNSON

S-5041

- 1 Amend Senate File 2231 as follows:
2 1. By striking page 2, line 22, through page 3,
3 line 10, and inserting the following:
4 “4. a. Commencing July 1, 1979, permanent full-
5 time and permanent part-time employees of state
6 departments, boards, agencies, and commissions,
7 excluding employees covered under a collective
8 bargaining agreement which provides otherwise, shall
9 accrue sick leave at the rate of one and one-half days
10 for each complete month of full-time employment,
11 except as otherwise provided in this subsection. The
12 sick leave accrual rate for part-time employees shall
13 be prorated to the accrual rate for full-time
14 employees.
15 b. Notwithstanding any provision of this
16 subsection to the contrary, commencing July 1, 2006,
17 if the state police officers council collective
18 bargaining agreement provides otherwise, then the sick
19 leave accrual provisions under that collective
20 bargaining agreement shall be extended to peace
21 officers employed within the department of public
22 safety and department of natural resources not covered
23 under a collective bargaining agreement.”
24 2. Page 5, line 14, by striking the words “An
25 eligible”, and inserting the following: “Except as
26 otherwise provided in this section, an eligible”.

- 27 3. By striking page 5, line 27, through page 6,
28 line 34.
29 4. Page 6, line 35, by striking the figure "4."
30 and inserting the following: "3."
31 5. By renumbering as necessary.

JEFF DANIELSON

S-5042

- 1 Amend Senate File 2314 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 99B.7B CARD GAME
5 TOURNAMENTS CONDUCTED BY QUALIFIED ORGANIZATIONS
6 REPRESENTING VETERANS.
7 1. As used in this section, unless the context
8 otherwise requires:
9 a. "Card game" includes poker, pinochle, pitch,
10 gin rummy, bridge, euchre, hearts, and cribbage.
11 b. "Qualified organization representing veterans"
12 means any licensed organization representing veterans
13 which dedicates the net receipts of a game of skill,
14 game of chance or raffle as provided in section 99B.7,
15 is exempt from federal income taxes under section
16 501(c)(19) of the Internal Revenue Code as defined in
17 section 422.3, has an active membership of not less
18 than twelve persons, and does not have a self-
19 perpetuating governing body and officers.
20 2. Notwithstanding any provision of this chapter
21 to the contrary, card game tournaments lawfully may be
22 conducted by a qualified organization representing
23 veterans if all of the following are complied with:
24 a. The organization conducting the card game
25 tournament has been issued a license pursuant to
26 subsection 4 and prominently displays that license in
27 the playing area of the card game tournament.
28 b. The card games to be conducted during a card
29 game tournament, including the rules of each card game
30 and how winners are determined, shall be displayed
31 prominently in the playing area of the card game
32 tournament. Each card game shall be conducted in a
33 fair and honest manner and shall not be operated on a
34 build-up or pyramid basis. Every participant in a
35 card game tournament must be given the same chances of
36 winning the tournament and shall not be allowed any
37 second chance entries or multiple entries in the card
38 game tournament.
39 c. Participation in a card game tournament
40 conducted by a qualified organization representing
41 veterans shall be open to the public. The cost to
42 participate in a card game tournament shall be limited

43 to one hundred dollars and shall be the same for every
44 participant in the card game tournament. Participants
45 in a card game tournament shall be at least twenty-one
46 years of age.

47 d. Cash or merchandise prizes may be awarded
48 during a card game tournament and shall not exceed one
49 thousand dollars and no participant shall win more
50 than a total of two hundred fifty dollars. A

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1 qualified organization representing veterans shall
2 distribute amounts awarded as prizes on the day they
3 are won and merchandise prizes shall not be
4 repurchased. An organization conducting a card game
5 tournament shall only display prizes in the playing
6 area of the card game tournament that can be won.

7 e. No person receives or has any fixed or
8 contingent right to receive, directly or indirectly,
9 any profit, remuneration, or compensation from or
10 related to a game in a card game tournament, except
11 any amount which the person may win as a participant
12 on the same basis as the other participants.

13 f. A qualified organization representing veterans
14 shall not hold more than two card game tournaments per
15 week. Card game tournaments held under an annual game
16 night license shall not count toward the limit of two
17 card game tournaments per week. With the exception of
18 an annual game night license, no more than three card
19 game tournaments per week shall be held within a
20 structure or building and only one qualified
21 organization representing veterans licensed to conduct
22 card game tournaments under this section may hold card
23 game tournaments within a structure or building. A
24 qualified organization representing veterans shall be
25 allowed to hold only one card game tournament during a
26 calendar day.

27 g. At the conclusion of each card game tournament,
28 the person conducting the card game tournament shall
29 announce the gross receipts received, the total amount
30 of money withheld for expenses, and the amount
31 withheld for state taxes.

32 h. The person conducting the card game tournament
33 does none of the following:

34 (1) Hold, currently, another license issued under
35 this section.

36 (2) Own or control, directly or indirectly, any
37 class of stock of another person who has been issued a
38 license to conduct games under this section.

39 (3) Have, directly or indirectly, an interest in
40 the ownership or profits of another person who has
41 been issued a license to conduct games under this

42 section.

43 3. The qualified organization representing
44 veterans licensed to hold card game tournaments under
45 this section shall keep a journal of all dates of
46 events, amount of gross receipts, amount given out as
47 prizes, expenses, amount collected for taxes, and the
48 amount collected as revenue.

49 a. The amount collected by the qualified
50 organization representing veterans as revenue is

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1 limited to ten percent of the gross receipts collected
2 from each event.

3 b. Each qualified organization representing
4 veterans shall withhold that portion of the gross
5 receipts subject to taxation pursuant to section
6 423.2, subsection 4, which shall be kept in a separate
7 account and sent to the state along with the
8 organization's quarterly report.

9 c. A qualified organization representing veterans
10 licensed to conduct card game tournaments is allowed
11 to withhold no more than five percent of the gross
12 receipts from each card game tournament for qualified
13 expenses. Qualified expenses include but are not
14 limited to hired staff to run the event and the
15 purchase of supplies and materials used in conducting
16 card games. Any money collected for expenses and not
17 used by the end of the calendar year shall be donated
18 for educational, civic, public, charitable, patriotic,
19 or religious uses as described in section 99B.7,
20 subsection 3, paragraph "b". The qualified
21 organization representing veterans shall attach a
22 receipt for any donation made to the fourth quarter
23 quarterly report required to be submitted pursuant to
24 section 99B.2.

25 d. Each qualified organization representing
26 veterans licensed under this section shall make
27 recordkeeping and all deposit receipts available as
28 provided in section 99B.2, subsection 2.

29 4. An organization wishing to conduct card game
30 tournaments pursuant to this section as a qualified
31 organization representing veterans shall submit an
32 application and annual license fee of two hundred
33 dollars to the department.

34 Sec. 2. Section 99B.8, Code Supplement 2005, is
35 amended by adding the following new subsection:
36 NEW SUBSECTION. 6. Notwithstanding any provision
37 of section 99B.7 to the contrary, if the games are
38 conducted by a qualified organization issued a license
39 pursuant to subsection 3, the sponsor may award cash
40 or merchandise prizes in any game of skill, game of

41 chance, or card game lawfully conducted during the
42 annual game night in an amount not to exceed ten
43 thousand dollars and no participant shall win more
44 than a total of five thousand dollars.

45 Sec. 3. Section 99B.9, subsection 1, unnumbered
46 paragraph 1, Code 2005, is amended to read as follows:

47 Except as otherwise permitted by section 99B.3,
48 99B.5, 99B.6, 99B.7, 99B.7B, 99B.8, 99B.11, or
49 99B.12A, it is unlawful to permit gambling on any
50 premises owned, leased, rented, or otherwise occupied

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1 by a person other than a government, governmental
2 agency, or governmental subdivision, unless all of the
3 following are complied with:

4 Sec. 4. Section 99B.12, subsection 1, unnumbered
5 paragraph 1, Code 2005, is amended to read as follows:

6 Except in instances where because of the location
7 of the game or the circumstances of the game section
8 99B.3, section 99B.5, section 99B.6, section 99B.7,
9 section 99B.7B, section 99B.8, or section 99B.9 is
10 applicable, individuals may participate in gambling
11 specified in subsection 2, but only if all of the
12 following are complied with:

13 Sec. 5. Section 423.2, subsection 4, Code
14 Supplement 2005, is amended to read as follows:

15 4. A tax of five percent is imposed upon the sales
16 price derived from the operation of all forms of
17 amusement devices and games of skill, games of chance,
18 raffles, and bingo games as defined in chapter 99B,
19 and card game tournaments conducted under section
20 99B.7B, that are operated or conducted within the
21 state, the tax to be collected from the operator in
22 the same manner as for the collection of taxes upon
23 the sales price of tickets or admission as provided in
24 this section. Nothing in this subsection shall
25 legalize any games of skill or chance or slot-operated
26 devices which are now prohibited by law.

27 The tax imposed under this subsection covers the
28 total amount from the operation of games of skill,
29 games of chance, raffles, and bingo games as defined
30 in chapter 99B, card game tournaments conducted under
31 section 99B.7B, and musical devices, weighing
32 machines, shooting galleries, billiard and pool
33 tables, bowling alleys, pinball machines, slot-
34 operated devices selling merchandise not subject to
35 the general sales taxes and on the total amount from
36 devices or systems where prizes are in any manner
37 awarded to patrons and upon the receipts from fees
38 charged for participation in any game or other form of
39 amusement, and generally upon the sales price from any

40 source of amusement operated for profit, not specified
 41 in this section, and upon the sales price from which
 42 tax is not collected for tickets or admission, but tax
 43 shall not be imposed upon any activity exempt from
 44 sales tax under section 423.3, subsection 78. Every
 45 person receiving any sales price from the sources
 46 described in this section is subject to all provisions
 47 of this subchapter relating to retail sales tax and
 48 other provisions of this chapter as applicable.”
 49 2. Title page, by striking lines 1 through 3 and
 50 inserting the following: “An Act concerning the

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1 licensure, operation, and taxation of card game
 2 tournaments by organizations representing veterans and
 3 allowable prizes at annual game nights.”
 4 3. By renumbering as necessary.

JEFF DANIELSON

S-5043

1 Amend Senate File 2221 as follows:
 2 1. Page 3, line 5, by inserting after the word
 3 “determining” the following: “the number of years for
 4 which supplementary weighting shall be received
 5 pursuant to this subsection, subject to the five-year
 6 maximum, and for determining”.

BOB BRUNKHORST

S-5044

1 Amend Senate File 2314 as follows:
 2 1. Page 1, by inserting after line 27 the
 3 following:
 4 “Sec. ____ Section 99B.8, Code Supplement 2005, is
 5 amended by adding the following new subsection:
 6 NEW SUBSECTION. 6. Notwithstanding any provision
 7 of section 99B.7 to the contrary, if the games are
 8 conducted by a qualified organization issued a license
 9 pursuant to subsection 3 that primarily represents
 10 volunteer emergency services providers as described in
 11 section 100B.11, the sponsor may award cash prizes to
 12 any participant in any game of skill, game of chance,
 13 or card game lawfully conducted during the annual game
 14 night in an amount not to exceed one hundred dollars
 15 per game, with a maximum of five hundred dollars
 16 awarded to a participant for all games during the
 17 annual game night.”

- 18 2. Title page, line 3, by inserting after the
 19 word "veterans" the following: "and at annual game
 20 nights conducted by qualified organizations
 21 representing volunteer emergency services providers".
 22 3. By renumbering as necessary.

TOM HANCOCK
 MARK ZIEMAN

S-5045

- 1 Amend Senate File 2330 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 99G.9, Code 2005, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 4A. To establish a process to
 7 allow a person to be voluntarily excluded for life
 8 from purchasing a lottery ticket or share for lottery
 9 games authorized by this chapter. The process
 10 established shall require that the authority
 11 disseminate information regarding persons voluntarily
 12 excluded to all retailers under this chapter and, if
 13 applicable, to licensees under chapters 99D and 99F.
 14 The state, the authority, retailers under this
 15 chapter, and, if applicable, any licensee under
 16 chapter 99D or 99F shall not be liable to any person
 17 for any claim which may arise from this process. In
 18 addition to any other penalty provided by law, any
 19 money or thing of value that has been obtained by, or
 20 is owed to, a voluntarily excluded person by the
 21 authority as a result of playing any lottery game by
 22 the person after the person has been voluntarily
 23 excluded shall not be paid to the person but shall be
 24 deposited into the gambling treatment fund created in
 25 section 135.150. The authority shall coordinate with
 26 the racing and gaming commission to establish a
 27 unified process for allowing persons to be excluded
 28 for life under this chapter and chapters 99D and 99F,
 29 and to establish a statewide database of persons
 30 excluded under this process and those excluded under
 31 the process for racetrack enclosures and all other
 32 licensed facilities under chapters 99D and 99F.
 33 Sec. 2. Section 99G.30, subsection 4, Code 2005,
 34 is amended to read as follows:
 35 4. Except for the authority, a retailer shall only
 36 sell lottery products on the licensed premises and not
 37 through the mail or by technological means except as
 38 the authority may provide or authorize and subject to
 39 the requirements of section 99G.30B.
 40 Sec. 3. NEW SECTION. 99G.30A AGE RESTRICTIONS —
 41 PENALTIES.

42 1. A person under the age of twenty-one years
43 shall not purchase or attempt to purchase a lottery
44 ticket or share and shall not enter the age-restricted
45 area in which a monitor vending machine is located. A
46 person who violates this subsection commits a
47 scheduled violation under section 805.8C, subsection
48 5.
49 2. If any retailer, or employee of a retailer, is
50 convicted or found in violation of section 99G.30,

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1 subsection 3, the authority shall, in addition to
2 criminal penalties fixed for violation of that
3 subsection, assess a civil penalty as follows:
4 a. A first violation shall subject the retailer to
5 a civil penalty in the amount of five hundred dollars.
6 b. A second violation within two years shall
7 subject the retailer to a thirty-day suspension of the
8 retailer's license and a civil penalty in the amount
9 of one thousand five hundred dollars.
10 c. A third violation within three years shall
11 subject the retailer to a sixty-day suspension of the
12 retailer's license and a civil penalty in the amount
13 of one thousand five hundred dollars.
14 d. A fourth violation within three years shall
15 result in revocation of the retailer's license.
16 e. For purposes of this subsection:
17 (1) The date of any violation shall be used in
18 determining the period between violations.
19 (2) Suspension shall be limited to the specific
20 license for the premises found in violation.
21 Sec. 4. NEW SECTION. 99G.30B MONITOR VENDING
22 MACHINES — RESTRICTIONS.
23 1. It shall be lawful for a retailer to sell
24 lottery products or tickets by means of a monitor
25 vending machine pursuant to the requirements of the
26 authority, but only if all of the following conditions
27 are met:
28 a. A monitor vending machine shall only be
29 permitted or offered for use by a retailer in any
30 single location or premises for which a class "A",
31 class "B", class "C", special class "C", or class "D"
32 liquor control license or class "B" or class "C" beer
33 permit has been issued pursuant to chapter 123.
34 b. A monitor vending machine shall not be located
35 on the premises of a retailer within twenty feet of an
36 automated teller machine.
37 c. Monitor vending machines shall be located in an
38 age-restricted area in which a permanent physical
39 barrier, as approved by the authority, restricts
40 access to the monitor vending machines.

41 d. A monitor vending machine offered to the public
42 shall be designed so as to be inaudible and with a
43 video monitor screen that only displays the age
44 requirement for play until the machine is activated by
45 a player. Each machine shall be designed to require
46 each player to affirmatively respond to questions on
47 the machine as determined by the authority prior to
48 being allowed to insert money and play the machine.
49 The questions shall require responses related to the
50 minimum age required to play the machine, the

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1 consequences if a person excluded from purchasing
2 lottery products plays the machine, and the
3 availability of gambling treatment programs.

4 e. A retailer shall not award a prize to a person
5 for playing a monitor vending machine until the
6 retailer verifies that the person is eligible to claim
7 a prize. The authority shall establish the
8 requirements for determining eligibility for claiming
9 a prize, which requirements shall include the manner
10 of verifying the age of the person and determining
11 whether the person is excluded from claiming a prize
12 under this chapter.

13 f. A retailer that offers a monitor vending
14 machine to the public and is authorized to sell
15 alcohol, wine, or beer for on-premises consumption
16 shall require employees of the retailer to attend
17 training designed to assist employees at bars and
18 restaurants in preventing alcohol sales to minors or
19 intoxicated patrons.

20 g. A retailer with a monitor vending machine shall
21 make brochures concerning available gambling treatment
22 information readily available to players of the
23 machine.

24 2. For purposes of this section, "monitor vending
25 machine" means a machine or other similar electronic
26 device that includes a video monitor and audio
27 capabilities that dispenses to a purchaser lottery
28 tickets that have been determined to be winning or
29 losing tickets by a predetermined pool drawing machine
30 prior to the dispensing of the tickets.

31 Sec. 5. Section 99G.33, Code 2005, is amended to
32 read as follows:

33 **99G.33 LAW ENFORCEMENT INVESTIGATIONS.**

34 The department of public safety, division of
35 criminal investigation, shall be the primary state
36 agency responsible for investigating criminal
37 violations under this chapter. The chief executive
38 officer shall contract with the department of public
39 safety for investigative services, including the

40 employment of special agents and support personnel,
 41 and procurement of necessary equipment to carry out
 42 the responsibilities of the division of criminal
 43 investigation under the terms of the contract and this
 44 chapter. The contract shall provide, at a minimum,
 45 for random checks of retailers at all hours for
 46 compliance with the provisions of this chapter,
 47 especially as it relates to the purchase of lottery
 48 products or access to monitor vending machines by a
 49 person who has not reached the age of twenty-one.
 50 Sec. 6. Section 99G.39, subsection 1, paragraph a,

Page 4

1 Code 2005, is amended to read as follows:
 2 a. An amount equal to one-half of one percent of
 3 the gross lottery revenue for the year shall be
 4 deposited in the gambling treatment fund created in
 5 section 135.150. However, an amount equal to one
 6 percent of the gross lottery revenue for the year
 7 derived from monitor vending machines shall be
 8 deposited in the gambling treatment fund created in
 9 section 135.150.
 10 Sec. 7. Section 805.8C, subsection 5, Code
 11 Supplement 2005, is amended to read as follows:
 12 5. GAMBLING VIOLATIONS. For violations of legal
 13 age for gambling wagering under section 99D.11,
 14 subsection 7, section 99F.9, subsection 5, section
 15 99G.30A, subsection 1, and section 725.19, subsection
 16 1, the scheduled fine is five hundred dollars.
 17 Failure to pay the fine by a person under the age of
 18 eighteen shall not result in the person being detained
 19 in a secure facility.”
 20 2. Title page, by striking lines 1 and 2 and
 21 inserting the following: “An Act concerning the Iowa
 22 lottery, including provisions regarding monitor
 23 vending machines, and providing penalties.”

WALLY E. HORN
 MARK ZIEMAN
 RON WIECK
 STEVE KETTERING
 MATT McCOY

S-5046

1 Amend Senate File 2330 as follows:
 2 1. Page 1, by striking lines 22 through 32.
 3 2. Title page, lines 1 and 2, by striking the
 4 words “and providing an effective date”.

LARRY McKIBBEN

S-5047

1 Amend the amendment, S-5035, to Senate File 2272,
2 as follows:

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

5 "____. Page 3, by inserting after line 25 the
6 following:

7 "Sec. ____ Section 257.17, Code 2005, is amended
8 to read as follows:

9 257.17 AID REDUCTION FOR EARLY SCHOOL STARTS.

10 State aid payments made pursuant to section 257.16
11 for a fiscal year shall be reduced by one one-
12 hundred-eightieth for each day of that fiscal year for
13 which the school district begins school before the
14 earliest starting date specified in section 279.10,
15 subsection 1. However, this section does not apply to
16 a school district that has received approval from the
17 director of the department of education for a pilot
18 project under section 256.20, or for a pilot program
19 under section 279.10, subsection 4, to commence
20 classes for regularly established elementary and
21 secondary schools in advance of the starting date
22 established in section 279.10, subsection 1 3."

23 ____ Page 9, by inserting after line 1 the
24 following:

25 "Sec. ____ Section 279.10, subsections 1 and 2,
26 Code 2005, are amended to read as follows:

27 1. The school year shall begin on the first day of
28 July and each regularly established elementary and
29 secondary school shall begin no sooner than a day
30 ~~during the calendar week in which the first day of~~
31 ~~September falls~~ August 25 but no later than the first
32 Monday in December unless the school district has
33 received approval from the department of education for
34 a pilot program or pilot project in accordance with
35 subsection 3 or section 256.20. However, if the first
36 day of September falls on a Sunday, school may begin
37 on a day during the calendar week which immediately
38 precedes the first day of September. School shall
39 continue for at least one hundred eighty days, except
40 as provided in subsection 3, and may be maintained
41 during the entire calendar year. However, if the
42 board of directors of a district extends the school
43 calendar because inclement weather caused the district
44 to temporarily close school during the regular school
45 calendar, the district may excuse a graduating senior
46 who has met district or school requirements for
47 graduation from attendance during the extended school
48 calendar. A school corporation may begin employment
49 of personnel for in-service training and development
50 purposes before the date to begin elementary and

Page 2

- 1 secondary school.
- 2 2. The board of directors shall hold a public
- 3 hearing on any ~~proposal~~ request made pursuant to
- 4 subsection 3 prior to submitting it to the department
- 5 of education for approval.
- 6 Sec. ____ Section 279.10, subsection 4, Code 2005,
- 7 is amended by striking the subsection.”
- 8 ____ Page 14, by inserting after line 28 the
- 9 following:
- 10 “Sec. ____ FUTURE EFFECTIVE DATE. The sections of
- 11 this Act amending sections 257.17 and 279.10 take
- 12 effect July 1, 2007, and apply to the 2007–2008 school
- 13 year.”“
- 14 2. Page 1, line 11, by inserting after the word
- 15 “settlements,” the following: “the school start
- 16 date,”.
- 17 3. Page 1, line 14, by inserting after the word
- 18 “fences” the following: “, and including effective
- 19 and applicability provisions”.
- 20 4. By renumbering as necessary.

JOHN PUTNEY
MICHAEL CONNOLLY

S-5048

- 1 Amend Senate File 2320 as follows:
- 2 1. Page 2, line 3, by striking the words “,
- 3 student tracking.”.

DARYL BEALL

S-5049

- 1 Amend Senate File 2300 as follows:
- 2 1. By striking page 1, line 11, through page 2,
- 3 line 9.
- 4 2. By striking page 2, line 20, through page 3,
- 5 line 10.
- 6 3. By renumbering as necessary.

GENE FRAISE

S-5050

- 1 Amend Senate File 2272 as follows:
- 2 1. Page 3, by inserting after line 12 the
- 3 following:
- 4 “Sec. ____ Section 257.6, subsection 1, unnumbered

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

6 Actual enrollment is determined annually on the
7 ~~third Friday of September in each year~~ October 1, or
8 the first Monday in October if October 1 falls on a
9 Saturday or Sunday, and includes all of the following:

10 Sec. ____ Section 257.6, subsection 1, unnumbered
11 paragraph 3, Code 2005, is amended to read as follows:
12 A school district shall certify its actual
13 enrollment to the department of education by October 1
14 15 of each year, and the department shall promptly
15 forward the information to the department of
16 management.”

17 2. Page 4, by inserting after line 9 the
18 following:

19 “Sec. ____ Section 257.37, subsection 4, Code
20 2005, is amended to read as follows:

21 4. “Enrollment served” means the basic enrollment
22 plus the number of nonpublic school pupils served with
23 media services or educational services, as applicable,
24 except that if a nonpublic school pupil or a pupil
25 attending another district under a whole-grade sharing
26 agreement or open enrollment receives services through
27 an area other than the area of the pupil’s residence,
28 the pupil shall be deemed to be served by the area of
29 the pupil’s residence, which shall by contractual
30 arrangement reimburse the area through which the pupil
31 actually receives services. Each school district
32 shall include in the ~~third Friday in September~~
33 enrollment report submitted pursuant to section 257.6,
34 subsection 1, the number of nonpublic school pupils
35 within each school district for media and educational
36 services served by the area.”

37 3. Page 7, by inserting after line 28 the
38 following:

39 “Sec. ____ Section 261C.6, unnumbered paragraph 1,
40 Code 2005, is amended to read as follows:

41 Not later than June 30 of each year, a school
42 district shall pay a tuition reimbursement amount to
43 an eligible postsecondary institution that has
44 enrolled its resident eligible pupils under this
45 chapter, unless the eligible pupil is participating in
46 open enrollment under section 282.18, in which case,
47 the tuition reimbursement amount shall be paid by the
48 receiving district. However, if a child’s residency
49 changes during a school year, the tuition shall be
50 paid by the district in which the child was enrolled

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1 as of the ~~third Friday in September~~ date specified in
2 section 257.6, subsection 1, or the district in which
3 the child was counted under section 257.6, subsection

4 1, paragraph "f". For pupils enrolled at the school
 5 for the deaf and the Iowa braille and sight saving
 6 school, the state board of regents shall pay a tuition
 7 reimbursement amount by June 30 of each year. The
 8 amount of tuition reimbursement for each separate
 9 course shall equal the lesser of:"

10 4. Page 10, by inserting after line 20 the
 11 following:

12 "Sec. ____ Section 279.60, Code Supplement 2005,
 13 is amended to read as follows:

14 279.60 KINDERGARTEN ASSESSMENT — ACCESS TO DATA
 15 — REPORTS.

16 Each school district shall administer the dynamic
 17 indicators of basic early literacy skills kindergarten
 18 benchmark assessment or other kindergarten benchmark
 19 assessment adopted by the department of education in
 20 consultation with the Iowa empowerment board to every
 21 kindergarten student enrolled in the district not
 22 later than ~~October 1~~ the date specified in section
 23 257.6, subsection 1. The school district shall also
 24 collect information from each parent, guardian, or
 25 legal custodian of a kindergarten student enrolled in
 26 the district, including but not limited to whether the
 27 student attended preschool, factors identified by the
 28 early care staff pursuant to section 28.3, and other
 29 demographic factors. Each school district shall
 30 report the results of the assessment and the preschool
 31 information collected to the department of education
 32 in the manner prescribed by the department not later
 33 than January 1 of that school year. The early care
 34 staff designated pursuant to section 28.3 shall have
 35 access to the raw data. The department shall review
 36 the information submitted pursuant to this section and
 37 shall submit its findings and recommendations annually
 38 in a report to the governor, the general assembly, the
 39 Iowa empowerment board, and the community empowerment
 40 area boards."

41 5. Page 10, by inserting after line 34 the
 42 following:

43 "Sec. ____ Section 282.8, Code 2005, is amended to
 44 read as follows:

45 282.8 ATTENDING SCHOOL OUTSIDE STATE.
 46 The boards of directors of school districts located
 47 near the state boundaries may designate schools of
 48 equivalent standing across the state line for
 49 attendance of both elementary and high school pupils
 50 when the public school in the adjoining state is

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1 nearer than any appropriate public school in a pupil's
 2 district of residence or in Iowa. Distance shall be

3 measured by the nearest traveled public road.
4 Arrangements shall be subject to reciprocal agreements
5 made between the chief state school officers of the
6 respective states. Notwithstanding section 282.1,
7 arrangements between districts pursuant to the
8 reciprocal agreements made under this section shall
9 establish tuition and transportation fees in an amount
10 acceptable to the affected boards, but the tuition and
11 transportation fees shall not be less than the lower
12 average cost per pupil for the previous school year of
13 the two affected school districts. For the purpose of
14 this section average cost per pupil for the previous
15 school year is determined by dividing the district's
16 operating expenditures for the previous school year by
17 the number of children enrolled in the district in the
18 previous school year on the ~~third Friday of September~~
19 ~~of the previous school year~~ date specified in section
20 257.6, subsection 1. A person attending school in
21 another state shall continue to be treated as a pupil
22 of the district of residence in the apportionment of
23 the current school fund and the payment of state aid.
24 Sec. __. Section 282.12, subsection 4, Code 2005,
25 is amended to read as follows:

26 4. The number of pupils participating in a whole
27 grade sharing agreement shall be determined on the
28 third Friday of September date specified in section
29 257.6, subsection 1, and on the third Friday of
30 February of each year."

31 6. Page 12, line 15, by striking the words "third
32 Friday in September of that calendar year" and
33 inserting the following: "third Friday in September
34 of that calendar year date specified in section 257.6,
35 subsection 1".

36 7. Page 13, by inserting after line 3 the
37 following:

38 "Sec. __. Section 282.31, subsection 1, paragraph
39 b, unnumbered paragraph 2, Code 2005, is amended to
40 read as follows:

41 However, on June 30 of a school year, if the board
42 of directors of a school district determines that the
43 number of children under this paragraph who were
44 counted in the basic enrollment of the school district
45 ~~on the third Friday of September~~ of that school year
46 in accordance with section 257.6, subsection 1, is
47 fewer than the sum of the number of months all
48 children were enrolled in the school district under
49 this paragraph during the school year divided by nine,
50 the secretary of the school district may submit a

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1 claim to the department of education by August 1
 2 following the school year for an amount equal to the
 3 district cost per pupil of the district for the
 4 previous school year multiplied by the difference
 5 between the number of children counted and the number
 6 of children calculated by the number of months of
 7 enrollment. The amount of the claim shall be paid by
 8 the department of administrative services to the
 9 school district by October 1. The department of
 10 administrative services shall transfer the total
 11 amount of the approved claim of a school district from
 12 the moneys appropriated under section 257.16 and the
 13 amount paid shall be deducted monthly from the state
 14 foundation aid paid to all school districts in the
 15 state during the remainder of the subsequent fiscal
 16 year in the manner provided in paragraph "a".

17 8. Page 13, by inserting after line 5 the
 18 following:

19 "Sec. ____ Section 294A.5, subsection 2, paragraph
 20 a, Code 2005, is amended to read as follows:
 21 a. For the school year beginning July 1, 1998, for
 22 phase I, each school district and area education
 23 agency shall certify to the department of education by
 24 the ~~third Friday in September~~ date specified in
 25 section 257.6, subsection 1, the names of all teachers
 26 employed by the district or area education agency
 27 whose regular compensation is less than twenty-three
 28 thousand dollars per year for that year and the
 29 amounts needed as minimum salary supplements. The
 30 minimum salary supplement for each eligible teacher is
 31 the total of the difference between twenty-three
 32 thousand dollars and the teacher's regular
 33 compensation plus the amount required to pay the
 34 employer's share of the federal social security and
 35 Iowa public employees' retirement system, or a pension
 36 and annuity retirement system established under
 37 chapter 294, payments on the additional salary moneys.
 38 ~~However, for purposes of this paragraph, a teacher's~~
 39 ~~regular compensation for the school year beginning~~
 40 ~~July 1, 1998, shall not be lower than eighteen~~
 41 ~~thousand dollars."~~

42 9. Page 13, by inserting after line 13 the
 43 following:

44 "Sec. ____ Section 301.1, subsection 2, Code Supplement 2005,
 45 is amended to read as follows:

46 2. Textbooks adopted and purchased by a school
 47 district shall, to the extent funds are appropriated
 48 by the general assembly, be made available to pupils
 49 attending accredited nonpublic schools upon request of
 50 the pupil or the pupil's parent under comparable terms

Page 5

1 as made available to pupils attending public schools.
2 If the general assembly appropriates moneys for
3 purposes of making textbooks available to accredited
4 nonpublic school pupils, the department of education
5 shall ascertain the amount available to a school
6 district for the purchase of nonsectarian,
7 nonreligious textbooks for pupils attending accredited
8 nonpublic schools. The amount shall be in the
9 proportion that the basic enrollment of a
10 participating accredited nonpublic school bears to the
11 sum of the basic enrollments of all participating
12 accredited nonpublic schools in the state for the
13 budget year. For purposes of this section, a
14 "participating accredited nonpublic school" means an
15 accredited nonpublic school that submits a written
16 request on behalf of the school's pupils in accordance
17 with this subsection, and that certifies its actual
18 enrollment to the department of education by October
19 1, annually. By ~~October 15~~ November 1, annually, the
20 department of education shall certify to the director
21 of the department of administrative services the
22 annual amount to be paid to each school district, and
23 the director of the department of administrative
24 services shall draw warrants payable to school
25 districts in accordance with this subsection. For
26 purposes of this subsection, an accredited nonpublic
27 school's enrollment count shall include only students
28 who are residents of Iowa. The costs of providing
29 textbooks to accredited nonpublic school pupils as
30 provided in this subsection shall not be included in
31 the computation of district cost under chapter 257,
32 but shall be shown in the budget as an expense from
33 miscellaneous income. Textbook expenditures made in
34 accordance with this subsection shall be kept on file
35 in the school district. In the event that a
36 participating accredited nonpublic school physically
37 relocates to another school district, textbooks
38 purchased for the nonpublic school with funds
39 appropriated for purposes of this chapter shall be
40 transferred to the school district in which the
41 nonpublic school has relocated and may be made
42 available to the nonpublic school. Funds distributed
43 to a school district for purposes of purchasing
44 textbooks in accordance with this subsection which
45 remain unexpended and available for the purchase of
46 textbooks for the nonpublic school that relocated in
47 the fiscal year in which the funds were distributed
48 shall also be transferred to the school district in
49 which the nonpublic school has relocated."
50 10. Page 14, by inserting after line 25 the

Page 6

1 following:

2 "Sec. ____ Section 423E.3, subsection 5, paragraph
3 d, subparagraph (2), Code Supplement 2005, is amended
4 to read as follows:

5 (2) The combined actual enrollment for a county,
6 for purposes of this section, shall be determined for
7 each county by the department of management based on
8 the actual enrollment figures reported by October 1st
9 to the department of management by the department of
10 education pursuant to section 257.6, subsection 1.
11 The combined actual enrollment count shall be
12 forwarded to the director of revenue by March 1,
13 annually, for purposes of supplying estimated tax
14 payment figures and making estimated tax payments
15 pursuant to this section for the following fiscal
16 year."

17 11. By renumbering as necessary.

BOB BRUNKHORST
MICHAEL CONNOLLY

S-5051

1 Amend the amendment, S-5045, to Senate File 2330 as
2 follows:

3 1. Page 3, by inserting after line 23 the
4 following:

5 "h. A monitor vending machine shall not be located
6 in any county in which the result of the most recent
7 referendum conducted in that county pursuant to
8 section 99F.7 was a defeat of a proposal to conduct
9 gambling games on excursion gambling boats or the
10 defeat of a proposal to conduct gambling games at a
11 licensed pari-mutuel racetrack enclosure."

12 2. By renumbering as necessary.

MARY LUNDBY

S-5052

1 Amend Senate File 2374 as follows:

2 1. Title page, by striking lines 2 and 3 and
3 inserting the following: "entities, including
4 corporations, limited liability companies, and
5 nonprofit".

BRIAN SCHOENJAHN

S-5053

- 1 Amend the amendment, S-5045, to Senate File 2330 as
 2 follows:
- 3 1. Page 1, by striking lines 4 through 32.
 - 4 2. Page 1, line 39, by striking the figure
 5 "99G.30B", and inserting the following: "99G.30A".
 - 6 3. By striking page 1, line 40, through page 2,
 7 line 20.
 - 8 4. Page 2, line 21, by striking the figure
 9 "99G.30B", and inserting the following: "99G.30A".
 - 10 5. Page 2, by striking lines 25 through 29 and
 11 inserting the following: "vending machine in any".
 - 12 6. Page 2, by striking lines 31 and 32 and
 13 inserting the following: "class "B", or class "C"
 14 liquor control license or class "B" beer".
 - 15 7. By striking page 2, line 34, through page 3,
 16 line 23.
 - 17 8. By striking page 3, line 31, through page 4,
 18 line 19.
 - 19 9. Page 4, line 23, by striking the words ", and
 20 providing penalties".
 - 21 10. By renumbering as necessary.

MATT McCOY
 WILLIAM A. DOTZLER, JR.
 WALLY E. HORN
 THOMAS G. COURTNEY
 JEFF DANIELSON

S-5054

- 1 Amend Senate File 2208 as follows:
- 2 1. Page 1, by inserting after line 23, the
 3 following:
 4 "c. Subject to chapter 670, a governmental
 5 subdivision that enters into an agreement with a
 6 public or private organization pursuant to this
 7 subsection is liable for any personal injury or
 8 property damage that occurs in connection with the
 9 preservation or protection of the cemetery or burial
 10 site or access to the cemetery or burial site."
 - 11 2. By renumbering as necessary.

KEITH A. KREIMAN

S-5055

- 1 Amend the amendment, S-5045, to Senate File 2330 as
 2 follows:
- 3 1. By striking page 1, line 2, through page 4,

4 line 23, and inserting the following:

5 “___ By striking everything after the enacting
6 clause and inserting the following:

7 “Section 1. Section 99G.3, subsection 7, Code
8 2005, is amended to read as follows:

9 7. “Lottery”, “lotteries”, “lottery game”,
10 “lottery games” or “lottery products” means any game
11 of chance approved by the board and operated pursuant
12 to this chapter and games using mechanical or
13 electronic devices, provided that the authority shall
14 not authorize a monitor vending machine or a player-
15 activated gaming machine that utilizes an internal
16 randomizer to determine winning and nonwinning plays
17 and that upon random internal selection of a winning
18 play dispenses coins, currency, or a ticket, credit,
19 or token to the player that is redeemable for cash or
20 a prize, and excluding gambling or gaming conducted
21 pursuant to chapter 99B, 99D, or 99F.

22 Sec. 2. Section 99G.3, Code 2005, is amended by
23 adding the following new subsection:

24 NEW SUBSECTION. 8A. “Monitor vending machine”
25 means a machine or other similar electronic device
26 that includes a video monitor and audio capabilities
27 that dispenses to a purchaser lottery tickets that
28 have been determined to be winning or losing tickets
29 by a predetermined pool drawing machine prior to the
30 dispensing of the tickets.

31 Sec. 3. TRANSITION PROVISIONS — MONITOR VENDING
32 MACHINES.

33 1. Notwithstanding any provision of section 99G.3,
34 as amended by this Act, to the contrary, a retailer
35 that has acquired a monitor vending machine prior to
36 the effective date of this Act shall be allowed to
37 offer the machine to the public for only thirty days
38 following the effective date of this Act. On or after
39 thirty days following the effective date of this Act,
40 a retailer shall not make a monitor vending machine
41 available to the public except as provided in
42 subsection 2.

43 2. However, a retailer that has acquired a monitor
44 vending machine prior to the effective date of this
45 Act may continue to offer the machine to the public
46 until September 1, 2006, if prior to thirty days
47 following the effective date of this Act a waiver has
48 been filed by the retailer with the Iowa lottery. The
49 waiver shall be signed by the retailer, and the
50 manufacturer and distributor of the machine to be

3 waive any and all claims any party may have against
4 the Iowa lottery and the state arising out of the
5 operation of this Act.
6 Sec. 4. EFFECTIVE DATE. This Act, being deemed of
7 immediate importance, takes effect upon enactment.””
8 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5056

1 Amend the amendment, S-5045, to Senate File 2330 as
2 follows:
3 1. By striking page 1, line 2, through page 4,
4 line 23, and inserting the following:
5 “—. By striking everything after the enacting
6 clause and inserting the following:
7 “Section 1. Section 99G.3, subsection 7, Code
8 2005, is amended to read as follows:
9 7. “Lottery”, “lotteries”, “lottery game”,
10 “lottery games” or “lottery products” means any game
11 of chance approved by the board and operated pursuant
12 to this chapter and games using mechanical or
13 electronic devices, provided that the authority shall
14 not authorize a monitor vending machine or a player-
15 activated gaming machine that utilizes an internal
16 randomizer to determine winning and nonwinning plays
17 and that upon random internal selection of a winning
18 play dispenses coins, currency, or a ticket, credit,
19 or token to the player that is redeemable for cash or
20 a prize, and excluding gambling or gaming conducted
21 pursuant to chapter 99B, 99D, or 99F.
22 Sec. 2. Section 99G.3, Code 2005, is amended by
23 adding the following new subsection:
24 NEW SUBSECTION. 8A. “Monitor vending machine”
25 means a machine or other similar electronic device
26 that includes a video monitor and audio capabilities
27 that dispenses to a purchaser lottery tickets that
28 have been determined to be winning or losing tickets
29 by a predetermined pool drawing machine prior to the
30 dispensing of the tickets.
31 Sec. 3. NEW SECTION. 99G.30A MONITOR VENDING
32 MACHINE — TAX IMPOSED.
33 1. If revenues are generated from monitor vending
34 machines on or after forty-five days following the
35 effective date of this Act, then there shall be a
36 monitor vending machine excise tax imposed on net
37 monitor vending machine revenue receipts at the rate
38 of sixty-five percent.
39 2. a. The director of revenue shall administer
40 the monitor vending machine excise tax as nearly as
41 possible in conjunction with the administration of

42 state sales tax laws. The director shall provide
 43 appropriate forms or provide appropriate entries on
 44 the regular state tax forms for reporting local sales
 45 and services tax liability.
 46 b. All powers and requirements of the director to
 47 administer the state sales and use tax law are
 48 applicable to the administration of the monitor
 49 vending machine excise tax, including but not limited
 50 to the provisions of section 422.25, subsection 4,

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1 sections 422.30, 422.67, and 422.68, section 422.69,
 2 subsection 1, sections 422.70 to 422.75, section
 3 423.14, subsection 1 and subsection 2, paragraphs "b"
 4 through "e", and sections 423.15, 423.23, 423.24,
 5 423.25, 423.31 to 423.35, 423.37 to 423.42, 423.46,
 6 and 423.47.
 7 c. Frequency of deposits and quarterly reports of
 8 the monitor vending machine excise tax with the
 9 department of revenue are governed by the tax
 10 provisions in section 423.31. Monitor vending machine
 11 excise tax collections shall not be included in
 12 computation of the total tax to determine frequency of
 13 filing under section 423.31.
 14 3. For purposes of this section, "net monitor
 15 vending machine revenue receipts" means the gross
 16 receipts received from monitor vending machines less
 17 prizes awarded.
 18 Sec. 4. TRANSITION PROVISIONS — MONITOR VENDING
 19 MACHINES. Notwithstanding any provision of section
 20 99G.3, as amended by this Act, to the contrary, a
 21 retailer that has acquired a monitor vending machine
 22 prior to the effective date of this Act shall be
 23 allowed to offer the machine to the public for only
 24 forty-five days following the effective date of this
 25 Act. On or after thirty days following the effective
 26 date of this Act, a retailer shall not make a monitor
 27 vending machine available to the public.
 28 Sec. 5. EFFECTIVE DATE. This Act, being deemed of
 29 immediate importance, takes effect upon enactment."
 30 _____. Title page, line 1, by inserting after the
 31 word "providing" the following: "an excise tax and".
 32 2. By renumbering as necessary.

MARY LUNDBY

S-5057

1 Amend Senate File 2350 as follows:
 2 1. Page 2, by inserting after line 2, the
 3 following:

- 4 “___.” “Hunting preserve” means a hunting preserve
5 as regulated by the department of natural resources
6 pursuant to chapter 484B.”
- 7 2. Page 3, line 13, by striking the word “A” and
8 inserting the following:
9 “1. Except as provided in subsection 2, a.”
- 10 3. Page 3, line 15, by striking the figure “1.”
11 and inserting the following: “a.”
- 12 4. Page 3, line 17, by striking the word “a.” and
13 inserting the following: “(1)”.
- 14 5. Page 3, line 20, by striking the word “b.” and
15 inserting the following: “(2)”.
- 16 6. Page 3, line 22, by striking the word
17 “subsection” and inserting the following: “paragraph
18 “a””.
- 19 7. Page 3, line 23, by striking the figure “2.”
20 and inserting the following: “b.”
- 21 8. Page 3, line 26, by striking the word “a.” and
22 inserting the following: “(1)”.
- 23 9. Page 3, line 30, by striking the word “b.” and
24 inserting the following: “(2)”.
- 25 10. Page 3, by inserting after line 33, the
26 following:
27 “2. A person may deem a swine of unknown status as
28 feral swine if the feral swine is within a hunting
29 preserve or has escaped from a hunting preserve.”
- 30 11. Page 5, line 7, by striking the word and
31 figure “1. A” and inserting the following: “1. a.
32 Except as provided in paragraph “b”, a”.
- 33 12. Page 5, line 8, by striking the word “a.” and
34 inserting the following: “(1)”.
- 35 13. Page 5, line 9, by striking the word “b.” and
36 inserting the following: “(2)”.
- 37 14. Page 5, line 11, by striking the word “c.”
38 and inserting the following: “(3)”.
- 39 15. Page 5, by inserting after line 12, the
40 following:
41 “b. A person shall only maintain the custody or
42 control of a feral swine on land which is part of a
43 hunting preserve.”
- 44 16. Page 8, by striking lines 11 through 27, and
45 inserting the following:
46 “Sec. ___. Section 484B.1, Code 2005, is amended
47 by adding the following new subsection:
48 **NEW SUBSECTION. 3A.** “Feral swine” means the same
49 as defined in section 171.1.
50 Sec. ___. Section 484B.4, subsection 2, Code 2005,

Page 2

- 1 is amended by adding the following new paragraph:
2 **NEW PARAGRAPH. f.** If a person has been issued a

3 license to operate a hunting preserve where feral
4 swine are maintained, information regarding the feral
5 swine as required by the department, including but not
6 limited to the greatest number of feral swine that may
7 be maintained on the preserve, and other information
8 required to ensure compliance with special
9 requirements as provided in section 484B.12A.

10 Sec. ____ Section 484B.4, subsection 3, Code 2005,
11 is amended to read as follows:

12 3. a. All licenses issued to persons to operate
13 hunting preserve operator's licenses shall expire
14 preserves expire on March 31 of each year.

15 b. A person shall not be issued a license to
16 operate a hunting preserve where feral swine are
17 maintained unless all of the following apply:

18 (1) The person maintained feral swine on the
19 hunting preserve on the effective date of this Act.

20 (2) The person maintained feral swine on the
21 hunting preserve on the date that the person's
22 previous license expired.

23 Sec. ____ Section 484B.5, Code 2005, is amended to
24 read as follows:

25 484B.5 BOUNDARIES SIGNED — FENCED.

26 1. Upon receipt of a hunting preserve license, the
27 licensee shall promptly sign post the licensed
28 property with signs informing the public that the
29 licensed property is a hunting preserve. If the
30 licensed property may include feral swine, each sign
31 must conspicuously notify the public that the licensed
32 land may include feral swine. The signs shall be
33 provided for in a manner prescribed by the department.

34 2. A licensee holding and releasing ungulates
35 shall construct and maintain boundary fences
36 prescribed by the department so as to enclose and
37 contain all released ungulates and exclude all
38 ungulates which are property of the state from
39 becoming a part of the hunting preserve enterprise.
40 The department of natural resources, in consultation
41 with the department of agriculture and land
42 stewardship, may provide special requirements for the
43 construction and maintenance of boundary fences which
44 confine feral swine.

45 Sec. ____ Section 484B.12, Code 2005, is amended
46 to read as follows:

47 484B.12 HEALTH REQUIREMENTS — UNGULATES.

48 1. All ungulates An ungulate which are is
49 purchased, propagated, confined, released, or sold by
50 a licensed hunting preserve shall be free of diseases

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- 1 any disease considered significant for wildlife,
2 poultry, or livestock.
- 3 2. The department of agriculture and land
4 stewardship shall provide for the regulation of farm
5 deer as provided in chapter 170.
- 6 3. The department of agriculture and land
7 stewardship may provide for the certification of feral
8 swine maintained on the licensed property as provided
9 in section 484B.12A.
- 10 Sec. ____ NEW SECTION. 484B.12A SPECIAL
11 REQUIREMENTS FOR MOVING, RELOCATING, OR MAINTAINING
12 FERAL SWINE.
- 13 1. As used in this section, unless the context
14 otherwise requires:
- 15 a. "Move" or "movement" means to ship, transport,
16 or deliver swine by land, water, or air, except that
17 "move" or "movement" does not mean a relocation.
- 18 b. "Relocate" or "relocation" means to ship,
19 transport, or deliver swine by land, water, or air,
20 from one hunting preserve to a different hunting
21 preserve, if the ownership of the swine does not
22 change, the two hunting preserves are located within
23 the state, and the shipment, transportation, or
24 delivery between the two hunting preserves occurs
25 within the state.
- 26 2. Swine shall be deemed to be feral swine if the
27 swine is moved or relocated to or from a hunting
28 preserve or maintained on land which is a hunting
29 preserve under this chapter.
- 30 3. a. A person licensed under this chapter may
31 move or relocate feral swine on land which is a
32 hunting preserve. The feral swine must be all of the
33 following:
- 34 (1) Accompanied by a certificate of veterinary
35 inspection as provided in section 163.30.
36 (2) Segregated from other animals.
37 (3) Secured in a manner that prevents escape.
- 38 b. The department of agriculture and land
39 stewardship may require that the feral swine be
40 certified prior to relocation as required in this
41 section.
- 42 c. A person licensed under this chapter shall not
43 move feral swine on or after January 1, 2008.
- 44 4. A person licensed under this chapter may
45 maintain feral swine on land which is a hunting
46 preserve, subject to all of the following:
- 47 a. The person may be required to construct and
48 maintain fences pursuant to section 484B.5 which
49 conform to special requirements established by the
50 department of natural resources in consultation with

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- 1 the department of agriculture and land stewardship.
2 The special requirements shall ensure that the feral
3 swine do not escape.
- 4 b. The feral swine may be required to be certified
5 or recertified by the department of agriculture and
6 land stewardship in consultation with the department
7 of natural resources. The certification may provide
8 that feral swine react negatively to tests for
9 contagious or infectious diseases as provided in
10 chapter 163. The department of agriculture and land
11 stewardship or a veterinarian approved by the
12 department may do all of the following:
- 13 (1) Provide for the testing of each feral swine or
14 a statistical sampling of the feral swine as required
15 by the department of agriculture and land stewardship.
- 16 (2) Require that a feral swine be segregated for
17 any period until the swine is certified.
- 18 5. The department of natural resources in
19 cooperation with the department of agriculture and
20 land stewardship may order the quarantine or
21 destruction of an ungulate which is suspected of being
22 afflicted or carrying a contagious or infectious
23 disease which originates with a feral swine. The
24 department of natural resources in cooperation with
25 the department of agriculture and land stewardship may
26 also provide for the depopulation of the ungulates.
- 27 6. Chapter 171 shall apply to a feral swine which
28 escapes from a hunting preserve. The person licensed
29 pursuant to this chapter shall be the responsible
30 party having lost custody or control of the feral
31 swine as provided in that chapter.”
- 32 17. Page 8, by inserting after line 34, the
33 following:
- 34 “Sec. ____ EFFECTIVE DATE. This Act, being deemed
35 of immediate importance, takes effect upon enactment.”
- 36 18. Title page, line 1, by striking the word
37 “and”.
- 38 19. Title page, line 2, by inserting after the
39 word “penalties” the following: “, and providing an
40 effective date.”
- 41 20. By renumbering as necessary.

GENE FRAISE

S-5058

- 1 Amend Senate File 2330 as follows:
2 1. Page 1, by inserting after line 30 the
3 following:
4 “Sec. ____ TRANSITION PROVISIONS — AMUSEMENT

5 DEVICES. Notwithstanding any provision of section
 6 99B.10 to the contrary, a person who had registered an
 7 electrical and mechanical amusement device with the
 8 department of inspections and appeals as of April 28,
 9 2004, and who no longer offers such device to the
 10 public as of the effective date of this Act, may
 11 register such device and offer the device to the
 12 public.”
 13 2. By renumbering as necessary.

WILLIAM A. DOTZLER, JR.

S-5059

1 Amend Senate File 2330 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 “Section 1. Chapters 99D, 99F, and 99G, Code and
 5 Code Supplement 2005, are repealed.
 6 Sec. 2. TRANSITION PROVISIONS. Notwithstanding
 7 any provision of this Act to the contrary, a license
 8 issued prior to the effective date of this Act shall
 9 remain valid until the expiration date of the license
 10 and shall be subject to the law in effect immediately
 11 prior to the effective date of this Act until the
 12 expiration of the license.”
 13 2. Title page, by striking lines 1 and 2 and
 14 inserting the following: “An Act repealing gaming in
 15 Iowa.”
 16 3. By renumbering as necessary.

MARK ZIEMAN

S-5060

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

17 operator is guilty upon conviction of a serious
18 misdemeanor.

19 c. In the event of a collision, accident, or other
20 casualty resulting in a serious injury to a person,
21 the operator is guilty upon conviction of an
22 aggravated misdemeanor.

23 d. In the event of a collision, accident, or other
24 casualty resulting in the death of a person, the
25 operator is guilty upon conviction of a class "D"
26 felony."

27 2. Title page, line 3, by inserting after the
28 word "casualty" the following: ", and for a violation
29 of certain operating rules for vessels involved in a
30 collision, accident, or other casualty".

31 3. By renumbering as necessary.

TOM HANCOCK

S-5061

1 Amend the amendment, S-5045, to Senate File 2330 as
2 follows:

3 1. By striking page 1, line 2, through page 4,

4 line 23, and inserting the following:

5 "___ By striking everything after the enacting
6 clause and inserting the following:

7 "Section 1. Section 99G.3, subsection 7, Code
8 2005, is amended to read as follows:

9 7. "Lottery", "lotteries", "lottery game",
10 "lottery games" or "lottery products" means any game
11 of chance approved by the board and operated pursuant
12 to this chapter and games using mechanical or
13 electronic devices, provided that the authority shall
14 not authorize a monitor vending machine or a player-
15 activated gaming machine that utilizes an internal
16 randomizer to determine winning and nonwinning plays
17 and that upon random internal selection of a winning
18 play dispenses coins, currency, or a ticket, credit,
19 or token to the player that is redeemable for cash or
20 a prize, and excluding gambling or gaming conducted
21 pursuant to chapter 99B, 99D, or 99F.

22 Sec. 2. Section 99G.3, Code 2005, is amended by
23 adding the following new subsection:

24 NEW SUBSECTION. 8A. "Monitor vending machine"
25 means a machine or other similar electronic device
26 that includes a video monitor and audio capabilities
27 that dispenses to a purchaser lottery tickets that
28 have been determined to be winning or losing tickets
29 by a predetermined pool drawing machine prior to the
30 dispensing of the tickets.

31 Sec. 3. NEW SECTION. 99G.30A MONITOR VENDING
32 MACHINE — TAX IMPOSED.

33 1. If revenues are generated from monitor vending
34 machines on or after September 1, 2006, then there
35 shall be a monitor vending machine excise tax imposed
36 on net monitor vending machine revenue receipts at the
37 rate of sixty-five percent.

38 2. a. The director of revenue shall administer
39 the monitor vending machine excise tax as nearly as
40 possible in conjunction with the administration of
41 state sales tax laws. The director shall provide
42 appropriate forms or provide appropriate entries on
43 the regular state tax forms for reporting local sales
44 and services tax liability.

45 b. All powers and requirements of the director to
46 administer the state sales and use tax law are
47 applicable to the administration of the monitor
48 vending machine excise tax, including but not limited
49 to the provisions of section 422.25, subsection 4,
50 sections 422.30, 422.67, and 422.68, section 422.69,

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1 subsection 1, sections 422.70 to 422.75, section
2 423.14, subsection 1 and subsection 2, paragraphs "b"
3 through "e", and sections 423.15, 423.23, 423.24,
4 423.25, 423.31 to 423.35, 423.37 to 423.42, 423.46,
5 and 423.47.

6 c. Frequency of deposits and quarterly reports of
7 the monitor vending machine excise tax with the
8 department of revenue are governed by the tax
9 provisions in section 423.31. Monitor vending machine
10 excise tax collections shall not be included in
11 computation of the total tax to determine frequency of
12 filing under section 423.31.

13 3. For purposes of this section, "net monitor
14 vending machine revenue receipts" means the gross
15 receipts received from monitor vending machines less
16 prizes awarded.

17 Sec. 4. TRANSITION PROVISIONS — MONITOR VENDING 18 MACHINES.

19 1. Notwithstanding any provision of section 99G.3,
20 as amended by this Act, to the contrary, a retailer
21 that has acquired a monitor vending machine prior to
22 the effective date of this Act shall be allowed to
23 offer the machine to the public for only thirty days
24 following the effective date of this Act. On or after
25 thirty days following the effective date of this Act,
26 a retailer shall not make a monitor vending machine
27 available to the public except as provided in
28 subsection 2.

29 2. However, a retailer that has acquired a monitor
30 vending machine prior to the effective date of this
31 Act may continue to offer the machine to the public

32 until September 1, 2006, if prior to thirty days
 33 following the effective date of this Act a waiver has
 34 been filed by the retailer with the Iowa lottery. The
 35 waiver shall be signed by the retailer, and the
 36 manufacturer and distributor of the machine to be
 37 offered to the public pursuant to this subsection by
 38 the retailer, and provide that all parties agree to
 39 waive any and all claims any party may have against
 40 the Iowa lottery and the state arising out of the
 41 operation of this Act. In addition, during the period
 42 of time described in this subsection, an amount equal
 43 to five percent of the gross revenues derived from
 44 monitor vending machines and received by the state
 45 shall not be deposited in the general fund of the
 46 state but shall be distributed, pursuant to a formula
 47 determined by the Iowa lottery, to owners of monitor
 48 vending machines authorized to be offered to the
 49 public pursuant to this subsection.
 50 Sec. 5. EFFECTIVE DATE. This Act, being deemed of

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1 immediate importance, takes effect upon enactment.”
 2 _____. Title page, line 1, by inserting after the
 3 word “providing” the following: “for an excise tax
 4 and including.”
 5 2. By renumbering as necessary.

WILLIAM A. DOTZLER, JR.

S-5062

1 Amend the amendment, S-5045, to Senate File 2330 as
 2 follows:
 3 1. By striking page 1, line 2, through page 4,
 4 line 23, and inserting the following:
 5 “_____. By striking everything after the enacting
 6 clause and inserting the following:
 7 “Section 1. Section 99G.3, subsection 7, Code
 8 2005, is amended to read as follows:
 9 7. “Lottery”, “lotteries”, “lottery game”,
 10 “lottery games” or “lottery products” means any game
 11 of chance approved by the board and operated pursuant
 12 to this chapter and games using mechanical or
 13 electronic devices, provided that the authority shall
 14 not authorize a monitor vending machine or a player-
 15 activated gaming machine that utilizes an internal
 16 randomizer to determine winning and nonwinning plays
 17 and that upon random internal selection of a winning
 18 play dispenses coins, currency, or a ticket, credit,
 19 or token to the player that is redeemable for cash or
 20 a prize, and excluding gambling or gaming conducted

21 pursuant to chapter 99B, 99D, or 99F.

22 Sec. 2. Section 99G.3, Code 2005, is amended by
23 adding the following new subsection:

24 NEW SUBSECTION. 8A. "Monitor vending machine"

25 means a machine or other similar electronic device
26 that includes a video monitor and audio capabilities
27 that dispenses to a purchaser lottery tickets that
28 have been determined to be winning or losing tickets
29 by a predetermined pool drawing machine prior to the
30 dispensing of the tickets.

31 Sec. 3. NEW SECTION. 99G.30A MONITOR VENDING
32 MACHINE — TAX IMPOSED.

33 1. If revenues are generated from monitor vending
34 machines on or after forty-five days following the
35 effective date of this Act, then there shall be a
36 monitor vending machine excise tax imposed on net
37 monitor vending machine revenue receipts at the rate
38 of sixty-five percent.

39 2. a. The director of revenue shall administer
40 the monitor vending machine excise tax as nearly as
41 possible in conjunction with the administration of
42 state sales tax laws. The director shall provide
43 appropriate forms or provide appropriate entries on
44 the regular state tax forms for reporting local sales
45 and services tax liability.

46 b. All powers and requirements of the director to
47 administer the state sales and use tax law are
48 applicable to the administration of the monitor
49 vending machine excise tax, including but not limited
50 to the provisions of section 422.25, subsection 4,

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1 sections 422.30, 422.67, and 422.68, section 422.69,
2 subsection 1, sections 422.70 to 422.75, section
3 423.14, subsection 1 and subsection 2, paragraphs "b"
4 through "e", and sections 423.15, 423.23, 423.24,
5 423.25, 423.31 to 423.35, 423.37 to 423.42, 423.46,
6 and 423.47.

7 c. Frequency of deposits and quarterly reports of
8 the monitor vending machine excise tax with the
9 department of revenue are governed by the tax
10 provisions in section 423.31. Monitor vending machine
11 excise tax collections shall not be included in
12 computation of the total tax to determine frequency of
13 filing under section 423.31.

14 3. For purposes of this section, "net monitor
15 vending machine revenue receipts" means the gross
16 receipts received from monitor vending machines less
17 prizes awarded.

18 Sec. 4. TRANSITION PROVISIONS — MONITOR VENDING
19 MACHINES. Notwithstanding any provision of section

20 99G.3, as amended by this Act, to the contrary, a
 21 retailer that has acquired a monitor vending machine
 22 prior to the effective date of this Act shall be
 23 allowed to offer the machine to the public for only
 24 forty-five days following the effective date of this
 25 Act. On or after forty-five days following the
 26 effective date of this Act, a retailer shall not make
 27 a monitor vending machine available to the public.
 28 Sec. 5. EFFECTIVE DATE. This Act, being deemed of
 29 immediate importance, takes effect upon enactment.”
 30 _____. Title page, line 1, by inserting after the
 31 word “providing” the following: “an excise tax and”.”
 32 2. By renumbering as necessary.

MARY LUNDBY

S-5063

1 Amend the amendment, S-5028, to Senate File 2353 as
 2 follows:
 3 1. Page 1, line 43, by inserting after the word
 4 “state” the following: “together with evidence of
 5 whether the applicant is seeking to transact business
 6 as a mortgage broker or as a mortgage banker”.

ROGER STEWART

S-5064

1 Amend Senate File 2194 as follows:
 2 1. Page 1, line 11, by striking the word “Two”
 3 and inserting the following: “If the reason for the
 4 claims is the same, two”.
 5 2. Page 1, line 14, by inserting after the word
 6 “statement.” the following: “However, the commission
 7 shall provide at its office upon request an
 8 unconsolidated list of all claims allowed.”
 9 3. Page 1, line 33, by striking the word “Two”
 10 and inserting the following: “If the purpose for the
 11 claims is the same, two”.
 12 4. Page 2, line 1, by striking the words
 13 “However, salaries” and inserting the following:
 14 “However, salaries However, the board shall provide at
 15 its office upon request an unconsolidated list of all
 16 claims allowed. Salaries”.
 17 5. Page 2, line 16, by striking the word “Two”
 18 and inserting the following: “If the reason for the
 19 claims is the same, two”.
 20 6. Page 2, line 18, by inserting after the word
 21 “statement.” the following: “However, the commission
 22 shall provide at its office upon request an

- 23 unconsolidated list of all claims allowed.
 24 7. Page 3, line 15, by striking the word "Two"
 25 and inserting the following: "If the reason for the
 26 claims is the same, two".
 27 8. Page 3, line 18, by inserting after the word
 28 "statement." the following: "However, the board shall
 29 provide at its office upon request an unconsolidated
 30 list of all claims allowed."
 31 9. Page 3, line 33, by striking the word "Two"
 32 and inserting the following: "If the reason for the
 33 claims is the same, two".
 34 10. Page 4, line 1, by inserting after the word
 35 "statement." the following: "However, the city shall
 36 provide at its office upon request an unconsolidated
 37 list of all claims allowed."
 38 11. Page 4, line 27, by striking the word "Two"
 39 and inserting the following: "If the reason for the
 40 claims is the same, two".
 41 12. Page 4, line 30, by inserting after the word
 42 "statement." the following: "However, the utility
 43 board shall provide at its office upon request an
 44 unconsolidated list of all claims allowed."
 45 13. By renumbering as necessary.

KEITH A. KREIMAN

S-5065

- 1 Amend Senate File 2318 as follows:
 2 1. Page 1, by inserting after line 22 the
 3 following:
 4 "Sec. ____ NEW SECTION. 357I.1 DEFINITIONS.
 5 As used in this chapter, unless the context
 6 otherwise requires:
 7 1. "Board" means the board of supervisors of a
 8 county.
 9 2. "Book", "list", "record", or "schedule" kept by
 10 a county auditor, assessor, treasurer, recorder,
 11 sheriff, or other county officer means the county
 12 system as defined in section 445.1.
 13 3. "District" means an emergency response
 14 district.
 15 4. "Emergency services" means fire protection
 16 service and emergency medical service.
 17 5. "Governing board" means the governing board of
 18 an emergency response district.
 19 Sec. ____ NEW SECTION. 357I.2 PETITION FOR
 20 PUBLIC HEARING.
 21 1. The board shall, on the petition of twenty-five
 22 percent of the resident property owners in a proposed
 23 district if the assessed valuation of the property
 24 owned by the petitioners represents at least twenty-

25 five percent of the total assessed value of the
26 proposed district, hold a public hearing concerning
27 the establishment of a proposed district. The
28 petition shall include a statement containing the
29 following information:
30 a. The need for emergency services.
31 b. The district to be served.
32 c. The approximate number of residents of the
33 district.
34 d. The proposed personnel, equipment, and
35 facilities to provide the emergency services.
36 2. The board of supervisors may require a bond of
37 the petitioners conditioned for the payment of all
38 costs and expenses incurred in the proceedings in case
39 the district is not established.
40 Sec. __. NEW SECTION. 357I.3 LIMITATION ON
41 AREA.
42 A district may include all or parts of one or more
43 counties, including cities in such counties. However,
44 a district's boundaries shall not divide a township.
45 Sec. __. NEW SECTION. 357I.4 TIME OF HEARING.
46 The public hearing required in section 357I.2 shall
47 be held within thirty days of the presentation of the
48 petition. Notice of hearing shall be given by
49 publication in two successive issues of any newspaper
50 of general circulation within the district. The last

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1 publication shall be not less than one week before the
2 proposed hearing.
3 Sec. __. NEW SECTION. 357I.5 ENGINEER.
4 1. Within twenty days after the hearing, the board
5 shall appoint a competent disinterested civil
6 engineer, who shall prepare a preliminary plat
7 showing:
8 a. The proper design in general outline of the
9 district.
10 b. The lots and parcels of land within the
11 proposed district as they appear on the county
12 auditor's plat books with the names of the owners.
13 c. The assessed valuation of the lots and parcels.
14 2. The compensation of the engineer on the
15 preliminary investigation shall be determined by the
16 board. The engineer shall file a report with the
17 county auditor within thirty days of appointment. The
18 board may extend the time upon good cause shown.
19 Sec. __. NEW SECTION. 357I.6 HEARING ON
20 ENGINEER'S REPORT.
21 After the engineer's report is filed, the board
22 shall give notice, as provided in section 357I.4, of a
23 public hearing to be held concerning the engineer's

24 preliminary plat.

25 Sec. ____ NEW SECTION. 357I.7 ELECTION ON
26 ESTABLISHMENT OF DISTRICT AND CANDIDATES FOR GOVERNING
27 BOARD.

28 Within sixty days after the hearing on the
29 preliminary plat, an election shall be held within the
30 district to approve or disapprove the establishment of
31 the district and to choose candidates for members of
32 the governing board of the district. Notice of the
33 election, including the time and place of holding the
34 election, shall be given as provided in section
35 357I.4. The vote shall be by ballot which shall state
36 clearly the proposition to be voted upon and any
37 registered voter residing within the district at the
38 time of the election may vote. It is not mandatory
39 for the county commissioner of elections to conduct
40 elections held pursuant to this chapter, but the
41 elections shall be conducted in accordance with
42 chapter 49 where not in conflict with this chapter.
43 Judges shall be appointed to serve without pay by the
44 board from among the registered voters of the district
45 to be in charge of the election. The proposition is
46 approved if a majority of those voting on the
47 proposition vote in favor of it.

48 Sec. ____ NEW SECTION. 357I.8 EMERGENCY RESPONSE
49 DISTRICT GOVERNING BOARD — TERM AND QUALIFICATION.

50 At the election, the names of up to three

Page 3

1 candidates for membership on the district's governing
2 board shall be written in by the voters on blank
3 ballots without formal nomination and the board and
4 the city councils of participating cities shall
5 appoint three from among the five receiving the
6 highest number of votes as members of the governing
7 board for the district. One member shall be appointed
8 to serve for one year, one for two years, and one for
9 three years. The members of the governing board and
10 their successors must be residents of the district and
11 shall give bond in the amount required by the board,
12 the premium of which shall be paid by the district.
13 Vacancies shall be filled by election, but if there
14 are no candidates for a governing board office, the
15 vacancy may be filled by appointment by the board and
16 the city councils of participating cities. The term
17 of succeeding members shall be three years.

18 Sec. ____ NEW SECTION. 357I.9 GOVERNING BOARD
19 POWERS.

20 The governing board may purchase, own, rent, or
21 maintain emergency services apparatus or equipment
22 within the state or outside the territorial

23 jurisdiction and boundary limits of this state,
24 provide housing for such apparatus and equipment,
25 provide emergency service and facilities, and may
26 certify for levy an annual tax of not more than one
27 dollar and sixty and three-fourths cents per thousand
28 dollars of assessed value on all the taxable property
29 within the district. The governing board may purchase
30 material, employ emergency service and other
31 personnel, and may perform all other acts necessary to
32 properly maintain and operate the district. The
33 governing board may contract with any city or county
34 or public or private agency under chapter 28E for the
35 purpose of providing emergency services under this
36 chapter. The members of the governing board shall be
37 allowed necessary expenses in the discharge of their
38 duties, but they shall not receive a salary.

39 Sec. ___ NEW SECTION. 357I.10 BONDS IN
40 ANTICIPATION OF REVENUE.

41 The governing board of a district may anticipate
42 the collection of taxes by the levy authorized in this
43 chapter, and to carry out the purposes of this chapter
44 may issue bonds payable in not more than ten equal
45 installments with the rate of interest not exceeding
46 that permitted by chapter 74A. An indebtedness
47 incurred under this chapter shall be issued in the
48 same manner as bonds for an essential corporate
49 purpose.

50 Sec. ___ NEW SECTION. 357I.11 DISSOLUTION OF

Page 4

1 DISTRICT.

2 Upon petition of thirty-five percent of the
3 resident eligible electors, the governing board may
4 dissolve a district and dispose of any remaining
5 property, the proceeds of which shall first be applied
6 against outstanding obligations and any balance shall
7 be applied to tax credit of property owners of the
8 district. However, if all of the unincorporated area
9 of the district is annexed by a participating city,
10 the board of supervisors may transfer the remaining
11 property and balance to the city which annexed the
12 territory. The board of supervisors shall continue to
13 levy a tax after dissolution of a district, of not to
14 exceed twenty-seven cents per thousand dollars of
15 assessed value on all the taxable property of the
16 district, until all outstanding obligations of the
17 district are paid.

18 Sec. ___ NEW SECTION. 357I.12 INCORPORATION OF
19 DISTRICT LAND.

20 If part of a district is incorporated by a city and
21 there are outstanding indebtedness obligations against

22 the district, the city shall pay the outstanding
 23 obligations against the part of the district which is
 24 incorporated by the city.

25 Sec. ____ NEW SECTION. 357I.13 ADDING PROPERTY
 26 TO DISTRICT.

27 The owner of any property in an unincorporated area
 28 contiguous to the boundaries of an established
 29 district may petition the governing board to be
 30 included in the district. A city located in a
 31 participating county may by resolution submitted to
 32 the governing board seek to be included in a district.
 33 Upon receipt of the petition or resolution, the
 34 governing board shall submit the request to a
 35 competent disinterested civil engineer to investigate
 36 the feasibility of adding the additional territory and
 37 to make a report to the governing board. If the
 38 governing board agrees that the property should be
 39 added to the district, the tax levy for the next year
 40 shall be applied to the property and on the first day
 41 of the next fiscal year the property shall become a
 42 part of the district.

43 Sec. ____ NEW SECTION. 357I.14 DETERMINATION OF
 44 FEE.

45 1. The owner of any property joining an
 46 established district shall pay to the governing board
 47 of the district an initial fee to be computed as
 48 follows:

49 a. The governing board shall first determine fair
 50 market value of all property and improvements owned by

Page 5

1 the district, less any indebtedness.

2 b. The governing board shall then determine the
 3 assessed value of all property in the district. This
 4 shall be divided into the value determined in
 5 paragraph "a".

6 c. The governing board shall determine the
 7 assessed value of the property of each landowner
 8 joining the established district.

9 d. The result obtained in paragraph "b" shall be
 10 multiplied by the result obtained in paragraph "c".
 11 The result shall be the initial fee to be charged each
 12 landowner.

13 2. The initial fees paid to the governing board
 14 shall be used to help defray the cost and maintenance
 15 of the district's emergency services and to reimburse
 16 the county for expenses of appointing the civil
 17 engineer.

18 Sec. ____ NEW SECTION. 357I.15 EFFECT OF
 19 ESTABLISHMENT OF DISTRICT — TOWNSHIP LEVY.

20 The board of trustees of a township included in a

- 21 district shall not levy a tax under section 359.43 for
 22 fire protection service or emergency medical service.”
 23 2. Title page, line 1, by inserting after the
 24 words “relating to” the following: “emergency
 25 response by providing”.
 26 3. Title page, line 3, by inserting after the
 27 word “certification” the following: “and by
 28 authorizing establishment of emergency response
 29 districts”.
 30 4. By renumbering as necessary.

TOM HANCOCK
 DAVE MULDER

S-5066

- 1 Amend Senate File 2272 as follows:
 2 1. Page 10, by inserting before line 21 the
 3 following:
 4 “Sec. ____ NEW SECTION. 279.63 SCHOOL DISTRICT
 5 CALENDAR START DATE.
 6 Notwithstanding the school calendar start date set
 7 forth in section 279.10, effective July 1, 2007, for
 8 the school year beginning July 1, 2007, and each
 9 succeeding school year, the board of directors of a
 10 school district may begin the elementary and secondary
 11 school on any date after July 1 of the current school
 12 year. School shall continue for at least one hundred
 13 eighty days unless the school district has approval
 14 from the department of education for a pilot program
 15 for an innovative school year or a year around school
 16 pilot project. Notwithstanding section 257.17, state
 17 aid payments made pursuant to section 257.16 for a
 18 fiscal year shall not be reduced if a school district
 19 begins school before the earliest starting date
 20 specified in section 279.10, subsection 1.”

ROBERT E. DVORSKY
 FRANK B. WOOD

S-5067

- 1 Amend Senate File 2322 as follows:
 2 1. Page 1, by inserting after line 26 the
 3 following:
 4 “Sec. ____ Section 139A.2, Code 2005, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 0A. “Area quarantine” means
 7 prohibiting ingress and egress to and from a building,
 8 structure, facility, or environment, or a portion
 9 thereof, to prevent or contain the spread of a

10 suspected or confirmed quarantinable disease or to
11 prevent or contain exposure to a suspected or known
12 chemical, biological, radioactive, or other hazardous
13 or toxic agent.

14 Sec. ____ Section 139A.3, subsection 2, paragraphs
15 a and b, Code 2005, are amended to read as follows:
16 a. Any person who, acting reasonably and in good
17 faith, files a report, releases information, or
18 otherwise cooperates with an investigation under this
19 ~~section~~ chapter is immune from any liability, civil or
20 criminal, which might otherwise be incurred or imposed
21 for ~~making a report~~ such action.

22 b. A report ~~to~~ or other information provided to or
23 maintained by the department, ~~to~~ a local board, or ~~to~~
24 a local department, which identifies a person infected
25 with or exposed to a reportable or other disease or
26 health condition, is confidential and shall not be
27 accessible to the public.

28 Sec. ____ Section 139A.3, Code 2005, is amended by
29 adding the following new subsection:

30 NEW SUBSECTION. 3. A health care provider or
31 public, private, or hospital clinical laboratory shall
32 provide the department, local board, or local
33 department with all information reasonably necessary
34 to conduct an investigation pursuant to this chapter
35 upon request of the department, local board, or local
36 department. The department may also subpoena records,
37 reports, and any other evidence necessary to conduct
38 an investigation pursuant to this chapter from other
39 persons, facilities, and entities pursuant to rules
40 adopted by the department.

41 Sec. ____ Section 139A.4, Code 2005, is amended by
42 adding the following new subsection:

43 NEW SUBSECTION. 4. The department and local
44 boards may impose and enforce area quarantine
45 restrictions according to rules adopted by the
46 department. Area quarantine shall be imposed by the
47 least restrictive means necessary to prevent or
48 contain the spread of the suspected or confirmed
49 quarantinable disease or suspected or known hazardous
50 or toxic agent."

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- 1 2. Title page, line 1, by inserting after the
- 2 word "to" the following: "the investigation and
- 3 control of communicable and infectious diseases and".
- 4 3. By renumbering as necessary.

JAMES A. SEYMOUR

S-5068

1 Amend the amendment, S-5028, to Senate File 2353 as
2 follows:

3 1. Page 2, by striking lines 27 through 31.

4 2. Page 2, by striking lines 35 through 36 and
5 inserting the following:

6 “___ Page 20, line 18, by striking the figures

7 “~~3~~ 4.” and inserting the following: “3.”

8 ___ Page 20, line 22, by inserting after the

9 word “licensee.” the following: “The licensee shall
10 provide a written schedule of the fees, charges,
11 interest rates, and penalties upon request.”

12 ___ Page 20, by inserting after line 22 the
13 following:

14 “Sec. ___. Section 533D.9, Code 2005, is amended
15 by adding the following new subsection:

16 NEW SUBSECTION. 4. The licensee shall make all
17 notices and disclosures required under this section
18 available in the language spoken by consumers who
19 frequent that location.

20 Sec. ___. Section 533D.10, subsection 1,
21 paragraphs a and b, Code 2005, are amended to read as
22 follows:

23 a. Hold from any one maker more than two checks at
24 any one time within a twenty-four-hour time period.

25 b. Hold from any one maker a check or checks in an
26 aggregate face amount of more than five hundred
27 dollars at any one time within a twenty-four-hour time
28 period.”

29 3. Page 2, by inserting after line 37 the
30 following:

31 “___ Page 22, by inserting after line 6 the
32 following:

33 “Sec. ___. NEW SECTION. 533D.17 REPORTING.

34 1. Licensees shall file information with the
35 superintendent annually by January 31 of each year,
36 showing information for the previous calendar year,
37 regarding at least the following:

38 a. The total number of delayed deposit
39 transactions made at each location.

40 b. Total number of loans outstanding at the end of
41 the year.

42 c. Total number of unique customers at each
43 location, as compared to total number of loans, and
44 total number of transactions that each repeat customer
45 at each location made in a year.

46 d. The minimum, maximum, and average dollar amount
47 of checks in delayed deposit transactions at each
48 location.

49 e. The number of unique customers who reached the
50 five hundred dollar loan maximum under section

Page 2

- 1 533D.10, subsection 1.
- 2 f. The total amount of money subject to delayed
- 3 deposit transactions at each location.
- 4 g. The average term of a delayed deposit
- 5 transaction at each location, and the average adjusted
- 6 percentage rate of interest.
- 7 h. The total fees earned at each location.
- 8 i. The total amount of nonsufficient funds fees
- 9 charged, and collected.
- 10 j. The total amount of bad debt incurred at each
- 11 location, including the total of returned checks, the
- 12 total of checks recovered, and the total of checks
- 13 charged off.
- 14 k. Affiliate relationships, if any, of each
- 15 licensee with any financial institutions.
- 16 1. Verification that the licensee has not used the
- 17 criminal process or caused it to be used in the
- 18 collection of any loan during the year.
- 19 2. The superintendent may also collect any other
- 20 information as the superintendent determines as is
- 21 necessary for adequate analysis of the delayed deposit
- 22 services industry.
- 23 3. The superintendent may adopt rules pursuant to
- 24 chapter 17A related to these reporting requirements.””
- 25 4. By renumbering as necessary.

JOE BOLKCOM

S-5069

- 1 Amend Senate File 2270 as follows:
- 2 1. Page 1, line 4, by striking the words “for the
- 3 benefit of a government body” and inserting the
- 4 following: “made to a foundation acting solely for
- 5 the support of an institution governed by the state
- 6 board of regents, to a private foundation as defined
- 7 in section 509 of the Internal Revenue Code organized
- 8 for the support of a government body, or to an endow
- 9 Iowa qualified community foundation, as defined in
- 10 section 15E.303, organized for the support of a
- 11 government body”.
- 12 2. Page 1, by striking lines 17 through 20.
- 13 3. Page 1, by striking lines 21 through 23 and
- 14 inserting the following:
- 15 “e. Portions of records disclosing the identity of
- 16 a donor or prospective donor, including the specific
- 17 form of gift or pledge that could identify a donor or
- 18 prospective donor, directly or indirectly, when such
- 19 donor has requested anonymity in connection with the
- 20 gift, or pledge. This paragraph does not apply to a

- 21 gift or pledge from a publicly held business
 22 corporation.
- 23 This subsection does not apply to a report filed
 24 with the ethics and campaign disclosure board pursuant
 25 to section 8.7.”
- 26 4. Title page, lines 2 and 3, by striking the
 27 words “for the benefit of a government body” and
 28 inserting the following: “made to a foundation acting
 29 solely for the support of an institution governed by
 30 the state board of regents, to a private foundation as
 31 defined in section 509 of the Internal Revenue Code
 32 organized for the support of a government body, or to
 33 an endow Iowa qualified community foundation, as
 34 defined in section 15E.303, organized for the support
 35 of a government body”.
- 36 5. By renumbering as necessary.

LARRY McKIBBEN

S-5070

- 1 Amend Senate File 2305 as follows:
- 2 1. Page 1, line 11, by striking the words
 3 “~~seventeen~~ twenty-four” and inserting the following:
 4 “seventeen”.
- 5 2. Page 1, lines 11 and 12, by striking the words
 6 “~~weight volume~~” and inserting the following: “weight
 7 or twenty-four and twenty-five hundredths percent of
 8 alcohol by volume”.
- 9 3. Page 1, line 18, by striking the words
 10 “~~seventeen~~ twenty-four” and inserting the following:
 11 “seventeen”.
- 12 4. Page 1, line 19, by striking the words “~~weight~~
 13 volume” and inserting the following: “weight or
 14 twenty-four and twenty-five hundredths percent of
 15 alcohol by volume”.
- 16 5. Page 1, line 30, by striking the words
 17 “~~seventeen~~ twenty-four” and inserting the following:
 18 “seventeen”.
- 19 6. Page 1, line 31, by striking the words “~~weight~~
 20 volume” and inserting the following: “weight or
 21 twenty-four and twenty-five hundredths percent of
 22 alcohol by volume”.
- 23 7. Page 2, lines 15 and 16, by striking the words
 24 “~~seventeen~~ twenty-four” and inserting the following:
 25 “seventeen”.
- 26 8. Page 2, line 16, by striking the words “~~weight~~
 27 volume” and inserting the following: “weight or
 28 twenty-four and twenty-five hundredths percent of
 29 alcohol by volume”.

HUBERT HOUSER

S-5071

- 1 Amend Senate File 2370 as follows:
- 2 1. Page 1, line 10, by inserting after the word
3 "matters." the following: "School districts may also
4 participate in a community-wide area if joined by a
5 county, city, or township."
- 6 2. Page 1, line 15, by striking the word
7 "thirteen" and inserting the following: "fourteen".
- 8 3. Page 1, by inserting after line 27 the
9 following:
10 "(___) One member representing school districts
11 appointed by the president of the Iowa association of
12 school boards."
- 13 4. Page 3, line 27, by inserting after the word
14 "efficient" the following: "and effective".
- 15 5. Page 3, line 29, by inserting after the word
16 "area" the following: "and modernizing services and
17 service delivery to meet the changing public service
18 needs of the area".
- 19 6. Page 4, line 1, by striking the word "which"
20 and inserting the following: "that".
- 21 7. Page 4, by striking lines 2 through 10 and
22 inserting the following: "demonstrate one or more of
23 the following:
24 a. How the local governance and revenue model will
25 result in reduced expenditures by local government or
26 from the state general fund.
27 b. How local government revenues will increase
28 without an increase in state costs.
29 c. How local government services will be provided
30 more efficiently or will be of increased quality
31 resulting in greater value from the expenditure of
32 local government revenues.
33 d. How the model develops partnerships with the
34 state to provide increased quality and efficiency on
35 the local level."
- 36 8. Page 4, line 20, by striking the word
37 "proposal" and inserting the following: "proposals".
- 38 9. Page 4, line 22, by striking the figure
39 "8.68." and inserting the following: "8.68, and
40 prepare procedures and a timetable for submission and
41 review of proposals and for selection of a proposal.
42 The proposal process shall be open to public and
43 private not-for-profit institutions of higher
44 education located in this state and accredited by the
45 north central association of colleges and secondary
46 schools."
- 47 10. Page 4, line 23, by striking the word
48 "proposal" and inserting the following: "proposals".
- 49 11. Page 4, line 23, by inserting after the word
50 "require" the following: "each proposal to provide

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1 for”.

2 12. Page 4, by inserting after line 24 the
3 following:

4 “c. The request for proposals shall require each
5 proposal to specify all of the following:

6 (1) The number and subject area specialties of the
7 research staff; the office space; the support staff;
8 and the computer, library, and research facilities to
9 be provided by the proposing institution.

10 (2) The personnel, facilities, and support
11 provided for the training of policymakers, public
12 officials, and students in areas including but not
13 limited to public administration and management,
14 budgetary preparation and analysis, electronic
15 government, local-state government relations, and
16 public policy formulation, implementation, and
17 evaluation.

18 (3) The funding to be committed by the proposing
19 institution.”

20 13. Page 5, lines 24 and 25, by striking the
21 words “regents universities” and inserting the
22 following: “community colleges and public and private
23 universities located in this state”.

24 14. Page 5, line 28, by striking the word
25 “regents” and inserting the following: “public and
26 private”.

27 15. Page 5, line 33, by inserting after the word
28 “agencies” the following: “or agreements subject to
29 chapter 28E with public and private agencies”.

30 16. Page 5, line 34, by inserting after the word
31 “purposes.” the following: “All records of the center
32 including but not limited to records of donations to
33 the center and agreements entered into by the center
34 shall be public records for purposes of chapter 22.”

35 17. By renumbering and correcting internal
36 references as necessary.

HERMAN C. QUIRMBACH

S-5072

1 Amend Senate File 2353 as follows:

2 1. Page 21, by striking lines 22 through 25 and
3 inserting the following: “5”

JOE BOLKCOM

S-5073

- 1 Amend Senate File 2323 as follows:
- 2 1. Page 1, by inserting after line 32 the
- 3 following:
- 4 "___ One member of the Iowa trial lawyers
- 5 association criminal defense core group."

THOMAS G. COURTNEY

S-5074

- 1 Amend Senate File 2312 as follows:
- 2 1. Page 1, lines 1 and 2, by striking the words
- 3 "VETERANS APPRECIATION PROGRAM — GRANTS" and
- 4 inserting the following: "INJURED VETERANS GRANT
- 5 PROGRAM".
- 6 2. Page 1, line 9, by striking the words "A
- 7 veterans appreciation program" and inserting the
- 8 following: "An injured veterans grant program".
- 9 3. Page 1, line 11, by striking the word
- 10 "hardship".
- 11 4. Page 1, line 11, by inserting after the word
- 12 "eligible" the following: "injured".
- 13 5. Page 1, line 13, by striking the words
- 14 "veterans appreciation" and inserting the following:
- 15 "injured veterans".
- 16 6. Page 1, line 14, by striking the words "one-
- 17 time hardship".
- 18 7. Page 1, by striking lines 15 and 16 and
- 19 inserting the following: "dollars to a seriously
- 20 injured veteran to provide financial assistance to the
- 21 veteran so that family members of the veteran may be
- 22 with the veteran during the veteran's recovery from an
- 23 injury received in the line of duty in a combat zone
- 24 or in a zone".
- 25 8. Page 1, line 19, by striking the word
- 26 "commission" and inserting the following:
- 27 "department".
- 28 9. Page 1, line 20, by striking the word
- 29 "hardship".
- 30 10. Page 1, line 20, by striking the word
- 31 "section." and inserting the following: "section in
- 32 accordance with the following:
- 33 a. Grants shall be paid in increments of two
- 34 thousand five hundred dollars, up to a maximum of ten
- 35 thousand dollars upon proof that the veteran has been
- 36 evacuated from the operational theater in which the
- 37 veteran was injured to a military hospital for an
- 38 injury received in the line of duty and shall continue
- 39 to be paid, at thirty-day intervals, up to the maximum

40 amount, so long as the veteran is hospitalized or
 41 receiving medical care or rehabilitation services
 42 authorized by the military and the presence or
 43 assistance of family members is necessary.
 44 b. Proof of continued medical care or
 45 rehabilitation services may include any reasonably
 46 reliable documentation showing that the veteran is
 47 receiving continued medical or rehabilitative care as
 48 a result of qualifying injuries. Proof that the
 49 injury occurred in the line of duty shall be made
 50 based upon the circumstances of the injury known at

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1 the time of evacuation from the combat zone or zone in
 2 which the veteran was receiving hazardous duty pay.
 3 c. Grants for veterans injured prior to the
 4 effective date of this Act shall be payable, upon a
 5 showing that the veteran would have been eligible for
 6 payment had the injury occurred on or after the
 7 effective date of this Act.”

8 11. Page 1, lines 24 and 25, by striking the
 9 words “veterans appreciation” and inserting the
 10 following: “injured veterans grant”.

11 12. Page 1, by inserting after line 25 the
 12 following:

13 “Sec. ____ 2005 Iowa Acts, chapter 175, section 4,
 14 subsection 3, as enacted by 2006 Iowa Acts, House File
 15 2080, section 3, is amended to read as follows:

16 3. ~~VETERANS APPRECIATION~~ INJURED VETERANS GRANT
 17 PROGRAM

18 For implementation of a new ~~veterans appreciation~~
 19 injured veterans grant program, contingent upon
 20 enactment of law by the Eighty-first General Assembly,
 21 2006 Session, codifying the new program requirements
 22 in chapter 35A, for providing ~~hardship~~ grants to
 23 military veterans seriously injured in a combat zone
 24 since September 11, 2001:

25 \$ 1,000,000

26 If the general assembly enacts law codifying a new
 27 fund or other requirements for the new program for
 28 which the appropriation is made in this subsection,
 29 then notwithstanding section 8.33, moneys appropriated
 30 in this subsection that remain unencumbered or
 31 unobligated at the close of the fiscal year shall not
 32 revert but shall remain available for expenditure for
 33 the purposes designated until the close of the
 34 succeeding fiscal year. However, if the general
 35 assembly does not enact such law, the appropriation
 36 made in this subsection shall revert as provided in
 37 section 8.33.”

38 13. Title page, line 1, by striking the word

39 "hardship".
40 14. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
JEFF ANGELO, Co-chair
ROBERT E. DVORSKY, Co-chair

S-5075

1 Amend Senate File 2363 as follows:
2 1. Page 3, line 5, by striking the words and
3 figure "pursuant to subsection 2".
4 2. Page 3, by striking lines 7 through 9 and
5 inserting the following: "quality standards."
6 3. Page 4, line 30, by inserting after the word
7 "permit" the following: "effluent limitation based
8 upon a new".
9 4. By striking page 8, line 13, through page 9,
10 line 23.
11 5. Page 10, line 33, by striking the words "to
12 appeal the determination".
13 6. By renumbering and relettering as necessary.

FRANK B. WOOD

S-5076

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

JOHN P. KIBBIE

S-5077

1 Amend Senate File 2314 as follows:

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

4 "Section 1. NEW SECTION. 99B.7B CARD GAME
5 TOURNAMENTS CONDUCTED BY QUALIFIED ORGANIZATIONS
6 REPRESENTING VETERANS.

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

9 a. "Card game" means only poker, pinochle, pitch,
10 gin rummy, bridge, euchre, hearts, or cribbage.

11 b. "Qualified organization representing veterans"
12 means any licensed organization representing veterans,
13 which is a post, branch, or chapter of a national
14 association of veterans of the armed forces of the
15 United States, is a federally chartered corporation,
16 dedicates the net receipts of a game of skill, game of
17 chance, or raffle as provided in section 99B.7, is
18 exempt from federal income taxes under section
19 501(c)(19) of the Internal Revenue Code as defined in
20 section 422.3, has an active membership of not less
21 than twelve persons, and does not have a self-
22 perpetuating governing body and officers.

23 2. Notwithstanding any provision of this chapter
24 to the contrary, card game tournaments lawfully may be
25 conducted by a qualified organization representing
26 veterans if all of the following are complied with:

27 a. The organization conducting the card game
28 tournament has been issued a license pursuant to
29 subsection 4 and prominently displays that license in
30 the playing area of the card game tournament.

31 b. The card games to be conducted during a card
32 game tournament, including the rules of each card game
33 and how winners are determined, shall be displayed
34 prominently in the playing area of the card game
35 tournament. Each card game shall be conducted in a
36 fair and honest manner and shall not be operated on a
37 build-up or pyramid basis. Every participant in a
38 card game tournament must be given the same chances of
39 winning the tournament and shall not be allowed any
40 second chance entries or multiple entries in the card
41 game tournament.

42 c. Participation in a card game tournament
43 conducted by a qualified organization representing
44 veterans shall only be open to members of the
45 qualified organization representing veterans and
46 guests of a member if a bona fide social relationship
47 exists between the member and the guest. The cost to
48 participate in a card game tournament shall be limited
49 to one hundred dollars and shall be the same for every
50 participant in the card game tournament. Participants

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1 in a card game tournament shall be at least twenty-one
2 years of age.

3 d. Cash or merchandise prizes may be awarded
4 during a card game tournament and shall not exceed one
5 thousand dollars and no participant shall win more
6 than a total of two hundred fifty dollars. A

7 qualified organization representing veterans shall
8 distribute amounts awarded as prizes on the day they
9 are won and merchandise prizes shall not be
10 repurchased. An organization conducting a card game
11 tournament shall only display prizes in the playing
12 area of the card game tournament that can be won.

13 e. The qualified organization representing
14 veterans shall conduct each card game tournament and
15 any card game conducted during the tournament and
16 shall not contract with or permit another person to
17 conduct the card game tournament or any card game
18 during the tournament.

19 f. No person receives or has any fixed or
20 contingent right to receive, directly or indirectly,
21 any profit, remuneration, or compensation from or
22 related to a game in a card game tournament, except
23 any amount which the person may win as a participant
24 on the same basis as the other participants.

25 g. A qualified organization representing veterans
26 shall not hold more than one card game tournament per
27 week. Card game tournaments held under an annual game
28 night license shall not count toward the limit of one
29 card game tournament per week. With the exception of
30 an annual game night license, no more than one card
31 game tournament per week shall be held within a
32 structure or building and only one qualified
33 organization representing veterans licensed to conduct
34 card game tournaments under this section may hold card
35 game tournaments within a structure or building. A
36 qualified organization representing veterans shall be
37 allowed to hold only one card game tournament during a
38 calendar day.

39 h. At the conclusion of each card game tournament,
40 the person conducting the card game tournament shall
41 announce the gross receipts received, the total amount
42 of money withheld for expenses, and the amount
43 withheld for state taxes.

44 i. The person conducting the card game tournament
45 does none of the following:

46 (1) Hold, currently, another license issued under
47 this section.

48 (2) Own or control, directly or indirectly, any
49 class of stock of another person who has been issued a
50 license to conduct games under this section.

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1 (3) Have, directly or indirectly, an interest in
2 the ownership or profits of another person who has
3 been issued a license to conduct games under this
4 section.

5 3. The qualified organization representing
6 veterans licensed to hold card game tournaments under
7 this section shall keep a journal of all dates of
8 events, amount of gross receipts, amount given out as
9 prizes, expenses, amount collected for taxes, and the
10 amount collected as revenue.

11 a. The amount collected by the qualified
12 organization representing veterans as revenue is
13 limited to ten percent of the gross receipts collected
14 from each event.

15 b. Each qualified organization representing
16 veterans shall withhold that portion of the gross
17 receipts subject to taxation pursuant to section
18 423.2, subsection 4, which shall be kept in a separate
19 account and sent to the state along with the
20 organization's quarterly report.

21 c. A qualified organization representing veterans
22 licensed to conduct card game tournaments is allowed
23 to withhold no more than five percent of the gross
24 receipts from each card game tournament for qualified
25 expenses. Qualified expenses include but are not
26 limited to the purchase of supplies and materials used
27 in conducting card games. Any money collected for
28 expenses and not used by the end of the calendar year
29 shall be donated for educational, civic, public,
30 charitable, patriotic, or religious uses as described
31 in section 99B.7, subsection 3, paragraph "b". The
32 qualified organization representing veterans shall
33 attach a receipt for any donation made to the fourth
34 quarter quarterly report required to be submitted
35 pursuant to section 99B.2.

36 d. Each qualified organization representing
37 veterans licensed under this section shall make
38 recordkeeping and all deposit receipts available as
39 provided in section 99B.2, subsection 2.

40 4. An organization wishing to conduct card game
41 tournaments pursuant to this section as a qualified
42 organization representing veterans shall submit an
43 application and annual license fee of two hundred
44 dollars to the department.

45 Sec. 2. Section 99B.8, Code Supplement 2005, is
46 amended by adding the following new subsection:
47 **NEW SUBSECTION. 6.** Notwithstanding any provision
48 of section 99B.7 to the contrary, if the games are
49 conducted by a qualified organization representing
50 veterans as defined in section 99B.7B issued a license

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1 pursuant to subsection 3, the sponsor may award cash
2 or merchandise prizes in any game of skill, game of
3 chance, or card game lawfully conducted during the
4 annual game night in an amount not to exceed ten
5 thousand dollars and no participant shall win more
6 than a total of five thousand dollars.

7 Sec. 3. Section 99B.9, subsection 1, unnumbered
8 paragraph 1, Code 2005, is amended to read as follows:

9 Except as otherwise permitted by section 99B.3,
10 99B.5, 99B.6, 99B.7, 99B.7B, 99B.8, 99B.11, or
11 99B.12A, it is unlawful to permit gambling on any
12 premises owned, leased, rented, or otherwise occupied
13 by a person other than a government, governmental
14 agency, or governmental subdivision, unless all of the
15 following are complied with:

16 Sec. 4. Section 99B.12, subsection 1, unnumbered
17 paragraph 1, Code 2005, is amended to read as follows:

18 Except in instances where because of the location
19 of the game or the circumstances of the game section
20 99B.3, section 99B.5, section 99B.6, section 99B.7,
21 section 99B.7B, section 99B.8, or section 99B.9 is
22 applicable, individuals may participate in gambling
23 specified in subsection 2, but only if all of the
24 following are complied with:

25 Sec. 5. Section 423.2, subsection 4, Code
26 Supplement 2005, is amended to read as follows:

27 4. A tax of five percent is imposed upon the sales
28 price derived from the operation of all forms of
29 amusement devices and games of skill, games of chance,
30 raffles, and bingo games as defined in chapter 99B,
31 and card game tournaments conducted under section
32 99B.7B, that are operated or conducted within the
33 state, the tax to be collected from the operator in
34 the same manner as for the collection of taxes upon
35 the sales price of tickets or admission as provided in
36 this section. Nothing in this subsection shall
37 legalize any games of skill or chance or slot-operated
38 devices which are now prohibited by law.

39 The tax imposed under this subsection covers the
40 total amount from the operation of games of skill,
41 games of chance, raffles, and bingo games as defined
42 in chapter 99B, card game tournaments conducted under
43 section 99B.7B, and musical devices, weighing
44 machines, shooting galleries, billiard and pool
45 tables, bowling alleys, pinball machines, slot-
46 operated devices selling merchandise not subject to
47 the general sales taxes and on the total amount from
48 devices or systems where prizes are in any manner
49 awarded to patrons and upon the receipts from fees
50 charged for participation in any game or other form of

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- 1 amusement, and generally upon the sales price from any
 2 source of amusement operated for profit, not specified
 3 in this section, and upon the sales price from which
 4 tax is not collected for tickets or admission, but tax
 5 shall not be imposed upon any activity exempt from
 6 sales tax under section 423.3, subsection 78. Every
 7 person receiving any sales price from the sources
 8 described in this section is subject to all provisions
 9 of this subchapter relating to retail sales tax and
 10 other provisions of this chapter as applicable.”
- 11 2. Title page, by striking lines 1 through 3 and
 12 inserting the following: “An Act concerning the
 13 licensure, operation, and taxation of card game
 14 tournaments by organizations representing veterans and
 15 allowable prizes at annual game nights.”
- 16 3. By renumbering as necessary.

JEFF DANIELSON

S-5078

- 1 Amend Senate File 2332 as follows:
- 2 1. Page 3, line 7, by striking the word “Four”
 3 and inserting the following: “Seven”.
- 4 2. Page 3, by inserting after line 16, the
 5 following:
 6 “() The director of the department of education
 7 or the director’s designee.
 8 () The director of the Iowa department of elder
 9 affairs or the director’s designee.
 10 () The director of the department of inspections
 11 and appeals or the director’s designee.”
- 12 3. By renumbering as necessary.

JACK HATCH

S-5079

- 1 Amend Senate File 2231 as follows;
- 2 1. Page 3, by inserting after line 2 the
 3 following:
 4 “b. For employees who are peace officers employed
 5 within the department of public safety or department
 6 of natural resources and who are not covered under a
 7 collective bargaining agreement, the rate shall be the
 8 same as the rate provided under the state police
 9 officers council collective bargaining agreement.”
- 10 2. Page 3, line 3, by striking the word “b.” and

- 11 inserting the following: "c."
12 3. By renumbering as necessary.

JEFF DANIELSON

S-5080

- 1 Amend Senate File 2363 as follows:
2 1. Page 3, line 5, by striking the words and
3 figure "pursuant to subsection 2".
4 2. Page 3, by striking lines 7 through 9 and
5 inserting the following: "quality standards."
6 3. Page 4, line 30, by inserting after the word
7 "permit" the following: "effluent limitation based
8 upon a new".
9 4. Page 8, line 2, by inserting after the word
10 "review" the following: "and approval".
11 5. By striking page 8, line 13, through page 9,
12 line 23.
13 6. Page 10, line 10, by inserting after the word
14 "discharge" the following: "or on any previously
15 designated stream segment".
16 7. Page 10, line 33, by striking the words "to
17 appeal the determination".
18 8. Page 10, line 34, by inserting after the word
19 "entity" the following: "or property owner adjacent
20 to the accessed stream segment".
21 9. Page 13, line 19, by striking the words
22 "finance authority" and inserting the following:
23 "department of economic development".
24 10. Page 13, line 19, by inserting after the word
25 "shall" the following: "adopt rules to".
26 11. Page 13, line 20, by striking the word "a".
27 12. Page 13, lines 21 and 22, by striking the
28 words "financial assistance in the form of low-
29 interest loans, no-interest loans, forgivable loans,
30 or".
31 13. Page 13, line 26, by inserting after the word
32 "systems" the following: ", and for engineering or
33 technical assistance for facility planning and
34 design".
35 14. Page 13, by inserting after line 29 the
36 following:
37 "____. The department shall issue grants
38 quarterly."
39 15. By renumbering and relettering as necessary.

FRANK B. WOOD

S-5081

- 1 Amend Senate File 2251 as follows:
- 2 1. Page 2, by inserting after line 11 the
- 3 following:
- 4 "(18) The Iowa chiropractic association.
- 5 (19) The Iowa dental hygienists' association."
- 6 2. Page 2, line 16, by striking the figure "(16)"
- 7 and inserting the following: "(19) and subsection 2,
- 8 paragraph "c".

NANCY J. BOETTGER

S-5082

- 1 Amend Senate File 2305 as follows:
- 2 1. Page 1, line 11, by striking the words
- 3 "~~seventeen twenty-four~~" and inserting the following:
- 4 "seventeen".
- 5 2. Page 1, lines 11 and 12, by striking the words
- 6 "~~weight volume~~" and inserting the following: "weight
- 7 or twenty-one and twenty-five hundredths percent of
- 8 alcohol by volume".
- 9 3. Page 1, line 18, by striking the words
- 10 "~~seventeen twenty-four~~" and inserting the following:
- 11 "seventeen".
- 12 4. Page 1, line 19, by striking the words "~~weight~~
- 13 volume" and inserting the following: "weight or
- 14 twenty-one and twenty-five hundredths percent of
- 15 alcohol by volume".
- 16 5. Page 1, line 30, by striking the words
- 17 "~~seventeen twenty-four~~" and inserting the following:
- 18 "seventeen".
- 19 6. Page 1, line 31, by striking the words "~~weight~~
- 20 volume" and inserting the following: "weight or
- 21 twenty-one and twenty-five hundredths percent of
- 22 alcohol by volume".
- 23 7. Page 2, lines 15 and 16, by striking the words
- 24 "~~seventeen twenty-four~~" and inserting the following:
- 25 "seventeen".
- 26 8. Page 2, line 16, by striking the words "~~weight~~
- 27 volume" and inserting the following: "weight or
- 28 twenty-one and twenty-five hundredths percent of
- 29 alcohol by volume".

HUBERT HOUSER

S-5083

- 1 Amend Senate File 2309 as follows:
- 2 1. Page 1, by striking lines 13 and 14.

- 3 2. By renumbering, redesignating, and correcting
4 internal references as necessary.

JACK HATCH
BOB BRUNKHORST

S-5084

- 1 Amend the amendment, S-5077, to Senate File 2314 as
2 follows:
3 1. Page 1, line 15, by striking the words
4 "States, is" and inserting the following: "States
5 which is".

JEFF DANIELSON

S-5085

- 1 Amend Senate File 2297 as follows:
2 1. Page 1, by striking lines 4 through 11.
3 2. Page 2, line 31, by inserting before the word
4 "advertising" the following: "or".
5 3. Page 2, by striking lines 32 and 33 and
6 inserting the following: "devices within the highway
7 right-of-way."
8 4. Page 3, by striking lines 15 through 18 and
9 inserting the following: "All removals shall be
10 without liability on the part of any officer ordering
11 or effecting such removal."
12 5. By renumbering as necessary.

JOHN PUTNEY

S-5086

- 1 Amend Senate File 2217 as follows:
2 1. Page 1, line 3, by inserting after the word
3 "c." the following: "(1)".
4 2. Page 1, by inserting after line 10 the
5 following:
6 "(2) In implementing a system under this paragraph
7 "c" for collecting and analyzing state, county, and
8 private contractor data, the department shall
9 establish a unique identifier for the individuals
10 receiving services. The unique identifier shall
11 consist of the county number, the last four digits of
12 an individual's social security number, the
13 individual's date of birth, and the individual's
14 gender in an order determined by the department."

KEITH A. KREIMAN

S-5087

- 1 Amend Senate File 2337 as follows:
- 2 1. Page 2, line 10, by inserting after the word
3 "association" the following: ", in consultation with
4 the state department of transportation, the department
5 of education, the attorney general, and the Iowa
6 association of community college trustees,".
- 7 2. Page 2, by striking lines 17 through 19 and
8 inserting the following: "shall be provided by
9 community colleges as defined in section 260C.2. A
10 community college may charge an applicant a
11 reasonable".
- 12 3. By striking page 2, line 34, through page 3,
13 line 2, and inserting the following:
14 "_. Each community college providing used motor
15 vehicle dealer education program courses shall
16 transmit a report on the program annually by December
17 31 to the director of transportation, the director of
18 the department of education, the attorney general, and
19 the president of the Iowa association of community
20 college trustees."
- 21 4. By renumbering as necessary.

JEFF DANIELSON

S-5088

- 1 Amend Senate File 2337 as follows:
- 2 1. Page 2, line 10, by inserting after the word
3 "association" the following: ", in consultation with
4 the state department of transportation, the department
5 of education, the attorney general, and the Iowa
6 association of community college trustees,".
- 7 2. Page 2, by striking lines 17 through 22 and
8 inserting the following: "shall be provided by
9 community colleges as defined in section 260C.2. A
10 community college may charge an applicant a reasonable
11 fee for each education program course provided to the
12 applicant."
- 13 3. By striking page 2, line 34, through page 3,
14 line 2, and inserting the following:
15 "_. Each community college providing used motor
16 vehicle dealer education program courses shall
17 transmit a report on the program annually by December
18 31 to the director of transportation, the director of
19 the department of education, the attorney general, and
20 the president of the Iowa association of community
21 college trustees."
- 22 4. By renumbering as necessary.

JEFF DANIELSON

S-5089

- 1 Amend Senate File 2194 as follows:
- 2 1. Page 1, line 12, by striking the words "vendor
- 3 or supplier" and inserting the following: "vendor,
- 4 supplier, or claimant".
- 5 2. Page 1, line 33, by striking the words "vendor
- 6 or supplier" and inserting the following: "vendor,
- 7 supplier, or claimant".
- 8 3. Page 2, line 16, by striking the words "vendor
- 9 or supplier" and inserting the following: "vendor,
- 10 supplier, or claimant".
- 11 4. Page 3, line 15, by striking the words "vendor
- 12 or supplier" and inserting the following: "vendor,
- 13 supplier, or claimant".
- 14 5. Page 3, line 34, by striking the words "vendor
- 15 or supplier" and inserting the following: "vendor,
- 16 supplier, or claimant".
- 17 6. Page 4, lines 27 and 28, by striking the words
- 18 "vendor or supplier" and inserting the following:
- 19 "vendor, supplier, or claimant".
- 20 7. By renumbering as necessary.

BRAD ZAUN

S-5090

- 1 Amend Senate File 2231 as follows:
- 2 1. Page 5, line 31, by striking the words "banked
- 3 value".
- 4 2. Page 5, by striking line 32 and inserting the
- 5 following: "available remaining value of sick leave
- 6 to be used to pay the".
- 7 3. Page 6, lines 1 and 2, by striking the words
- 8 "banked value of eligible accrued" and inserting the
- 9 following: "available remaining value of".
- 10 4. Page 6, lines 3 and 4, by striking the words
- 11 "remaining after" and inserting the following: "prior
- 12 to".
- 13 5. Page 6, lines 7 and 8, by striking the words
- 14 "remaining after" and inserting the following: "prior
- 15 to".
- 16 6. Page 6, lines 12 and 13, by striking the words
- 17 "remaining after" and inserting the following: "prior
- 18 to".
- 19 7. Page 6, lines 16 and 17, by striking the words
- 20 "banked value of eligible accrued" and inserting the
- 21 following: "available remaining value of".
- 22 8. Page 6, line 25, by striking the words "banked
- 23 value of eligible accrued" and inserting the
- 24 following: "available remaining value of".

JEFF DANIELSON

S-5091

- 1 Amend Senate File 2346 as follows:
 2 1. Page 1, line 13, by striking the word "twelve"
 3 and inserting the following: "six".
 4 2. Page 3, line 6, by striking the word
 5 "sections" and inserting the following: "section".
 6 3. Page 3, line 7, by striking the words and
 7 figure "and 321.446 apply to all" and inserting the
 8 following: "apply to all persons eleven years of age
 9 or older who are".
 10 4. Page 4, by striking lines 16 through 33.
 11 5. By renumbering as necessary.

BOB BRUNKHORST

S-5092

- 1 Amend Senate File 2386 as follows:
 2 1. Page 1, by striking lines 18 through 20 and
 3 inserting the following: "However, the rules shall
 4 prohibit the prescribing of schedule II controlled
 5 substances which are listed as ~~stimulants or~~
 6 depressants pursuant to chapter 124."

JAMES A. SEYMOUR
AMANDA RAGAN**S-5093**

- 1 Amend the amendment, S-5077, to Senate File 2314,
 2 as follows:
 3 1. Page 3, line 50, by inserting after the figure
 4 "99B.7B" the following: ", or a qualified
 5 organization that is exempt from federal income tax
 6 under section 501(c)(3) of the Internal Revenue
 7 Code,".

DAVE MULDER
MARY LUNDBY**S-5094**

- 1 Amend the amendment, S-5032, to Senate File 2354,
 2 as follows:
 3 1. Page 1, by striking lines 42 through 45.
 4 2. Page 2, by inserting after line 10 the
 5 following:
 6 "Sec. __. CONTINGENT EFFECTIVENESS. This Act
 7 takes effect only if the general assembly appropriates
 8 funds for the fiscal year beginning July 1, 2006, in

9 an amount sufficient to implement the provisions of
10 this Act.”

11 3. Title page, line 2, by inserting after the
12 word “policy” the following: “and a supplemental
13 strategies and educational services grant program and
14 providing for contingent effectiveness”.

15 4. By renumbering as necessary.

DAVE MULDER
FRANK B. WOOD

S-5095

1 Amend Senate File 2346 as follows:

2 1. Page 6, by inserting after line 9 the
3 following:

4 “Sec. ____ EFFECTIVE DATE. The sections of this
5 Act amending section 321.178 and enacting sections
6 321.179 and 321J.2C take effect July 1, 2007.”

7 2. Title page, line 3, by inserting after the
8 word “applicable” the following: “and providing an
9 effective date”.

10 3. By renumbering as necessary.

MATT McCOY
JOHN PUTNEY

S-5096

1 Amend Senate File 2221 as follows:

2 1. Page 2, by striking lines 23 through 26 and
3 inserting the following: “governmental subdivision.”

BOB BRUNKHORST
MICHAEL CONNOLLY

S-5097

1 Amend Senate File 2094 as follows:

2 1. Page 1, line 6, by striking the words “or is”
3 and inserting the following: “and with the intent to
4 assist the other person in”.

5 2. Page 1, line 7, by striking the words “and the
6 person”.

7 3. Page 1, line 11, by striking the words
8 “materially false information” and inserting the
9 following: “information known to be materially
10 false”.

LARRY McKIBBEN

S-5098

1 Amend Senate File 2313 as follows:

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

4 "Section 1. **NEW SECTION. 22.7A CONFIDENTIALITY**
5 **OF INFORMATION ON CERTAIN COUNTY PUBLIC RECORDS.**

6 1. Notwithstanding any provision to the contrary,
7 a county shall not disclose the name of a person who
8 has requested confidentiality under subsection 2 or
9 who has received an order requiring confidentiality
10 under subsection 3 with respect to public records
11 posted on the county's website, posted on the website
12 of any county officer, or supplied by any county
13 officer for posting on another website.

14 2. A person may request confidentiality by
15 submitting a written request and a copy of a civil or
16 criminal restraining order or order for protection,
17 naming the person or a member of the person's
18 household as plaintiff, to the county auditor. Upon
19 receiving such a request, the county auditor shall
20 notify the chairperson of the board of supervisors and
21 each county officer charged with keeping or
22 maintaining public records, and it shall be the duty
23 of the county officers to not disclose the person's
24 name as part of a public record as provided in
25 subsection 1.

26 3. In lieu of using the procedure in subsection 2,
27 a person may file a petition in the district court of
28 the county for an order requiring confidentiality.
29 The person shall include in the petition an affidavit
30 stating the reasons the person believes the person's
31 life or safety or the life or safety of a member of
32 the person's household is in danger and shall attach
33 supporting documentation which may include but is not
34 limited to:

35 a. A statement or report from a law enforcement
36 agency, medical professional, mental health
37 professional, or domestic violence shelter.

38 b. Witness statements regarding the incidents that
39 cause the person to believe the person's life or
40 safety or the life or safety of a member of the
41 person's household is in danger.

42 Upon good cause shown in the petition, affidavit,
43 and supporting documentation that the person believes
44 the person's life or safety or the life or safety of a
45 member of the person's household is in danger, the
46 court shall order that the person's name shall not be
47 disclosed as part of a public record as provided in
48 subsection 1. A copy of the order shall be mailed by
49 the clerk of the district court to the county auditor.
50 The county auditor shall forward a copy of the order

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1 to the chairperson of the board of supervisors and to
2 each county officer charged with keeping or
3 maintaining public records, and it shall be the duty
4 of the county officers to not disclose the person's
5 name as part of a public record as provided in
6 subsection 1.

7 Sec. 2. NEW SECTION. 22.7B CONFIDENTIALITY OF
8 INFORMATION ON CERTAIN CITY PUBLIC RECORDS.

9 1. Notwithstanding any provision to the contrary,
10 a city shall not disclose the name of a person who has
11 requested confidentiality under subsection 2 or who
12 has received an order requiring confidentiality under
13 subsection 3 with respect to public records posted on
14 the city's website, posted on the website of any city
15 officer, or supplied by any city officer for posting
16 on another website.

17 2. A person may request confidentiality by
18 submitting a written request and a copy of a civil or
19 criminal restraining order or order for protection,
20 naming the person or a member of the person's
21 household as plaintiff, to the city clerk. Upon
22 receiving such a request, the city clerk shall notify
23 the city council and each city officer charged with
24 keeping or maintaining public records, and it shall be
25 the duty of the city officers to not disclose the
26 person's name as part of a public record as provided
27 in subsection 1.

28 3. In lieu of using the procedure in subsection 2,
29 a person may file a petition in the district court of
30 the county for an order requiring confidentiality.
31 The person shall include in the petition an affidavit
32 stating the reasons the person believes the person's
33 life or safety or the life or safety of a member of
34 the person's household is in danger and shall attach
35 supporting documentation which may include but is not
36 limited to:

37 a. A statement or report from a law enforcement
38 agency, medical professional, mental health
39 professional, or domestic violence shelter.

40 b. Witness statements regarding the incidents that
41 cause the person to believe the person's life or
42 safety or the life or safety of a member of the
43 person's household is in danger.

44 Upon good cause shown in the petition, affidavit,
45 and supporting documentation that the person believes
46 the person's life or safety or the life or safety of a
47 member of the person's household is in danger, the
48 court shall order that the person's name shall not be
49 disclosed as part of a public record as provided in
50 subsection 1. A copy of the order shall be mailed by

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1 the clerk of the district court to the city clerk.
2 The city clerk shall forward a copy of the order to
3 the city council and to each city officer charged
4 with keeping or maintaining public records, and it
5 shall be the duty of the city officers to not disclose
6 the person's name as part of a public record as
7 provided in subsection 1.

8 Sec. 3. Section 48A.34, Code 2005, is amended to
9 read as follows:

10 48A.34 CONFIDENTIALITY OF INFORMATION ON CERTAIN
11 RECORDS.

12 1. Voter registration records are available for
13 public inspection at reasonable times at the office of
14 the county commissioner. The commissioner and any
15 voter registration agency which has custody of voter
16 registration records shall take the necessary steps to
17 ensure that the name of the agency at which the voter
18 registration form was submitted remains confidential.

19 2. A person may request that the person's name not
20 be disclosed on voter registration records by
21 submitting a written request for confidentiality and a
22 copy of a civil or criminal restraining order or order
23 for protection, naming the person or a member of the
24 person's household as plaintiff, to the county auditor
25 of the county in which the person resides. Upon
26 receiving such a request, the county auditor shall
27 notify the state registrar of voters, and it shall be
28 the duty of both the auditor and the state registrar
29 of voters to not disclose the person's name on voter
30 registration records.

31 3. In lieu of using the procedure in subsection 2,
32 a person may file a petition in the district court of
33 that person's county of residence for an order
34 requiring that the person's name not be disclosed as
35 part of voter registration records. The person shall
36 include in the petition an affidavit stating the
37 reasons the person believes the person's life or
38 safety or the life or safety of a member of the
39 person's household is in danger and shall attach
40 supporting documentation which may include but is not
41 limited to:

42 a. A statement or report from a law enforcement
43 agency, medical professional, mental health
44 professional, or domestic violence shelter.

45 b. Witness statements regarding the incidents that
46 cause the person to believe the person's life or
47 safety or the life or safety of a member of the
48 person's household is in danger.

49 Upon good cause shown in the petition, affidavit,
50 and supporting documentation that the person believes

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1 the person's life or safety or the life or safety of a
 2 member of the person's household is in danger, the
 3 court shall order that the person's name shall not be
 4 disclosed on voter registration records. A copy of
 5 the order shall be mailed by the clerk of the district
 6 court to the state registrar of voters and to the
 7 county auditor of the county where the voter
 8 registration records are maintained. Upon receipt of
 9 the copy of the order, it shall be the duty of the
 10 county auditor and the state registrar of voters to
 11 not disclose the person's name as part of voter
 12 registration records.

13 4. For purposes of subsections 2 and 3, "voter
 14 registration record" means data on registration,
 15 participation in elections, and inclusion on voter
 16 registration lists.

17 Sec. 4. EFFECTIVE DATE. This Act, being deemed of
 18 immediate importance, takes effect upon enactment.

19 Sec. 5. APPLICABILITY DATE. The section of this
 20 Act amending section 48A.34 first applies to voter
 21 registration records made available for public
 22 inspection and disbursement on or after January 1,
 23 2007."

24 2. Title page, by striking lines 1 through 3, and
 25 inserting the following: "An Act relating to
 26 confidentiality of certain information on voter
 27 registration records and city and county public
 28 records for certain persons and including effective
 29 and applicability date provisions."

30 3. By renumbering as necessary.

FRANK B. WOOD
 MARK ZIEMAN

S-5099

1 Amend House File 2712, as passed by the House, as
 2 follows:

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

5 "Sec. ____ Section 411.8, subsection 1, paragraph
 6 b, Code 2005, is amended by adding the following new
 7 unnumbered paragraph:

8 **NEW UNNUMBERED PARAGRAPH.** To assist in determining
 9 the normal rate of contribution, the board of trustees
 10 shall adopt a smoothing method for valuing the assets
 11 of the system. The smoothing method shall be designed
 12 to reduce changes in the normal contribution rate
 13 which could result from fluctuations in the market
 14 value of the assets of the system and shall reflect a

15 time period of at least ten years, consistent with the
 16 time period used by the board to determine expected
 17 investment returns of the system.

18 Sec. ____ Section 411.8, subsection 1, paragraph
 19 f, subparagraph (8), Code 2005, is amended to read as
 20 follows:

21 (8) Beginning July 1, 1996, and each fiscal year
 22 thereafter, an amount equal to the member's
 23 contribution rate times each member's compensation
 24 shall be paid to the fund from the earnable
 25 compensation of the member. For the purposes of this
 26 subparagraph, the member's contribution rate shall be
 27 nine and thirty-five hundredths percent. However, the
 28 system shall increase the member's contribution rate
 29 as necessary to cover any increase in cost to the
 30 system resulting from statutory changes which are
 31 enacted by any session of the general assembly meeting
 32 after January 1, 1991, and any increase in cost to the
 33 system that is not attributable to investment
 34 performance of moneys in the fund, if the increase
 35 cannot be absorbed within the contribution rates
 36 otherwise established pursuant to this paragraph, but
 37 subject to a maximum employee contribution rate of
 38 eleven and three-tenths percent. The contribution
 39 rate increases specified in 1994 Iowa Acts, chapter
 40 1183, pursuant to this chapter and chapter 97A shall
 41 be the only member contribution rate increases for
 42 these systems resulting from the statutory changes
 43 enacted in 1994 Iowa Acts, chapter 1183, and shall
 44 apply only to the fiscal periods specified in 1994
 45 Iowa Acts, chapter 1183. After the employee
 46 contribution reaches eleven and three-tenths percent,
 47 sixty percent of the additional cost of such statutory
 48 changes shall be paid by employers under paragraph "c"
 49 and forty percent of the additional cost shall be paid
 50 by employees under this paragraph.

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1 Sec. ____ Section 411.8, Code 2005, is amended by
 2 adding the following new subsection:
 3 NEW SUBSECTION. 3. a. A favorable experience
 4 reserve account, hereafter called the "reserve
 5 account", is established within the fund. Moneys
 6 credited to the reserve account shall be used by the
 7 system for the purpose of providing contribution
 8 relief to cities pursuant to this subsection.
 9 b. Moneys shall be credited to the reserve account
 10 in any applicable fiscal year in an amount equal to
 11 the reserve account rate multiplied by the total
 12 compensation earnable by all members during the fiscal
 13 year. The reserve account rate is that rate, if

14 positive, equal to seventeen percent minus the normal
15 contribution rate for cities as calculated pursuant to
16 this section for the applicable fiscal year. For
17 purposes of this paragraph, the normal contribution
18 rate for cities shall be the rate as calculated
19 pursuant to this section without the provision
20 requiring that the rate be at least seventeen percent.

21 c. Moneys credited to the reserve account and
22 interest and earnings on moneys credited to the
23 reserve account shall be transferred and payable to
24 the fund pursuant to the requirements of this
25 subsection. If the normal contribution rate for
26 cities based upon the most recent actuarial valuation
27 would exceed twenty percent, then the system shall
28 transfer that portion of moneys in the reserve account
29 necessary to reduce the normal contribution rate for
30 cities to no less than twenty percent. Following the
31 transfer of moneys to the fund as provided in this
32 paragraph, the system's actuary shall recalculate the
33 normal contribution rate for cities and that rate
34 shall be used for the applicable fiscal year."

35 2. Title page, line 1, by striking the word
36 "establishing" and inserting the following:
37 "concerning the statewide fire and police retirement
38 system including the financing of the system and
39 establishment of".

40 3. Title page, by striking line 2, and inserting
41 the following: "and".

42 4. By renumbering as necessary.

LARRY McKIBBEN

S-5100

1 Amend Senate File 2319 as follows:

2 1. By striking page 1, line 14, through page 2,
3 line 14.

4 2. Title page, by striking lines 1 through 3 and
5 inserting the following: "An Act relating to the
6 illegal discarding of solid waste and increasing
7 penalties and making appropriations."

JOE BOLKCOM

S-5101

1 Amend Senate File 2366 as follows:

2 1. Page 1, by striking lines 21 through 24, and
3 inserting the following:

4 "() A presentation to children at a public or
5 nonpublic school as defined in section 280.2.

6 (___) Entertainment that involves an activity in
 7 which a member of the public is in close proximity to
 8 the dangerous".
 9 2. By renumbering, redesignating, and correcting
 10 internal references as necessary.

JOE M. SENG

S-5102

1 Amend Senate File 2217 as follows:
 2 1. Page 1, line 3, by inserting after the word
 3 "c." the following: "(1)".
 4 2. Page 1, by inserting after line 10 the
 5 following:
 6 "(2) In implementing a system under this paragraph
 7 "c" for collecting and analyzing state, county, and
 8 private contractor data, the department shall
 9 establish a client identifier for the individuals
 10 receiving services. The client identifier shall be
 11 used in lieu of the individual's name or social
 12 security number. The client identifier shall consist
 13 of the last four digits of an individual's social
 14 security number, the first three letters of the
 15 individual's last name, the individual's date of
 16 birth, and the individual's gender in an order
 17 determined by the department."

KEITH A. KREIMAN

S-5103

1 Amend Senate File 2094 as follows:
 2 1. Page 1, line 6, by striking the words "or is"
 3 and inserting the following: "and with the intent to
 4 assist the other person in".
 5 2. Page 1, line 7, by striking the words "and the
 6 person".
 7 3. Page 1, line 11, by striking the word
 8 "Provides" and inserting the following: "Knowingly
 9 provides".

LARRY McKIBBEN

S-5104

1 Amend Senate File 2270 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 22.7, Code Supplement 2005, is
 5 amended by adding the following new subsection:

6 NEW SUBSECTION. 52. a. The following records
7 relating to a charitable donation made to a foundation
8 acting solely for the support of an institution
9 governed by the state board of regents, to a private
10 foundation as defined in section 509 of the Internal
11 Revenue Code organized for the support of a government
12 body, or to an endow Iowa qualified community
13 foundation, as defined in section 15E.303, organized
14 for the support of a government body:
15 (1) Records provided by a noncorporate donor or
16 prospective noncorporate donor that disclose personal,
17 financial, estate planning, or gift planning
18 information about the donor or prospective donor if
19 such donor or prospective donor has requested in
20 writing that the records be treated as confidential.
21 (2) Portions of records disclosing the identity of
22 a noncorporate donor or prospective noncorporate donor
23 if such donor or prospective donor has requested in
24 writing anonymity in connection with the donation.
25 b. The following information contained in records
26 with regard to all donations made to a foundation in
27 paragraph "a" are public records and are not
28 confidential whether or not the donor or prospective
29 donor has requested anonymity:
30 (1) The amounts and dates of all donations.
31 (2) The intended use or purpose of the donation,
32 if indicated.
33 (3) Any restriction on the use of the donated
34 funds or other property.
35 (4) Any gifts, honors, privileges, employment, or
36 any other considerations bestowed upon or made
37 available to the donor or prospective donor as a
38 result of the donation or upon or to any person
39 related to the donor or prospective donor by blood,
40 marriage, or within the third degree of consanguinity
41 or affinity. Such considerations shall include
42 admission to an academic program, the awarding of an
43 academic degree or certificate whether earned or
44 honorary, and the naming of any building or portion of
45 a building, physical space, facility, academic or
46 school program, scholarship, fellowship, endowed
47 chair, seminar, or other public presentation program
48 at any institution benefiting from a donation to a
49 recipient foundation listed in paragraph "a".
50 (5) Any other conditions, restrictions,

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1 limitations, or agreements made by the donor or donee
2 or institution benefiting from the donation in
3 connection with the donation.
4 c. Notwithstanding paragraph "a", subparagraph

5 (2), the identity of a donor in any records relating
6 to any settlements including settlements of lawsuits
7 or other complaints against any recipient foundation
8 listed in paragraph "a" or the institution it benefits
9 including but not limited to termination of employment
10 if the settlement is funded in whole or in part or is
11 in any way facilitated or influenced by the donation
12 is a public record and is not confidential.

13 d. For the purposes of this subsection:

14 (1) "Noncorporate donor" means a natural person or
15 a charitable trust established by a natural person to
16 distribute personal funds placed in the trust by a
17 natural person or members of a family related within
18 the third degree of consanguinity or affinity.
19 "Noncorporate donor" does not include a for-profit
20 corporation established in Iowa or elsewhere, whether
21 or not publicly traded, a cooperative, bank, credit
22 union, insurance company, subchapter S corporation, a
23 foundation established by a for-profit corporation,
24 cooperative, or a foundation that receives donations
25 from a for-profit corporation or cooperative.

26 (2) "Prospective donor" means a person who has
27 made a pledge or commitment to donate money or
28 property."

29 2. Title page, lines 2 and 3, by striking the
30 words "for the benefit of a government body" and
31 inserting the following: "made to a foundation acting
32 solely for the support of an institution governed by
33 the state board of regents, to a private foundation as
34 defined in the Internal Revenue Code organized for the
35 support of a government body, or to an endow Iowa
36 qualified community foundation organized for the
37 support of a government body".

HERMAN C. QUIRMBACH

S-5105

1 Amend Senate File 2360 as follows:

2 1. Page 1, line 17, by inserting after the word
3 "regents" the following: "and the state department of
4 transportation".

5 2. Page 1, line 18, by striking the word
6 "structure" and inserting the following: "construction
7 work".

8 3. Page 2, line 11, by striking the word
9 "Alternatively" and inserting the following:
10 "Additionally".

11 4. Page 6, line 19, by inserting after the word
12 "entity" the following: "or the state department of
13 transportation".

14 5. Page 6, line 22, by striking the word "that:"

15 and inserting the following: "as provided in this
16 section. For purposes of this section, "department"
17 means the state department of transportation."
18 6. Page 6, line 24, by inserting after the word
19 "improvement" the following: "or highway, bridge, or
20 culvert project".
21 7. Page 6, line 31, by inserting after the word
22 "entity" the following: "or the department".
23 8. Page 7, line 3, by inserting after the word
24 "entity" the following: "or the department".
25 9. Page 7, line 12, by inserting after the word
26 "entity's" the following: "or the department's".
27 10. Page 7, line 15, by inserting after the word
28 "entity" the following: "or the department".
29 11. Page 7, line 17, by inserting after the word
30 "entity's" the following: "or the department's".
31 12. Page 7, line 27, by inserting after the word
32 "project" the following: "or the highway, bridge, or
33 culvert project".
34 13. Page 7, line 28, by inserting after the word
35 "improvement" the following: "or the highway, bridge,
36 or culvert project".
37 14. Page 7, line 33, by inserting after the word
38 "entity" the following: "or the department".
39 15. Page 8, line 3, by inserting after the word
40 "project" the following: "or the highway, bridge, or
41 culvert project".
42 16. Page 8, line 8, by inserting after the word
43 "entity" the following: "or the department".
44 17. Page 8, line 14, by inserting after the word
45 "entity" the following: "or the department".
46 18. Page 8, by striking line 16 and inserting the
47 following: "contractor."
48 19. Page 8, line 20, by inserting after the word
49 "project" the following: "or the highway, bridge, or
50 culvert project".

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1 20. Page 8, line 26, by inserting before the word
2 "designated" the following: "or a highway, bridge, or
3 culvert project".
4 21. Page 8, line 29, by inserting after the word
5 "entity" the following: "or department".
6 22. Page 8, line 31, by inserting after the word
7 "entity" the following: "or department".
8 23. Page 8, line 33, by inserting after the word
9 "entity" the following: "or department".
10 24. Page 16, line 1, by striking the words and
11 figure "in accordance with the provisions of chapter
12 573".
13 25. Page 17, line 24, by striking the word "an"

- 14 and inserting the following: "~~an~~ horizontal and
 15 vertical infrastructure".
- 16 26. Page 17, line 25, by striking the word
 17 "committee" and inserting the following: "~~committee~~
 18 committees".
- 19 27. Page 18, line 1, by inserting after the word
 20 "the" the following: "appropriate".
- 21 28. Page 18, line 31, by inserting after the word
 22 "the" the following: "appropriate".
- 23 29. Page 19, line 8, by striking the words "and
 24 quotation".
- 25 30. Page 19, line 24, by striking the words and
 26 figures "Prior to January 1, 2012" and inserting the
 27 following: "Beginning July 1, 2006".
- 28 31. Page 21, by inserting after line 7 the
 29 following:
 30 "Sec. ____ Section 331.341, subsection 4, Code
 31 2005, is amended to read as follows:
 32 4. If the contract price for a public improvement
 33 is ~~fifteen~~ twenty-five thousand dollars or more, the
 34 board shall require a contractor's bond in accordance
 35 with chapter 573."
- 36 32. Page 22, line 3, by striking the word "~~not~~"
 37 and inserting the following: "not".
- 38 33. Page 22, line 4, by striking the word
 39 "~~section~~" and inserting the following: "section".
- 40 34. Page 22, line 5, by striking the word
 41 "chapter" and inserting the following: "38.2,
 42 subsection 3, except for purposes of section 38.12."
- 43 35. Page 22, by striking lines 6 through 11 and
 44 inserting the following: "However, if a lease-
 45 purchase contract is funded in advance by means of the
 46 lessor depositing moneys to be administered by a city,
 47 with the city's obligations to make rent payments
 48 commencing with its receipt of moneys, a contract for
 49 construction of the property in question awarded by
 50 the city is subject to ~~division VI~~ of chapter ~~384~~ 38."

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- 1 36. Page 22, by striking lines 12 through 26.
 2 37. By striking page 23, line 19, through page
 3 24, line 1.
 4 38. Page 24, line 16, by inserting after the
 5 figure "904.315," the following: "unnumbered
 6 paragraph 1,".
 7 39. Page 24, by striking line 18.
 8 40. Page 24, by striking lines 27 through 33.
 9 41. Title page, line 2, by inserting after the
 10 word "contracts" the following: "and providing for an

11 effective date".
12 42. By renumbering as necessary.

DOUG SHULL

S-5106

1 Amend Senate File 2366 as follows:
2 1. Page 9, line 2, by inserting after the word
3 "operating" the following: ", if the municipality
4 issues permits".
5 2. Page 9, by inserting after line 2 the
6 following:
7 "___ A municipality.
8 ___ A nonprofit corporation governed under
9 chapter 504 that is an organization described in
10 section 501(c)(3) of the Internal Revenue Code and
11 that is exempt from taxation under section 501(a) of
12 the Internal Revenue Code if the nonprofit corporation
13 was a party to a contract executed with a municipality
14 prior to the effective date of this Act to provide for
15 the exhibition of dangerous wild animals at a
16 municipal zoo."
17 3. By renumbering as necessary.

DARYL BEALL

S-5107

1 Amend House File 2713 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 15, by inserting after the word
4 "website" the following: "that allows unrestricted
5 access without charge to all users without any
6 requirement of registration or membership and is".
7 2. Page 11, by inserting after line 1 the
8 following:
9 "4. a. The governmental entity shall maintain a
10 list of contractors who have indicated an interest in
11 submitting competitive quotations on public
12 improvements covered by this section. The list may be
13 divided into categories of work for plumbing,
14 electrical, concrete, or other types of work.
15 b. A contractor may add its name to the list of
16 contractors and designate the category of work the
17 contractor seeks to perform. The contractor shall
18 supply current mail and, if available, electronic mail
19 addresses and telephone numbers to the governmental
20 entity in order to have its name added to the list.
21 The contractor shall bear sole responsibility for
22 providing updated address and telephone information

23 when changes occur.

24 c. When a competitive quotation is required, the
 25 governmental entity shall determine, if the
 26 governmental entity's list of contractors is divided
 27 by category, the category or categories of work
 28 required to perform the public improvement. The
 29 governmental entity shall notify all contractors
 30 designated in the category or categories on the list
 31 of contractors, or the entire list if the list is not
 32 divided into categories, of the description of work to
 33 be performed and the time, place, and manner for
 34 filing quotations, as provided in subsection 3. The
 35 notice may be provided by mail or electronic mail.

36 d. (1) A governmental entity may remove a
 37 contractor from the list of contractors required in
 38 this subsection if the governmental entity determines
 39 that the contractor is no longer in business or the
 40 contractor has moved and no current mailing address is
 41 available. A contractor removed from the list may be
 42 reinstated at any time by submitting current mailing
 43 and, if available, electronic addresses and a
 44 telephone number.

45 (2) The governmental entity may remove a
 46 contractor from a category of work as designated in
 47 the list of contractors if the governmental entity
 48 determines that the contractor no longer performs the
 49 particular type of work."

50 3. By renumbering as necessary.

HERMAN C. QUIRMBACH

S-5108

1 Amend Senate File 2303 as follows:

- 2 1. Page 1, line 3, by striking the word "thirty"
 3 and inserting the following: "thirty five".
- 4 2. Page 1, by striking lines 4 through 9 and
 5 inserting the following: "lifetime fishing license or
 6 lifetime hunting and fishing combined license, the
 7 department shall issue a lifetime fishing license or
 8 lifetime hunting and fishing combined license to a
 9 resident of Iowa who is a veteran, as defined".
- 10 3. Page 1, by striking lines 15 and 16 and
 11 inserting the following: "lifetime fishing license or
 12 lifetime hunting and fishing combined license under
 13 this".
- 14 4. Title page, by striking lines 1 through 3 and
 15 inserting the following: "An Act relating to hunting
 16 and fishing licenses for certain veterans."

DICK L. DEARDEN

S-5109

1 Amend House File 2525, as passed by the House, as
2 follows:

3 1. Page 25, by inserting after line 10 the
4 following:

5 "DIVISION V
6 RAILROADS

7 Sec. ____ CLOSE-CLEARANCE CONDITIONS NEAR RAILROAD
8 TRACKS — RULES. The state department of
9 transportation shall adopt rules regulating close-
10 clearance conditions on or near railroad tracks. The
11 rules shall include requirements and standards for the
12 installation of close-clearance warning devices."

13 2. Title page, line 4, by inserting after the
14 word "duties," the following: "regulation of
15 railroads,"

16 3. By renumbering as necessary.

DICK L. DEARDEN

S-5110

1 Amend the amendment, S-5077, to Senate File 2314,
2 as follows:

3 1. Page 3, line 50, by inserting after the figure
4 "99B.7B" the following: ", or a qualified
5 organization that primarily represents volunteer
6 emergency services providers as defined in section
7 100B.11,".

MARK ZIEMAN

S-5111

1 Amend Senate File 2221 as follows:

2 1. Page 5, by striking lines 7 through 12.
3 2. Page 5, line 13, by striking the figure "2."

BOB BRUNKHORST
MICHAEL CONNOLLY

S-5112

1 Amend Senate File 2359 as follows:

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

4 2. Page 1, by inserting after line 24 the
5 following:

6 "2. The provisions of subsection 1 requiring that
7 fundraising activities shall be organized by,

8 originate from, and be directly attributable to or for
 9 the benefit of members of the professional
 10 association, group, or society involved, or be applied
 11 to advance a public safety purpose or project
 12 primarily benefiting the citizens of the state of
 13 Iowa, shall not apply to not-for-profit fundraising
 14 activities. Such activities shall, however, be
 15 included in the annual report summarizing fundraising
 16 activities submitted to the department."

TOM HANCOCK

S-5113

1 Amend Senate File 2366 as follows:
 2 1. Page 1, line 28, by inserting after the word
 3 "state" the following: "by a public agency".
 4 2. Page 3, by inserting after line 26 the
 5 following:
 6 "___ . "Public agency" means the same as defined in
 7 section 28E.2."
 8 3. Page 4, line 10, by inserting after the word
 9 "agreements" the following: "with public agencies".
 10 4. By striking page 4, line 31, through page 5,
 11 line 3.
 12 5. Page 5, line 4, by striking the figure and
 13 words "3. The person has not" and inserting the
 14 following:
 15 "___ . a. The person must not have".
 16 6. Page 5, by striking lines 9 and 10 and
 17 inserting the following:
 18 "b. The department, another state, or the federal
 19 government must not have suspended an".
 20 7. Page 5, line 15, by striking the figure and
 21 words "5. The person has not" and inserting the
 22 following:
 23 "c. The person must not have".
 24 8. Page 5, line 19, by striking the figure and
 25 words "6. The person has not" and inserting the
 26 following:
 27 "d. The person must not have".
 28 9. Page 5, by inserting after line 23 the
 29 following:
 30 "___ . Within sixty days after the effective date
 31 of this Act, the person must have an electronic
 32 identification device implanted beneath the skin or
 33 hide of the dangerous wild animal, unless a licensed
 34 veterinarian states in writing that the implantation
 35 would endanger the comfort or health of the dangerous
 36 wild animal. In such case, an electronic
 37 identification device may be otherwise attached to the
 38 dangerous wild animal as required by the department."

- 39 10. Page 5, line 30, by striking the words
40 "maintain custody of" and inserting the following:
41 "possess".
- 42 11. Page 5, line 33, by striking the words
43 "maintains custody" and inserting the following:
44 "possesses".
- 45 12. Page 6, line 25, by striking the figure
46 "717F.7" and inserting the following: "717F.8".
- 47 13. Page 7, by inserting after line 3 the
48 following:
49 "___ To transfer ownership and possession of the
50 dangerous wild animal to a wildlife sanctuary or

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- 1 provide for its destruction by euthanasia as required
2 by the department."
- 3 14. Page 7, line 17, by striking the words
4 "maintains custody of" and inserting the following:
5 "possesses".
- 6 15. Page 7, line 19, by inserting after the word
7 "animal." the following: "The person must reimburse
8 the department or other public agency for actual
9 expenses incurred by capturing and maintaining custody
10 of the dangerous wild animal."
- 11 16. Page 7, by striking lines 21 through 23 and
12 inserting the following: "dangerous wild animal, all
13 of the following apply:
14 a. The person must so notify the department,
15 stating the planned disposition of the dangerous wild
16 animal.
17 b. The person must dispose of the dangerous wild
18 animal by transferring ownership and possession to a
19 wildlife sanctuary or providing for its destruction by
20 euthanasia as required by the department."
- 21 17. Page 8, by inserting after line 26 the
22 following:
23 "Sec. ___. NEW SECTION. 717F.6 CAUSE OF THE
24 ESCAPE OF A DANGEROUS WILD ANIMAL — PROHIBITION.
25 A person shall not intentionally cause a dangerous
26 wild animal to escape from its place of confinement,
27 including as provided in section 717F.4."
- 28 18. Page 8, line 27, by striking the figure
29 "717F.6" and inserting the following: "717F.7".
- 30 19. Page 9, by inserting after line 12 the
31 following:
32 "___ A county conservation board as provided in
33 chapter 350."
- 34 20. Page 9, by inserting after line 21 the
35 following:
36 "___ A public agency which maintains permanent
37 custody of a dangerous wild animal, if the person to

38 whom the public agency assigns the duty to manage the
39 custody of the dangerous wild animal complies with the
40 provisions of section 717F.4.”

41 21. Page 9, line 22, by striking the figure
42 “717F.7” and inserting the following: “717F.8”.

43 22. Page 10, line 6, by striking the figure
44 “717F.8” and inserting the following: “717F.9”.

45 23. Page 10, line 12, by striking the figure
46 “717F.9” and inserting the following: “717F.10”.

47 24. Page 10, line 12, by striking the word
48 “PENALTY” and inserting the following: “CIVIL
49 PENALTY”.

50 25. Page 10, line 13, by inserting after the word

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1 “person” the following: “owning or possessing a
2 dangerous wild animal”.

3 26. Page 10, line 20, by striking the words and
4 figure “NEW SECTION. 717F.10” and inserting the
5 following: “NEW SECTION. 717F.11”.

6 27. Page 10, by inserting after line 25 the
7 following:

8 “Sec. ____ NEW SECTION. 717F.12 CRIMINAL
9 PENALTIES.

10 A person who intentionally causes a dangerous wild
11 animal to escape in violation of this chapter is
12 guilty of an aggravated misdemeanor.”

JOE M. SENG

S-5114

1 Amend Senate File 2345 as follows:

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

4 “Section 1. NEW SECTION. 12A.1 PURPOSE —
5 PROGRAM ESTABLISHMENT.

6 The purpose of this chapter is to assist resident
7 account beneficiaries of health savings accounts to be
8 able to fund, as quickly as possible, the amount of
9 the annual deductible and maximum out-of-pocket
10 amounts under the beneficiary's high deductible health
11 plan.

12 To fulfill the purpose of this chapter, the office
13 of the treasurer of state shall establish a health
14 savings account loan program.

15 Sec. 2. NEW SECTION. 12A.2 DEFINITIONS.

16 For purposes of this chapter, unless the context
17 otherwise requires:

18 1. “Account beneficiary”, “health savings
19 account”, and “high deductible health plan” mean the

20 same as defined in section 223 of the Internal Revenue
21 Code.

22 2. "Administrative contractor" means the person
23 with whom the office of the treasurer of state enters
24 into a contract to administer the health savings
25 account loan program.

26 3. "Internal Revenue Code" means the same as
27 defined in section 422.3.

28 Sec. 3. NEW SECTION. 12A.3 HEALTH SAVINGS
29 ACCOUNT LOAN FUND.

30 1. A health savings account loan fund is created
31 under the authority of the office of the treasurer of
32 state. The fund shall consist of appropriations made
33 to the fund and transfers of interest, earnings, and
34 moneys from other funds as provided by law. The fund
35 shall be separate from the general fund of the state
36 and the balance in the fund shall not be considered
37 part of the balance of the general fund of the state.
38 However, the fund shall be considered a special
39 account for the purposes of section 8.53, relating to
40 generally accepted accounting principles.

41 2. Notwithstanding section 12C.7, subsection 2,
42 interest or earnings on moneys in the fund shall be
43 credited to the fund.

44 3. The moneys in the health savings account loan
45 fund are appropriated to the office of the treasurer
46 of state for purposes of providing loans to resident
47 account beneficiaries of health savings accounts
48 pursuant to section 12A.4.

49 Sec. 4. NEW SECTION. 12A.4 LOANS — PENALTY.

50 1. a. A resident of the state who is an account

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1 beneficiary and whose balance in the health savings
2 account is less than the deductible under the account
3 beneficiary's high deductible health plan may apply to
4 the administrative contractor for a loan in an amount
5 not to exceed the difference.

6 b. An individual seeking a loan under this section
7 shall apply for the loan on a form approved by the
8 administrative contractor and provide the following
9 information:

10 (1) The amount of the deductible, the balance in
11 the health savings account, and the loan sought.

12 (2) A list of the major assets and liabilities of
13 the individual and the individual's household. The
14 treasurer of state shall establish by rule what
15 constitutes a major asset or liability.

16 (3) Any other health coverage of the individual
17 and the corresponding deductible.

18 (4) Other information deemed necessary by the

19 treasurer of state and administrative contractor.
20 c. If the administrative contractor determines
21 that the applicant qualifies for a loan and sufficient
22 funds are available, the administrative contractor
23 shall direct the office of the treasurer of state to
24 provide the applicant with a loan equal to the amount
25 requested by the applicant, not to exceed the limit
26 specified in paragraph "a". The loan shall be on
27 terms set by rule of the treasurer of state with
28 interest at the rate established under section 421.7.
29 The loan shall be deposited into the applicant's
30 health savings account. As part of the loan
31 agreement, the applicant shall agree that moneys shall
32 not be deposited by the applicant into the applicant's
33 health savings account until after the loan has been
34 repaid.
35 2. If an applicant or other person knowingly makes
36 a false statement for the purpose of enabling the
37 applicant to receive a loan under this section, the
38 applicant or other person is guilty of a fraudulent
39 practice as described in section 714.8.
40 Sec. 5. NEW SECTION. 12A.5 ADMINISTRATIVE
41 CONTRACTOR.
42 1. An administrative contractor shall be selected
43 to administer the health savings account loan program
44 through a request for proposals process. The
45 treasurer of state, in conjunction with the
46 administrator of the division of insurance, shall
47 develop the criteria to be included in the request for
48 proposals for the selection of any administrative
49 contractor for the program. The request for proposals
50 shall specify that the maximum amount of remuneration

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1 payable to the administrative contractor shall not
2 exceed five percent of the total amount of loans made
3 under the program during the calendar year.
4 2. The administrative contractor shall do all of
5 the following:
6 a. Accept applications for loans under the program
7 and determine which applications qualify.
8 b. Develop and issue appropriate approval and
9 denial notifications to inform applicants of the
10 status of their applications.
11 c. Notify the office of the treasurer of state of
12 the loan applications that have been approved.
13 d. Provide periodic reports to the office of the
14 treasurer of state.

- 15 e. Perform other duties specified in the contract
16 and as required by rule of the treasurer of state.”

RON WIECK

S-5115

1 Amend the amendment, S-5077, to Senate File 2314 as
2 follows:

- 3 1. Page 3, line 50, by inserting after the figure
4 “99B.7B” the following: “, or a qualified
5 organization that is exempt from federal income tax
6 under section 501(c)(3) of the Internal Revenue Code
7 and that has conducted an annual game night during the
8 period beginning January 1, 2001, and ending December
9 31, 2005.”.

DAVE MULDER
MARY LUNDBY

S-5116

1 Amend Senate File 2373 as follows:

- 2 1. By striking everything after the enacting
3 clause and inserting the following:
4 “Section 1. NEW SECTION. 543D.3A REGISTRATION OF
5 UNCERTIFIED REAL ESTATE APPRAISERS REQUIRED.
6 1. REGISTRATION. A person who is engaged in the
7 business or acting in the capacity of a real estate
8 appraiser for compensation within this state and who
9 does not hold an unexpired certificate as a certified
10 real estate appraiser pursuant to this chapter or is
11 not working as an associate real estate appraiser
12 shall register biennially with the board. The board
13 shall maintain a separate registry of the names and
14 addresses of the uncertified appraisers who register
15 with the board pursuant to this section.
16 2. INELIGIBILITY. A person shall not be eligible
17 to register as an uncertified appraiser, except upon
18 such conditions as the board may specify by rule or
19 order, if the person has been issued a certificate
20 under this chapter and the board, in connection with a
21 disciplinary investigation or proceeding, has
22 suspended, revoked, or otherwise imposed discipline
23 against, or refused to renew or accepted the voluntary
24 surrender of the certificate.
25 3. EXEMPTIONS. This section shall not apply to
26 any of the following:
27 a. An individual licensed under chapter 543B.
28 b. An individual registered under chapter 535B.
29 c. An individual who provides administrative

30 services to a certified real estate appraiser, such as
31 taking photographs, preparing charts, or typing
32 reports, who is not an associate real estate appraiser
33 and who does not provide any assistance in developing
34 the analysis, valuation, opinions, or conclusions
35 associated with the appraisal assignment.
36 d. An employee of any of the following, so long as
37 the employee does not provide appraisal services or
38 complete an appraisal assignment for any person other
39 than the person's employer unless the person is in
40 compliance with this section:
41 (1) The federal government.
42 (2) The state, or any agency, department, or
43 political subdivision of the state, except as provided
44 for an employee of the state department of
45 transportation pursuant to section 543D.3.
46 (3) A financial institution as defined in section
47 527.2.
48 (4) An insurance company authorized to transact
49 the business of insurance in this state.
50 (5) A licensee or registrant under chapter 535B,

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1 536, or 536A.
2 e. An individual who holds an unexpired
3 certificate or license to practice as a real estate
4 appraiser under the laws of another jurisdiction who
5 acts in compliance with board rules on temporary
6 practice or who otherwise acts in conformance with
7 federal laws or regulations governing the cross-
8 jurisdictional practice of certified or licensed real
9 estate appraisers.
10 4. The board shall establish and collect fees for
11 the registration of uncertified real estate
12 appraisers, in an amount not to exceed twenty-five
13 dollars biennially.
14 5. UNLAWFUL ACTS, INJUNCTIONS, AND CIVIL
15 PENALTIES.
16 a. The board may investigate complaints or
17 initiate complaints against uncertified real estate
18 appraisers and in connection with such complaints or
19 investigations may issue subpoenas to compel witnesses
20 to testify or persons to produce evidence consistent
21 with the provisions of section 272C.6, subsection 3,
22 as needed to determine whether probable cause exists
23 to initiate proceedings under this section or to make
24 application to the district court for an order
25 enjoining violations of this chapter.
26 b. If as a result of an investigation the board
27 believes that an uncertified real estate appraiser has
28 engaged, or is about to engage, in an act or practice

29 which constitutes a violation of this chapter, the
 30 board may make application to the district court for
 31 an order enjoining such act or practice. Upon a
 32 showing by the board that such uncertified real estate
 33 appraiser has engaged, or is about to engage, in any
 34 such act or practice, an injunction, restraining
 35 order, or other order as may be appropriate shall be
 36 granted by the court.

37 c. In addition to or as an alternative to making
 38 application to the district court for an injunction,
 39 the board may issue an order to an uncertified real
 40 estate appraiser to require compliance with this
 41 chapter and may impose a civil penalty against such
 42 person for any violation of this chapter in an amount
 43 up to one thousand dollars for each violation. All
 44 civil penalties collected pursuant to this subsection
 45 shall be deposited in the housing trust fund created
 46 in section 16.181. An order issued pursuant to this
 47 section may prohibit a person from registering under
 48 this section if the person has engaged in willful or
 49 repeated violations of this chapter.

50 d. The board may impose civil penalties against an

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1 uncertified real estate appraiser for engaging in any
 2 of the following acts or practices, all of which are
 3 unlawful acts under this chapter:

- 4 (1) A violation of subsection 1.
- 5 (2) A violation of section 543D.15.
- 6 (3) Acting with bias while involved in valuation
 7 assignments in real property appraisal practice.

8 Sec. 2. Section 543D.17, subsection 1, paragraph
 9 f, Code 2005, is amended to read as follows:

10 f. Negligence, ~~or incompetence, or bias~~ in
 11 developing an appraisal, in preparing an appraisal
 12 report, or in communicating an appraisal.

13 Sec. 3. EFFECTIVE DATE. This Act takes effect
 14 January 1, 2007."

15 2. Title page, line 2, by adding after the word
 16 "penalty" the following: "and an effective date".

17 3. By renumbering as necessary.

JACK HATCH

S-5117

1 Amend Senate File 2373 as follows:

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

4 "Section 1. NEW SECTION. 543D.3A REGISTRATION OF
 5 UNCERTIFIED REAL ESTATE APPRAISERS REQUIRED.

6 1. REGISTRATION. A person who is engaged in the
7 business or acting in the capacity of a real estate
8 appraiser for compensation within this state and who
9 does not hold an unexpired certificate as a certified
10 real estate appraiser pursuant to this chapter or is
11 not working as an associate real estate appraiser
12 shall register biennially with the board. The board
13 shall maintain a separate registry of the names and
14 addresses of the uncertified appraisers who register
15 with the board pursuant to this section.

16 2. INELIGIBILITY. A person shall not be eligible
17 to register as an uncertified appraiser, except upon
18 such conditions as the board may specify by rule or
19 order, if the person has been issued a certificate
20 under this chapter and the board, in connection with a
21 disciplinary investigation or proceeding, has
22 suspended, revoked, or otherwise imposed discipline
23 against, or refused to renew or accepted the voluntary
24 surrender of the certificate.

25 3. EXEMPTIONS. This section shall not apply to
26 any of the following:

27 a. An individual licensed under chapter 543B.

28 b. An individual registered under chapter 535B.

29 c. An individual who provides administrative
30 services to a certified real estate appraiser, such as
31 taking photographs, preparing charts, or typing
32 reports, who is not an associate real estate appraiser
33 and who does not provide any assistance in developing
34 the analysis, valuation, opinions, or conclusions
35 associated with the appraisal assignment.

36 d. An employee of any of the following, so long as
37 the employee does not provide appraisal services or
38 complete an appraisal assignment for any person other
39 than the person's employer unless the person is in
40 compliance with this section:

41 (1) The federal government.

42 (2) The state, or any agency, department, or
43 political subdivision of the state, except as provided
44 for an employee of the state department of
45 transportation pursuant to section 543D.3.

46 (3) A financial institution as defined in section
47 527.2.

48 (4) An insurance company authorized to transact
49 the business of insurance in this state.

50 (5) A licensee or registrant under chapter 535B,

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1 536, or 536A.

2 e. An individual who holds an unexpired
3 certificate or license to practice as a real estate
4 appraiser under the laws of another jurisdiction who

5 acts in compliance with board rules on temporary
6 practice or who otherwise acts in conformance with
7 federal laws or regulations governing the cross-
8 jurisdictional practice of certified or licensed real
9 estate appraisers.

10 4. The board shall establish and collect fees for
11 the registration of uncertified real estate
12 appraisers, in an amount not to exceed twenty-five
13 dollars biennially.

14 5. UNLAWFUL ACTS, INJUNCTIONS, AND CIVIL
15 PENALTIES.

16 a. The board may investigate complaints or
17 initiate complaints against uncertified real estate
18 appraisers and in connection with such complaints or
19 investigations may issue subpoenas to compel witnesses
20 to testify or persons to produce evidence consistent
21 with the provisions of section 272C.6, subsection 3,
22 as needed to determine whether probable cause exists
23 to initiate proceedings under this section or to make
24 application to the district court for an order
25 enjoining violations of this section.

26 b. If as a result of an investigation the board
27 believes that an uncertified real estate appraiser has
28 engaged, or is about to engage, in an act or practice
29 which constitutes a violation of this section, the
30 board may make application to the district court for
31 an order enjoining such act or practice. Upon a
32 showing by the board that such uncertified real estate
33 appraiser has engaged, or is about to engage, in any
34 such act or practice, an injunction, restraining
35 order, or other order as may be appropriate shall be
36 granted by the court.

37 c. In addition to or as an alternative to making
38 application to the district court for an injunction,
39 the board may issue an order to an uncertified real
40 estate appraiser to require compliance with this
41 section and may impose a civil penalty against such
42 person for any violation of this section in an amount
43 up to one thousand dollars for each violation. All
44 civil penalties collected pursuant to this subsection
45 shall be deposited in the housing trust fund created
46 in section 16.181. An order issued pursuant to this
47 section may prohibit a person from registering under
48 this section if the person has engaged in willful or
49 repeated violations of this chapter.

50 d. The board may impose civil penalties against an

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1 uncertified real estate appraiser for engaging in any
2 of the following acts or practices, all of which are
3 unlawful acts under this section:

4 (1) A violation of subsection 1.

5 (2) A violation of section 543D.15.

6 (3) Acting with bias while involved in valuation
7 assignments in real property appraisal practice.

8 Sec. 2. Section 543D.17, subsection 1, paragraph
9 f, Code 2005, is amended to read as follows:

10 f. Negligence, ~~or~~ incompetence, or bias in
11 developing an appraisal, in preparing an appraisal
12 report, or in communicating an appraisal.

13 Sec. 3. EFFECTIVE DATE. This Act takes effect
14 January 1, 2007.”

15 2. Title page, line 2, by adding after the word
16 “penalty” the following: “and an effective date”.

17 3. By renumbering as necessary.

JACK HATCH

S-5118

1 Amend House File 2351, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, lines 4 and 5, by striking the words
4 “utilities or persons” and inserting the following:
5 “utilities, ~~or~~ persons, companies, or corporations”.

6 2. Page 2, line 29, by inserting after the word
7 “property” the following: “for redevelopment purposes
8 or to eliminate slum or blighted conditions”.

9 3. Page 2, line 35, by striking the words “city
10 or county” and inserting the following:
11 “municipality”.

12 4. Page 3, by striking lines 1 through 3 and
13 inserting the following: “public input, if seventy-
14 five percent or more of the area included in the plan
15 consists of property in a slum or blighted”.

16 5. Page 3, line 6, by inserting after the word
17 “municipality.” the following: “The project or
18 acquisition plan area shall only include the adjacent
19 and contiguous parcels necessary for the completion of
20 a specific project that consists of the construction
21 of a new building, repair and rehabilitation of
22 buildings, and associated uses for a specific business
23 or housing project. Before a municipality exercises
24 its eminent domain authority to acquire properties in
25 a project or acquisition plan area that are not in a
26 slum or blighted condition, the municipality shall be
27 required to adopt a resolution by a two-thirds
28 majority to authorize the acquisition of such property
29 by eminent domain. The resolution shall make a
30 finding that includes at a minimum all of the
31 following:

32 (a) The taking of such property is necessary to
33 achieve the project or acquisition plan objectives.

34 (b) The taking of property for the project or
35 acquisition plan will eliminate or rehabilitate the
36 slum and blighted conditions in the remainder of the
37 area.

38 (c) The proposed project or acquisition plan will
39 confer significant economic benefits upon the
40 municipality.”

41 6. Page 3, by striking lines 7 through 10.

42 7. Page 3, by striking lines 11 through 14 and
43 inserting the following:

44 “For purposes of this subparagraph (5):

45 (a) “Blighted condition” means the presence of a
46 substantial number of slum or deteriorated structures;
47 insanitary or unsafe”.

48 8. Page 3, by striking line 24 and inserting the
49 following:

50 “(b) “Slum condition.”

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1 9. Page 3, by striking line 32 and inserting the
2 following: “sanitation; by reason”.

3 10. Page 4, by striking line 2 and inserting the
4 following:

5 “(c) In no case shall”.

6 11. Page 4, by inserting after line 4 the
7 following:

8 “(d) “Project or acquisition plan” means the
9 planned activities of a municipality to eliminate or
10 rehabilitate slum or blighted conditions and redevelop
11 specific property in that portion of an urban renewal
12 area designated as a slum or blighted area pursuant to
13 chapter 403. The planned activities may include the
14 sale and acquisition of property; demolition and
15 removal of buildings and improvements; repair and
16 rehabilitation of buildings or other improvements; and
17 installation, construction, or reconstruction of
18 streets and utilities.

19 (e) “Significant economic benefits” means the
20 creation of new employment opportunities or the
21 retention of employment opportunities.”

22 12. Page 4, line 11, by striking the words
23 “development or,” and inserting the following:
24 “development, or”.

25 13. Page 4, by striking lines 14 through 19 and
26 inserting the following:

27 “(1) If private property is to be condemned for
28 development or creation of a lake, only that number of
29 acres justified as necessary for a surface drinking
30 water source, and not otherwise acquired, may be
31 condemned. In addition, the acquiring agency shall
32 conduct a review of prudent and feasible alternatives

33 to provision of a drinking water source prior to
34 making a determination that such lake development or
35 creation is reasonable and necessary. Development or
36 creation of a lake as a surface drinking water source
37 includes all of the following:
38 (a) Construction of the dam, including sites for
39 suitable borrow material and the auxiliary spillway.
40 (b) The water supply pool.
41 (c) The sediment pool.
42 (d) The flood control pool.
43 (e) The floodwater retarding pool.
44 (f) The surrounding area upstream of the dam no
45 higher in elevation than the top of the dam's
46 elevation.
47 (g) The appropriate setback distance required by
48 state or federal laws and regulations to protect
49 drinking water supply.
50 For purposes of this subparagraph (1), "number of

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1 acres justified as necessary for a surface drinking
2 water source" means according to guidelines of the
3 United States natural resource conservation service
4 and according to analyses of surface drinking water
5 capacity needs conducted by one or more registered
6 professional engineers."

7 14. Page 4, by striking lines 20 through 24.

8 15. Page 4, by striking lines 25 through 27.

9 16. Page 5, line 6, by inserting after the word
10 "action." the following: "This subparagraph does not
11 apply if both of the following conditions are met:

12 (a) The property to be acquired is for an
13 improvement to an existing airport, airport system, or
14 aviation facilities if such improvement is required by
15 federal law, regulation, or order or if such
16 improvement is included in an airport layout plan
17 approved by the federal aviation administration for
18 the existing site of the airport, airport system, or
19 aviation facilities.

20 (b) The property to be condemned has been zoned by
21 a city or county for use as an airport, airport
22 system, or aviation facilities."

23 17. By striking page 5, line 7, through page 7,
24 line 13.

25 18. Page 7, by inserting before line 14 the-
26 following:

27 "Sec. . **NEW SECTION. 6A.23 JUDICIAL REVIEW OF**
28 **EMINENT DOMAIN AUTHORITY.**

29 1. An owner of property described in an
30 application for condemnation may bring an action
31 challenging the exercise of eminent domain authority

32 or the condemnation proceedings. Such action shall be
33 commenced within thirty days after service of notice
34 of condemnation pursuant to section 6B.3 by the filing
35 of a petition in district court. Service of the
36 original notice upon the acquiring agency shall be as
37 required in the rules of civil procedure. A property
38 owner or a party in possession of the property under a
39 recorded lease or contract shall be the only parties
40 with standing to bring such action.

41 2. An acquiring agency that proposes to acquire
42 property by eminent domain may file a petition in
43 district court seeking a determination and declaration
44 that its finding of public use, public purpose, or
45 public improvement necessary to support the taking
46 meets the definition of those terms. The action shall
47 be commenced by the filing of a petition identifying
48 all property owners whose property is proposed to be
49 acquired and parties in possession of such property
50 under a recorded lease or contract, and including a

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1 description of the properties proposed to be acquired
2 and a statement of the public use, public purpose, or
3 public improvement supporting the acquisition of the
4 property by eminent domain. The original notice shall
5 be served as required by the rules of civil procedure
6 on each property owner named in the petition and on
7 parties in possession of such property. Such action
8 may be commenced by an acquiring agency at any time
9 prior to the filing of an application for condemnation
10 pursuant to section 6B.3.

11 3. For any action brought under this section, the
12 burden of proof shall be on the acquiring agency to
13 prove by a preponderance of the evidence that the
14 finding of public use, public purpose, or public
15 improvement meets the definition of those terms. If a
16 property owner or party in possession under a recorded
17 lease or contract prevails in an action brought under
18 this section, the acquiring agency shall be required
19 to pay the costs, including reasonable attorney fees,
20 of the adverse party."

21 19. Page 7, line 34, by striking the words "may
22 offer" and inserting the following: "may make".

23 20. Page 8, line 1, by striking the word "twenty-
24 five" and inserting the following: "thirty".

25 21. Page 8, line 11, by inserting after the
26 figure "6B.54." the following: "The option to make an
27 alternative purchase offer does not apply when
28 property is being acquired for street and highway
29 projects undertaken by the state, a county, or a
30 city."

31 22. Page 8, by inserting after line 11 the
32 following:

33 "Sec. ____ NEW SECTION. 6B.2D NOTICE OF INTENT
34 TO APPROVE ACQUISITION OF PROPERTY BY EMINENT DOMAIN.

35 1. The acquiring agency shall send notice of a
36 proposed resolution, motion, or other document
37 authorizing acquisition of property by eminent domain
38 to each property owner and party in possession of the
39 property under a recorded lease or contract whose
40 property is proposed to be acquired by eminent domain
41 at least fourteen days prior to the date of the
42 meeting at which such proposed authorization will be
43 considered for adoption by the acquiring agency. The
44 notice shall include the date, time, and place of the
45 meeting and a statement that the persons receiving the
46 notice have a right to attend the meeting and to voice
47 objection to the proposed acquisition of the property.
48 The notice shall include a copy of the proposed
49 resolution, motion, or other document authorizing
50 acquisition by eminent domain.

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1 2. This section shall not apply to the following:
2 a. Street and highway projects undertaken by the
3 state, a county, or a city.
4 b. Projects undertaken by a municipal utility.
5 c. Projects undertaken by a city enterprise
6 providing services of sewer systems, storm water
7 drainage systems, sewage treatment, solid waste
8 collection, or solid waste disposal.
9 d. Projects undertaken by a county enterprise
10 providing services described in section 331.461,
11 subsection 2, paragraphs "b" and "f."

12 23. By striking page 8, line 22, through page 9,
13 line 1.

14 24. Page 9, by striking lines 22 through 25 and
15 inserting the following: "is situated as provided in
16 section 6A.23."

17 25. Page 10, by striking lines 17 through 24 and
18 inserting the following: "may deliberate in closed
19 session. When deliberating in closed session, the
20 meeting is closed to all persons who are not
21 commissioners except for personnel from the sheriff's
22 office if such personnel is requested by the
23 commission. After deliberations commence, the
24 commission and each commissioner is prohibited from
25 communicating with any party to the proceeding ~~unless~~
26 ~~such communication occurs in the presence of or with~~
27 ~~the consent of the property owner and the other~~
28 ~~parties who appeared before the commission.~~ However,
29 if the commission is deliberating in closed session,

30 and after deliberations commence the commission
 31 requires further information from a party or a
 32 witness, the commission shall notify the property
 33 owner and the acquiring agency that they are allowed
 34 to attend the meeting at which such additional
 35 information shall be provided but only for that period
 36 of time during which the additional information is
 37 being provided. The property owner and the acquiring
 38 agency shall be given a reasonable opportunity to
 39 attend the meeting. The”.

40 26. Page 11, by inserting before line 4 the
 41 following:

42 “Sec. ____ Section 6B.33, Code 2005, is amended to
 43 read as follows:

44 6B.33 COSTS AND ATTORNEY FEES.

45 The ~~applicant~~ acquiring agency shall pay all costs
 46 of the assessment made by the commissioners and
 47 reasonable attorney fees and costs, including the
 48 reasonable cost of one appraisal, incurred by the
 49 condemnee as determined by the commissioners if the
 50 award of the commissioners exceeds one hundred ten

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1 percent of the final offer of the applicant prior to
 2 condemnation. The condemnee shall submit an
 3 application for fees and costs prior to adjournment of
 4 the final meeting of the compensation commission held
 5 on the matter. The ~~applicant~~ acquiring agency shall
 6 file with the sheriff an affidavit setting forth the
 7 most recent offer made to the person whose property is
 8 sought to be condemned. Members of such commissions
 9 shall receive a per diem of two hundred dollars and
 10 actual and necessary expenses incurred in the
 11 performance of their official duties. The ~~applicant~~
 12 acquiring agency shall reimburse the county sheriff
 13 for the per diem and expense amounts paid by the
 14 sheriff to the members. The ~~applicant~~ acquiring
 15 agency shall reimburse the owner for the expenses the
 16 owner incurred for recording fees, penalty costs for
 17 full or partial prepayment of any preexisting recorded
 18 mortgage entered into in good faith encumbering the
 19 property, and for similar expenses incidental to
 20 conveying the property to the ~~applicant~~ acquiring
 21 agency. The ~~applicant~~ acquiring agency shall also pay
 22 all costs occasioned by the appeal, including
 23 reasonable attorney fees and the reasonable cost
 24 incurred by the property owner for one appraisal to be
 25 taxed by the court, unless on the trial thereof the
 26 same or a lesser amount of damages is awarded than was
 27 allowed by the tribunal from which the appeal was
 28 taken.”

- 29 27. Page 13, line 24, by striking the word
 30 "offer" and inserting the following: "make".
 31 28. Page 13, line 26, by striking the word
 32 "twenty-five" and inserting the following: "thirty".
 33 29. Page 14, line 2, by inserting after the word
 34 "easement." the following: "The option to make an
 35 alternative purchase offer does not apply when
 36 property is being acquired for street and highway
 37 projects undertaken by the state, a county, or a
 38 city."
 39 30. Page 15, by striking lines 18 through 20.
 40 31. Page 15, line 35, by striking the word
 41 "twenty-five" and inserting the following: "thirty".
 42 32. Page 16, line 5, by inserting after the word
 43 "law." the following: "This subsection does not apply
 44 when property is being acquired for street and highway
 45 projects undertaken by the state, a county, or a
 46 city."
 47 33. Page 16, by striking line 25 and inserting
 48 the following: "agency from the prior owner plus
 49 cleanup costs incurred by the acquiring agency,
 50 whichever is less. However, the current appraised

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- 1 value of the real property shall be the purchase price
 2 to be paid by the previous owner if any other amount
 3 would result in a loss of federal funding for projects
 4 funded in whole or in part with federal funds. The
 5 notice".
 6 34. By striking page 16, line 29, through page
 7 17, line 18.
 8 35. Page 17, by inserting before line 19, the
 9 following:
 10 "Sec. ____ Section 6B.57, Code 2005, is amended to
 11 read as follows:
 12 6B.57 PROCEDURAL COMPLIANCE.
 13 If an acquiring agency makes a good faith effort to
 14 serve, send, or provide the notices or documents
 15 required under this chapter to the owner and any
 16 contract purchaser of private property that is or may
 17 be the subject of condemnation, or to a person in
 18 possession of such property by recorded lease if
 19 notices or documents are required to be served, sent,
 20 or provided to such a person, but fails to provide the
 21 notice or documents to the owner and any contract
 22 purchaser, or person in possession if applicable, such
 23 failure shall not constitute grounds for invalidation
 24 of the condemnation proceeding if the chief judge of
 25 the judicial district determines that such failure can
 26 be corrected by delaying the condemnation proceedings
 27 to allow compliance with the requirement or such

28 failure does not unreasonably prejudice the owner or
29 any contract purchaser.”

30 36. Page 17, by inserting before line 19 the
31 following:

32 “Sec. ____ Section 6B.58, Code 2005, is amended to
33 read as follows:

34 6B.58 ACQUIRING AGENCY — DEFINITION.
35 For purposes of this chapter, an “acquiring agency”
36 means the state of Iowa or any person or entity
37 conferred the right by statute to condemn private
38 property or to otherwise exercise the power of eminent
39 domain. In the exercise of eminent domain power, the
40 words “applicant” and “condemner” mean acquiring
41 agency as defined in this section, unless the context
42 clearly requires otherwise.”

43 37. Page 17, by striking lines 20 through 24 and
44 inserting the following:

45 “Rent shall not be charged to a person in
46 possession of the property and shall not accrue
47 against the property owner until all or a portion of
48 the compensation commission award has been paid to the
49 condemnee pursuant to section 6B.25.”

50 38. By striking page 17, line 30, through page

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1 18, line 2, and inserting the following: “to acquire
2 property shall not exercise such authority over
3 property located in the unincorporated area of a
4 county without first presenting the proposal to
5 acquire such property by eminent domain to the board
6 of supervisors of each county where the property is
7 located and such proposal receives the approval, by
8 resolution, of each applicable board of supervisors.
9 However, this section does not apply to an entity
10 created by or on behalf of one or more political
11 subdivisions if the entity is authorized by statute to
12 act as a political subdivision and if this section
13 would limit the ability of the entity to comply with
14 requirements or limitations imposed by the Internal
15 Revenue Code to preserve the tax exemption of interest
16 payable on bonds or obligations of the entity.”

17 39. Page 18, line 3, by inserting before the word
18 “This” the following: “This section does not apply to
19 a multistate entity created to provide drinking water
20 that has received or is receiving federal funds.”

21 40. Page 18, by striking lines 6 through 16.

22 41. Page 19, by striking lines 4 through 23.

23 42. Page 20, by striking lines 12 and 13, and
24 inserting the following: “for the following:”

25 43. Page 20, by inserting after line 20 the
26 following:

27 “e. The operation of a landfill or other solid
 28 waste disposal or processing site.”
 29 44. Page 20, by inserting after line 20 the
 30 following:
 31 “The exceptions provided in paragraphs “a” through
 32 “c” apply only to the extent the city had this power
 33 prior to July 1, 2006.”
 34 45. By renumbering and correcting internal
 35 references as necessary.

COMMITTEE ON JUDICIARY
 KEITH A. KREIMAN, Co-chair
 DAVID MILLER, Co-chair

S-5119

1 Amend Senate File 2075 as follows:
 2 1. By striking page 1, line 1, through page 2,
 3 line 4, and inserting the following:
 4 “Sec. ____ Section 459.312, Code 2005, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 4A. The department shall provide
 7 for the receipt and processing of manure management
 8 plans, including updates to manure management plans,
 9 in an electronic format pursuant to section 459.302,
 10 not later than July 1, 2008. After that time, a
 11 person required to submit a manure management plan
 12 under this section shall submit the manure management
 13 plan to the department and to the county board of
 14 supervisors in an electronic format.”
 15 2. Title page, by striking lines 1 and 2 and
 16 inserting the following: “An Act providing for the
 17 processing and delivery of manure management plans in
 18 an electronic format.”
 19 3. By renumbering as necessary.

TOM HANCOCK

S-5120

1 Amend House File 2567, as passed by the House, as
 2 follows:
 3 1. Page 3, line 21, by striking the word
 4 “agencies” and inserting the following: “psychiatric
 5 medical institutions for children licensed under
 6 chapter 135H”.
 7 2. Page 3, by striking lines 22 through 27.

COMMITTEE ON HUMAN RESOURCES
 AMANDA RAGAN, Co-chair
 JAMES A. SEYMOUR, Co-chair

S-5121

1 Amend House File 2282, as passed by the House, as
 2 follows:
 3 1. Page 2, by inserting after line 9 the
 4 following:
 5 "Sec. ____ NEW SECTION. 372.13A PAYMENTS WITHOUT
 6 PRIOR AUTHORIZATION OF COUNCIL.
 7 1. If concurrent vacancies exist on the council
 8 and the remaining council members do not constitute a
 9 quorum of the full membership, the city clerk is
 10 authorized to make the following payments without
 11 prior approval of the council:
 12 a. For fixed charges including but not limited to
 13 freight, express, postage, water, light, telephone
 14 service, or contractual services, after a bill is
 15 filed with the clerk.
 16 b. For salaries and payrolls if the compensation
 17 has been fixed or approved by the council. The salary
 18 or payroll shall be certified by the officer or
 19 supervisor under whose direction or supervision the
 20 compensation is earned.
 21 2. The bills paid under this section shall be
 22 submitted to the city council for review and approval
 23 at the next regular meeting following payment in which
 24 a quorum of the council is present."
 25 2. Title page, line 1, by inserting after the
 26 words "relating to" the following: "city government
 27 by providing for".
 28 3. Title page, line 3, by inserting after the
 29 word "government" the following: "and by providing
 30 for city continuity when concurrent city council
 31 vacancies exist".
 32 4. By renumbering as necessary.

COMMITTEE ON LOCAL GOVERNMENT
 HERMAN C. QUIRMBACH, Co-chair
 DOUG SHULL, Co-chair

S-5122

1 Amend House File 2240, as passed by the House, as
 2 follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Section 69.14A, subsection 1,
 6 unnumbered paragraph 1, Code 2005, is amended to read
 7 as follows:
 8 A vacancy on the board of supervisors shall be
 9 filled by one of the ~~two~~ following procedures:
 10 Sec. ____ Section 69.14A, subsection 1, Code 2005,

11 is amended by adding the following new paragraph:
 12 NEW PARAGRAPH. c. For a vacancy declared by the
 13 board pursuant to section 331.214, subsection 2, by
 14 special election held to fill the office if the
 15 remaining balance of the unexpired term is two and
 16 one-half years or more. The committee of county
 17 officers designated to fill the vacancy in section
 18 69.8 shall order the special election at the earliest
 19 practicable date, but giving at least thirty-two days'
 20 notice of the election. A special election called
 21 under this section shall be held on a Tuesday and
 22 shall not be held on the same day as a school election
 23 within the county. The office shall be listed on the
 24 ballot, as "For Board of Supervisors, To Fill
 25 Vacancy". The person elected at the special election
 26 shall serve the balance of the unexpired term."

27 2. Page 1, line 22 by inserting after the word
 28 "board" the following: "shall appoint a physician and
 29 the family of the supervisor shall appoint a physician
 30 to examine the supervisor. For purposes of this
 31 subsection, "family" means the parent, spouse, or
 32 child of the supervisor. If the family does not
 33 appoint a physician, the board".

34 3. Page 1, line 23, by striking the word "and"
 35 and inserting the following: "The board shall".

36 4. Page 1, line 30, by inserting after the word
 37 "term." the following: "However, if the physicians
 38 concur that the supervisor is mentally incapable of
 39 performing the duties of office, the board shall not
 40 declare the supervisor's seat vacant for one year from
 41 the date of the hearing if the supervisor is receiving
 42 treatment for the mental incapacity."

43 5. Page 1, by inserting after line 35 the
 44 following:

45 "c. If the board declares a vacancy under this
 46 subsection and the remaining balance of the
 47 supervisor's unexpired term is two and one-half years
 48 or more, a special election shall be held to fill the
 49 office as provided in section 69.14A, subsection 1,
 50 paragraph "c.""

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1 6. By renumbering as necessary.

COMMITTEE ON LOCAL GOVERNMENT
 HERMAN C. QUIRMBACH, Co-chair
 DOUG SHULL, Co-chair

S-5123

- 1 Amend Senate File 2323 as follows:
2 1. Page 1, by inserting after line 32 the
3 following:
4 “___ One member of the Iowa state bar
5 association.”
6 2. By renumbering, redesignating, and correcting
7 internal references as necessary.

THOMAS G. COURTNEY

S-5124

- 1 Amend House File 2651, as passed by the House, as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 “Section 1. Section 232.147, subsection 2, Code
6 Supplement 2005, is amended to read as follows:
7 2. Official juvenile court records in cases
8 alleging delinquency, including complaints under
9 section 232.28, shall be public records, subject to
10 ~~sealing under section 232.150~~ the following
11 restrictions:
12 a. Official juvenile court records containing a
13 petition or complaint alleging delinquency filed prior
14 to January 1, 2007, shall be public records subject to
15 a confidentiality order under section 232.149A or
16 sealing under section 232.150.
17 b. Official juvenile court records containing a
18 petition or complaint alleging delinquency filed on or
19 after January 1, 2007, shall be public records subject
20 to a confidentiality order under section 232.149A or
21 sealing under section 232.150. However, the official
22 records shall not be available to the public through
23 the internet or in an electronic customized data
24 report unless the child has been adjudicated
25 delinquent.
26 c. If the court has excluded the public from a
27 hearing under division II of this chapter, the
28 transcript of the proceedings shall not be deemed a
29 public record and inspection and disclosure of the
30 contents of the transcript shall not be permitted
31 except pursuant to court order or unless otherwise
32 provided in this chapter.
33 d. Complaints under section 232.28 shall be
34 released in accordance with section 915.25. Other
35 official juvenile court records may be released under
36 this section by a juvenile court officer.
37 Sec. 2. **NEW SECTION.** 232.149A CONFIDENTIALITY

38 ORDERS.

39 1. Notwithstanding any other provision of the Code
40 to the contrary, upon application of a person who was
41 taken into custody for a delinquent act or was the
42 subject of a complaint alleging delinquency or was the
43 subject of a delinquency petition, or upon the court's
44 own motion, the court after hearing, shall order
45 official juvenile court records in the case to be kept
46 confidential and no longer public records under
47 sections 232.147 and 232.149, if the court finds both
48 of the following apply:

49 a. The case has been dismissed and the person is
50 no longer subject to the jurisdiction of the juvenile

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1 court.

2 b. Making the records confidential is in the best
3 interests of the person and the public.

4 2. The records subject to a confidentiality order
5 may be sealed at a later date if section 232.150
6 applies.

7 3. Official juvenile court records subject to a
8 confidentiality order may be inspected and their
9 contents shall be disclosed to the following without
10 court order:

11 a. The judge and professional court staff,
12 including juvenile court officers.

13 b. The child and the child's counsel.

14 c. The child's parent, guardian or custodian,
15 court appointed special advocate, and guardian ad
16 litem, and the members of the child advocacy board
17 created in section 237.16 or a local citizen foster
18 care review board created in accordance with section
19 237.19 who are assigning or reviewing the child's
20 case.

21 d. The county attorney and the county attorney's
22 assistants.

23 e. An agency, association, facility, or
24 institution which has custody of the child, or is
25 legally responsible for the care, treatment, or
26 supervision of the child, including but not limited to
27 the department of human services.

28 f. A court, court professional staff, and adult
29 probation officers in connection with the preparation
30 of a presentence report concerning a person who had
31 been the subject of a juvenile court proceeding.

32 g. The child's foster parent or an individual
33 providing preadoptive care to the child.

34 4. Pursuant to court order, official juvenile
35 court records subject to a confidentiality order may
36 be inspected by and their contents may be disclosed

37 to:

38 a. A person conducting bona fide research for
39 research purposes under whatever conditions the court
40 may deem proper, provided that no personal identifying
41 data shall be disclosed to such a person.

42 b. Persons who have a direct interest in a
43 proceeding or in the work of the court.”

44 2. Page 1, line 7, by inserting before the word
45 “records” the following: “official juvenile court”.

46 3. Page 1, line 10, by striking the word “Two”
47 and inserting the following: “Two The person is
48 eighteen years of age and two”.

49 4. Page 1, lines 10 and 11, by striking the words
50 “the final discharge of the person or since” and

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1 inserting the following: “~~the final discharge of the~~
2 ~~person or since~~”.

3 5. Page 1, line 12, by striking the words “if
4 there was no adjudication and disposition” and
5 inserting the following: “~~if there was no~~
6 ~~adjudication and disposition~~”.

COMMITTEE ON JUDICIARY
KEITH A. KREIMAN, Co-chair
DAVID MILLER, Co-chair

S-5125

1 Amend House File 2346, as passed by the House, as
2 follows:

3 1. Page 1, line 28, by striking the word “and”.

4 2. Page 1, line 29, by inserting after the word
5 “insurance” the following: “, and to the extent that
6 health insurance and other alternative health benefit
7 plans vary depending on the classification or type of
8 employment, the average amounts contributed by the
9 district and the employee for single and family
10 insurance for each classification”.

11 3. Page 2, line 11, by striking the words “either
12 distribute” and inserting the following: “have
13 available for distribution”.

14 4. Page 2, line 27, by striking the words “either
15 distribute” and inserting the following: “have
16 available for distribution”.

17 5. Page 2, by inserting after line 28 the
18 following:

19 “Sec. __. CONTINGENT EFFECTIVENESS. This Act
20 takes effect only if moneys are appropriated for the
21 fiscal year beginning July 1, 2006, in an amount
22 sufficient to implement the provisions of this Act.”

- 23 6. Title page, line 3, by striking the word
 24 "and".
 25 7. Title page, line 5, by inserting after the
 26 word "levies" the following: ", and including a
 27 contingent effectiveness provision".

COMMITTEE ON EDUCATION
 MICHAEL CONNOLLY, Co-chair
 PAUL MCKINLEY, Co-chair

S-5126

- 1 Amend House File 722, as passed by the House, as
 2 follows:
 3 1. By striking everything after the enacting
 4 clause and inserting the following:
 5 "Section 1. Section 22.7, Code Supplement 2005, is
 6 amended by adding the following new subsection:
 7 NEW SUBSECTION. 52. The information contained in
 8 the information program established in section
 9 124.510A, except to the extent that disclosure is
 10 authorized pursuant to section 124.510C.
 11 Sec. 2. NEW SECTION. 124.510A INFORMATION
 12 PROGRAM FOR DRUG PRESCRIBING AND DISPENSING.
 13 Contingent upon the receipt of funds pursuant to
 14 section 124.510G sufficient to carry out the purposes
 15 of this division, the board, in conjunction with the
 16 advisory council created in section 124.510E, shall
 17 establish and maintain an information program for drug
 18 prescribing and dispensing. The program shall collect
 19 from pharmacies dispensing information for controlled
 20 substances identified pursuant to section 124.510D,
 21 subsection 1, paragraph "g". The information
 22 collected shall be used by prescribing practitioners
 23 and dispensing pharmacists on a need-to-know basis for
 24 purposes of improving patient health care by
 25 facilitating early identification of patients who may
 26 be at risk for addiction, or who may be using,
 27 abusing, or diverting drugs for unlawful or otherwise
 28 unauthorized purposes at risk to themselves and
 29 others, or who may be appropriately using controlled
 30 substances lawfully prescribed for them but unknown to
 31 the practitioner. The board shall collect, store, and
 32 disseminate program information consistent with
 33 security criteria established by rule, including use
 34 of appropriate encryption or other industry-recognized
 35 security technology. The board shall seek any federal
 36 waiver necessary to implement the provisions of the
 37 program.
 38 Sec. 3. NEW SECTION. 124.510B INFORMATION
 39 REPORTING.
 40 1. Each licensed pharmacy that dispenses

41 controlled substances identified pursuant to section
42 124.510D, subsection 1, paragraph "g", to patients in
43 the state, and each licensed pharmacy located in the
44 state that dispenses such controlled substances
45 identified pursuant to section 124.510D, subsection 1,
46 paragraph "g", to patients inside or outside the
47 state, unless specifically excepted in this section or
48 by rule, shall submit the following prescription
49 information to the program:
50 a. Pharmacy identification.

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1 b. Patient identification.
2 c. Prescriber identification.
3 d. The date the prescription was issued by the
4 prescriber.
5 e. The date the prescription was dispensed.
6 f. An indication of whether the prescription
7 dispensed is new or a refill.
8 g. Identification of the drug dispensed.
9 h. Quantity of the drug dispensed.
10 i. The number of days' supply of the drug
11 dispensed.
12 j. Serial or prescription number assigned by the
13 pharmacy.
14 k. Type of payment for the prescription.
15 1. Other information identified by the board and
16 advisory council by rule.
17 2. Information shall be submitted electronically
18 in a secure format specified by the board unless the
19 board has granted a waiver and approved an alternate
20 secure format.
21 3. Information shall be timely transmitted as
22 designated by the board and advisory council by rule,
23 unless the board grants an extension. The board may
24 grant an extension if either of the following occurs:
25 a. The pharmacy suffers a mechanical or electronic
26 failure, or cannot meet the deadline established by
27 the board for other reasons beyond the pharmacy's
28 control.
29 b. The board is unable to receive electronic
30 submissions.
31 4. This section shall not apply to a prescriber
32 furnishing, dispensing, supplying, or administering
33 drugs to the prescriber's patient, or to dispensing by
34 a licensed pharmacy for the purposes of inpatient
35 hospital care, inpatient hospice care, or long-term
36 residential facility patient care.
37 Sec. 4. NEW SECTION. 124.510C INFORMATION
38 ACCESS.
39 1. The board may provide information from the

40 program to the following:

- 41 a. A pharmacist or prescriber who requests the
42 information and certifies in a form specified by the
43 board that it is for the purpose of providing medical
44 or pharmaceutical care to a patient of the pharmacist
45 or prescriber. Neither a pharmacist nor a prescriber
46 may delegate program information access to another
47 individual.
- 48 b. An individual who requests the individual's own
49 program information in accordance with the procedure
50 established in rules of the board and advisory council

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- 1 adopted under section 124.510D.
- 2 c. Pursuant to an order, subpoena, or other means
3 of legal compulsion for access to or release of
4 program information that is issued based upon a
5 determination of probable cause in the course of a
6 specific investigation of a specific individual.
- 7 2. The board shall maintain a record of each
8 person that requests information from the program.
9 Pursuant to rules adopted by the board and advisory
10 council under section 124.510D, the board may use the
11 records to document and report statistical
12 information.
- 13 3. Information contained in the program and any
14 information obtained from it, and information
15 contained in the records of requests for information
16 from the program, is privileged and strictly
17 confidential information. Such information is not a
18 public record pursuant to chapter 22, and is not
19 subject to discovery, subpoena, or other means of
20 legal compulsion for release except as provided in
21 this division. Information from the program shall not
22 be released, shared with an agency or institution, or
23 made public except as provided in this division.
- 24 4. Information collected for the program shall be
25 retained in the program for four years from the date
26 of dispensing. The information shall then be
27 destroyed.
- 28 5. A pharmacist or other dispenser making a report
29 to the program reasonably and in good faith pursuant
30 to this division is immune from any liability, civil,
31 criminal, or administrative, which might otherwise be
32 incurred or imposed as a result of the report.
- 33 6. Nothing in this section shall require a
34 pharmacist or prescriber to obtain information about a
35 patient from the program. A pharmacist or prescriber
36 does not have a duty and shall not be held liable in
37 damages to any person in any civil or derivative
38 criminal or administrative action for injury, death,

39 or loss to person or property on the basis that the
40 pharmacist or prescriber did or did not seek or obtain
41 or use information from the program. A pharmacist or
42 prescriber acting reasonably and in good faith is
43 immune from any civil, criminal, or administrative
44 liability that might otherwise be incurred or imposed
45 for requesting or receiving or using information from
46 the program.
47 7. The board shall not charge a fee to a pharmacy,
48 pharmacist, or prescriber for the establishment,
49 maintenance, or administration of the program,
50 including costs for forms required to submit

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1 information to or access information from the program,
2 except that the board may charge a fee to an
3 individual who requests the individual's own program
4 information. A fee charged pursuant to this
5 subsection shall not exceed the actual cost of
6 providing the requested information and shall be
7 considered a repayment receipt as defined in section
8 8.2.

9 Sec. 5. NEW SECTION. 124.510D RULES AND
10 REPORTING.

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

38 information in the program pursuant to a written
39 agreement with the board and advisory council.
40 i. The correction or deletion of erroneous
41 information in the program.
42 2. Beginning January 1, 2007, and annually by
43 January 1 thereafter, the board and advisory council
44 shall present to the general assembly and the governor
45 a report prepared consistent with section 124.510E,
46 subsection 3, paragraph "d", which shall include but
47 not be limited to the following:
48 a. The cost to the state of implementing and
49 maintaining the program.
50 b. Information from pharmacies, prescribers, the

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1 board, the advisory council, and others regarding the
2 benefits or detriments of the program.
3 c. Information from pharmacies, prescribers, the
4 board, the advisory council, and others regarding the
5 board's effectiveness in providing information from
6 the program.
7 Sec. 6. NEW SECTION. 124.510E ADVISORY COUNCIL
8 ESTABLISHED.
9 An advisory council shall be established to provide
10 oversight to the board and the program and to manage
11 program activities. The board and advisory council
12 shall jointly adopt rules specifying the duties and
13 activities of the advisory council and related
14 matters.
15 1. The council shall consist of eight members
16 appointed by the governor. The members shall include
17 three licensed pharmacists, four physicians licensed
18 under chapter 148, 150, or 150A, and one licensed
19 prescriber who is not a physician. The governor shall
20 solicit recommendations for council members from Iowa
21 health professional licensing boards, associations,
22 and societies. The license of each member appointed
23 to and serving on the advisory council shall be
24 current and in good standing with the professional's
25 licensing board.
26 2. The council shall advance the goals of the
27 program, which include identification of misuse and
28 diversion of controlled substances identified pursuant
29 to section 124.510D, subsection 1, paragraph "g", and
30 enhancement of the quality of health care delivery in
31 this state.
32 3. Duties of the council shall include but not be
33 limited to the following:
34 a. Ensuring the confidentiality of the patient,
35 prescriber, and dispensing pharmacist and pharmacy.
36 b. Respecting and preserving the integrity of the

37 patient's treatment relationship with the patient's
38 health care providers.
39 c. Encouraging and facilitating cooperative
40 efforts among health care practitioners and other
41 interested and knowledgeable persons in developing
42 best practices for prescribing and dispensing
43 controlled substances and in educating health care
44 practitioners and patients regarding controlled
45 substance use and abuse.
46 d. Making recommendations regarding the continued
47 benefits of maintaining the program in relationship to
48 cost and other burdens to the patient, prescriber,
49 pharmacist, and the board. The council's
50 recommendations shall be included in reports required

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1 by section 124.510D, subsection 2.
2 e. One physician and one pharmacist member of the
3 council shall include in their duties the
4 responsibility for monitoring and ensuring that
5 patient confidentiality, best interests, and civil
6 liberties are at all times protected and preserved
7 during the existence of the program.
8 4. Members of the advisory council shall be
9 eligible to request and receive actual expenses for
10 their duties as members of the advisory council,
11 subject to reimbursement limits imposed by the
12 department of administrative services, and shall also
13 be eligible to receive a per diem compensation as
14 provided in section 7E.6, subsection 1.
15 Sec. 7. NEW SECTION. 124.510F EDUCATION AND
16 TREATMENT.
17 The program for drug prescribing and dispensing
18 shall include education initiatives and outreach to
19 consumers, prescribers, and pharmacists, and shall
20 also include assistance for identifying substance
21 abuse treatment programs and providers. The board and
22 advisory council shall adopt rules, as provided under
23 section 124.510D, to implement this section.
24 Sec. 8. NEW SECTION. 124.510G DRUG INFORMATION
25 PROGRAM FUND.
26 The drug information program fund is established to
27 be used by the board to fund or assist in funding the
28 program. The board may make deposits into the fund
29 from any source, public or private, including grants
30 or contributions of money or other items of value,
31 which it determines necessary to carry out the
32 purposes of this division. Moneys received by the
33 board to establish and maintain the program must be
34 used for the expenses of administering this division.
35 Notwithstanding section 8.33, amounts contained in the

36 fund that remain unencumbered or unobligated at the
 37 close of the fiscal year shall not revert but shall
 38 remain available for expenditure for the purposes
 39 designated in future years.
 40 Sec. 9. NEW SECTION. 124.510H PROHIBITED ACTS —
 41 PENALTIES.
 42 1. FAILURE TO COMPLY WITH REQUIREMENTS. A
 43 pharmacist, pharmacy, or prescriber who knowingly
 44 fails to comply with the confidentiality requirements
 45 of this division or who delegates program information
 46 access to another individual is subject to
 47 disciplinary action by the appropriate professional
 48 licensing board. A pharmacist or pharmacy that
 49 knowingly fails to comply with other requirements of
 50 this division is subject to disciplinary action by the

Page 7

1 board. Each licensing board may adopt rules in
 2 accordance with chapter 17A to implement the
 3 provisions of this section.
 4 2. UNLAWFUL ACCESS, DISCLOSURE, OR USE OF
 5 INFORMATION. A person who intentionally or knowingly
 6 accesses, uses, or discloses program information in
 7 violation of this division, unless otherwise
 8 authorized by law, is guilty of a class "D" felony.
 9 This section shall not preclude a pharmacist or
 10 prescriber who requests and receives information from
 11 the program consistent with the requirements of this
 12 chapter from otherwise lawfully providing that
 13 information to any other person for medical or
 14 pharmaceutical care purposes.
 15 Sec. 10. Sections 124.510A through 124.510H are
 16 repealed June 30, 2009.
 17 Sec. 11. EFFECTIVE DATE. This Act, being deemed
 18 of immediate importance, takes effect upon enactment."
 19 2. Title page, by striking lines 1 through 3 and
 20 inserting the following: "An Act providing for the
 21 establishment of an information program for drug
 22 prescribing and dispensing, providing penalties, and
 23 providing an effective date."
 24 3. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES
 AMANDA RAGAN, Co-chair
 JAMES A. SEYMOUR, Co-chair

S-5127

1 Amend Senate File 2107 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:

4 "Section 1. NEW SECTION. 481A.40 URBAN DEER
5 CONTROL.

6 1. As used in this section, unless the context
7 clearly requires a different meaning:

8 a. "Municipality" means a city or county in this
9 state.

10 b. "Urban deer control" means deer hunting with a
11 bow and arrow on public or private land in a
12 municipality, without charge, as authorized by a
13 municipal ordinance, for the purpose of reducing or
14 stabilizing an urban deer population in the
15 municipality.

16 2. An owner of public or private land shall not be
17 liable for loss arising from personal injury or
18 property damage occurring as a consequence of allowing
19 urban deer control on the owner's property.

20 3. A municipal ordinance which authorizes urban
21 deer control shall allow participation in urban deer
22 control only by trained volunteer bow hunters and
23 shall include conditions intended to minimize the risk
24 of injury to people and property. An urban deer
25 control ordinance is not effective until the ordinance
26 has been approved by the department of natural
27 resources.

28 4. A hunter who participates in urban deer control
29 pursuant to this section shall be otherwise qualified
30 to hunt deer in this state, have a hunting license and
31 pay the wildlife habitat fee, and obtain a special
32 urban deer control hunting license valid only for the
33 dates, locations, and type of deer specified on the
34 license. Special deer hunting licenses issued
35 pursuant to this section shall be available only to
36 residents and shall cost the same as deer hunting
37 licenses issued during general deer seasons. The
38 commission may establish procedures for issuing more
39 than one license per person as necessary to achieve
40 the purposes of urban deer control, and the cost of
41 each additional license shall be ten dollars.

42 5. The commission shall adopt rules in accordance
43 with chapter 17A necessary for the administration of
44 this section."

45 2. Title page, by striking lines 1 and 2 and
46 inserting the following: "An Act relating to public
47 and private landowners' immunity from premises
48 liability during urban deer control hunts authorized
49 by municipal ordinances."

DAVID MILLER

S-5128

1 Amend House File 2546, as passed by the House, as
2 follows:

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

5 "Section 1. Section 461C.1, Code 2005, is amended
6 to read as follows:

7 461C.1 PURPOSE.

8 The purpose of this chapter is to encourage private
9 owners of land to make land and water areas available
10 to the public for recreational purposes and for urban
11 deer control by limiting their liability toward
12 persons entering thereon for such purposes.

13 Sec. 2. Section 461C.2, subsection 3, Code 2005,
14 is amended to read as follows:

15 3. "Land" means private land located in a
16 municipality including abandoned or inactive surface
17 mines, caves, and land used for agricultural purposes,
18 including marshlands, timber, grasslands and the
19 privately owned roads, water, water courses, private
20 ways and buildings, structures and machinery or
21 equipment appurtenant thereto.

22 Sec. 3. Section 461C.2, Code 2005, is amended by
23 adding the following new subsections:

24 NEW SUBSECTION. 3A. "Municipality" means any city
25 or county in the state.

26 NEW SUBSECTION. 5. "Urban deer control" means
27 deer hunting with a bow and arrow on private land in a
28 municipality, without charge, as authorized by a
29 municipal ordinance, for the purpose of reducing or
30 stabilizing an urban deer population in the
31 municipality.

32 Sec. 4. Section 461C.3, Code 2005, is amended to
33 read as follows:

34 461C.3 LIABILITY OF OWNER LIMITED.

35 Except as specifically recognized by or provided in
36 section 461C.6, an owner of land owes no duty of care
37 to keep the premises safe for entry or use by others
38 for recreational purposes or urban deer control, or to
39 give any warning of a dangerous condition, use,
40 structure, or activity on such premises to persons
41 entering for such purposes.

42 Sec. 5. Section 461C.4, unnumbered paragraph 1,
43 Code 2005, is amended to read as follows:

44 Except as specifically recognized by or provided in
45 section 461C.6, a holder of land who either directly
46 or indirectly invites or permits without charge any
47 person to use such property for recreational purposes
48 or urban deer control does not thereby:

49 Sec. 6. Section 461C.5, Code 2005, is amended to
50 read as follows:

Page 2

1 461C.5 DUTIES AND ABILITIES OF OWNER OF LEASED
2 LAND.

3 Unless otherwise agreed in writing, the provisions
4 of sections 461C.3 and 461C.4 shall be deemed
5 applicable to the duties and liability of an owner of
6 land leased, or any interest or right therein
7 transferred to, or the subject of any agreement with,
8 the United States or any agency thereof, or the state
9 or any agency or subdivision thereof, for recreational
10 purposes or urban deer control.

11 Sec. 7. Section 461C.6, subsection 2, Code 2005,
12 is amended to read as follows:

13 2. For injury suffered in any case where the owner
14 of land charges the person or persons who enter or go
15 on the land for the recreational use thereof or for
16 deer hunting, except that in the case of land or any
17 interest or right therein, leased or transferred to,
18 or the subject of any agreement with, the United
19 States or any agency thereof or the state or any
20 agency thereof or subdivision thereof, any
21 consideration received by the holder for such lease,
22 interest, right or agreement, shall not be deemed a
23 charge within the meaning of this section.

24 Sec. 8. Section 461C.7, subsection 2, Code 2005,
25 is amended to read as follows:

26 2. Relieve any person using the land of another
27 for recreational purposes or urban deer control from
28 any obligation which the person may have in the
29 absence of this chapter to exercise care in the use of
30 such land and in the person's activities thereon, or
31 from the legal consequences of failure to employ such
32 care.

33 Sec. 9. NEW SECTION. 461C.8 URBAN DEER CONTROL
34 — MUNICIPAL ORDINANCE.

35 1. A municipality may adopt an ordinance
36 authorizing trained, volunteer hunters to hunt deer
37 with a bow and arrow on private land within the
38 municipality, without charge, for the purpose of urban
39 deer control.

40 2. The ordinance shall specify all of the
41 following:

42 a. How a person qualifies to participate in urban
43 deer control.

44 b. Where urban deer control can occur.

45 c. Conditions under which urban deer control can
46 be conducted, which are intended to minimize the risk
47 of injury to persons and property.

48 3. A hunter who participates in urban deer control
49 pursuant to this section shall be otherwise qualified
50 to hunt deer in this state, have a hunting license and

Page 3

1 pay the wildlife habitat fee, and obtain a special
 2 deer hunting license valid only for the dates,
 3 locations, and type of deer specified on the license.
 4 Special deer hunting licenses issued pursuant to this
 5 section shall be available only to residents and shall
 6 cost the same as deer hunting licenses issued during
 7 general deer seasons. The commission may establish
 8 procedures for issuing more than one license per
 9 person as necessary to achieve the purposes of urban
 10 deer control, and the cost of each additional license
 11 shall be ten dollars.

12 4. An urban deer control ordinance is not
 13 effective until it has been approved by the department
 14 of natural resources.

15 5. The department of natural resources shall adopt
 16 rules in accordance with chapter 17A necessary for the
 17 administration of this section."

18 2. Title page, by striking lines 1 through 3 and
 19 inserting the following: "An Act allowing private
 20 landowners limited immunity from premises liability
 21 during urban deer control hunts."

DAVID MILLER

S-5129

1 Amend the amendment, S-5118, to House File 2351, as
 2 amended passed, and reprinted by the House, as
 3 follows:

4 1. By striking page 2, line 27, through page 3,
 5 line 6, and inserting the following:
 6 ""(1) An acquiring agency considering the use of
 7 eminent domain authority to acquire property as part
 8 of a project to construct a lake shall conduct a
 9 review of prudent and feasible alternatives to such
 10 lake development prior to a determination that such
 11 lake development is reasonable and necessary. If
 12 property is acquired by condemnation as part of a
 13 project to construct a lake, such property, during the
 14 useful life of the lake, shall not be transferred by
 15 the acquiring agency to a private party other than the
 16 prior owner from whom the property was acquired or a
 17 successor in interest to the prior owner.""

JEFF ANGELO

S-5130

- 1 Amend Senate File 2394 as follows:
- 2 1. Page 4, by striking lines 28 through 32 and
- 3 inserting the following:
- 4 "Notwithstanding section 103A.23, the department of
- 5 public safety shall retain all fees collected pursuant
- 6 to this division and the fees retained are
- 7 appropriated to the commissioner to administer the
- 8 licensing program and the certification program for".
- 9 2. By renumbering as necessary.

MICHAEL CONNOLLY

S-5131

- 1 Amend Senate File 2361 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Sec. ____ PURPOSE. It is the purpose of this Act
- 5 to encourage competition in the provision of cable
- 6 service and video service in this state, to encourage
- 7 new providers of cable service and video service, and
- 8 to provide consumers additional choices in cable
- 9 service and video service."
- 10 2. Page 2, line 1, by inserting after the word
- 11 "to" the following: "third parties, including".
- 12 3. Page 2, line 4, by inserting after the word
- 13 "Revenues" the following: "derived by the holder of a
- 14 certificate of franchise authority".
- 15 4. Page 2, line 12, by striking the words
- 16 "applicable laws," and inserting the following:
- 17 "federal communications commission".
- 18 5. Page 2, line 19, by striking the words "five
- 19 percent" and inserting the following: "franchise".
- 20 6. Page 2, line 29, by striking the figure
- 21 "477A.8" and inserting the following: "477A.7".
- 22 7. Page 3, line 20, by striking the figure
- 23 "477A.8" and inserting the following: "477A.7".
- 24 8. Page 4, by striking line 10 and inserting the
- 25 following:
- 26 "1. After July 1, 2006, a person".
- 27 9. Page 4, lines 11 and 12, by striking the words
- 28 and figures "on or after July 1, 2006,".
- 29 10. Page 4, by striking line 13 and inserting the
- 30 following: "a franchise. The franchise may be issued
- 31 by either the".
- 32 11. Page 4, line 14, by inserting after the word
- 33 "state" the following: "pursuant to section 477A.3 or
- 34 by a municipality pursuant to section 364.2".
- 35 12. Page 4, by striking lines 15 through 26.

- 36 13. Page 4, line 27, by striking the word "a."
37 14. Page 4, line 31, by striking the words
38 "paragraph "b"" and inserting the following: "this
39 chapter".
40 15. By striking page 4, line 32, through page 5,
41 line 17.
42 16. Page 5, line 21, by striking the word
43 "successor" and inserting the following:
44 "predecessor".
45 17. Page 5, line 25, by inserting after the word
46 "provide" the following: "at least thirty days".
47 18. Page 5, line 34, by striking the words "or
48 "successor"".
49 19. Page 6, by inserting after line 6 the
50 following:

Page 2

- 1 "___ a. If an incumbent cable provider and one
2 or more competitive cable service providers or
3 competitive video service providers are providing
4 cable service or video service within the jurisdiction
5 of a municipality, an incumbent cable provider with an
6 existing franchise agreement with the municipality may
7 request that the municipality modify the terms of the
8 existing franchise agreement to conform to the terms
9 and conditions of a franchise granted to a competitive
10 cable service provider or competitive video service
11 provider as a holder of a certificate of franchise
12 authority that includes the municipality. The
13 incumbent cable provider requesting a modification
14 shall identify in writing the terms and conditions of
15 the existing franchise that are materially different
16 from the franchise of the holder of a certificate of
17 franchise authority, whether such differences impose
18 greater or lesser burdens on the incumbent cable
19 provider. Upon receipt of such request from an
20 incumbent cable provider, the incumbent cable operator
21 and the municipality shall negotiate the franchise
22 modification terms in good faith for a period of sixty
23 days. If within sixty days, the municipality and the
24 incumbent cable provider cannot reach agreeable terms,
25 the incumbent cable provider may file a modification
26 request pursuant to paragraph "b".
27 b. If an incumbent cable provider and one or more
28 competitive cable service providers or competitive
29 video service providers are providing cable service or
30 video service within the jurisdiction of a
31 municipality, an incumbent cable provider may seek a
32 modification of the existing franchise terms and
33 conditions to conform to the terms and conditions of a
34 franchise of a competitive cable service provider or

35 competitive video service provider as a holder of a
36 certificate of franchise authority that includes the
37 municipality pursuant to the provisions of 47 U.S.C. §
38 545. In an application for modification, an incumbent
39 cable provider shall identify the terms and conditions
40 of the existing franchise that are materially
41 different from the terms and conditions of the
42 franchise of the holder of a certificate of franchise
43 authority, whether such differences impose greater or
44 lesser burdens on the incumbent cable provider. The
45 municipality shall grant the modification request
46 within one hundred twenty days, and after a public
47 hearing, for any provisions where there are material
48 differences between the existing franchise and the
49 franchise of the holder of the certificate of
50 franchise authority. Any provision of the existing

Page 3

- 1 franchise may be modified. If an incumbent cable
2 provider is denied a modification request pursuant to
3 this paragraph, the existing franchise shall be null
4 and void and the incumbent cable provider may apply
5 for a certificate of franchise authority under section
6 477A.3.”
- 7 20. Page 6, line 10, by inserting after the word
8 “chapter” the following: “within fifteen business
9 days”.
- 10 21. Page 6, line 21, by inserting after the word
11 “applicable” the following: “state laws and”.
- 12 22. Page 6, line 32, by striking the words
13 “federal communications commission” and inserting the
14 following: “secretary of state”.
- 15 23. Page 7, by inserting after line 1 the
16 following:
17 “2. The failure of the secretary of state to
18 notify the applicant of the completeness of the
19 applicant’s affidavit or issue a certificate of
20 franchise authority before the fifteenth business day
21 after receipt of a completed affidavit shall
22 constitute issuance of the certificate of franchise
23 authority applied for by the applicant without further
24 action by the applicant.”
- 25 24. Page 7, by striking lines 5 and 6 and
26 inserting the following: “service in the service area
27 designated in the application.”
- 28 25. By striking page 8, line 2, through page 9,
29 line 1.
- 30 26. Page 9, line 2, by striking the figure
31 “477A.6” and inserting the following: “477A.5”.
- 32 27. Page 9, line 14, by striking the words and
33 figures “and section 364.3, subsection 7,”.

34 28. Page 9, line 17, by striking the figure
35 "477A.7" and inserting the following: "477A.6".
36 29. Page 9, by striking lines 26 through 29 and
37 inserting the following: "number of public,
38 educational, and governmental channels that the
39 existing provider in the municipality has activated
40 and provided in the municipality under the terms of a
41 franchise agreement with a municipality prior to July
42 1, 2006. If no such channels are active, the
43 municipality may request a maximum of three public,
44 educational, and governmental channels for a
45 municipality with a population of at least fifty
46 thousand, and a maximum of two public, educational,
47 and governmental channels for a municipality with a
48 population of less than fifty thousand."
49 30. Page 10, line 1, by striking the word
50 "additional".

Page 4

1 31. Page 10, line 14, by inserting after the word
2 "services." the following: "The provision of such
3 transmissions, content, or programming to the
4 competitive cable service provider or competitive
5 video service provider shall constitute authorization
6 for such holder to carry such transmissions, content,
7 or programming, at the holder's option, beyond the
8 jurisdictional boundaries stipulated in any franchise
9 agreement."
10 32. Page 10, line 31, by striking the figure
11 "477A.8" and inserting the following: "477A.7".
12 33. Page 11, line 6, by inserting after the word
13 "due" the following: "and paid to the municipality".
14 34. Page 11, by inserting after line 12 the
15 following:
16 "b. Upon the expiration of an existing franchise
17 agreement, if the incumbent cable provider elects to
18 possess a certificate of franchise authority, the
19 incumbent cable provider shall pay a franchise fee to
20 the municipality in an amount equal to the same
21 percent of gross revenues as had been assessed
22 immediately prior to the termination of the incumbent
23 cable operator's franchise."
24 35. Page 12, by inserting after line 9 the
25 following:
26 "____. If an incumbent cable provider pays any fee
27 to a municipality for public, educational, and
28 government access channels, any subsequent holder of a
29 certificate of franchise authority that includes that
30 municipality shall pay this fee at the same rate. All
31 fees collected pursuant to this subsection shall be
32 used only for the support of the public, educational,

33 and government access channels.
 34 Sec. __. NEW SECTION. 477A.8 CUSTOMER SERVICE
 35 STANDARDS.
 36 The holder of a certificate of franchise authority
 37 shall comply with customer service requirements
 38 consistent with those contained in 47 C.F.R. §
 39 76.309.”
 40 36. By renumbering, redesignating, and correcting
 41 internal references as necessary.

JERRY BEHN
 STEVE WARNSTADT

S-5132

1 Amend House File 2508, as passed by the House, as
 2 follows:
 3 1. Page 1, by inserting after line 17 the
 4 following:
 5 “Sec. __. Section 91A.3, subsection 3, Code
 6 Supplement 2005, is amended by adding the following
 7 new unnumbered paragraph after paragraph c:
 8 NEW UNNUMBERED PARAGRAPH. If the employer fails to
 9 send an employee’s wages for direct deposit on or by
 10 the regular payday in accordance with this subsection,
 11 the employer is liable for the amount of any overdraft
 12 charge if the overdraft is created on the employee’s
 13 account because of the employer’s failure to direct
 14 deposit the wages on or by the regular payday.”
 15 2. By renumbering as necessary.

WILLIAM A. DOTZLER, JR.

S-5133

1 Amend the amendment, S-5124, to House File 2651, as
 2 passed by the House, as follows:
 3 1. Page 2, by inserting after line 33 the
 4 following:
 5 “__. A state or local law enforcement agency.
 6 __. If the child has been discharged from the
 7 jurisdiction of the juvenile court due to reaching the
 8 age of eighteen and restitution remains unpaid, the
 9 name of the court, the title of the action, and the
 10 court’s file number shall not be kept confidential,
 11 and the restitution amount shall be a judgment and
 12 lien as provided in sections 910.7A, 910.8, 910.10,
 13 and 915.28 until the restitution is paid.”
 14 2. Page 2, line 48, by inserting after the word
 15 “age” the following: “or older”.
 16 3. Page 3, by inserting after line 6 the

17 following:

18 “___ Title page, by striking lines 1 and 2 and
19 inserting the following: “An Act relating to juvenile
20 court records and restitution orders.”

KEITH A. KREIMAN

S-5134

1 Amend the amendment, S-5121, to House File 2282, as
2 passed by the House, as follows:

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

5 “___ Page 2, by inserting after line 9 the
6 following:

7 “Sec. ___ Section 372.13, subsection 2, paragraph
8 a, unnumbered paragraph 1, Code 2005, is amended to
9 read as follows:

10 By appointment by the remaining members of the
11 council, except that if the remaining members do not
12 constitute a quorum of the full membership, ~~paragraph~~
13 paragraphs “b” and “c” shall be followed. The
14 appointment shall be for the period until the next
15 pending election as defined in section 69.12, and
16 shall be made within forty days after the vacancy
17 occurs. If the council chooses to proceed under this
18 paragraph, it shall publish notice in the manner
19 prescribed by section 362.3, stating that the council
20 intends to fill the vacancy by appointment but that
21 the electors of the city or ward, as the case may be,
22 have the right to file a petition requiring that the
23 vacancy be filled by a special election. The council
24 may publish notice in advance if an elected official
25 submits a resignation to take effect at a future date.
26 The council may make an appointment to fill the
27 vacancy after the notice is published or after the
28 vacancy occurs, whichever is later. However, if
29 within fourteen days after publication of the notice
30 or within fourteen days after the appointment is made,
31 there is filed with the city clerk a petition which
32 requests a special election to fill the vacancy, an
33 appointment to fill the vacancy is temporary and the
34 council shall call a special election to fill the
35 vacancy permanently, under paragraph “b”. The number
36 of signatures of eligible electors of a city for a
37 valid petition shall be determined as follows:

38 Sec. ___ Section 372.13, subsection 2, Code 2005,
39 is amended by adding the following new paragraph:
40 NEW PARAGRAPH. c. If concurrent vacancies exist
41 on the council and the remaining council members do
42 not constitute a quorum of the full membership, the
43 city clerk shall notify the mayors of the cities in

44 the county where the city is located and such mayors
 45 shall, within twenty days of notification, appoint a
 46 successor to each vacant city council office. If the
 47 city is divided into wards, the appointee must be a
 48 resident of the ward in which the city council vacancy
 49 has occurred. The appointee shall serve until
 50 qualification of the person elected at the special

Page 2

1 election provided for in paragraph "b". If the office
 2 of city clerk is vacant, the remaining council members
 3 shall notify the mayors of the city council
 4 vacancies.""
 5 2. By renumbering as necessary.

DARYL BEALL
 KEITH A. KREIMAN
 DAVE MULDER
 MARY LUNDBY
 HERMAN C. QUIRMBACH
 TOM RIELLY
 BRIAN SCHOENJAHN
 DOUG SHULL
 BRAD ZAUN

S-5135

HOUSE AMENDMENT TO
 SENATE FILE 2183

1 Amend Senate File 2183, as passed by the Senate, as
 2 follows:
 3 1. By striking everything after the enacting
 4 clause and inserting the following:
 5 "Section 1. Section 15E.192, subsection 2, Code
 6 Supplement 2005, is amended to read as follows:
 7 2. A city ~~with a population of twenty four~~
 8 ~~thousand or more~~ which includes at least three census
 9 tracts with at least fifty percent of the population
 10 in each census tract located in the city, as shown by
 11 the 2000 certified federal census, may create an
 12 economic development enterprise zone as authorized in
 13 this division, subject to certification by the
 14 department of economic development, by designating one
 15 or more contiguous census tracts, as determined in the
 16 most recent federal census, or designating other
 17 geographic units approved by the department of
 18 economic development for that purpose. If there is an
 19 area in the city which meets the requirements for
 20 eligibility for an urban or rural enterprise community
 21 under Title XIII of the federal Omnibus Budget

22 Reconciliation Act of 1993, such area shall be
 23 designated by the state as an economic development
 24 enterprise zone. The area meeting the requirements
 25 for eligibility for an urban or rural enterprise
 26 community shall not be included for the purpose of
 27 determining the area limitation pursuant to subsection
 28 3. In creating an enterprise zone, a city ~~with a~~
 29 ~~population of twenty-four thousand or more which~~
 30 includes at least three census tracts with at least
 31 fifty percent of the population in each census tract
 32 located in the city, as shown by the 2000 certified
 33 federal census, may designate as part of the area
 34 tracts or approved geographic units located in a
 35 contiguous city if such tracts or approved geographic
 36 units meet the criteria and the city agrees to being
 37 included. The city may establish more than one
 38 enterprise zone. Reference in this division to "city"
 39 means a city ~~with a population of twenty-four thousand~~
 40 ~~or more which includes at least three census tracts~~
 41 with at least fifty percent of the population in each
 42 census tract located in the city, as shown by the 2000
 43 certified federal census.

44 Sec. 2. Section 15E.192, Code Supplement 2005, is
 45 amended by adding the following new subsection:
 46 **NEW SUBSECTION. 2A.** A city may create an economic
 47 development enterprise zone as authorized in this
 48 division, subject to certification by the department
 49 of economic development, by designating up to four
 50 square miles of the city for that purpose. In order

Page 2

1 for an enterprise zone to be certified pursuant to
 2 this subsection, an enterprise zone shall meet the
 3 distress criteria provided in section 15E.194,
 4 subsection 2A. Section 15E.194, subsection 2, shall
 5 not apply to an enterprise zone certified pursuant to
 6 this subsection. For the fiscal year beginning July
 7 1, 2007, and ending June 30, 2010, each fiscal year a
 8 cumulative total of not more than twenty-five million
 9 dollars worth of incentives and assistance under
 10 section 15E.196, subsections 1, 2, 3, 4, and 6, shall
 11 be awarded to businesses located in enterprise zones
 12 certified during that fiscal year pursuant to this
 13 subsection. For purposes of this subsection and
 14 section 15E.194, subsection 2A, "city" means a city
 15 that includes at least three census tracts, as
 16 determined in the most recent federal census.

17 Sec. 3. Section 15E.192, subsection 3, paragraph
 18 b, Code Supplement 2005, is amended to read as
 19 follows:
 20 b. A county or city may apply to the department

21 for an area to be certified as an enterprise zone at
22 any time prior to ~~March 1, 2006~~ July 1, 2010.
23 However, the total amount of land designated as
24 enterprise zones under ~~subsections 1 and 2~~ subsection
25 1, and any other enterprise zones certified by the
26 department, excluding those approved pursuant to
27 ~~subsection 2 and~~ section 15E.194, subsection
28 subsections 2A and 4, shall not exceed in the
29 aggregate one percent of the total county area.
30 Sec. 4. Section 15E.192, subsection 4, Code
31 Supplement 2005, is amended to read as follows:
32 4. An enterprise zone designation shall remain in
33 effect for ten years following the date of
34 certification. Prior to the expiration of an
35 enterprise zone designation, a city or county meeting
36 the distress criteria in section 15E.194 may apply for
37 a one-time ten-year extension of the designation. In
38 applying for a one-time ten-year extension of an
39 enterprise zone designation, a city or county may
40 redefine the boundaries of the enterprise zone
41 provided that the redefined enterprise zone meets the
42 applicable distress criteria provided in section
43 15E.194. Prior to the expiration of an enterprise
44 zone designation, a city or county that is not
45 eligible to designate an enterprise zone but
46 previously designated the enterprise zone pursuant to
47 section 15E.194, Code Supplement 1997, may apply for a
48 one-time extension of the enterprise zone designation
49 to one year following the complete publication of the
50 2010 federal census. In applying for a one-time

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1 extension of the enterprise zone designation, the city
2 or county may redefine the boundaries of the
3 enterprise zone provided that the redefined enterprise
4 zone meets the distress criteria provided in section
5 15E.194, Code Supplement 1997. The department shall
6 designate by rule the specific date of one year
7 following the complete publication of the 2010 federal
8 census. Any state or local incentives or assistance
9 that may be conferred must be conferred before the
10 designation expires. However, the benefits of the
11 incentive or assistance may continue beyond the
12 expiration.
13 Sec. 5. Section 15E.193B, subsection 1, Code
14 Supplement 2005, is amended to read as follows:
15 1. A housing business qualifying under this
16 section is eligible to receive incentives and
17 assistance only as provided in this section. An
18 eligible housing business shall not receive incentives
19 or assistance for a home or multiple dwelling unit

20 built or rehabilitated in an enterprise zone
21 designated pursuant to section 15E.194, subsection 2A
22 or 4. Sections 15E.193 and 15E.196 do not apply to an
23 eligible housing business qualifying under this
24 section.

25 Sec. 6. Section 15E.194, Code 2005, is amended by
26 adding the following new subsection:

27 NEW SUBSECTION. 2A. A city may designate an area
28 of up to four square miles to be an enterprise zone if
29 the area includes or is located within four miles of
30 at least three of the following:

- 31 a. A commercial service airport.
- 32 b. A barge terminal or a navigable waterway.
- 33 c. Entry to a rail line.
- 34 d. Entry to an interstate highway.
- 35 e. Entry to a commercial and industrial highway
36 network as identified pursuant to section 313.2A.

37 An eligible housing business under section 15E.193B
38 shall not receive incentives or assistance for a home
39 or multiple dwelling unit built or rehabilitated in an
40 enterprise zone designated pursuant to this
41 subsection.

42 Sec. 7. Section 15E.194, subsection 3, Code 2005,
43 is amended to read as follows:

44 3. The department of economic development shall
45 certify eligible enterprise zones that meet the
46 requirements of subsection 1 upon request by the
47 county, ~~or~~ subsection 2 upon request by the city, or
48 subsection 2A upon request by the city, as applicable.

49 Sec. 8. Section 15E.195, subsection 2, Code 2005,
50 is amended to read as follows:

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1 ~~2. A city with a population of twenty-four~~
2 ~~thousand or more which includes at least three census~~
3 ~~tracts with at least fifty percent of the population~~
4 ~~in each census tract located in the city and which~~
5 designates an enterprise zone pursuant to section
6 15E.194, subsection 2 or 2A, and in which an eligible
7 enterprise zone is certified shall establish an
8 enterprise zone commission to review applications from
9 qualified businesses located within or requesting to
10 locate within an enterprise zone to receive incentives
11 or assistance as provided in section 15E.196. The
12 enterprise zone commission shall review applications
13 from qualified housing businesses requesting to
14 receive incentives or assistance as provided in
15 section 15E.193B. The commission shall consist of
16 nine members. Six of these members shall consist of
17 one representative of an international labor
18 organization, one member with economic development

19 expertise chosen by the department of economic
20 development, one representative of the city council,
21 one member of the local community college board of
22 directors, one member of the city planning and zoning
23 commission, and one representative of the local
24 workforce development center. These six members shall
25 select the remaining three members. If the enterprise
26 zone consists of an area meeting the requirements for
27 eligibility for an urban enterprise community under
28 Title XIII of the federal Omnibus Budget
29 Reconciliation Act of 1993, one of the remaining three
30 members shall be a representative of that community.
31 If a city contiguous to the city designating the
32 enterprise zone is included in an enterprise zone, a
33 representative of the contiguous city, chosen by the
34 city council, shall be a member of the commission. A
35 city in which an eligible enterprise zone is certified
36 shall have only one enterprise zone commission. If a
37 city has established an enterprise zone commission
38 prior to July 1, 1998, the city may petition to the
39 department of economic development to change the
40 structure of the existing commission.

41 Sec. 9. REPORT. By December 31, 2006, the
42 department of economic development shall submit a
43 written report to the general assembly regarding the
44 enterprise zone program and other programs
45 administered by the department. The report shall
46 include an analysis of the impact the enterprise zone
47 program has on the state's economy and the economy of
48 the cities and counties where enterprise zones are and
49 have been located, how the enterprise zone program
50 integrates with other programs administered by the

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1 department, whether other programs administered by the
2 department are used to focus assistance on
3 economically distressed areas of the state, and any
4 changes to the enterprise zone program or any other
5 programs administered by the department necessary to
6 better serve the needs of the economically distressed
7 areas of the state.

8 Sec. 10. EFFECTIVE AND RETROACTIVE APPLICABILITY
9 DATES.

10 1. The section of this Act amending section
11 15E.192, subsection 4, being deemed of immediate
12 importance, takes effect upon enactment and applies
13 retroactively to May 14, 1997.

14 2. The remaining sections of this Act, being
15 deemed of immediate importance, take effect upon
16 enactment and apply retroactively to March 1, 2006."

17 2. Title page, by striking lines 1 and 2 and

18 inserting the following: "An Act relating to the
19 certification of enterprise zones and incentives and
20 assistance under the enterprise zone program and
21 including effective date and retroactive applicability
22 provisions."
23 3. By renumbering as necessary.

S-5136

1 Amend House File 2362, as passed by the House, as
2 follows:

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

"DIVISION I

MERCURY-FREE VEHICLE ACT

7 Section 1. FINDINGS AND DECLARATIONS.

8 1. The general assembly finds all of the
9 following:

10 a. Mercury-added switches have been used for
11 convenience lighting in vehicles sold in this state.

12 b. Mercury from the mercury-added switches may be
13 released into the environment when end-of-life
14 vehicles are flattened, crushed, shredded, melted, or
15 otherwise processed for recycling.

16 c. Removing mercury-added switches from end-of-
17 life vehicles is an effective way to prevent mercury
18 from being released into the environment.

19 d. It is in the public interest of the residents
20 of this state to reduce the quantity of mercury
21 entering the environment by removing mercury-added
22 switches from end-of-life vehicles.

23 e. Pollution prevention is the preferred strategy
24 to reduce mercury in the environment and is a more
25 desirable strategy than waste management and pollution
26 control. Preventing mercury or mercury-containing
27 components from entering thermal combustion units is
28 an effective way to reduce mercury emissions into the
29 environment.

30 f. Vehicle mercury-added switch collection
31 programs are being established across the United
32 States to protect human health and the environment.

33 2. The general assembly declares that the purpose
34 of this division is to reduce the quantity of mercury
35 in the environment by doing all of the following:

36 a. Removing mercury from vehicles in commerce and
37 end-of-life vehicles in Iowa.

38 b. Creating a collection and recovery program for
39 mercury switches removed from vehicles in Iowa.

40 c. Establishing a system to store the mercury
41 collected and recovered from vehicle components in the
42 event that environmentally appropriate management
43 technologies are not available.

44 d. Promoting the design of future vehicles for
45 maximum environmental protection and recyclability at
46 the end of their useful lives by implementing a design
47 for a recycling program which includes phasing out the
48 use of mercury in future vehicle models.
49 Sec. 2. NEW SECTION. 455B.801 SHORT TITLE.
50 This division shall be known and may be cited as

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1 the "Mercury-Free Vehicle Act".
2 Sec. 3. NEW SECTION. 455B.802 DEFINITIONS.
3 As used in this division, unless the context
4 otherwise requires:
5 1. "Capture rate" means the amount of mercury
6 removed, collected, and recovered from vehicles in
7 commerce and end-of-life vehicles, expressed as a
8 percentage of the total mercury available from
9 vehicles in commerce and end-of-life vehicles
10 annually.
11 2. "Closed loop recycling system" means a system
12 whereby materials or components are routinely
13 collected and handled within a process or managed
14 system that controls the materials or components for
15 reuse, remanufacturing, recycling, or otherwise
16 prevents the materials or components from entering the
17 waste stream.
18 3. "End-of-life vehicle" means any vehicle that
19 does not exceed ten thousand pounds gross vehicle
20 weight which is sold, given, or otherwise conveyed to
21 a vehicle recycler or scrap recycling facility for the
22 purpose of recycling.
23 4. "Manufacturer" means any person which is the
24 last person to produce or assemble a new vehicle that
25 utilizes mercury-added components, or in the case of
26 an imported vehicle, the importer or domestic
27 distributor of such vehicle.
28 5. "Manufacturer-dealer warranty program" means an
29 arrangement between a manufacturer and a franchisee of
30 the manufacturer, whereby the manufacturer agrees to
31 reimburse the franchisee, at an established rate, for
32 labor or parts necessary to repair a vehicle pursuant
33 to the manufacturer's original equipment warranty to
34 the original purchaser of the vehicle.
35 6. "Mercury-added component" means a component
36 that contains mercury which was intentionally added in
37 order to provide a specific characteristic,
38 appearance, or quality or to perform a specific
39 function, or for any other reason. Such components
40 may include, but are not limited to, switches,
41 sensors, lights, and navigational systems used in
42 vehicles.

- 43 7. "Mercury-added switch" means a light switch
44 that contains mercury which was installed by an
45 automotive manufacturer in a motor vehicle.
46 8. "Scrap recycling facility" means a fixed
47 location where machinery and equipment are utilized
48 for processing and manufacturing scrap metal into
49 prepared grades and whose principal product is scrap
50 iron, scrap steel, or nonferrous metallic scrap for

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- 1 sale for remelting purposes.
2 9. "Service replacement part" means a part that is
3 identical to an original equipment part and that is
4 used exclusively in the repair or service of original
5 equipment components.
6 10. "Vehicle in commerce" means any vehicle that
7 does not exceed ten thousand pounds gross vehicle
8 weight offered for sale by a motor vehicle dealer or
9 registered in this state to be operated on public
10 roads and highways.
11 11. "Vehicle recycler" means any person engaged in
12 the business of acquiring, dismantling, or destroying
13 six or more vehicles in a calendar year for the
14 primary purpose of resale of the vehicles' parts.
15 Sec. 4. NEW SECTION. 455B.803 PLANS FOR REMOVAL,
16 REPLACEMENT, COLLECTION, AND RECOVERY OF VEHICLE
17 MERCURY SWITCHES.
18 1. Within ninety days of the effective date of
19 this Act, each manufacturer of vehicles sold in this
20 state shall, individually or as part of a group,
21 submit to the department for review and approval a
22 plan for a system to remove, replace, collect, and
23 recover mercury-added switches in vehicles
24 manufactured by the manufacturer.
25 2. a. Upon approval of the plan, the manufacturer
26 shall implement a system to remove; replace, when
27 possible; collect; and recover mercury-added switches
28 from vehicles in commerce and end-of-life vehicles.
29 For vehicles in commerce, the system shall provide for
30 the removal, collection, and recovery of mercury-
31 added switches, and when possible replace the mercury-
32 added switches with mercury-free alternatives. The
33 system shall also provide for the removal, collection,
34 and recovery of mercury-added switches from end-of-
35 life vehicles.
36 b. The system developed and implemented pursuant
37 to this section shall include, at a minimum, all of
38 the following:
39 (1) An education program to inform the public and
40 other stakeholders about the purpose of the collection
41 program and how to participate in the program.

- 42 (2) A plan for implementing and financing the
43 system, in accordance with subsection 3.
- 44 (3) Documentation of the willingness of all
45 necessary parties to implement the proposed system.
- 46 (4) Information identifying the make, model, and
47 year of vehicles containing mercury-added switches, a
48 description of the component, the location of these
49 components, and the safe, cost-effective, and
50 environmentally sound methods for the removal of the

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- 1 mercury-added switches from vehicles in commerce and
2 end-of-life vehicles.
- 3 (5) A target mercury-added switch capture rate for
4 vehicles manufactured by the manufacturer of at least
5 ninety percent, consistent with the principle that
6 mercury-added switches shall be recovered unless the
7 part is inaccessible due to significant damage to the
8 vehicle in the area surrounding where the mercury-
9 added switch is located.
- 10 (6) A description of the performance measures to
11 be utilized and reported on by the manufacturer to
12 demonstrate that the system is meeting the capture
13 rate identified in subparagraph (5) and other measures
14 of program effectiveness, including, but not limited
15 to, the number of switches collected from both end-
16 of-life and vehicles in commerce, the amount of
17 mercury collected, the number of vehicles manufactured
18 by the manufacturer containing mercury-added switches,
19 and the number of vehicles manufactured by the
20 manufacturer processed for recycling by vehicle
21 recyclers.
- 22 (7) A description of additional or alternative
23 actions that shall be implemented by the manufacturer
24 to improve the system and its operation in the event
25 that the program capture rate targets established
26 under subparagraph (5) are not met.
- 27 (8) A plan to store the mercury collected and
28 recovered from vehicle components in the event that
29 environmentally appropriate management technologies
30 are not available.
- 31 c. In developing a removal, replacement,
32 collection, and recovery system for vehicles in
33 commerce, a manufacturer shall, to the extent
34 practicable, utilize existing dealerships, service
35 stations, inspection stations, repair shops, and other
36 facilities which regularly service vehicles in
37 commerce. If a manufacturer does not utilize such
38 infrastructure, the manufacturer shall include in its
39 plan the reasons for establishing a separate removal,
40 replacement, collection, and recovery infrastructure.

41 d. In developing a removal, collection, and
42 recovery system for end-of-life vehicles, a
43 manufacturer shall, to the extent practicable, utilize
44 the existing end-of-life vehicle recycling
45 infrastructure. If a manufacturer does not utilize
46 such infrastructure, the manufacturer shall include in
47 its plan the reasons for establishing a separate
48 removal, collection, and recovery infrastructure.
49 3. The total cost of the removal, replacement,
50 collection, and recovery system for mercury-added

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1 switches shall be paid by the manufacturer. Costs
2 shall include, but not be limited to, all of the
3 following:
4 a. Labor to remove, and replace where possible,
5 mercury-added switches. Labor shall be reimbursed at
6 a rate of four dollars per mercury-added switch
7 removed.
8 b. Training.
9 c. Packaging in which to transport mercury-added
10 switches to recycling, storage, or disposal
11 facilities.
12 d. Shipping of mercury-added switches to
13 recycling, storage, or disposal facilities.
14 e. Recycling, storage, or disposal of the mercury-
15 added switches.
16 f. Public education materials and presentations.
17 g. Maintenance of all appropriate systems and
18 procedures to protect the environment from mercury
19 contamination.
20 4. The department shall do all of the following:
21 a. Within thirty days of receipt of a
22 manufacturer's plan, issue public notice and solicit
23 public comment on the manufacturer's plan.
24 b. Within ninety days after receipt of a
25 manufacturer's plan, the department shall do one of
26 the following:
27 (1) Determine whether the plan complies with this
28 section. If the entire plan complies with this
29 section, the department shall approve the plan and the
30 manufacturer shall begin implementation as soon as is
31 practicable. If the entire plan does not comply with
32 this section, the department shall reject the plan and
33 inform the manufacturer of the reasons for the
34 rejection. A manufacturer that has had a plan
35 rejected shall have thirty days after receiving notice
36 of the rejection to submit a new plan.
37 (2) If any part of the plan meets the requirements
38 of this section, the department shall approve that
39 part of the plan and disapprove any part of the plan

40 that does not comply with this section. The
41 manufacturer shall immediately implement all approved
42 parts of a plan as soon as is practicable and shall
43 submit a revised plan addressing the rejected parts of
44 the plan within thirty days after receipt of
45 notification of the department's partial rejection.
46 The department shall review a manufacturer's revised
47 plan within thirty days of receipt of the revised
48 plan.
49 c. Two hundred forty days after the date of
50 enactment of this Act, the department shall complete,

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1 on behalf of a manufacturer, any portion of the plan
2 that has not been approved and the manufacturer shall
3 implement the plan as soon as is practicable.
4 d. The department shall review a manufacturer's
5 plan three years after the original date of approval
6 of the plan and every three years thereafter. The
7 department shall require modifications to the plan as
8 appropriate at the conclusion of the review and may
9 recommend cessation of activities pursuant to this
10 division if the department determines that mercury
11 reduction targets have been met.

12 Sec. 5. NEW SECTION. 455B.804 PROHIBITION AND
13 PROPER MANAGEMENT OF MERCURY-ADDED VEHICLE COMPONENTS.

14 1. Prior to delivery to a scrap recycling
15 facility, a person who sells, gives, or otherwise
16 conveys ownership of an end-of-life vehicle to the
17 scrap recycling facility for recycling shall remove
18 all mercury-added switches from such end-of-life
19 vehicle unless the mercury-added switch is
20 inaccessible due to significant damage to the end-of-
21 life vehicle in the area where the mercury-added
22 switch is located.

23 2. Notwithstanding subsection 1, a scrap recycling
24 facility may agree to accept an end-of-life vehicle,
25 which has not been intentionally flattened, crushed,
26 or baled, with mercury-added switches. If a scrap
27 recycling facility enters into such an agreement, the
28 scrap recycling facility shall be responsible for
29 removing such switches.

30 3. A person shall not represent that mercury-added
31 switches have been removed from a vehicle or vehicle
32 hulk being sold, given, or otherwise conveyed for
33 recycling if that person has not removed such mercury-
34 added switches or arranged with another person to
35 remove such switches.

36 Sec. 6. NEW SECTION. 455B.805 PHASEOUT OF
37 MERCURY-ADDED VEHICLE COMPONENTS AND EXEMPTIONS.

38 1. After June 30, 2008, to prevent emissions or

39 other releases of mercury from vehicles, a
40 manufacturer shall ensure that a mercury-added
41 component shall not be included as part of a new
42 vehicle manufactured by the manufacturer and offered
43 for sale in this state except as specified in
44 subsection 2.

45 2. All of the following components shall be exempt
46 from subsection 1 under the specified conditions:

47 a. Electronic display screens, including but not
48 limited to navigation systems, computer screens, and
49 entertainment systems where mercury is present at
50 concentrations of less than twenty milligrams per

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1 screen, provided that both of the following criteria
2 are met:

3 (1) A technically and economically feasible
4 alternative does not exist that does not contain
5 mercury.

6 (2) By January 1, 2007, the manufacturer has
7 established a closed loop recycling system that
8 encourages vehicle recyclers to routinely transport
9 such components to dealerships or other designated
10 places of business.

11 b. Until January 1, 2012, mercury-added headlamps,
12 including but not limited to high-intensity discharge
13 lamps, for any manufacturer that demonstrates as of
14 January 1, 2008, that at least fifty percent of that
15 manufacturer's vehicles with high-intensity discharge
16 lamps for sale in this state do not contain mercury.

17 c. A mercury-added component in a vehicle that is
18 necessary in order to comply with federal or state
19 health or safety requirements, or for purposes of
20 national security, upon demonstration by the
21 manufacturer that a technically feasible alternative
22 does not exist that does not contain mercury, and that
23 such component will substantially improve public
24 health and safety considering any impacts the
25 component may have on overall public safety on the
26 roads, and the life-cycle impacts of the mercury use.

27 3. Effective two years after the effective date of
28 this Act, a mercury-added component shall not be
29 offered for sale for use in a vehicle after the
30 vehicle's initial sale, except service replacement
31 parts may be sold if either of the following
32 requirements are satisfied:

33 a. In the case of electronic display screens,
34 mercury is present at concentrations of less than
35 twenty milligrams per component and the manufacturer
36 has established a closed loop recycling system for the
37 screens.

38 b. In all other cases, mercury is present at
39 concentrations of less than ten milligrams per
40 component.

41 4. A manufacturer must apply, or reapply, to the
42 department for an exemption under subsection 2 or 3.

43 a. An application for an exemption must be in
44 writing, in a form acceptable to the department,
45 stating the need for an exemption and the legal basis
46 for an exemption. Subject to the issuance of public
47 notice and solicitation of public comment, the
48 department shall, within ninety days of receiving the
49 application, accept or reject the application for an
50 exemption. Specific documentation in the application

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1 must include the quantity of mercury in the component
2 and all of following, as applicable:

3 (1) In the case of electronic display screens,
4 whether original equipment or a service replacement
5 part, documentation that a technically and
6 economically feasible alternative is not available
7 that does not contain mercury, and a description of
8 how the manufacturer will establish and maintain a
9 closed loop recycling system.

10 (2) In the case of mercury-added headlamps, the
11 estimated number of vehicles that will be produced
12 with such component, as well as the manufacturer's
13 plans to meet the phaseout requirements specified in
14 subsection 2, paragraph "b".

15 (3) In the case of components necessary to meet
16 health and safety requirements, or for national
17 security, documentation that a technically feasible
18 alternative that does not contain mercury is not
19 available, and the impact of such components on public
20 health and safety considering any impacts the
21 components may have on overall public safety on the
22 roads, and the life-cycle impacts of the mercury use.

23 (4) In the case of service replacement parts,
24 documentation that the part is identical to an
25 original equipment part and used exclusively in the
26 repair or service of original equipment components.

27 b. An exemption granted under this subsection by
28 the department shall be valid for a period of two
29 years except where the provisions of subsection 2,
30 paragraph "b", specify a different time period. An
31 exemption granted under this subsection shall be
32 renewable for periods not to exceed four years, as
33 determined by the department.

34 c. If granted an exemption, any vehicle that may
35 contain a mercury-added component shall be labeled by
36 the manufacturer in a manner to clearly inform

37 purchasers and dismantlers that mercury is present in
 38 the vehicle, and that the component may not be
 39 disposed of or placed in a waste stream destined for
 40 disposal until the mercury is removed or reused,
 41 recovered, or properly disposed of as a hazardous
 42 waste or otherwise managed to ensure that the mercury
 43 does not become mixed with other solid waste. The
 44 label shall identify the component with sufficient
 45 detail so that it may be readily located for removal.
 46 The label shall be placed on the doorpost of each
 47 vehicle that may contain a mercury-added component and
 48 be constructed of materials that are sufficiently
 49 durable to remain legible for the useful life of the
 50 vehicle.

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1 5. Manufacturers, when designing vehicles and
 2 their components for sale in this state, shall do all
 3 of the following:
 4 a. To the maximum extent practicable, reduce or
 5 eliminate hazardous substances like mercury from the
 6 manufacturer's vehicles.
 7 b. Ensure that the manufacturer's vehicles are
 8 designed to be recycled in a safe, cost-effective, and
 9 environmentally sound manner, using existing
 10 technologies and infrastructures.
 11 c. Where a vehicle is found to present
 12 environmental risks that make it uneconomical to
 13 recycle, the manufacturer shall make appropriate
 14 design or manufacturing changes.
 15 Sec. 7. NEW SECTION. 455B.806 GENERAL COMPLIANCE
 16 WITH OTHER PROVISIONS.
 17 Except as expressly provided in this division,
 18 compliance with this division shall not exempt a
 19 person from compliance with any other law.
 20 Sec. 8. NEW SECTION. 455B.807 REGULATIONS.
 21 The commission shall adopt rules pursuant to
 22 chapter 17A as necessary to implement the provisions
 23 of this division.
 24 Sec. 9. NEW SECTION. 455B.808 PUBLIC
 25 NOTIFICATION AND COMMENT.
 26 1. The department shall issue public notice and
 27 solicit public comment on both of the following:
 28 a. The removal, replacement, collection, and
 29 recovery plans submitted by a manufacturer pursuant to
 30 section 455B.803.
 31 b. An application or reapplication for an
 32 exemption from the phaseout provisions of section
 33 455B.805.
 34 2. A notification and solicitation of public
 35 comment shall be issued within thirty days of

36 receiving a plan or an application or reapplication
37 for an exemption from the manufacturer. The
38 department shall give the general public adequate time
39 to comment on the proposals.

40 3. Public comments received within the ninety-day
41 review period of these provisions shall be considered
42 by the department when making its decision to accept
43 or reject either a plan or an application or
44 reapplication for an exemption.

45 Sec. 10. NEW SECTION. 455B.809 REPORTING.

46 One year after the implementation of a removal,
47 replacement, collection, and recovery system, and
48 annually thereafter, a manufacturer subject to section
49 455B.803 shall report to the department concerning the
50 performance under the manufacturer's plan. The report

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1 shall include, but not be limited to, all of the
2 following:

3 1. A detailed description and documentation of the
4 capture rate achieved.

5 2. A plan to implement additional or alternative
6 actions, if necessary to improve the capture rate.

7 3. A listing of the public educational initiatives
8 implemented, including size of audience reached.

9 4. Any changes in the participation of the
10 necessary parties for the plan to be effectively
11 implemented.

12 Sec. 11. NEW SECTION. 455B.810 PUBLIC EDUCATION
13 AND OUTREACH.

14 1. A manufacturer shall implement a comprehensive
15 education and outreach program for the general public
16 and the parties willingly participating in the
17 manufacturer's removal, replacement, collection,
18 recovery, and disposal system established under this
19 division. The education and outreach program shall
20 focus on the hazards related to, and the proper
21 handling of, mercury; the requirements and obligations
22 of individuals, manufacturers, and agencies under this
23 division; and the details of the system established
24 under this division.

25 2. In collaboration with manufacturers, the
26 department shall supplement this education and
27 outreach program with an assistance program for
28 businesses that might participate in the removal,
29 replacement, collection, recovery, and disposal system
30 established under this division.

31 3. Willingly participating parties in a removal,
32 replacement, collection, recovery, and disposal system
33 shall implement a public education and outreach
34 program focused on their participation in the system.

35 Sec. 12. NEW SECTION. 455B.811 STATE
36 PROCUREMENT.

37 Notwithstanding other policies and guidelines for
38 the procurement of vehicles, the state shall, within
39 one year of the effective date of this Act, revise its
40 policies, rules, and procedures to give priority and
41 preference to the purchase of vehicles free of
42 mercury-added components taking into consideration
43 competition, price, availability, and performance.

44 Sec. 13. NEW SECTION. 455B.812 UNIVERSAL WASTE.

45 The department shall adopt rules pursuant to
46 chapter 17A governing universal hazardous waste, as
47 defined by the federal environmental protection
48 agency, as appropriate to promote the collection,
49 transport, recovery, and proper management of mercury-
50 added vehicle components.

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- 1 DIVISION II
2 SALVAGE VEHICLE TITLES"
3 2. Title page, line 1, by inserting after the
4 word "Act" the following: "relating to salvage
5 vehicles by providing for the removal, replacement,
6 collection, and recovery of mercury-added vehicle
7 components and".
8 3. By renumbering as necessary.

WILLIAM A. DOTZLER, JR.

S-5137

- 1 Amend the Senate amendment, S-5126, to House File
2 722, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 2, line 41, by inserting after the word
5 "a." the following: "(1)".
6 2. Page 2, by inserting after line 47 the
7 following:
8 "(2) Notwithstanding subparagraph (1), a
9 prescriber may delegate program information access to
10 another licensed health care professional only in
11 emergency situations where the patient would be placed
12 in greater jeopardy if the prescriber was required to
13 access the information personally."

JACK HATCH
JAMES A. SEYMOUR

S-5138

1 Amend House File 2562, as passed by the House, as
 2 follows:
 3 1. Page 1, line 5, by inserting after the word
 4 "an" the following: "ongoing".
 5 2. Page 1, line 12, by inserting after the word
 6 "individual." the following: "Specific portions of
 7 electronic mail and telephone billing records may be
 8 kept confidential under this subsection only for as
 9 long as the statute of limitations would have run on a
 10 respective crime that is under investigation. This
 11 subsection does not apply to the provisions of rule of
 12 criminal procedure 2.14."

KEITH A. KREIMAN
 NANCY J. BOETTGER
 BRIAN SCHOENJAHN

S-5139

1 Amend the Senate amendment, S-5126, to House File
 2 722, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, line 23, by striking the word
 5 "dispensing".
 6 2. Page 1, line 31, by inserting after the word
 7 "practitioner." the following: "For purposes of this
 8 division, "prescribing practitioner" means a
 9 practitioner who has prescribed or is contemplating
 10 the authorization of a prescription for the patient
 11 about whom information is requested, and "pharmacist"
 12 means a practicing pharmacist who is actively engaged
 13 in and responsible for the pharmaceutical care of the
 14 patient about whom information is requested."

JAMES A. SEYMOUR
 JACK HATCH

S-5140

1 Amend House File 2712, as passed by the House, as
 2 follows:
 3 1. Page 3, by inserting after line 35 the
 4 following:
 5 "Sec. ____ STATEWIDE FIRE AND POLICE RETIREMENT
 6 SYSTEM — DEFERRED RETIREMENT OPTION PLAN REPORT.
 7 1. The board of trustees for the statewide fire
 8 and police retirement system created under chapter 411
 9 shall submit a report to the general assembly by
 10 October 1, 2009, concerning the costs and

11 effectiveness of the provision of this Act creating a
 12 deferred retirement option plan for members of the
 13 retirement system.

14 2. The report shall include but not be limited to
 15 statistics as to the number of members participating
 16 in the plan, the percentage of eligible members
 17 participating in the plan, the average length of time
 18 of participation in the plan, the average age of
 19 members participating in the plan, the impact of the
 20 plan on the average age of retirement for members of
 21 the system, and any costs associated with the
 22 establishment of the plan. The report shall include
 23 any additional information concerning the operation of
 24 the deferred retirement option plan including any
 25 recommendations for further action.”

26 2. By renumbering as necessary.

BOB BRUNKHORST

S-5141

1 Amend House File 2525, as passed by the House, as
 2 follows:

3 1. Page 2, line 9, by inserting after the word
 4 “ADMINISTRATION” the following: “AND DUTIES”.

5 2. Page 2, by inserting after line 13, the
 6 following:

7 “Sec. ____ Section 307.14, Code 2005, is amended
 8 by adding the following new unnumbered paragraph:
 9 NEW UNNUMBERED PARAGRAPH. The map shall include
 10 the location of every public or private lake in the
 11 state with ten or more residential properties
 12 adjoining the lake.”

13 3. By renumbering as necessary.

NANCY J. BOETTGER

S-5142

HOUSE AMENDMENT TO
 SENATE FILE 2219

1 Amend Senate File 2219, as passed by the Senate, as
 2 follows:

3 1. Page 1, line 4, by inserting after the word
 4 “trafficking” the following: “, to include curricula
 5 on cultural sensitivity and the means to deal
 6 effectively and appropriately with trafficking
 7 victims. Such training shall encourage law
 8 enforcement personnel to communicate in the language
 9 of the trafficking victims”.

- 10 2. Page 1, by inserting after line 14 the
11 following:
12 "___." "Debt bondage" means the status or condition
13 of a debtor arising from a pledge of the debtor's
14 personal services or a person under the control of a
15 debtor's personal services as a security for debt if
16 the reasonable value of such services is not applied
17 toward the liquidation of the debt or the length and
18 nature of those services are not respectively limited
19 and defined."
- 20 3. Page 1, by inserting after line 28 the
21 following:
22 "3. "Human trafficking" means participating in a
23 venture to recruit, harbor, transport, supply
24 provisions, or obtain a person for any of the
25 following purposes:
26 a. Forced labor or service that results in
27 involuntary servitude, peonage, debt bondage, or
28 slavery.
29 b. Commercial sexual activity through the use of
30 force, fraud, or coercion, except that if the
31 trafficked person is under the age of eighteen, the
32 commercial sexual activity need not involve force,
33 fraud, or coercion."
- 34 4. Page 1, by inserting before line 29 the
35 following:
36 "___." "Involuntary servitude" means a condition of
37 servitude induced by means of any scheme, plan, or
38 pattern intended to cause a person to believe that if
39 the person did not enter into or continue in such
40 condition, that person or another person would suffer
41 serious harm or physical restraint or the threatened
42 abuse of legal process."
- 43 5. Page 1, line 29, by striking the figure "3."
44 and inserting the following: "4."
- 45 6. Page 1, line 30, by striking the figure "4."
46 and inserting the following: "5."
- 47 7. Page 1, by striking line 34.
- 48 8. Page 2, by inserting after line 1 the
49 following:
50 "___." "Peonage" means a status or condition of

Page 2

- 1 involuntary servitude based upon real or alleged
2 indebtedness."
- 3 9. Page 2, by striking lines 12 and 13 and
4 inserting the following:
5 "10. "Victim" means a person subjected to human
6 trafficking".
7 10. By striking page 2, line 14, through page 4,
8 line 17, and inserting the following:

9 "Sec. ____ NEW SECTION. 710A.2 HUMAN
10 TRAFFICKING.

11 1. A person who knowingly engages in human
12 trafficking is guilty of a class "D" felony, except
13 that if the victim is under the age of eighteen, the
14 person is guilty of a class "C" felony.

15 2. A person who knowingly engages in human
16 trafficking by causing or threatening to cause serious
17 physical injury to another person is guilty of a class
18 "C" felony, except that if the victim is under the age
19 of eighteen, the person is guilty of a class "B"
20 felony.

21 3. A person who knowingly engages in human
22 trafficking by physically restraining or threatening
23 to physically restrain another person is guilty of a
24 class "D" felony, except that if the victim is under
25 the age of eighteen, the person is guilty of a class
26 "C" felony.

27 4. A person who knowingly engages in human
28 trafficking by soliciting services or benefiting from
29 the services of a victim is guilty of a class "D"
30 felony, except that if the victim is under the age of
31 eighteen, the person is guilty of a class "C" felony.

32 5. A person who knowingly engages in human
33 trafficking by abusing or threatening to abuse the law
34 or legal process is guilty of a class "D" felony,
35 except that if the victim is under the age of
36 eighteen, the person is guilty of a class "C" felony.

37 6. A person who knowingly engages in human
38 trafficking by knowingly destroying, concealing,
39 removing, confiscating, or possessing any actual or
40 purported passport or other immigration document, or
41 any other actual or purported government
42 identification document of a victim is guilty of a
43 class "D" felony, except that if that other person is
44 under the age of eighteen, the person is guilty of a
45 class "C" felony.

46 7. A person who benefits financially or by
47 receiving anything of value from knowing participation
48 in human trafficking is guilty of a class "D" felony,
49 except that if the victim is under the age of
50 eighteen, the person is guilty of a class "C" felony.

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1 11. Page 4, line 18, by striking the figure

2 "710A.6" and inserting the following: "710A.4".

3 12. Page 4, line 19, by inserting after the word
4 "defense" the following: ", in addition to any other
5 affirmative defenses for which the victim might be
6 eligible,".

7 13. Page 4, line 22, by striking the figures and

8 word "710A.3, or 710A.4,"

9 14. By striking page 4, line 26, through page 5,
10 line 28, and inserting the following:

11 "Sec. ____ NEW SECTION. 710A.5 RESTITUTION.

12 The gross income of the defendant or the value of
13 labor or services performed by the victim to the
14 defendant shall be considered when determining the
15 amount of restitution."

16 15. Page 5, line 29, by striking the figure
17 "710A.11" and inserting the following: "710A.6".

18 16. Page 5, line 31, by striking the word and
19 figure "or 710A.3".

20 17. Page 6, line 4, by striking the word and
21 figure "or 710A.3".

22 18. Page 6, line 10, by striking the figures and
23 word ", 710A.3, or 710A.4".

24 19. Page 6, by striking lines 15 through 32 and
25 inserting the following:

26 "Victims of human trafficking, as defined in
27 section 710A.1, shall have the same rights as other
28 victims of a crime, including the right to receive
29 victim compensation pursuant to section 915.84,
30 regardless of their immigration status."

31 20. Page 7, line 11, by striking the figures and
32 word "710A.2, 710A.3, or 710A.4" and inserting the
33 following: "710A.2".

34 21. Page 7, by inserting after line 16 the
35 following:

36 "Sec. ____ HUMAN TRAFFICKING STUDY. The
37 legislative council is requested to authorize a study
38 for the 2006 legislative interim on human trafficking.
39 The study recommendations and findings shall include
40 but are not limited to identifying the needs of human
41 trafficking victims and law enforcement and any other
42 agencies that serve victims of human trafficking. The
43 study report, including findings and recommendations,
44 shall be submitted to the general assembly for
45 consideration during the 2007 legislative session.
46 The study shall be conducted by a study committee
47 consisting of up to nine members of the general
48 assembly. A chairperson or co-chairpersons shall be
49 designated by the legislative council."

50 22. Title page, by striking line 3 and inserting

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1 the following: "assistance programs, providing
2 penalties, and providing for a study."

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

S-5143

HOUSE AMENDMENT TO
SENATE FILE 2374

1 Amend Senate File 2374, as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "DIVISION ____
6 LIMITED PARTNERSHIPS

7 Section 1. Section 488.108, subsection 4,
8 paragraph b, Code Supplement 2005, is amended by
9 striking the paragraph and inserting in lieu thereof
10 the following:

11 b. A name reserved, registered, or protected as
12 follows:

13 (1) For a limited liability partnership, section
14 486A.1001 or 486A.1002.

15 (2) For a limited partnership, this section,
16 section 488.109, or section 488.810.

17 (3) For a business corporation, section 490.401,
18 490.402, 490.403, or 490.1422.

19 (4) For a limited liability company, section
20 490A.401, 490A.402, or 490A.1313.

21 (5) For a nonprofit corporation, section 504.401,
22 504.402, 504.403, or 504.1423.

23 Sec. 2. Section 488.810, subsection 1, unnumbered
24 paragraph 1, Code 2005, is amended to read as follows:

25 A limited partnership that has been
26 administratively dissolved may apply to the secretary
27 of state for reinstatement within two years at any
28 time after the effective date of dissolution. The
29 application must be delivered to the secretary of
30 state for filing and state all of the following:

31 Sec. 3. Section 488.810, subsection 1, paragraph
32 c, Code 2005, is amended to read as follows:

33 c. That If the application is received more than
34 five years after the effective date of the
35 dissolution, that the limited partnership's name
36 satisfies the requirements of section 488.108.

37 Sec. 4. Section 488.810, subsection 2, Code 2005,
38 is amended to read as follows:

39 2. If the secretary of state determines that an
40 application contains the information required by
41 subsection 2 and that the information is correct, the
42 secretary of state shall prepare a declaration of
43 reinstatement that states this determination, sign,
44 and file the ~~original of the~~ declaration of
45 reinstatement, and ~~serve~~ deliver a copy to the limited
46 partnership with a copy.

47 Sec. 5. Section 488.810, Code 2005, is amended by

48 adding the following new subsection:
49 NEW SUBSECTION. 4. A limited partnership shall
50 not relinquish the right to retain its name if the

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1 reinstatement is effective within five years of the
2 effective date of the limited partnership's
3 dissolution."

4 2. Page 1, lines 13 and 14, by striking the word
5 and figure "or 490A.402" and inserting the following:
6 ", 490A.402, or 490A.1313".

7 3. Page 1, by striking lines 17 through 25.

8 4. Page 1, by inserting before line 26 the
9 following:

10 "Sec. ____ Section 490.502, subsection 3, Code
11 2005, is amended to read as follows:

12 3. If a registered agent changes the registered
13 agent's business address to another place, the
14 registered agent may change the business address and
15 the address of the registered agent by filing a
16 statement as required in subsection 2 for each
17 corporation, or a single statement for all
18 corporations named in the notice, except that it need
19 be signed only by the registered agent ~~or agents~~ and
20 need not be responsive to subsection 1, paragraph "c",
21 and must recite that a copy of the statement has been
22 mailed to each corporation named in the notice."

23 5. By striking page 1, line 33, through page 2,
24 line 12.

25 6. Page 2, by inserting before line 13 the
26 following:

27 "Sec. ____ Section 490.1422, subsection 1,
28 unnumbered paragraph 1, Code 2005, is amended to read
29 as follows:

30 A corporation administratively dissolved under
31 section 490.1421 may apply to the secretary of state
32 for reinstatement ~~within two years at any time~~ after
33 the effective date of dissolution. The application
34 must meet all of the following requirements:"

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

37 "Sec. ____ Section 490.1422, subsection 2,
38 paragraph b, Code 2005, is amended to read as follows:

39 b. (1) If the secretary of state determines that
40 the application contains the information required by
41 subsection 1, and that a delinquency or liability
42 reported pursuant to paragraph "a" ~~of this subsection~~
43 has been satisfied, and that the information is
44 correct, the secretary of state shall cancel the
45 certificate of dissolution and prepare a certificate
46 of reinstatement that recites the secretary of state's

47 determination and the effective date of reinstatement,
 48 file the ~~original of the~~ certificate of reinstatement,
 49 and ~~serve deliver~~ a copy ~~on~~ to the corporation under
 50 section 490.504.

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1 (2) If the corporate name in subsection 1,
 2 paragraph "c", is different than the corporate name in
 3 subsection 1, paragraph "a", the certificate of
 4 reinstatement shall constitute an amendment to the
 5 articles of incorporation insofar as it pertains to
 6 the corporate name. A corporation shall not
 7 relinquish the right to retain its corporate name if
 8 the reinstatement is effective within five years of
 9 the effective date of the corporation's dissolution.

10 Sec. ____ Section 490.1422, subsection 4, Code
 11 2005, is amended by striking the subsection."

12 8. Page 2, by inserting after line 22 the
 13 following:

14 "Sec. ____ Section 490.1701, subsection 3,
 15 paragraph a, Code Supplement 2005, is amended to read
 16 as follows:

17 a. The corporation shall amend or restate its
 18 articles of incorporation to indicate that the
 19 corporation adopts this chapter and to designate the
 20 address of its initial registered office and the name
 21 of its registered agent ~~or agents~~ at that office and,
 22 if the name of the corporation is not in compliance
 23 with the requirements of this chapter, to change the
 24 name of the corporation to one complying with the
 25 requirements of this chapter."

26 9. Page 2, by inserting after line 31 the
 27 following:

28 "Sec. ____ Section 490A.121, subsections 2 and 3,
 29 Code 2005, are amended to read as follows:

30 2. The secretary of state files a document by
 31 ~~stamping or otherwise endorsing recording it as~~
 32 ~~"filed", together with the secretary of state's name~~
 33 ~~and official title and acknowledging the date and time~~
 34 ~~of its receipt, on both the document and the receipt~~
 35 ~~for the filing fee, and recording the document in the~~
 36 ~~records of the secretary of state. After filing a~~
 37 ~~document, and except as provided in section 490A.503,~~
 38 the secretary of state shall deliver a copy of the
 39 filed document, with the filing fee receipt, or an
 40 acknowledgment of receipt if no fee is required,
 41 attached, the date and time of filing to the domestic
 42 or foreign limited liability company or its
 43 representative.

44 3. If the secretary of state refuses to file a
 45 document, the secretary of state shall return it to

46 the domestic or foreign limited liability company or
47 its representative ~~within ten days after the document~~
48 ~~was received by the secretary of state~~, together with
49 a brief, written explanation of the reason for the
50 refusal.

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1 Sec. ____ Section 490A.124, subsection 1,
2 paragraphs e and f, Code 2005, are amended to read as
3 follows:

4 e. Application for registered name per month or
5 part thereof \$

2
No fee

6
7 f. Application for renewal of registered name
8 \$

20
No fee

9
10 Sec. ____ Section 490A.131, subsection 1,
11 paragraph b, Code Supplement 2005, is amended to read
12 as follows:

13 b. ~~The street and mailing address of its~~
14 ~~designated registered~~ office and the name and street
15 ~~and mailing address of its registered agent for~~
16 ~~service of process in this state."~~

17 10. Page 3, by inserting after line 5 the
18 following:

19 "Sec. ____ Section 490A.131, subsection 5, Code
20 Supplement 2005, is amended by striking the
21 subsection."

22 11. Page 4, by inserting after line 10 the
23 following:

24 "Sec. ____ Section 490A.401, subsection 3,
25 paragraph b, Code 2005, is amended by striking the
26 paragraph and inserting in lieu thereof the following:

27 b. A name reserved, registered, or protected as
28 follows:

29 (1) For a limited liability partnership, section
30 486A.1001 or 486A.1002.

31 (2) For a limited partnership, section 488.108,
32 488.109, or 488.810.

33 (3) For a business corporation, section 490.401,
34 490.402, 490.403, or 490.1422.

35 (4) For a limited liability company, this section
36 or section 490A.402 or 490A.1313.

37 (5) For a nonprofit corporation, section 504.401,
38 504.402, 504.403, or 504.1423.

39 Sec. ____ Section 490A.401, subsection 6, Code
40 2005, is amended to read as follows:

41 6. This chapter does not control the use of
42 fictitious names; however, if a limited liability
43 company uses a fictitious name in this state it shall
44 deliver to the secretary of state for filing a

45 certified copy of the resolution of ~~the limited~~
46 ~~liability company~~ filed and executed according to
47 section 490A.120 adopting the fictitious name.
48 Sec. . Section 490A.1301, Code 2005, is amended
49 by adding the following new subsection:
50 NEW SUBSECTION. 4. The administrative dissolution

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1 of the limited liability company under section
2 490A.1312.
3 Sec. . NEW SECTION. 490A.1308 REVOCATION OF
4 DISSOLUTION.

5 1. A limited liability company may revoke its
6 dissolution within one hundred twenty days of the
7 effective date of its articles of dissolution.
8 2. Revocation of dissolution must be authorized in
9 the same manner as the dissolution was authorized
10 unless that authorization permitted revocation by
11 action of the managers of the limited liability
12 company alone, in which event the managers may revoke
13 the dissolution without member action.
14 3. After the revocation of dissolution is
15 authorized, the limited liability company may revoke
16 the dissolution by delivering to the secretary of
17 state for filing articles of revocation of
18 dissolution, together with a copy of its articles of
19 dissolution, that set forth all of the following:
20 a. The name of the limited liability company.
21 b. The effective date of the dissolution that was
22 revoked.
23 c. The date that the revocation of dissolution was
24 authorized.
25 d. If members of the limited liability company
26 unanimously revoked the dissolution, a statement to
27 that effect.
28 e. If the managers of the limited liability
29 company revoked a dissolution authorized by its
30 members, a statement that revocation was permitted by
31 action by the managers alone pursuant to that
32 authorization.
33 4. Revocation of dissolution is effective upon the
34 effective date of the articles of revocation of
35 dissolution.
36 5. When the revocation of dissolution is
37 effective, it relates back to and takes effect as of
38 the effective date of the dissolution as if the
39 dissolution had never occurred.

40 PART B

41 ADMINISTRATIVE DISSOLUTION

42 Sec. . NEW SECTION. 490A.1311 GROUNDS FOR
43 ADMINISTRATIVE DISSOLUTION.

44 The secretary of state may commence a proceeding
45 under section 490A.1312 to administratively dissolve a
46 limited liability company if any of the following
47 apply:

48 1. The limited liability company has not delivered
49 a biennial report to the secretary of state in a form
50 that meets the requirements of section 490A.131,

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1 within sixty days after it is due, or has not paid the
2 filing fee as determined by the secretary of state,
3 within sixty days after it is due.

4 2. The limited liability company is without a
5 registered office or registered agent in this state as
6 required in subchapter V for sixty days or more.

7 3. The limited liability company does not notify
8 the secretary of state within sixty days that its
9 registered office or registered agent as required in
10 subchapter V has been changed, its registered office
11 has been discontinued, or that its registered agent
12 has resigned.

13 4. The limited liability company's period of
14 duration stated in its articles of organization
15 expires.

16 Sec. ____ NEW SECTION. 490A.1312 PROCEDURE FOR
17 AND EFFECT OF ADMINISTRATIVE DISSOLUTION.

18 1. If the secretary of state determines that one
19 or more grounds exist under section 490A.1311 for
20 dissolving a limited liability company, the secretary
21 of state shall serve the limited liability company
22 with written notice of the secretary of state's
23 determination under section 490A.504.

24 2. If the limited liability company does not
25 correct each ground for dissolution or demonstrate to
26 the reasonable satisfaction of the secretary of state
27 that each ground determined by the secretary of state
28 does not exist within sixty days after service of the
29 notice is perfected under section 490A.504, the
30 secretary of state shall administratively dissolve the
31 limited liability company by signing a certificate of
32 dissolution that recites the ground or grounds for
33 dissolution and its effective date. The secretary of
34 state shall file the original of the certificate and
35 serve a copy on the limited liability company under
36 section 490A.504.

37 3. A limited liability company administratively
38 dissolved continues its existence but shall not carry
39 on any business except that necessary to wind up and
40 liquidate its business and affairs under part A of
41 this subchapter and notify claimants under sections
42 490A.1306 and 490A.1307.

43 4. The administrative dissolution of a limited
44 liability company does not terminate the authority of
45 its registered agent as provided in subchapter V.
46 5. The secretary of state's administrative
47 dissolution of a limited liability company pursuant to
48 this section appoints the secretary of state the
49 limited liability company's agent for service of
50 process in any proceeding based on a cause of action

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1 which arose during the time the limited liability
2 company was authorized to transact business in this
3 state. Service of process on the secretary of state
4 under this subsection is service on the limited
5 liability company. Upon receipt of process, the
6 secretary of state shall serve a copy of the process
7 on the limited liability company as provided in
8 section 490A.504. This subsection does not preclude
9 service on the limited liability company's registered
10 agent, if any.

11 Sec. ____ **NEW SECTION. 490A.1313 REINSTATEMENT**
12 **FOLLOWING ADMINISTRATIVE DISSOLUTION.**

13 1. A limited liability company administratively
14 dissolved under section 490A.1312 may apply to the
15 secretary of state for reinstatement at any time after
16 the effective date of dissolution. The application
17 must meet all of the following requirements:

18 a. Recite the name of the limited liability
19 company at its date of dissolution and the effective
20 date of its administrative dissolution.

21 b. State that the ground or grounds for
22 dissolution as provided in section 490A.1311 have been
23 eliminated.

24 c. If the application is received more than five
25 years after the effective date of the administrative
26 dissolution, state a name that satisfies the
27 requirements of section 490A.401.

28 d. State the federal tax identification number of
29 the limited liability company.

30 2. a. The secretary of state shall refer the
31 federal tax identification number contained in the
32 application for reinstatement to the department of
33 revenue. The department of revenue shall report to
34 the secretary of state the tax status of the limited
35 liability company. If the department reports to the
36 secretary of state that a filing delinquency or
37 liability exists against the limited liability
38 company, the secretary of state shall not cancel the
39 certificate of dissolution until the filing
40 delinquency or liability is satisfied.

41 b. If the secretary of state determines that the

42 application contains the information required by
43 subsection 1, and that a delinquency or liability
44 reported pursuant to paragraph "a" of this subsection
45 has been satisfied, and that the information is
46 correct, the secretary of state shall cancel the
47 certificate of dissolution and prepare a certificate
48 of reinstatement that recites the secretary of state's
49 determination and the effective date of reinstatement,
50 file the original of the certificate, and serve a copy

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1 on the limited liability company under section
2 490A.504. If the limited liability company's name in
3 subsection 1, paragraph "c", is different than the
4 name in subsection 1, paragraph "a", the certificate
5 of reinstatement shall constitute an amendment to the
6 limited liability company's articles of organization
7 insofar as it pertains to its name. A limited
8 liability company shall not relinquish the right to
9 retain its name as provided in section 490A.401, if
10 the reinstatement is effective within five years of
11 the effective date of the limited liability company's
12 dissolution.

13 3. When the reinstatement is effective, it relates
14 back to and takes effect as of the effective date of
15 the administrative dissolution as if the
16 administrative dissolution had never occurred.

17 Sec. __. NEW SECTION. 490A.1314 APPEAL FROM
18 DENIAL OF REINSTATEMENT.

19 1. If the secretary of state denies a limited
20 liability company's application for reinstatement
21 following administrative dissolution pursuant to
22 section 490A.1312, the secretary of state shall serve
23 the limited liability company under section 490A.504
24 with a written notice that explains the reason or
25 reasons for denial.

26 2. The limited liability company may appeal the
27 denial of reinstatement to the district court within
28 thirty days after service of the notice of denial is
29 perfected. The limited liability company appeals by
30 petitioning the court to set aside the dissolution and
31 attaching to the petition copies of the secretary of
32 state's certificate of dissolution, the limited
33 liability company's application for reinstatement, and
34 the secretary of state's notice of denial.

35 3. The court may summarily order the secretary of
36 state to reinstate the dissolved limited liability
37 company or may take other action the court considers
38 appropriate.

39 4. The court's final decision may be appealed as
40 in other civil proceedings."

41 12. Page 4, by inserting after line 27 the
 42 following:
 43 "Sec. ____ Section 490A.1402, Code 2005, is
 44 amended by striking the section and inserting in lieu
 45 thereof the following:
 46 490A.1402 APPLICATION FOR CERTIFICATE OF
 47 AUTHORITY.
 48 1. A foreign limited liability company may apply
 49 for a certificate of authority to transact business in
 50 this state by delivering an application to the

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1 secretary of state for filing. The application must
 2 set forth all of the following:
 3 a. The name of the foreign limited liability
 4 company or, if its name is unavailable for use in this
 5 state, a name that satisfies the requirements of
 6 section 490A.401.
 7 b. The name of the state or country under whose
 8 law it is organized.
 9 c. Its date of formation and period of duration.
 10 d. The street address of its principal office.
 11 e. The address of its registered office in this
 12 state and the name of its registered agent at that
 13 address as provided in subchapter V.
 14 2. The foreign limited liability company shall
 15 deliver the completed application to the secretary of
 16 state, and also deliver to the secretary of state a
 17 certificate of existence or a document of similar
 18 import duly authenticated by the secretary of state or
 19 proper officer of the state or other jurisdiction of
 20 its formation which is dated no earlier than ninety
 21 days prior to the date the application is filed with
 22 the secretary of state."
 23 13. Page 5, by inserting after line 22 the
 24 following:
 25 "Sec. ____ Section 490A.1410, subsection 1,
 26 paragraph a, Code 2005, is amended by adding the
 27 following new subparagraph:
 28 NEW SUBPARAGRAPH. (5) Deliver for filing to the
 29 secretary of state a biennial report as required by
 30 section 490A.131."
 31 14. Page 5, by inserting after line 27 the
 32 following:
 33 "DIVISION ____
 34 TRADITIONAL COOPERATIVES
 35 Sec. ____ Section 499.78, subsection 1, unnumbered
 36 paragraph 1, Code 2005, is amended to read as follows:
 37 An association administratively dissolved under
 38 section 499.77 may apply to the secretary of state for
 39 reinstatement ~~within two years~~ at any time after the

40 effective date of dissolution. The application must
41 meet all of the following requirements:

42 DIVISION ____

43 CLOSED COOPERATIVES

44 Sec. ____ Section 501.104, Code 2005, is amended
45 to read as follows:

46 501.104 NAME.

47 The name of a cooperative organized under this
48 chapter must comply with all of the following:

49 1. The name must contain the word "cooperative",
50 "coop", or "co-op", ~~and the~~

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1 2. The name must be distinguishable from the names
2 all of the following:

3 a. The name of cooperatives a cooperative
4 organized under this chapter or

5 b. The name of a cooperative or cooperative
6 association organized under another chapter, including
7 chapter 497, 498, 499, or 501A.

8 c. The name of a foreign cooperatives cooperative,
9 cooperative association, or corporation authorized to
10 do business in this state, including as provided in
11 section 499.54 or section 501A.221.

12 d. The name of a cooperative which has been
13 administratively dissolved pursuant to section 501.812
14 for a period of less than five years from the
15 effective date of the dissolution.

16 Sec. ____ Section 501.813, subsection 1,
17 unnumbered paragraph 1, Code 2005, is amended to read
18 as follows:

19 A cooperative administratively dissolved under
20 section 501.812 may apply to the secretary of state
21 for reinstatement ~~within two years~~ at any time after
22 the effective date of dissolution. The application
23 must meet all of the following requirements:

24 Sec. ____ Section 501.813, subsection 1, paragraph
25 c, Code 2005, is amended to read as follows:

26 c. State If the application is received more than
27 five years after the effective date of the
28 cooperative's dissolution, state a name that satisfies
29 the requirements of section 501.104.

30 Sec. ____ Section 501.813, subsection 2, paragraph
31 b, Code 2005, is amended to read as follows:

32 b. (1) If the secretary of state determines that
33 the application contains the information required by
34 subsection 1, and that a delinquency or liability
35 reported pursuant to paragraph "a" has been satisfied,
36 and that the information is correct, the secretary of
37 state shall cancel the certificate of dissolution and
38 prepare a certificate of reinstatement that recites

39 the secretary of state's determination and the
 40 effective date of reinstatement, file the original of
 41 the certificate document, and serve deliver a copy on
 42 to the cooperative under section 501.106.

43 (2) If the name of the cooperative as provided in
 44 subsection 1, paragraph "c", is different than the
 45 name in subsection 1, paragraph "a", the certificate
 46 of reinstatement shall constitute an amendment to the
 47 articles of association insofar as it pertains to the
 48 name. A cooperative shall not relinquish the right to
 49 retain its name if the reinstatement is effective
 50 within five years of the effective date of the

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1 cooperative's dissolution."

2 15. Page 5, by inserting after line 29 the
 3 following:

4 "Sec. __. Section 504.401, subsection 2,
 5 paragraph b, Code Supplement 2005, is amended by
 6 striking the paragraph and inserting in lieu thereof
 7 the following:

8 b. A name reserved, registered, or protected as
 9 follows:

10 (1) For a limited liability partnership, section
 11 486A.1001 or 486A.1002.

12 (2) For a limited partnership, section 488.108,
 13 488.109, or 488.810.

14 (3) For a business corporation, section 490.401,
 15 490.402, 490.403, or 490.1422.

16 (4) For a limited liability company, section
 17 490A.401, 490A.402, or 490A.1313.

18 (5) For a nonprofit corporation, this section or
 19 section 504.402, 504.403, or 504.1423."

20 16. Page 6, lines 5 and 6, by striking the word
 21 and figure "or 490A.402" and inserting the following:
 22 ", 490A.402, or 490A.1313".

23 17. Page 11, by inserting after line 17 the
 24 following:

25 "Sec. __. Section 504.1423, subsection 1,
 26 unnumbered paragraph 1, Code 2005, is amended to read
 27 as follows:

28 A corporation administratively dissolved under
 29 section 504.1422 may apply to the secretary of state
 30 for reinstatement within two years at any time after
 31 the effective date of dissolution. The application
 32 must state all of the following:

33 Sec. __. Section 504.1423, subsection 1,
 34 paragraph c, Code 2005, is amended to read as follows:

35 c. That if the application is received more than
 36 five years after the effective date of dissolution,
 37 state the corporation's name satisfies the

38 requirements of section 504.401.
 39 Sec. ____ Section 504.1423, subsection 2,
 40 paragraph b, Code 2005, is amended to read as follows:
 41 b. (1) If the secretary of state determines that
 42 the application contains the information required by
 43 subsection 1, that a delinquency or liability reported
 44 pursuant to paragraph "a" has been satisfied, and that
 45 all of the application information is correct, the
 46 secretary of state shall cancel the certificate of
 47 dissolution and prepare a certificate of reinstatement
 48 reciting that determination and the effective date of
 49 reinstatement, file the ~~original of the certificate~~
 50 document, and ~~serve deliver~~ a copy ~~on~~ to the

Page 12

1 corporation under section 504.504.
 2 (2) If the corporate name in subsection 1,
 3 paragraph "c", is different from the corporate name in
 4 subsection 1, paragraph "a", the certificate of
 5 reinstatement shall constitute an amendment to the
 6 articles of incorporation insofar as it pertains to
 7 the corporate name. A corporation shall not
 8 relinquish the right to retain its corporate name if
 9 the reinstatement is effective within five years of
 10 the effective date of the corporation's dissolution."
 11 18. Title page, by striking lines 2 and 3 and
 12 inserting the following: "entities, including limited
 13 partnerships, corporations, limited liability
 14 companies, cooperatives, and nonprofit corporations."
 15 19. By renumbering, relettering, or redesignating
 16 and correcting internal references as necessary.

S-5144

HOUSE AMENDMENT TO
 SENATE FILE 2290

1 Amend Senate File 2290, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by striking lines 1 through 6.
 4 2. Title page, line 2, by striking the words
 5 "paternity and".
 6 3. By renumbering as necessary.

S-5145

HOUSE AMENDMENT TO
 SENATE FILE 2341

1 Amend Senate File 2341, as passed by the Senate, as
 2 follows:

- 3 1. Page 1, by striking lines 9 and 10 and
 4 inserting the following: "~~any judge thereof the board~~
 5 of supervisors of the person's county of residence or
 6 the board's designee, stating that the".
- 7 2. Page 1, lines 24 and 25, by striking the words
 8 "~~office of the county general assistance director~~" and
 9 inserting the following: "county board of supervisors
 10 or the board's designee".
- 11 3. Page 1, line 35, by striking the words
 12 "~~general assistance director~~" and inserting the
 13 following: "board of supervisors or the board's
 14 designee".
- 15 4. Page 2, line 18, by inserting after the word
 16 "supervisors" the following: "or the board's
 17 designee".
- 18 5. Page 2, lines 22 and 23, by striking the words
 19 "~~general assistance director~~" and inserting the
 20 following: "board of supervisors or the board's
 21 designee".
- 22 6. Page 3, line 27, by inserting after the word
 23 "supervisors" the following: "or the board's
 24 designee".
- 25 7. Page 3, line 33, by striking the word "board"
 26 and inserting the following: "county".
- 27 8. Page 4, line 5, by inserting after the word
 28 "supervisors" the following: "or the board's
 29 designee".
- 30 9. Page 4, by striking lines 13 and 14 and
 31 inserting the following: "investigation or trip.
 32 This section does not apply to an appointee who
 33 receives".
- 34 10. Page 4, by striking lines 16 through 27.
- 35 11. Page 4, line 32, by striking the word and
 36 figure "or 225.20".
- 37 12. Page 5, line 2, by inserting after the word
 38 "supervisors" the following: "or the board's
 39 designee".
- 40 13. Page 5, line 29, by inserting after the word
 41 "supervisors" the following: "or the board's
 42 designee".
- 43 14. Page 6, by inserting after line 29 the
 44 following:
 45 "Sec. ____ Section 225.20, Code 2005, is
 46 repealed."
- 47 15. By renumbering as necessary.

S-5146

- 1 Amend Senate File 2396 as follows:
 2 1. Page 1, line 2, by striking the word
 3 "subsection" and inserting the following:
 4 "subsections".

- 5 2. Page 1, by inserting after line 12 the
6 following:
7 "NEW SUBSECTION. 90. The sales price from the
8 sale of photography equipment and supplies when not
9 used in a trade or business."
10 3. Title page, line 1, by striking the word
11 "exemption" and inserting the following:
12 "exemptions".
13 4. Title page, line 2, by inserting after the
14 word "bullion" the following: "and on the purchase of
15 nonbusiness photography equipment and supplies".

HERMAN C. QUIRMBACH

S-5147

- 1 Amend Senate File 2396 as follows:
2 1. Page 1, line 2, by striking the word
3 "subsection" and inserting the following:
4 "subsections".
5 2. Page 1, by inserting after line 12 the
6 following:
7 "NEW SUBSECTION. 90. The sales price from the
8 sale of dolls, doll houses, and related items."
9 3. Title page, line 1, by striking the word
10 "exemption" and inserting the following:
11 "exemptions".
12 4. Title page, line 2, by inserting after the
13 word "bullion" the following: "and on the purchase of
14 dolls, doll houses, and related items".

HERMAN C. QUIRMBACH

S-5148

- 1 Amend Senate File 2396 as follows:
2 1. Page 1, line 2, by striking the word
3 "subsection" and inserting the following:
4 "subsections".
5 2. Page 1, by inserting after line 12 the
6 following:
7 "NEW SUBSECTION. 90. The sales price from the
8 sale of rocks when collected as geological specimens."
9 3. Title page, line 1, by striking the word
10 "exemption" and inserting the following:
11 "exemptions".
12 4. Title page, line 2, by inserting after the
13 word "bullion" the following: "and on the purchase of
14 rocks as geological specimens".

HERMAN C. QUIRMBACH

S-5149

- 1 Amend Senate File 2396 as follows:
2 1. Page 1, line 2, by striking the word
3 "subsection" and inserting the following:
4 "subsections".
5 2. Page 1, by inserting after line 12 the
6 following:
7 "NEW SUBSECTION. 90. The sales price from the
8 sale of yarn, knitting needles, and other knitting-
9 related items where such items are not used in a trade
10 or business."
11 3. Title page, line 1, by striking the word
12 "exemption" and inserting the following:
13 "exemptions".
14 4. Title page, line 2, by inserting after the
15 word "bullion" the following: "and on the purchase of
16 nonbusiness knitting-related items".

HERMAN C. QUIRMBACH

S-5150

- 1 Amend Senate File 2396 as follows:
2 1. Page 1, line 2, by striking the word
3 "subsection" and inserting the following:
4 "subsections".
5 2. Page 1, by inserting after line 12 the
6 following:
7 "NEW SUBSECTION. 90. The sales price from the
8 sale of model railroad items including but not limited
9 to model train cars, track engines, and signals, and
10 the electrical controls for such items."
11 3. Title page, line 1, by striking the word
12 "exemption" and inserting the following:
13 "exemptions".
14 4. Title page, line 2, by inserting after the
15 word "bullion" the following: "and on the purchase of
16 model trains and accessories".

HERMAN C. QUIRMBACH

S-5151

- 1 Amend Senate File 2396 as follows:
2 1. Page 1, line 2, by striking the word
3 "subsection" and inserting the following:
4 "subsections".
5 2. Page 1, by inserting after line 12 the
6 following:
7 "NEW SUBSECTION. 90. The sales price from the

- 8 sale of model airplanes, boats, and cars.”
9 3. Title page, line 1, by striking the word
10 “exemption” and inserting the following:
11 “exemptions”.
12 4. Title page, line 2, by inserting after the
13 word “bullion” the following: “and on the purchase of
14 model airplanes, boats, and cars”.

HERMAN C. QUIRMBACH

S-5152

- 1 Amend Senate File 2396 as follows:
2 1. Page 1, line 2, by striking the word
3 “subsection” and inserting the following:
4 “subsections”.
5 2. Page 1, by inserting after line 12 the
6 following:
7 “NEW SUBSECTION. 90. The sales price from the
8 sale of sewing machines and fabrics, thread, buttons,
9 fasteners, zippers, and other items used in making
10 clothing where such items are not used in a trade or
11 business.”
12 3. Title page, line 1, by striking the word
13 “exemption” and inserting the following:
14 “exemptions”.
15 4. Title page, line 2, by inserting after the
16 word “bullion” the following: “and on the purchase of
17 nonbusiness sewing machines and clothing items”.

HERMAN C. QUIRMBACH

S-5153

- 1 Amend Senate File 2396 as follows:
2 1. Page 1, line 2, by striking the word
3 “subsection” and inserting the following:
4 “subsections”.
5 2. Page 1, by inserting after line 12 the
6 following:
7 “NEW SUBSECTION. 90. The sales price from the
8 sale of new and used stamps.”
9 3. Title page, line 1, by striking the word
10 “exemption” and inserting the following:
11 “exemptions”.
12 4. Title page, line 2, by inserting after the
13 word “bullion” the following: “and on the purchase of
14 stamps”.

HERMAN C. QUIRMBACH

S-5154

1 Amend House File 2362, as passed by the House, as
2 follows:

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

5 "DIVISION I

6 MERCURY-FREE VEHICLE ACT

7 Section 1. LEGISLATIVE FINDINGS AND PURPOSES.

8 1. The general assembly finds all of the
9 following:

10 a. That switches containing mercury have been used
11 for convenience lighting in vehicles sold in Iowa.

12 b. That mercury from vehicle light switches may be
13 released into the environment when end-of-life
14 vehicles are flattened, crushed, shredded, melted, or
15 otherwise processed for recycling.

16 c. That removing mercury-added switches from end-
17 of-life vehicles is an effective method to prevent
18 mercury from being released into the environment.

19 d. That it is in the public interest of the
20 residents of this state to reduce the quantity of
21 mercury entering the environment by removing mercury-
22 added switches from end-of-life vehicles.

23 2. The general assembly declares that the purpose
24 of this Act is to reduce the quantity of mercury in
25 the environment by doing all of the following:

26 a. Removing mercury-added switches from end-of-
27 life vehicles in Iowa.

28 b. Creating a collection, recovery, and incentive
29 program for mercury-added switches removed from
30 vehicles in Iowa.

31 Sec. 2. NEW SECTION. 455B.801 SHORT TITLE.

32 This division shall be known and may be cited as
33 the "Mercury-Free Recycling Act".

34 Sec. 3. NEW SECTION. 455B.802 DEFINITIONS.

35 As used in this division, unless the context
36 otherwise requires:

37 1. "Capture rate" means the amount of mercury
38 removed, collected, and recovered from end-of-life
39 vehicles, expressed as a percentage of the mercury
40 available from mercury-added switches in end-of-life
41 vehicles annually.

42 2. "End-of-life vehicle" means any vehicle which
43 is sold, given, or otherwise conveyed to a vehicle
44 recycler or scrap recycling facility for the purpose
45 of recycling and that does not exceed ten thousand
46 pounds gross vehicle weight.

47 3. "Manufacturer" means any person that is the
48 last person to produce or assemble a new vehicle that
49 utilizes mercury-added switches, or in the case of an
50 imported vehicle, the importer or domestic distributor

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1 of such vehicle. "Manufacturer" does not include a
2 person that has never utilized a mercury-added switch
3 in the production or assembly of a new vehicle.

4 4. "Mercury-added switch" means a light switch
5 that contains mercury which was installed by a
6 manufacturer in a motor vehicle.

7 5. "Scrap recycling facility" means a fixed
8 location where machinery and equipment are utilized
9 for processing and manufacturing scrap metal into
10 prepared grades and whose principal product is scrap
11 iron, scrap steel, or nonferrous metallic scrap for
12 sale for remelting purposes.

13 6. "Vehicle recycler" means any person engaged in
14 the business of acquiring, dismantling, or destroying
15 six or more vehicles in a calendar year for the
16 primary purpose of resale of the vehicles' parts.

17 Sec. 4. NEW SECTION. 455B.803 PLANS FOR REMOVAL,
18 COLLECTION, AND RECOVERY OF VEHICLE MERCURY-ADDED
19 SWITCHES.

20 1. Within ninety days of the effective date of
21 this Act, each manufacturer of vehicles sold in this
22 state shall, individually or as part of a group,
23 develop and publish a plan for a system to remove,
24 collect, and recover mercury-added switches from end-
25 of-life vehicles that were manufactured by the
26 manufacturer. Publication shall be in accordance with
27 section 455B.807, subsection 2.

28 2. a. The manufacturer shall implement a system
29 to remove, collect, and recover mercury-added switches
30 from end-of-life vehicles within ninety days of
31 publication of the plan.

32 b. The system developed and implemented pursuant
33 to this section shall provide, at a minimum, all of
34 the following:

35 (1) Educational materials about the program to
36 inform the public and other stakeholders about the
37 purpose of the collection program and how to
38 participate in the program.

39 (2) A method for implementing, operating,
40 maintaining, and monitoring the system, in accordance
41 with subsection 3. This may include the use of third-
42 party contractors that are qualified and fully insured
43 to perform these tasks.

44 (3) Information about mercury-added switches
45 identifying all of the following:

46 (a) The make, model, and year of vehicles

47 potentially containing mercury-added switches.

48 (b) A description of the mercury-added switches.

49 (c) The location of the mercury-added switches.

50 (d) The safe, cost-effective, and environmentally

Page 3

- 1 sound methods for the removal of the mercury-added
- 2 switches from end-of-life vehicles.
- 3 (4) A method to arrange and pay for the
- 4 transportation of the collected mercury-added switches
- 5 to permitted facilities.
- 6 (5) A method to arrange and pay for the recycling
- 7 of the mercury-added switches.
- 8 (6) A method to track participation and publish
- 9 the progress of the mercury-added switch collection in
- 10 accordance with section 455B.807, subsection 2.
- 11 (7) A database of participating vehicle recyclers,
- 12 including all of the following:
- 13 (a) Documentation that the vehicle recycler joined
- 14 the program.
- 15 (b) Records of all submissions by a vehicle
- 16 recycler of any information required pursuant to
- 17 subparagraph (6).
- 18 (c) Confirmation that the vehicle recycler has
- 19 submitted switches at least every twelve months since
- 20 joining the program.
- 21 (8) A target mercury-added switch capture rate for
- 22 vehicles manufactured by the manufacturer of ninety
- 23 percent. A description of additional or alternative
- 24 actions that shall be implemented by the manufacturer
- 25 to improve the system and its operation in the event
- 26 that the target capture rate is not met shall be
- 27 published with the required tracking information no
- 28 less than annually.
- 29 (9) The program shall not include inaccessible
- 30 mercury-added switches from end-of-life vehicles with
- 31 significant damage to the vehicle in the area
- 32 surrounding the mercury-added switch location. All
- 33 accessible mercury-added switches are expected to be
- 34 collected under the provisions of this division.
- 35 c. In developing a removal, collection, and
- 36 recovery system for end-of-life vehicles, a
- 37 manufacturer shall, to the extent practicable, utilize
- 38 the existing end-of-life vehicle recycling
- 39 infrastructure.
- 40 d. If the commission determines that the
- 41 manufacturer's plan for a system to remove, collect,
- 42 and recover mercury-added switches from end-of-life
- 43 vehicles does not comply with this section, the
- 44 commission may require the manufacturer to make any
- 45 necessary modification to the plan.
- 46 e. On July 1, 2020, the commission shall cease
- 47 enforcement of the removal, collection, and recovery
- 48 plans under this section. On or before July 1, 2020,
- 49 the commission shall review the mercury-added switch
- 50 removal, collection, and recovery portion of this

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1 division and submit a recommendation to the general
2 assembly regarding the necessity of continuing the
3 enforcement of the removal, collection, and recovery
4 plans under this section.

5 3. The total cost of the removal, collection, and
6 recovery system for mercury-added switches shall be
7 paid by the manufacturer. Costs shall include but not
8 be limited to all of the following:

9 a. Labor to remove mercury-added switches. Labor
10 shall be reimbursed at a minimum rate of four dollars
11 per mercury-added switch removed, or if the vehicle
12 identification number of the source vehicle is
13 required for reimbursement, at a minimum rate of five
14 dollars.

15 b. Training.

16 c. Packaging in which to transport mercury-added
17 switches to recycling, storage, or disposal
18 facilities.

19 d. Shipping of mercury-added switches to
20 recycling, storage, or disposal facilities.

21 e. Recycling, storage, or disposal of the mercury-
22 added switches.

23 f. Public education materials and presentations.

24 g. Maintenance of all appropriate systems and
25 procedures to protect the environment from mercury
26 contamination from collected mercury-added switches.

27 4. A vehicle recycler that performs as required
28 under a removal, collection, and recovery plan shall
29 be afforded the protections provided in section
30 613.18.

31 Sec. 5. NEW SECTION. 455B.804 PROHIBITION AND
32 PROPER MANAGEMENT OF MERCURY-ADDED VEHICLE SWITCHES.

33 1. Prior to delivery to a scrap recycling
34 facility, a person who sells, gives, or otherwise
35 conveys ownership of an end-of-life vehicle to the
36 scrap recycling facility for recycling shall remove
37 all mercury-added switches from such end-of-life
38 vehicle unless the mercury-added switch is
39 inaccessible due to significant damage to the end-of-
40 life vehicle in the area where the mercury-added
41 switch is located.

42 2. A person shall not represent that mercury-added
43 switches have been removed from a vehicle or vehicle
44 hulk being sold, given, or otherwise conveyed for
45 recycling if that person has not removed such mercury-
46 added switches or arranged with another person to
47 remove such switches.

48 Sec. 6. NEW SECTION. 455B.805 GENERAL COMPLIANCE
49 WITH OTHER PROVISIONS.

50 Except as expressly provided in this division,

Page 5

1 compliance with this division shall not exempt a
2 person from compliance with any other law.

3 Sec. 7. NEW SECTION. 455B.806 REGULATIONS.

4 The commission shall adopt rules pursuant to
5 chapter 17A as necessary to implement the provisions
6 of this division.

7 Sec. 8. NEW SECTION. 455B.807 PUBLIC
8 NOTIFICATION.

9 1. The department shall make available to the
10 general public in an electronic format the plan of a
11 manufacturer for a system to remove, collect, and
12 recover mercury-added switches from end-of-life
13 vehicles and any report required under section
14 455B.808.

15 2. Publication of all required plans, information,
16 reports, and educational materials under this division
17 shall be through no less than two types of media
18 available to the general public. One medium must be
19 available twenty-four hours per day, seven days per
20 week, and maintained with current information.

21 Acceptable types of media include but are not limited
22 to internet websites, periodicals, journals, and other
23 publicly available media in the state.

24 Sec. 9. NEW SECTION. 455B.808 REPORTING.

25 One year after the implementation of a removal,
26 collection, and recovery system, and annually
27 thereafter, a manufacturer subject to section 455B.803
28 shall report to the department concerning the
29 performance under the manufacturer's plan. The report
30 shall include statistical information received under
31 section 455B.803. The report shall also include but
32 not be limited to all of the following:

33 1. The number of mercury-added switches collected.

34 2. An estimate of the amount of mercury contained
35 in the collected switches.

36 3. The capture rate as defined in section
37 455B.802.

38 4. The estimated number of vehicles manufactured
39 by the manufacturer containing mercury-added switches.

40 5. The estimated number of vehicles manufactured
41 by the manufacturer that have been processed for
42 recycling by vehicle recyclers.

43 Sec. 10. NEW SECTION. 455B.809 STATE
44 PROCUREMENT.

45 Notwithstanding other policies and guidelines for
46 the procurement of vehicles, the state shall, within
47 one year of the effective date of this Act, revise its
48 policies, rules, and procedures to give priority and
49 preference to the purchase of vehicles free of
50 mercury-added components taking into consideration

S-5156

- 1 Amend House File 2742, as amended, passed, and
 2 reprinted by the House, as follows:
- 3 1. By striking page 1, line 11, through page 2,
 4 line 9.
 - 5 2. Page 2, line 27, by inserting after the word
 6 "account" the following: "or other property".
 - 7 3. Page 3, line 8, by inserting after the word
 8 "to" the following: "funds or".
 - 9 4. By renumbering as necessary.

GENE FRAISE

S-5157

- 1 Amend Senate File 2394 as follows:
- 2 1. Page 8, by inserting after line 17 the
 3 following:
 4 "Sec. ____ Section 103A.10, subsection 3, Code
 5 2005, is amended to read as follows:
 6 3. Provisions of the state building code relating
 7 to the manufacture and installation of factory-built
 8 structures shall apply throughout the state. Factory-
 9 built structures approved by the commissioner shall be
 10 deemed to comply with all building regulations
 11 applicable to its manufacture and installation and
 12 shall be exempt from any other state or local building
 13 regulations."
 - 14 2. Page 11, line 8, by striking the word
 15 "section" and inserting the following: "sections".
 - 16 3. Page 11, line 9, by inserting after the word
 17 "section" the following: "103A.10, subsection 3, and
 18 section".
 - 19 4. Page 11, line 10, by striking the word "takes"
 20 and inserting the following: "take".
 - 21 5. By renumbering as necessary.

MICHAEL CONNOLLY

S-5158

HOUSE AMENDMENT TO
 SENATE FILE 2076

- 1 Amend Senate File 2076, as passed by the Senate, as
 2 follows:
- 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Section 459.312, Code 2005, is amended
 6 by adding the following new subsection:

7 NEW SUBSECTION. 4A. The department shall provide
8 for the receipt and processing of manure management
9 plans, including updates to manure management plans,
10 in an electronic format pursuant to section 459.302,
11 not later than July 1, 2008. After that time, a
12 person required to submit a manure management plan
13 under this section may submit the manure management
14 plan to the department and to the county board of
15 supervisors in an electronic format.”
16 2. By renumbering as necessary.

S-5159

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 540

1 Amend the Senate amendment, H-1542, to House File
2 540, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by striking lines 3 through 26 and
5 inserting the following:
6 “ . By striking everything after the enacting
7 clause and inserting the following:
8 “Section 1. NEW SECTION. 321.267A TRAFFIC
9 ACCIDENTS INVOLVING CERTIFIED LAW ENFORCEMENT OFFICERS
10 OR OTHER EMERGENCY RESPONDERS — REPORTS.
11 1. Any traffic accident involving the operation of
12 a motor vehicle by a certified law enforcement officer
13 or other emergency responder shall be reported to the
14 department by the officer’s or responder’s employer.
15 The officer’s or responder’s employer shall certify to
16 the department whether or not the accident occurred in
17 the line of duty while operating an official
18 government vehicle or during the responder’s
19 deployment on an emergency call. Such a certification
20 is effective only for the purposes of this section.
21 2. Notwithstanding section 321.200, upon receiving
22 a certification pursuant to subsection 1, the
23 department shall not include a notation of the
24 accident described in the certification on the
25 officer’s or responder’s driving record.
26 3. The provisions of this section shall not
27 relieve a certified law enforcement officer or other
28 emergency responder operating a motor vehicle of the
29 duty to drive with due regard for the safety of all
30 persons.
31 4. For the purposes of this section, “certified law
32 enforcement officer” means a law enforcement officer
33 who is certified through the Iowa law enforcement
34 academy as provided in section 80B.13, subsection 3,
35 or section 80B.17.”

36 5. For the purposes of this section, "other
 37 emergency responder" means a fire fighter certified as
 38 a fire fighter I pursuant to rules adopted under
 39 chapter 100B and trained in emergency driving or an
 40 emergency medical responder certified under chapter
 41 147A and trained in emergency driving."
 42 2. Title page, line 2, by inserting after the
 43 word "officers" the following: "and other emergency
 44 responders".

S-5160

1 Amend House File 2592, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 4, by inserting after line 23 the
 4 following:
 5 "Sec. ____ NEW SECTION. 136D.5 LIMITATION —
 6 MINORS.
 7 A tanning facility shall prohibit access to a
 8 tanning device by children younger than fifteen years
 9 of age, and shall permit access to a tanning device by
 10 children fifteen through seventeen years of age only
 11 when parental consent has been obtained prior to
 12 utilization of the tanning device. The department
 13 shall by rule establish procedures relating to age
 14 verification by tanning facility personnel, and the
 15 form and manner in which parental consent shall be
 16 obtained and verified. The rules shall require that a
 17 tanning facility post a sign in a conspicuous location
 18 readily visible to persons entering the facility, and
 19 a sign for each tanning device in a conspicuous
 20 location readily visible to a person preparing to use
 21 the device, clearly indicating the age restrictions
 22 and parental consent requirements. The age
 23 restrictions and parental consent requirements
 24 otherwise applicable pursuant to this section shall be
 25 waived if utilization of a tanning device by a minor
 26 is authorized pursuant to a prescription by a
 27 physician licensed pursuant to chapter 148, 150, or
 28 150A."
 29 2. By renumbering as necessary.

NANCY J. BOETTGER

S-5161

1 Amend Senate File 2295 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 135.2, Code 2005, is amended
 5 to read as follows:

6 135.2 APPOINTMENT OF DIRECTOR AND ACTING DIRECTOR.

7 1. a. The governor shall appoint the director of
8 the department, subject to confirmation by the senate.
9 The director shall serve at the pleasure of the
10 governor. The director is exempt from the merit
11 system provisions of chapter 8A, subchapter IV. The
12 governor shall set the salary of the director within
13 the range established by the general assembly.

14 b. The director shall possess education and
15 experience in public health.

16 2. The director may appoint an employee of the
17 department to be acting director, who shall have all
18 the powers and duties possessed by the director. The
19 director may appoint more than one acting director but
20 only one acting director shall exercise the powers and
21 duties of the director at any time.

22 Sec. 2. NEW SECTION. 135.12 OFFICE OF
23 MULTICULTURAL HEALTH — ESTABLISHED — DUTIES.

24 The office of multicultural health is established
25 within the department. The office shall be
26 responsible for all of the following:

27 1. Providing comprehensive management strategies
28 to address culturally and linguistically appropriate
29 services, including strategic goals, plans, policies,
30 and procedures, and designating staff responsible for
31 implementation.

32 2. Requiring and arranging for ongoing education
33 and training for administrative, clinical, and other
34 appropriate staff in culturally and linguistically
35 competent health care and service delivery.

36 3. Utilizing formal mechanisms for community and
37 consumer involvement and coordinating with other state
38 agencies to identify resources and programs that
39 affect the health service delivery systems.”

40 2. Page 1, by inserting after line 16 the
41 following:

42 “Sec. ____ Section 135.63, subsection 2,
43 paragraphs l and o, Code 2005, are amended to read as
44 follows:

45 1. The replacement or modernization of any
46 institutional health facility if the replacement or
47 modernization does not add new health services or
48 additional bed capacity for existing health services,
49 notwithstanding any provision in this division to the
50 contrary. This exclusion is applicable only if the

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1 institutional health facility ceases offering the
2 health services simultaneously with the initiation of
3 the offering of the health services by the replacement
4 institutional health facility or the modernized

5 institutional health facility.

6 o. The change in ownership, licensure,
7 organizational structure, or designation of the type
8 of institutional health facility if the health
9 services offered by the successor institutional health
10 facility are unchanged. This exclusion is applicable
11 only if the institutional health facility consents to
12 the change in ownership, licensure, organizational
13 structure, or designation of the type of institutional
14 health facility and ceases offering the health
15 services simultaneously with the initiation of the
16 offering of health services by the successor
17 institutional health facility.

18 Sec. ____ **NEW SECTION.** 135.105D BLOOD LEAD
19 TESTING — PROVIDER EDUCATION — PAYOR OF LAST RESORT.

20 1. For purposes of this section:

21 a. "Blood lead testing" means taking a capillary
22 or venous sample of blood and sending it to a
23 laboratory to determine the level of lead in the
24 blood.

25 b. "Capillary" means a blood sample taken from the
26 finger or heel for lead analysis.

27 c. "Health care provider" means a physician who is
28 licensed under chapter 148, 150, or 150A, or a person
29 who is licensed as a physician assistant under chapter
30 148C, or as an advanced registered nurse practitioner.

31 d. "Venous" means a blood sample taken from a vein
32 in the arm for lead analysis.

33 2. The department shall work with health care
34 provider associations to educate health care providers
35 regarding requirements for testing children who are
36 enrolled in certain federally funded programs and
37 regarding department recommendations for testing other
38 children for lead poisoning.

39 3. The department shall implement blood lead
40 testing for children under six years of age who are
41 not eligible for the testing services to be paid by a
42 third-party source. The department shall contract
43 with one or more public health laboratories to provide
44 blood lead analysis for such children. The department
45 shall establish by rule the procedures for health care
46 providers to submit samples to the contracted public
47 health laboratories for analysis. The department
48 shall also establish by rule a method to reimburse
49 health care providers for drawing blood samples from
50 such children and the dollar amount that the

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1 department will reimburse health care providers for
2 the service. Payment for blood lead analysis and
3 drawing blood samples shall be limited to the amount

4 appropriated for the program in a fiscal year.”

5 3. Page 1, by inserting after line 31 the
6 following:

7 “Sec. ____ Section 135.140, subsection 6,
8 paragraph a, Code Supplement 2005, is amended by
9 adding the following new subparagraphs:

10 NEW SUBPARAGRAPH. (6) A natural occurrence or
11 incident, including but not limited to fire, flood,
12 storm, drought, earthquake, tornado, or windstorm.

13 NEW SUBPARAGRAPH. (7) A man-made occurrence or
14 incident, including but not limited to an attack,
15 spill, or explosion.”

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

18 “Sec. ____ NEW SECTION. 139A.13A ISOLATION OR
19 QUARANTINE — EMPLOYMENT PROTECTION.

20 1. An employer shall not discharge an employee, or
21 take or fail to take action regarding an employee’s
22 promotion or proposed promotion, or take action to
23 reduce an employee’s wages or benefits for actual time
24 worked, due to the compliance of an employee with a
25 quarantine or isolation order issued by the department
26 or a local board.

27 2. An employee whose employer violates this
28 section may petition the court for imposition of a
29 cease and desist order against the person’s employer
30 and for reinstatement to the person’s previous
31 position of employment. This section does not create
32 a private cause of action for relief of money damages.

33 Sec. ____ Section 147.82, subsection 3, Code
34 Supplement 2005, is amended to read as follows:

35 3. The department may annually retain and expend
36 not more than one hundred thousand dollars for
37 reduction of the number of days necessary to process
38 medical license requests and for reduction of the
39 number of days needed for consideration of malpractice
40 cases from fees collected pursuant to section 147.80
41 by the board of medical examiners ~~in the fiscal year~~
42 ~~beginning July 1, 2005, and ending June 30, 2006.~~

43 Fees retained by the department pursuant to this
44 subsection shall be considered repayment receipts as
45 defined in section 8.2 and shall be used for the
46 purposes described in this subsection.

47 Sec. ____ Section 147.106, subsection 1, paragraph
48 e, Code Supplement 2005, is amended to read as
49 follows:

50 e. The referring clinical laboratory, other than

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1 the laboratory of a physician’s office or group
2 practice, that ordered the services. A laboratory of

3 a physician's office or group practice that ordered
 4 the services may be presented a claim, bill, or demand
 5 for payment if a physician in the physician's office
 6 or group practice is performing the professional
 7 component of the anatomic pathology services.

8 Sec. __. Section 147.106, subsection 5, Code
 9 Supplement 2005, is amended to read as follows:

10 . 5. This section does not prohibit claims or
 11 charges presented by to a referring clinical
 12 laboratory, other than a laboratory of a physician's
 13 office or group practice, ~~to~~ unless in accordance with
 14 subsection 1, paragraph "e", by another clinical
 15 laboratory when samples are transferred between
 16 laboratories for the provision of anatomic pathology
 17 services."

18 5. Page 3, by inserting before line 1 the
 19 following:

20 "Sec. __. NEW SECTION. 147A.15 AUTOMATED
 21 EXTERNAL DEFIBRILLATOR EQUIPMENT — PENALTY.

22 Any person who damages, wrongfully takes or
 23 withholds, or removes any component of automated
 24 external defibrillator equipment located in a public
 25 or privately owned location, including batteries
 26 installed to operate the equipment, is guilty of a
 27 serious misdemeanor.

28 Sec. __. Section 148.2, subsection 5, Code 2005,
 29 is amended to read as follows:

30 5. Physicians and surgeons of the United States
 31 army, navy, ~~or air force, marines,~~ public health
 32 service, or other uniformed service when acting in the
 33 line of duty in this state, and holding a current,
 34 active permanent license in good standing in another
 35 state, district, or territory of the United States, or
 36 physicians and surgeons licensed in another state,
 37 when incidentally called into this state in
 38 consultation with a physician and surgeon licensed in
 39 this state."

40 6. Page 6, by inserting after line 9 the
 41 following:

42 "Sec. __: NEW SECTION. 154E.3A TEMPORARY
 43 LICENSE.

44 Beginning July 1, 2007, an individual who does not
 45 meet the requirements for licensure by examination
 46 pursuant to section 154E.3 may apply for or renew a
 47 temporary license. The temporary license shall
 48 authorize the licensee to practice as a sign language
 49 interpreter or transliterator under the direct
 50 supervision of a sign language interpreter or

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1 transliterator licensed pursuant to section 154E.3.
2 The temporary license shall be valid for two years and
3 may only be renewed one time in accordance with
4 standards established by rule. An individual shall
5 not practice for more than a total of four years under
6 a temporary license. The board may revoke a temporary
7 license if it determines that the temporary licensee
8 has violated standards established by rule. The board
9 may adopt requirements for temporary licensure to
10 implement this section.

11 Sec. ____ Section 154E.4, subsection 2, Code
12 Supplement 2005, is amended by adding the following
13 new paragraph:

14 NEW PARAGRAPH. e. Students enrolled in a school
15 of interpreting may interpret only under the direct
16 supervision of a permanently licensed interpreter as
17 part of the student's course of study."

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

20 "Sec. ____ Section 157.13, subsection 1, Code
21 Supplement 2005, is amended by striking the subsection
22 and inserting in lieu thereof the following:

23 1. It is unlawful for a person to employ an
24 individual to practice cosmetology arts and sciences
25 unless that individual is licensed or has obtained a
26 temporary permit under this chapter. It is unlawful
27 for a licensee to practice with or without
28 compensation in any place other than a licensed salon,
29 a licensed school of cosmetology arts and sciences, or
30 a licensed barbershop as defined in section 158.1.

31 The following exceptions to this subsection shall
32 apply:

33 a. A licensee may practice at a location which is
34 not a licensed salon, school of cosmetology arts and
35 sciences, or licensed barbershop under extenuating
36 circumstances arising from physical or mental
37 disability or death of a customer.

38 b. Notwithstanding section 157.12, when the
39 licensee is employed by a physician and provides
40 cosmetology services at the place of practice of a
41 physician and is under the supervision of a physician
42 licensed to practice pursuant to chapter 148, 150, or
43 150A.

44 c. When the practice occurs in a facility licensed
45 pursuant to chapter 135B or 135C.

46 Sec. ____ Section 157.13, Code Supplement 2005, is
47 amended by adding the following new subsection:

48 NEW SUBSECTION. 1A. It is unlawful for a licensee
49 to claim to be a licensed barber, however a licensed
50 cosmetologist may work in a licensed barbershop. It

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1 is unlawful for a person to employ a licensed
2 cosmetologist, esthetician, or electrologist to
3 perform the services described in section 157.3A if
4 the licensee has not received the additional training
5 and met the other requirements specified in section
6 157.3A.

7 Sec. ____ Section 272C.1, subsection 6, Code
8 Supplement 2005, is amended by adding the following
9 new paragraph:

10 NEW PARAGRAPH. ad. The director of public health
11 in certifying emergency medical care providers and
12 emergency medical care services pursuant to chapter
13 147A.

14 Sec. ____ Section 691.6, Code Supplement 2005, is
15 amended by adding the following new subsection:

16 NEW SUBSECTION. 8. To retain tissues, organs, and
17 bodily fluids as necessary to determine the cause and
18 manner of death or as deemed advisable by the state
19 medical examiner for medical or public health
20 investigation, teaching, or research. Tissues,
21 organs, and bodily fluids shall be properly disposed
22 of by following procedures and precautions for
23 handling biologic material and blood-borne pathogens
24 as established by rule.

25 Sec. ____ Section 714.16, subsection 1, paragraph
26 o, Code 2005, is amended to read as follows:

27 o. "Water treatment system" means a device or
28 assembly for which a claim is made that it will
29 improve the quality of drinking water by reducing one
30 or more contaminants through mechanical, physical,
31 chemical, or biological processes or combinations of
32 the processes. As used in this paragraph and in
33 subsection 2, paragraph "h", each model of a water
34 treatment system shall be deemed a distinct water
35 treatment system. As used in this paragraph and in
36 subsection 2, paragraph "h", a water treatment system
37 does not include a portable filtration system
38 certified as a microbiological water purifier by the
39 United States environmental protection agency. The
40 Iowa department of public health shall establish rules
41 exempting portable filtration systems that meet these
42 standards.

43 Sec. ____ 2004 Iowa Acts, chapter 1175, section
44 432, subsection 3, is amended to read as follows:

45 3. Applicants issued a temporary license pursuant
46 to this section shall pass a licensure examination
47 approved by the board on or before July 1, 2007, in
48 order to ~~remain licensed as an interpreter~~ qualify to
49 be licensed by examination."

50 8. Title page, line 2, by striking the word

Page 7

- 1 "related" and inserting the following: "other".
- 2 9. By renumbering as necessary.

NANCY J. BOETTGER

S-5162

- 1 Amend the House amendment, S-5135, to Senate File
- 2 2183, as passed by the Senate, as follows:
- 3 1. Page 3, by inserting after line 48 the
- 4 following:
- 5 "Sec. ____ Section 15E.194, Code 2005, is amended
- 6 by adding the following new subsection:
- 7 **NEW SUBSECTION. 5.** A city with a population of
- 8 less than eight thousand five hundred may designate an
- 9 enterprise zone when a business located in the city
- 10 publicly announces a plan to terminate the employment
- 11 of five hundred or more full-time employees within a
- 12 period of eighteen months or less. The enterprise
- 13 zone shall include any area within a three-mile radius
- 14 of the location of the business announcing the
- 15 termination of employees. The area meeting the
- 16 requirements for enterprise zone eligibility under
- 17 this subsection shall not be included for the purpose
- 18 of determining the area limitation pursuant to section
- 19 15E.192, subsection 3. An eligible housing business
- 20 under section 15E.193B shall not receive incentives or
- 21 assistance for a home or multiple dwelling unit built
- 22 or rehabilitated in an enterprise zone designated
- 23 pursuant to this subsection. If an enterprise zone
- 24 has been certified pursuant to this subsection and if
- 25 the business terminates less than five hundred full-
- 26 time employees within eighteen months beginning from
- 27 the time of public announcement, as determined by the
- 28 department, the department shall decertify the
- 29 enterprise zone. An eligible business located in an
- 30 enterprise zone designated pursuant to this subsection
- 31 shall repay any incentives and assistance received if
- 32 the enterprise zone is decertified due to the failure
- 33 of the eligible business to terminate at least five
- 34 hundred full-time employees during the specified time
- 35 period. The business causing the enterprise zone to
- 36 be certified pursuant to this subsection shall not be
- 37 eligible to receive incentives and assistance under
- 38 section 15E.196."
- 39 2. By renumbering as necessary.

JAMES A. SEYMOUR

S-5163

1 Amend Senate File 2351 as follows:

2 1. Page 2, by inserting after line 19 the
3 following:

4 "Sec. ____ Section 321.20A, subsection 2, Code
5 2005, is amended to read as follows:

6 2. An owner of ~~a commercial vehicle~~ more than
7 fifty commercial vehicles subject to the proportional
8 registration provisions of chapter 326 ~~who has a fleet~~
9 ~~of more than fifty commercial vehicles~~ and who is
10 issued a certificate of title under this section shall
11 not be subject to registration fees until the
12 commercial vehicle is driven or moved upon the
13 highways. The registration fee due shall be prorated
14 for the remaining unexpired months of the registration
15 year. Ownership of the commercial vehicle shall not
16 be transferred until registration fees have been paid
17 to the department."

18 2. By striking page 3, line 34, through page 7,
19 line 17.

20 3. Page 8, by striking lines 3 through 13.

21 4. Page 12, by inserting after line 4 the
22 following:

23 "Sec. ____ Section 321.324A, subsections 1 and 3,
24 Code 2005, are amended to read as follows:

25 1. For purposes of this section, "funeral
26 procession" means a procession of motor vehicles
27 accompanying the body of a deceased person during
28 daylight hours which is being escorted by a vehicle
29 continually displaying its emergency signal lamps
30 flashing simultaneously and using lighted head lamps
31 and identifying flags, or an escort vehicle displaying
32 a flashing or revolving red and amber light visible to
33 pedestrians in all directions, and keeping all other
34 motor vehicles with lighted head lamps in close
35 formation.

36 3. The funeral ~~home~~ establishment in charge of the
37 funeral procession is liable only in connection with
38 the procession for any negligent, reckless, or
39 intentional act by the funeral ~~home~~ establishment or
40 any employee or agent of the funeral ~~home~~
41 establishment that results in any death, personal
42 injury or property damage suffered during a funeral
43 procession.

44 Sec. ____ Section 321.423, subsection 2, Code
45 Supplement 2005, is amended by adding the following
46 new paragraph:

47 NEW PARAGRAPH. j. On a vehicle being operated as
48 an escort vehicle for a funeral procession as provided
49 in section 321.324A."

50 5. Page 12, by striking lines 14 through 22.

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- 1 6. By striking page 21, line 31, through page 24,
- 2 line 25.
- 3 7. Page 24, by striking lines 30 through 32.
- 4 8. Page 25, by striking lines 5 and 6 and
- 5 inserting the following:
- 6 " _____. The section of this Act amending section
- 7 321.25 takes effect July 1, 2007."
- 8 9. Title page, line 1, by inserting after the
- 9 words "relating to" the following: "motor vehicles
- 10 and".
- 11 10. Title page, line 1, by inserting after the
- 12 word "treasurer" the following: "in relation to motor
- 13 vehicles and property taxation".
- 14 11. By renumbering as necessary.

DOUG SHULL

S-5164

HOUSE AMENDMENT TO
SENATE FILE 2318

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

S-5165

- 1 Amend Senate File 2395 as follows:
- 2 1. Page 2, line 19, by inserting after the word
- 3 "projects" the following: "in conjunction with county
- 4 conservation boards and other partners".
- 5 2. Page 3, by striking lines 27 through 33 and
- 6 inserting the following:
- 7 "b. The purpose of the upland game bird buffer
- 8 strip assistance program is to increase landowner
- 9 participation in federally funded conservation
- 10 programs that benefit upland game birds and to
- 11 increase opportunities for hunting recreation on
- 12 private lands. To the extent possible, moneys
- 13 allocated to the upland game bird buffer strip
- 14 assistance account shall be used in conjunction with
- 15 and to qualify for additional funding from private
- 16 conservation organizations and other state and federal

17 agencies to accomplish the purposes of the program.
 18 The funds may be used to provide private landowners
 19 with cost-sharing assistance for habitat improvement
 20 practices on projects that are not eligible for
 21 federal programs or where federal funding for such
 22 projects is not adequate. The department may utilize
 23 the funds to provide marketing and outreach efforts to
 24 landowners in order to maximize landowners' use of
 25 federal conservation programs."

WILLIAM A. DOTZLER, JR.

S-5166

1 Amend House File 2351, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, lines 4 and 5, by striking the words
 4 "utilities or persons" and inserting the following:
 5 "utilities, ~~or persons,~~ companies, or corporations".
 6 2. Page 2, line 29, by inserting after the word
 7 "property" the following: "for redevelopment purposes
 8 and to eliminate slum or blighted conditions".
 9 3. Page 2, line 35, by striking the words "city
 10 or county" and inserting the following:
 11 "municipality".
 12 4. Page 3, by striking lines 1 through 3 and
 13 inserting the following: "public input, if seventy-
 14 five percent or more of the area included in the plan
 15 consists of property in a slum or blighted".
 16 5. Page 3, line 6, by inserting after the word
 17 "municipality." the following: "The project or
 18 acquisition plan area shall only include the adjacent
 19 and contiguous parcels necessary for the completion of
 20 planned activities for a specific business or housing
 21 project. Before a municipality exercises its eminent
 22 domain authority to acquire properties in a project or
 23 acquisition plan area that are not in a slum or
 24 blighted condition, the municipality shall be required
 25 to adopt a resolution by a two-thirds majority to
 26 authorize the acquisition of such property by eminent
 27 domain. The resolution shall make a finding that
 28 includes at a minimum all of the following:
 29 (a) The taking of such property is necessary to
 30 achieve the project or acquisition plan objectives.
 31 (b) The taking of property for the project or
 32 acquisition plan will eliminate or rehabilitate the
 33 slum and blighted conditions in the area.
 34 (c) If the specific project is for a business, the
 35 proposed project or acquisition plan will confer
 36 economic benefits upon the municipality."
 37 6. Page 3, by striking lines 7 through 10.
 38 7. Page 3, by striking lines 11 through 14 and

39 inserting the following:

40 "For purposes of this subparagraph (5):

41 (a) "Blighted condition" means the presence of a
42 substantial number of slum or deteriorated structures;
43 insanitary or unsafe".

44 8. Page 3, by striking line 24 and inserting the
45 following:

46 "(b) "Slum condition"".

47 9. Page 3, by striking line 32 and inserting the
48 following: "sanitation; by reason".

49 10. Page 4, by striking line 2 and inserting the
50 following:

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1 "(c) In no case shall".

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

4 "(d) "Project or acquisition plan" means the
5 planned activities of a municipality to rehabilitate
6 or redevelop specific property in that portion of an
7 urban renewal area designated as a slum or blighted
8 area pursuant to chapter 403. The planned activities
9 may include the sale and acquisition of property;
10 demolition and removal of buildings and improvements;
11 construction, repair, and rehabilitation of buildings
12 or other improvements; and installation, construction,
13 or reconstruction of streets and utilities.

14 (e) "Economic benefits" means the creation of new
15 employment opportunities or the retention of
16 employment opportunities."

17 12. Page 4, line 11, by striking the words
18 "development or," and inserting the following:
19 "development, or".

20 13. Page 4, by striking lines 14 through 19 and
21 inserting the following:

22 "(1) If private property is to be condemned for
23 development or creation of a lake, only that number of
24 acres justified as necessary for a surface drinking
25 water source, and not otherwise acquired, may be
26 condemned. In addition, the acquiring agency shall
27 conduct a review of prudent and feasible alternatives
28 to provision of a drinking water source prior to
29 making a determination that such lake development or
30 creation is reasonable and necessary. Development or
31 creation of a lake as a surface drinking water source
32 includes all of the following:

33 (a) Construction of the dam, including sites for
34 suitable borrow material and the auxiliary spillway.

35 (b) The water supply pool.

36 (c) The sediment pool.

37 (d) The flood control pool.

- 38 (e) The floodwater retarding pool.
 39 (f) The surrounding area upstream of the dam no
 40 higher in elevation than the top of the dam's
 41 elevation.
 42 (g) The appropriate setback distance required by
 43 state or federal laws and regulations to protect
 44 drinking water supply.
 45 For purposes of this subparagraph (1), "number of
 46 acres justified as necessary for a surface drinking
 47 water source" means according to guidelines of the
 48 United States natural resource conservation service
 49 and according to analyses of surface drinking water
 50 capacity needs conducted by one or more registered

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- 1 professional engineers."
 2 14. Page 4, by striking lines 20 through 24.
 3 15. Page 4, by striking lines 25 through 27.
 4 16. Page 5, line 6, by inserting after the word
 5 "action." the following: "This subparagraph does not
 6 apply if any of the following conditions is met:
 7 (a) The property to be condemned is for an
 8 improvement to an existing airport, airport system, or
 9 aviation facilities if such improvement is required by
 10 federal law, regulation, or order or if such
 11 improvement is included in an airport layout plan
 12 approved by the federal aviation administration for
 13 the existing site of the airport, airport system, or
 14 aviation facilities.
 15 (b) The property to be condemned has been zoned by
 16 a city or county for use as an airport, airport
 17 system, or aviation facilities.
 18 (c) The property to be condemned is for a proposed
 19 airport, airport system, or aviation facilities that
 20 as of July 1, 2006, was designated in the federal
 21 aviation administration national plan for integrated
 22 airport services, and the property to be condemned is
 23 located within the county where at least one of the
 24 cities that will participate in operation of the
 25 proposed airport, airport system, or aviation
 26 facilities is located."
 27 17. By striking page 5, line 7, through page 7,
 28 line 13.
 29 18. Page 7, by inserting before line 14 the
 30 following:
 31 "Sec. ____ NEW SECTION. 6A.22A EXCEPTION FOR
 32 CERTAIN URBAN RENEWAL AREAS.
 33 1. The requirement in section 6A.22, subsection 2,
 34 paragraph "a", subparagraph (5), that eminent domain
 35 authority be exercised on a parcel-by-parcel basis and
 36 the exception in that subparagraph (5) for project or

37 acquisition plans with seventy-five percent or more of
38 the area consisting of property in a slum or blighted
39 condition, take effect October 1, 2006. However, if
40 an acquiring agency adopts a resolution after the date
41 of enactment of this Act but before October 1, 2006,
42 approving acquisition of property by eminent domain in
43 that portion of an urban renewal area designated as a
44 slum or blighted area, such requirement or exception
45 shall not apply to any condemnation application
46 seeking to condemn that property if the application is
47 filed before October 1, 2007, with the chief judge of
48 the judicial district of the county in which the
49 property is located.
50 2. This section is repealed December 31, 2007.”

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1 19. Page 7, by inserting before line 14 the
2 following:
3 “Sec. . **NEW SECTION. 6A.23 JUDICIAL REVIEW OF**
4 **EMINENT DOMAIN AUTHORITY.**
5 1. An owner of property described in an
6 application for condemnation may bring an action
7 challenging the exercise of eminent domain authority
8 or the condemnation proceedings. Such action shall be
9 commenced within thirty days after service of notice
10 of assessment pursuant to section 6B.8 by the filing
11 of a petition in district court. Service of the
12 original notice upon the acquiring agency shall be as
13 required in the rules of civil procedure. In addition
14 to the owner of the property, a contract purchaser of
15 record of the property or a tenant occupying the
16 property under a recorded lease shall also have
17 standing to bring such action.
18 2. An acquiring agency that proposes to acquire
19 property by eminent domain may file a petition in
20 district court seeking a determination and declaration
21 that its finding of public use, public purpose, or
22 public improvement necessary to support the taking
23 meets the definition of those terms. The action shall
24 be commenced by the filing of a petition identifying
25 all property owners whose property is proposed to be
26 acquired, any contract purchaser of record of the
27 property, and any tenant known to be occupying the
28 property, and including a description of the
29 properties proposed to be acquired and a statement of
30 the public use, public purpose, or public improvement
31 supporting the acquisition of the property by eminent
32 domain. The original notice shall be served as
33 required by the rules of civil procedure on each
34 property owner named in the petition and on any
35 contract purchaser of record of the property and on

36 any tenant occupying the property under a recorded
 37 lease. Such action may be commenced by an acquiring
 38 agency at any time prior to the filing of an
 39 application for condemnation pursuant to section 6B.3.
 40 3. For any action brought under this section, the
 41 burden of proof shall be on the acquiring agency to
 42 prove by a preponderance of the evidence that the
 43 finding of public use, public purpose, or public
 44 improvement meets the definition of those terms. If a
 45 property owner or a contract purchaser of record or a
 46 tenant occupying the property under a recorded lease
 47 prevails in an action brought under this section, the
 48 acquiring agency shall be required to pay the costs,
 49 including reasonable attorney fees, of the adverse
 50 party."

Page 5

- 1 20. Page 7, line 34, by striking the words "may
 2 offer" and inserting the following: "may make".
 3 21. Page 8, line 1, by striking the word "twenty-
 4 five" and inserting the following: "thirty".
 5 22. Page 8, line 11, by inserting after the
 6 figure "6B.54." the following: "The option to make an
 7 alternative purchase offer does not apply when
 8 property is being acquired for street and highway
 9 projects undertaken by the state, a county, or a
 10 city."
 11 23. Page 8, by inserting after line 11 the
 12 following:
 13 "Sec. . **NEW SECTION. 6B.2D NOTICE OF INTENT**
 14 **TO APPROVE ACQUISITION OF PROPERTY BY EMINENT DOMAIN.**
 15 1. The acquiring agency shall send notice of a
 16 proposed resolution, motion, or other document
 17 authorizing acquisition of property by eminent domain
 18 to each property owner whose property is proposed to
 19 be acquired by eminent domain, to any contract
 20 purchaser of record of the property, and to any tenant
 21 known to be occupying the property at least fourteen
 22 days prior to the date of the meeting at which such
 23 proposed authorization will be considered for adoption
 24 by the acquiring agency. The notice shall include the
 25 date, time, and place of the meeting and a statement
 26 that the persons receiving the notice have a right to
 27 attend the meeting and to voice objection to the
 28 proposed acquisition of the property. The notice
 29 shall include a copy of the proposed resolution,
 30 motion, or other document authorizing acquisition by
 31 eminent domain. The notice shall also include the
 32 same statement of individual rights that is required
 33 by section 6B.2A.
 34 2. This section shall not apply to the following:

35 a. Street and highway projects undertaken by the
36 state, a county, or a city.
37 b. Projects undertaken by a municipal utility.
38 c. Projects undertaken by a city enterprise
39 providing services of sewer systems, storm water
40 drainage systems, sewage treatment, solid waste
41 collection, or solid waste disposal.
42 d. Projects undertaken by a county enterprise
43 providing services described in section 331.461,
44 subsection 2, paragraphs "b" and "f."
45 24. By striking page 8, line 22, through page 9,
46 line 1.
47 25. Page 9, by inserting before line 2 the
48 following:
49 "Sec. ____ Section 6B.3, subsection 2, Code 2005,
50 is amended to read as follows:

Page 6

1 2. The applicant shall mail a copy of the
2 application by certified mail to the owner at the
3 owner's last known address, to any contract purchaser
4 of record of the property, to any tenant known to be
5 occupying the property, and to any record lienholder
6 or encumbrancer of the property at the lienholder's or
7 encumbrancer's last known address. The applicant
8 shall also cause the application to be published once
9 in a newspaper of general circulation in the county,
10 not less than four nor more than twenty days before
11 the meeting of the compensation commission to assess
12 the damages. Service of the application by
13 publication shall be deemed complete on the day of
14 publication.

15 In lieu of mailing and publishing the application,
16 the applicant may cause the application to be served
17 upon the owner, contract purchaser of record, tenant
18 known to be occupying the property, record
19 lienholders, and record encumbrancers of the property
20 in the manner provided by the Iowa rules of civil
21 procedure for the personal service of original notice.
22 The application shall be mailed and published or
23 served, as above provided, prior to or
24 contemporaneously with the mailing and publication or
25 service of the list of compensation commissioners as
26 provided in section 6B.4."

27 26. Page 9, by striking lines 22 through 25 and
28 inserting the following: "is situated as provided in
29 section 6A.23."

30 27. Page 10, by striking lines 17 through 24 and
31 inserting the following: "may deliberate in closed
32 session. When deliberating in closed session, the
33 meeting is closed to all persons who are not

34 commissioners except for personnel from the sheriff's
 35 office if such personnel is requested by the
 36 commission. After deliberations commence, the
 37 commission and each commissioner is prohibited from
 38 communicating with any party to the proceeding, unless
 39 such communication occurs in the presence of or with
 40 the consent of the property owner and the other
 41 parties who appeared before the commission. However,
 42 if the commission is deliberating in closed session,
 43 and after deliberations commence the commission
 44 requires further information from a party or a
 45 witness, the commission shall notify the property
 46 owner and the acquiring agency that they are allowed
 47 to attend the meeting at which such additional
 48 information shall be provided but only for that period
 49 of time during which the additional information is
 50 being provided. The property owner and the acquiring

Page 7

1 agency shall be given a reasonable opportunity to
 2 attend the meeting. The”.
 3 28. Page 11, by inserting before line 4 the
 4 following:
 5 “Sec. ____ Section 6B.33, Code 2005, is amended to
 6 read as follows:
 7 6B.33 COSTS AND ATTORNEY FEES.
 8 The ~~applicant~~ acquiring agency shall pay all costs
 9 of the assessment made by the commissioners and
 10 reasonable attorney fees and costs, including the
 11 reasonable cost of one appraisal, incurred by the
 12 condemnee as determined by the commissioners if the
 13 award of the commissioners exceeds one hundred ten
 14 percent of the final offer of the applicant prior to
 15 condemnation. The condemnee shall submit an
 16 application for fees and costs prior to adjournment of
 17 the final meeting of the compensation commission held
 18 on the matter. The ~~applicant~~ acquiring agency shall
 19 file with the sheriff an affidavit setting forth the
 20 most recent offer made to the person whose property is
 21 sought to be condemned. Members of such commissions
 22 shall receive a per diem of two hundred dollars and
 23 actual and necessary expenses incurred in the
 24 performance of their official duties. The ~~applicant~~
 25 acquiring agency shall reimburse the county sheriff
 26 for the per diem and expense amounts paid by the
 27 sheriff to the members. The ~~applicant~~ acquiring
 28 agency shall reimburse the owner for the expenses the
 29 owner incurred for recording fees, penalty costs for
 30 full or partial prepayment of any preexisting recorded
 31 mortgage entered into in good faith encumbering the
 32 property, and for similar expenses incidental to

33 conveying the property to the applicant acquiring
34 agency. The applicant acquiring agency shall also pay
35 all costs occasioned by the appeal, including
36 reasonable attorney fees and the reasonable cost
37 incurred by the property owner for one appraisal to be
38 taxed by the court, unless on the trial thereof the
39 same or a lesser amount of damages is awarded than was
40 allowed by the tribunal from which the appeal was
41 taken.”

42 29. Page 11, line 28, by striking the word
43 “commissioners” and inserting the following:
44 “acquiring agency”.

45 30. Page 13, line 24, by striking the word
46 “offer” and inserting the following: “make”.

47 31. Page 13, line 26, by striking the word
48 “twenty-five” and inserting the following: “thirty”.

49 32. Page 14, line 2, by inserting after the word
50 “easement.” the following: “The option to make an

Page 8

1 alternative purchase offer does not apply when
2 property is being acquired for street and highway
3 projects undertaken by the state, a county, or a
4 city.”

5 33. Page 15, by striking lines 18 through 20.

6 34. Page 15, line 35, by striking the word
7 “twenty-five” and inserting the following: “thirty”.

8 35. Page 16, line 5, by inserting after the word
9 “law.” the following: “This subsection does not apply
10 when property is being acquired for street and highway
11 projects undertaken by the state, a county, or a
12 city.”

13 36. Page 16, by inserting after line 13 the
14 following:

15 “Sec. ____ Section 6B.56, subsection 1, Code 2005,
16 is amended to read as follows:

17 1. If real property condemned pursuant to this
18 chapter is not used for the purpose stated in the
19 application filed pursuant to section 6B.3 and the
20 econdemner acquiring agency seeks to dispose of the
21 real property, the econdemner acquiring agency shall
22 first offer the property for sale to the prior owner
23 of the condemned property as provided in this section.
24 If real property condemned pursuant to this chapter is
25 used for the purpose stated in the application filed
26 pursuant to section 6B.3 and the acquiring agency
27 seeks to dispose of the real property by sale to a
28 private person or entity within five years after
29 acquisition of the property, the acquiring agency
30 shall first offer the property for sale to the prior
31 owner of the condemned property as provided in this

32 section. For purposes of this section, the prior
 33 owner of the real property includes the successor in
 34 interest of the real property.”

35 37. Page 16, line 17, by striking the word
 36 “condemner” and inserting the following: “~~e~~ondemner
 37 acquiring agency”.

38 38. Page 16, line 18, by striking the word
 39 “condemner’s” and inserting the following:
 40 “~~e~~ondemner’s acquiring agency’s”.

41 39. Page 16, by striking line 25 and inserting
 42 the following: “agency from the prior owner plus
 43 cleanup costs incurred by the acquiring agency,
 44 whichever is less. However, the current appraised
 45 value of the real property shall be the purchase price
 46 to be paid by the previous owner if any other amount
 47 would result in a loss of federal funding for projects
 48 funded in whole or in part with federal funds. The
 49 notice”.

50 40. Page 16, line 26, by striking the word

Page 9

1 “condemner” and inserting the following: “~~e~~ondemner
 2 acquiring agency”.

3 41. Page 16, by inserting after line 28 the
 4 following:

5 “Sec. ____ Section 6B.56, subsection 3, Code 2005,
 6 is amended to read as follows:

7 3. If the prior owner elects to purchase the real
 8 property at the price established in subsection 2,
 9 before the expiration of the sixty-day period, the
 10 prior owner shall notify the ~~e~~ondemner acquiring
 11 agency in writing of this intention and file a copy of
 12 this notice with the office of the recorder in the
 13 county in which the real property is located.”

14 42. Page 16, by inserting after line 28 the
 15 following:

16 “For purposes of this subsection, “cleanup costs”
 17 means costs incurred to abate a nuisance or a public
 18 nuisance as those terms are defined in chapters 657
 19 and 657A and costs incurred to recycle and remediate
 20 land pursuant to chapter 455H.”

21 43. By striking page 16, line 29, through page
 22 17, line 18.

23 44. Page 17, by inserting before line 19 the
 24 following:

25 “Sec. ____ **NEW SECTION. 6B.56A DISPOSITION OF**
 26 **CONDEMNED PROPERTY — FIVE-YEAR TIME PERIOD.**

27 1. When five years have elapsed since property was
 28 condemned and the property has not been used for the
 29 purpose stated in the application filed pursuant to
 30 section 6B.3, and the acquiring agency has not taken

31 action to dispose of the property pursuant to section
32 6B.56, the acquiring agency shall, within sixty days,
33 adopt a resolution reaffirming the purpose for which
34 the property will be used or offering the property for
35 sale to the prior owner at a price as provided in
36 section 6B.56. If the resolution adopted approves an
37 offer of sale to the prior owner, the offer shall be
38 made in writing and mailed by certified mail to the
39 prior owner. The prior owner has one hundred eighty
40 days after the offer is mailed to purchase the
41 property from the acquiring agency.

42 2. If the acquiring agency has not adopted a
43 resolution described in subsection 1 within the sixty-
44 day time period, the prior owner may, in writing,
45 petition the acquiring agency to offer the property
46 for sale to the prior owner at a price as provided in
47 section 6B.56. Within sixty days after receipt of
48 such a petition, the acquiring agency shall adopt a
49 resolution described in subsection 1. If the
50 acquiring agency does not adopt such a resolution

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1 within sixty days after receipt of the petition, the
2 acquiring agency is deemed to have offered the
3 property for sale to the prior owner.

4 3. The acquiring agency shall give written notice
5 to the owner of the right to purchase the property
6 under this section at the time damages are paid to the
7 owner.

8 4. This section does not apply to property
9 acquired for street and highway projects undertaken by
10 the state, a county, or a city.”

11 45. Page 17, by inserting before line 19, the
12 following:
13 “Sec. ____ Section 6B.57, Code 2005, is amended to
14 read as follows:
15 6B.57 PROCEDURAL COMPLIANCE.
16 If an acquiring agency makes a good faith effort to
17 serve, send, or provide the notices or documents
18 required under this chapter to the owner and any
19 contract purchaser of private property that is or may
20 be the subject of condemnation, or to any tenant known
21 to be occupying such property if notices or documents
22 are required to be served, sent, or provided to such a
23 person, but fails to provide the notice or documents
24 to the owner and any contract purchaser, or to any
25 tenant known to be occupying the property if
26 applicable, such failure shall not constitute grounds
27 for invalidation of the condemnation proceeding if the
28 chief judge of the judicial district determines that
29 such failure can be corrected by delaying the

30 condemnation proceedings to allow compliance with the
 31 requirement or such failure does not unreasonably
 32 prejudice the owner or any contract purchaser.”

33 46. Page 17, by inserting before line 19 the
 34 following:

35 “Sec. ____ Section 6B.58, Code 2005, is amended to
 36 read as follows:

37 6B.58 ACQUIRING AGENCY — DEFINITION.

38 For purposes of this chapter, an “acquiring agency”
 39 means the state of Iowa or any person or entity
 40 conferred the right by statute to condemn private
 41 property or to otherwise exercise the power of eminent
 42 domain. In the exercise of eminent domain power, the
 43 words “applicant” and “condemner” mean acquiring
 44 agency as defined in this section, unless the context
 45 clearly requires otherwise.”

46 47. Page 17, by striking lines 20 through 24 and
 47 inserting the following:

48 “Rent shall not be charged to a person in
 49 possession of the property and shall not accrue
 50 against the property owner until all or a portion of

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1 the compensation commission award has been paid to the
 2 condemnee pursuant to section 6B.25.”

3 48. By striking page 17, line 30, through page
 4 18, line 2, and inserting the following: “to acquire
 5 property shall not exercise such authority outside the
 6 jurisdictional limits of the political subdivisions
 7 participating in the entity at the time of such
 8 exercise of authority without first presenting the
 9 proposal to acquire such property by eminent domain to
 10 the board of supervisors of each county where the
 11 property is located and such proposal receives the
 12 approval, by resolution, of each applicable board of
 13 supervisors. However, this section does not apply to
 14 an entity created by or on behalf of one or more
 15 political subdivisions if the entity is authorized by
 16 statute to act as a political subdivision and if this
 17 section would limit the ability of the entity to
 18 comply with requirements or limitations imposed by the
 19 Internal Revenue Code to preserve the tax exemption of
 20 interest payable on bonds or obligations of the entity
 21 acting as a political subdivision.”

22 49. Page 18, line 5, by inserting after the word
 23 and figure “chapter 476A.” the following: “This
 24 section does not apply to property condemned by or on
 25 behalf of a multistate entity created to provide
 26 drinking water that has received or is receiving
 27 federal funds, but only if such property is to be
 28 acquired for water transmission and service lines,

29 pump stations, water storage tanks, meter houses and
30 vaults, related appurtenances, or supporting
31 utilities.”

32 50. Page 18, by striking lines 6 through 16.

33 51. Page 19, by striking lines 4 through 23.

34 52. Page 20, by striking lines 12 and 13, and
35 inserting the following: “for the following:”

36 53. Page 20, by inserting after line 20 the
37 following:

38 “e. The operation of a landfill or other solid
39 waste disposal or processing site.”

40 54. Page 20, by inserting after line 20 the
41 following:

42 “_. The use of property for public streets and
43 highways.”

44 55. Page 20, by inserting after line 20 the
45 following:

46 “_. The operation of a multistate entity, of
47 which the city is a participating member, created to
48 provide drinking water that has received or is
49 receiving federal funds, but only if such property is
50 to be acquired for water transmission and service

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1 lines, pump stations, water storage tanks, meter
2 houses and vaults, related appurtenances, or
3 supporting utilities.”

4 56. Page 20, by inserting after line 20 the
5 following:

6 “The exceptions provided in paragraphs “a” through
7 “c” apply only to the extent the city had this power
8 prior to July 1, 2006.”

9 57. Page 25, by striking lines 17 through 20.

10 58. Page 28, line 33, by inserting after the word
11 “of” the following: “that section of”.

12 59. Page 29, by striking lines 3 through 6 and
13 inserting the following:

14 “3. The sections of this Act amending sections
15 6B.2B and 6B.14, unnumbered paragraph 2, the portion
16 of the section of this Act amending section 6B.54,
17 subsection 3, and the section of this Act enacting
18 section 6B.2D take effect January 1, 2007.

19 4. The sections of this Act amending section 6B.3,
20 subsection 3, section 6B.56, subsection 2, sections
21 6B.57 and 6B.58, being deemed of immediate importance,
22 take effect upon enactment.

23 5. The remainder of this Act, being deemed of
24 immediate importance, takes effect upon enactment and
25 applies to applications for condemnation filed
26 pursuant to section 6B.3 on or after the date of
27 enactment, with the following exceptions:

28 a. The section of this Act enacting section 6A.23
 29 applies to applications for condemnation pending on
 30 the date of enactment of this Act if the appropriate
 31 parties have not been served with a notice of
 32 assessment pursuant to section 6B.8 as of the date of
 33 enactment of this Act.
 34 b. The section of this Act amending section 6B.33
 35 and that portion of the section of this Act enacting
 36 6B.54, subsection 12, apply to applications for
 37 condemnation filed pursuant to section 6B.3 and
 38 pending on the date of enactment of this Act if the
 39 appraisal report required under section 6B.14 has
 40 not been filed with the sheriff as of the date of
 41 enactment of this Act.”
 42 60. By renumbering and correcting internal
 43 references as necessary.

BOB BRUNKHORST
 KEITH A. KREIMAN
 DAVID MILLER
 ROGER STEWART
 HERMAN C. QUIRMBACH

S-5167

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 2282

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

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

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

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

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

44 4. By renumbering as necessary.

S-5168

1 Amend the amendment, S-5166, to House File 2351, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. By striking page 2, line 22, through page 3,
5 line 1, and inserting the following:

6 ““(1) An acquiring agency considering the use of
7 eminent domain authority to acquire property as part
8 of a project to construct a lake shall conduct a
9 review of alternatives to such lake development before
10 making a determination that such lake development is
11 reasonable and necessary. Notwithstanding section
12 6B.56, if property is acquired by condemnation as part
13 of a project to construct a lake, the prior owner of
14 that property, or the prior owner's heirs or assigns,
15 shall have first right to purchase the property at a
16 price equal to the fair market value of the property
17 at the time it was acquired by the acquiring agency
18 from the prior owner if such property is offered for
19 sale by the acquiring agency within ten years after
20 acquisition of the property by the acquiring agency.”

JEFF ANGELO

S-5169

1 Amend House File 2663, as amended, passed, and
2 reprinted by the House, as follows:

- 3 1. Page 1, by striking lines 3 through 10, and
 4 inserting the following:
 5 "NEW UNNUMBERED PARAGRAPH. For the purposes of
 6 this section, property under the commission's
 7 jurisdiction does not include an area of the bed of a
 8 lake or river occupied by a dock or other appurtenance
 9 or means of access to a dock, including but not
 10 limited to boat hoists and boat slips, or occupied by
 11 a boat ramp, constructed or installed and maintained
 12 under littoral or riparian rights."
 13 2. Title page, line 2, by striking the word
 14 "inland" and inserting the following: "areas of".

DAVID JOHNSON
 DENNIS H. BLACK
 MARY LUNDBY

S-5170

- 1 Amend the House amendment, S-5135, to Senate File
 2 2183, as passed by the Senate, as follows:
 3 1. Page 3, by inserting after line 24 the
 4 following:
 5 "Sec. ____ Section 15E.194, subsection 1,
 6 unnumbered paragraph 1, Code 2005, is amended to read
 7 as follows:
 8 An enterprise zone may be designated by a county
 9 which has one of the fifteen highest family poverty
 10 rates for counties in the state based on the 2000
 11 census and has a population of less than twenty
 12 thousand based on the 2000 census or a county which
 13 meets at least two of the following criteria:"
 14 2. By renumbering as necessary.

KEITH A. KREIMAN
 HUBERT HOUSER
 PAUL MCKINLEY
 JAMES A. SEYMOUR

S-5171

- 1 Amend the amendment, S-5138, to House File 2562, as
 2 passed by the House, as follows:
 3 1. Page 1, by striking lines 10 through 12 and
 4 inserting the following: "respective crime that is
 5 under investigation."

NANCY J. BOETTGER

S-5172

1 Amend House File 2743, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, by striking lines 13 and 14, and
 4 inserting the following: "as provided in chapter
 5 142A, for tobacco use prevention and control efforts
 6 and enforcement at the state and local levels, and for
 7 not more than the following full-time".
 8 2. Page 2, line 30, by inserting after the word
 9 "commerce" the following: ", and of the funds
 10 appropriated in this paragraph "a", \$75,000 shall be
 11 used to provide grants to any city, county, or board
 12 of health that adopts an ordinance or rule regulating
 13 smoking, notwithstanding any provision of law to the
 14 contrary, for enforcement of the ordinance or rule".

DAVE MULDER
ROBERT E. DVORSKY

S-5173

1 Amend House File 2558 as passed by the House, as
 2 follows:
 3 1. Page 1, by striking line 22 and inserting the
 4 following:
 5 "....." \$ 205,000"

JEFF DANIELSON

S-5174

HOUSE AMENDMENT TO
SENATE FILE 2322

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

S-5175

HOUSE AMENDMENT TO
SENATE FILE 2251

1 Amend Senate File 2251, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 1, line 17, by striking the word "Four"
4 and inserting the following: "Eight".

5 2. Page 1, by striking lines 19 through 26 and
6 inserting the following:

7 "(1) Four state senators who are the co-
8 chairpersons of the standing senate education and
9 human resources committees.

10 (2) Four state representatives, including the
11 chairpersons of the standing house of representatives
12 education and human resources committees, and the
13 ranking members of the standing house of
14 representatives education and human resources
15 committees."

16 3. Page 2, by inserting after line 13 the
17 following:

18 "(20) The Iowa occupational therapy association.

19 (21) The Iowa physical therapy association.

20 (22) The dean of the school of consumer and family
21 sciences at the Iowa state university of science and
22 technology.

23 (23) The state board of education.

24 (24) The child development coordinating council.

25 (25) The Iowa empowerment board.

26 (26) The Iowa hospital association.

27 (27) The Iowa optometric association.

28 (28) The department of human services.

29 (29) The hawk-i board.

30 (30) The area education agencies.

31 (31) The Iowa academy of family physicians.

32 (32) The Iowa osteopathic medical association.

33 (33) The access for special kids family resource
34 center.

35 (34) The university of Iowa hospitals and clinics'
36 center for disabilities and development."

37 4. Page 2, by inserting after line 15 the
38 following:

39 "d. One middle school student and one high school
40 student from each of the five congressional districts
41 who shall be appointed by the governor."

42 5. Page 2, line 18, by striking the figure "(19)"
43 and inserting the following: "(34)".

44 6. By renumbering as necessary.

S-5176

1 Amend Senate File 2356 as follows:

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

4 "Section 1. NEW SECTION. 622.31 EVIDENCE OF
5 REGRET OR SORROW.

6 In any civil action for professional negligence,
7 personal injury, or wrongful death or in any
8 arbitration proceeding for professional negligence,
9 personal injury, or wrongful death against a person in
10 a profession represented by the examining boards
11 listed in section 272C.1 and any other licensed
12 profession recognized in this state, a hospital
13 licensed pursuant to chapter 135B, or a health care
14 facility licensed pursuant to chapter 135C, based upon
15 the alleged negligence in the practice of that
16 profession or occupation, any portion of a statement,
17 affirmation, gesture, or conduct expressing sorrow,
18 sympathy, commiseration, condolence, compassion, or a
19 general sense of benevolence that was made by the
20 person to the plaintiff, relative of the plaintiff, or
21 decision maker for the plaintiff that relates to the
22 discomfort, pain, suffering, injury, or death of the
23 plaintiff as a result of an alleged breach of the
24 applicable standard of care is inadmissible as
25 evidence of an admission of liability or as evidence
26 of an admission against interest."

27 2. Title page, by striking lines 1 and 2 and
28 inserting the following: "An Act relating to civil
29 actions for personal injury or death, including
30 certain evidentiary requirements."

31 3. By renumbering as necessary.

KEITH A. KREIMAN

S-5177

1 Amend Senate File 2400 as follows:

2 1. Page 17, by striking lines 16 and 17 and
3 inserting the following:

4 "To fund capital projects in a city with a
5 population of at least 1,285 residents but not more
6 than 1,320 residents in the county of Carroll, in a
7 city with a population of at least 25,000 residents
8 but not more than 30,000 residents, and in a city with
9 a population of at least 80,000 residents but not more
10 than 90,000 residents through the Iowa great places
11 program:

12 \$ 3,000,000'
13 2. By renumbering as necessary.

ROGER STEWART

S-5178

- 1 Amend Senate File 2399 as follows:
- 2 1. Page 4, by inserting after line 22 the
- 3 following:
- 4 "Sec. ___ EFFECTIVE DATE. Except for section 11
- 5 of this Act, this Act takes effect January 1, 2008."
- 6 2. Title page, line 2, by inserting after the
- 7 words "production tax credit" the following: "and
- 8 including an effective date".

JOE BOLKCOM

S-5179

- 1 Amend Senate File 2396 as follows:
- 2 1. Page 1, line 4, by striking the words "coins,
- 3 currency, or".
- 4 2. Page 1, line 6, by striking the figure "(1)".
- 5 3. Page 1, by striking lines 10 through 12.
- 6 4. Title page, line 2, by striking the words
- 7 "coins, currency, or".

HERMAN C. QUIRMBACH

S-5180

- 1 Amend Senate File 2383 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "DIVISION I
- 5 ESTABLISHMENT OF RENEWABLE FUEL STANDARDS
- 6 Section 1. PETROLEUM REPLACEMENT GOAL. It is the
- 7 goal of this state that by January 1, 2025, biofuel
- 8 will replace twenty-five percent of all petroleum used
- 9 in the formulation of gasoline.
- 10 Sec. 2. Section 214A.1, Code 2005, is amended by
- 11 adding the following new subsections:
- 12 NEW SUBSECTION. 0A. "Advertise" means to present
- 13 a commercial message in any medium, including but not
- 14 limited to print, radio, television, sign, display,
- 15 label, tag, or articulation.
- 16 NEW SUBSECTION. 1A. "Biodiesel" means a renewable
- 17 fuel comprised of mono-alkyl esters of long-chain
- 18 fatty acids derived from vegetable oils or animal
- 19 fats, which meets the standards provided in section

20 214A.2.

21 NEW SUBSECTION. 1B. "Biodiesel blended fuel"
22 means a blend of biodiesel with petroleum-based diesel
23 fuel which meets the standards, including separately
24 the standard for its biodiesel constituent, provided
25 in section 214A.2.

26 NEW SUBSECTION. 1C. "Biofuel" means ethanol or
27 biodiesel.

28 NEW SUBSECTION. 1D. "Committee" means the
29 renewable fuels and coproducts advisory committee
30 established pursuant to section 159A.4.

31 NEW SUBSECTION. 1E. "Dealer" means a wholesale
32 dealer or retail dealer.

33 NEW SUBSECTION. 1F. "Diesel fuel" means any
34 liquid, other than gasoline, which is suitable for use
35 as a fuel in a diesel fuel powered engine, including
36 but not limited to a motor vehicle, equipment as
37 defined in section 322F.1, or a train. Diesel fuel
38 includes a liquid product prepared, advertised,
39 offered for sale, or sold for use as, or commonly and
40 commercially used as, motor fuel for use in an
41 internal combustion engine and ignited by pressure
42 without the presence of an electric spark. Diesel
43 fuel must meet the standards provided in section
44 214A.2.

45 NEW SUBSECTION. 1G. "E-85 gasoline" means ethanol
46 blended gasoline formulated with a minimum percentage
47 of between seventy and eighty-five percent by volume
48 of ethanol, if the formulation meets the standards
49 provided in section 214A.2.

50 NEW SUBSECTION. 1H. "Ethanol" means ethyl alcohol

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1 that is to be blended with gasoline if it meets the
2 standards provided in section 214A.2.

3 NEW SUBSECTION. 1I. "Ethanol blended gasoline"
4 means a formulation of gasoline which is a liquid
5 petroleum product blended with ethanol, if the
6 formulation meets the standards provided in section
7 214A.2.

8 NEW SUBSECTION. 1J. "Gasoline" means any liquid
9 product prepared, advertised, offered for sale or sold
10 for use as, or commonly and commercially used as,
11 motor fuel for use in a spark-ignition, internal
12 combustion engine, and which meets the specifications
13 provided in section 214A.2.

14 NEW SUBSECTION. 2A. "Motor fuel pump" means the
15 same as defined in section 214.1.

16 NEW SUBSECTION. 5A. "Renewable fuel" means a
17 combustible liquid derived from grain starch, oilseed,
18 animal fat, or other biomass; or produced from a

19 biogas source, including any nonfossilized decaying
 20 organic matter which is capable of powering machinery,
 21 including but not limited to an engine or power plant.
 22 Renewable fuel includes but is not limited to biofuel,
 23 ethanol blended gasoline, or biodiesel blended fuel
 24 meeting the standards provided in section 214A.2.

25 NEW SUBSECTION. 6A. "Retail motor fuel site"
 26 means a geographic location in this state where a
 27 retail dealer sells and dispenses motor fuel on a
 28 retail basis.

29 Sec. 3. Section 214A.1, subsection 2, Code 2005,
 30 is amended to read as follows:

31 2. "Motor ~~vehicle~~ fuel" means a substance or
 32 combination of substances which is intended to be or
 33 is capable of being used for the purpose of propelling
 34 ~~or running by combustion any of operating an internal~~
 35 combustion engine, including but not limited to a
 36 motor vehicle, and is kept for sale or sold for that
 37 purpose. ~~The products commonly known as kerosene and~~
 38 ~~distillate or petroleum products of lower gravity~~
 39 ~~(Baume scale), when not used to propel a motor vehicle~~
 40 ~~or for compounding or combining with a motor vehicle~~
 41 ~~fuel, are exempt from this chapter except as provided~~
 42 ~~in section 214A.2A.~~

43 Sec. 4. Section 214A.1, subsections 6 and 8, Code
 44 2005, are amended by striking the subsections and
 45 inserting in lieu thereof the following:

46 6. "Retail dealer" means a person engaged in the
 47 business of storing and dispensing motor fuel from a
 48 motor fuel pump for sale on a retail basis, regardless
 49 of whether the motor fuel pump is located at a retail
 50 motor fuel site.

Page 3

1 8. "Wholesale dealer" means a person, other than a
 2 retail dealer, who operates a place of business where
 3 motor fuel is stored and dispensed for sale in this
 4 state, including a permanent or mobile location.

5 Sec. 5. Section 214A.2, subsection 1, Code 2005,
 6 is amended to read as follows:

7 1. The secretary department shall adopt rules
 8 pursuant to chapter 17A for carrying out this chapter.
 9 The rules may include, but are not limited to,
 10 specifications relating to motor fuel ~~or oxygenate~~
 11 ~~octane enhancers, including but not limited to~~
 12 renewable fuel such as ethanol blended gasoline,
 13 biodiesel, biodiesel blended fuel, and motor fuel
 14 components such as an oxygenate. In the interest of
 15 uniformity, the secretary department shall adopt by
 16 reference ~~or otherwise~~ other specifications relating
 17 to tests and standards for motor fuel ~~or oxygenate~~

18 ~~octane enhancers including renewable fuel and motor~~
19 ~~fuel components, established by the United States~~
20 ~~environmental protection agency and A.S.T.M. (American~~
21 ~~society for testing and materials) international;~~
22 ~~unless the secretary determines those specifications~~
23 ~~are inconsistent with this chapter or are not~~
24 ~~appropriate to the conditions which exist in this~~
25 ~~estate. In adopting standards for a renewable fuel,~~
26 ~~the department shall consult with the committee.~~

27 Sec. 6. Section 214A.2, Code 2005, is amended by
28 adding the following new subsection:

29 NEW SUBSECTION. 2A. a. For motor fuel advertised
30 for sale or sold as gasoline by a dealer, the motor
31 fuel must meet registration requirements for that type
32 of motor fuel and its additives established by the
33 United States environmental protection agency
34 including as provided under 42 U.S.C. § 7545.

35 b. If the motor fuel is advertised for sale or
36 sold as ethanol blended gasoline, the motor fuel must
37 comply with departmental standards which shall comply
38 with specifications for ethanol blended gasoline
39 adopted by A.S.T.M. international. For ethanol
40 blended gasoline all of the following shall apply:

41 (1) Ethanol must be agriculturally derived, having
42 at least one hundred ninety proof, be denatured as
43 required by federal law including 27 C.F.R., pts. 20
44 and 21, and conform to A.S.T.M. international
45 specification D 4806-95b or a successor A.S.T.M.
46 international specification as established by rules
47 adopted by the department.

48 (2) For ethanol blended gasoline other than E-85
49 gasoline, at least ten percent of the gasoline by
50 volume must be ethanol.

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1 (3) For E-85 gasoline all of the following must
2 apply:

3 (a) From the first day of April until the last day
4 of October, at least eighty-five percent of the
5 gasoline by volume must be ethanol.

6 (b) From the first day of November until the last
7 day of March, at least seventy percent of the gasoline
8 by volume must be ethanol.

9 (c) E-85 gasoline must conform to A.S.T.M.
10 international specification D 5798-99 or a successor
11 A.S.T.M. international specification as established by
12 rules adopted by the department.

13 (4) In calculating the percentage of ethanol
14 required for the formulation of ethanol blended
15 gasoline, a percentage of a denaturant or contaminants
16 permitted in the ethanol blended gasoline may be

17 excluded as provided by rules adopted by the
18 department.

19 Sec. 7. Section 214A.2, subsection 3, Code 2005,
20 is amended by striking the subsection and inserting in
21 lieu thereof the following:

22 3. a. For motor fuel advertised for sale or sold
23 as biodiesel or biodiesel blended fuel by a dealer,
24 the motor fuel must meet registration requirements for
25 that type of motor fuel and its additives established
26 by the United States environmental protection agency
27 including as provided under 42 U.S.C. § 7545.

28 b. The motor fuel must comply with departmental
29 standards which shall comply with specifications
30 adopted by A.S.T.M. international for biodiesel or
31 biodiesel blended fuel, to every extent applicable as
32 determined by rules adopted by the department.

33 (1) Biodiesel must conform to A.S.T.M.
34 international specification D 6751 or a successor
35 A.S.T.M. international specification as established by
36 rules adopted by the department. The specification
37 shall apply to biodiesel before it leaves its place of
38 manufacture.

39 (2) At least one percent of biodiesel blended fuel
40 by volume must be biodiesel.

41 (3) The biodiesel may be blended with diesel fuel
42 whose sulfur, aromatic, lubricity, and cetane levels
43 do not comply with A.S.T.M. international
44 specification D 975 grades 1-D or 2-D, low sulfur 1-D
45 or 2-D, or ultra-low sulfur grades 1-D or 2D, provided
46 that the finished biodiesel blended fuel meets
47 A.S.T.M. international specification D 975 or a
48 successor A.S.T.M. international specification as
49 established by rules adopted by the department.

50 Sec. 8. Section 214A.2A, Code 2005, is amended to

Page 5

1 read as follows:

2 214A.2A KEROSENE LABELING.

3 1. Fuel which is sold or is kept, offered, or
4 exposed for sale as kerosene shall be labeled as
5 kerosene. The label shall include the word "kerosene"
6 and a designation as either "K1" or "K2", and shall
7 indicate that the kerosene is in compliance with the
8 standard specification adopted by the A.S.T.M. in
9 international specification D-3699 (1982).

10 2. A product commonly known as kerosene and a
11 distillate or a petroleum product of lower gravity
12 (Baume scale), when not used to propel a motor vehicle
13 or for compounding or combining with a motor fuel, are
14 exempt from this chapter except as provided in this
15 section.

16 Sec. 9. Section 214A.3, Code 2005, is amended by
17 striking the section and inserting in lieu thereof the
18 following:

19 214A.3 ADVERTISING.

20 1. For all motor fuel, a person shall not
21 knowingly do any of the following:

22 a. Advertise the sale of any motor fuel which does
23 not meet the standards provided in section 214A.2.

24 b. Falsely advertise the quality or kind of any
25 motor fuel or a component of motor fuel.

26 c. Add a coloring matter to the motor fuel which
27 misleads a person who is purchasing the motor fuel
28 about the quality of the motor fuel.

29 2. For a renewable fuel, all of the following
30 applies:

31 a. A person shall not knowingly falsely advertise
32 that a motor fuel is a renewable fuel or is not a
33 renewable fuel.

34 b. (1) Ethanol blended gasoline sold by a dealer
35 shall be designated E-xx where "xx" is the volume
36 percent of ethanol in the ethanol blended gasoline. A
37 person shall not knowingly falsely advertise ethanol
38 blended gasoline by using an inaccurate designation in
39 violation of this subparagraph.

40 (2) Biodiesel blended fuel shall be designated B-
41 xx where "xx" is the volume percent of biodiesel in
42 the biodiesel blended fuel. A person shall not
43 knowingly falsely advertise biodiesel blended fuel by
44 using an inaccurate designation in violation of this
45 subparagraph.

46 Sec. 10. Section 214A.8, Code 2005, is amended to
47 read as follows:

48 214A.8 PROHIBITION.

49 A ~~retail or wholesale dealer defined in this~~
50 ~~chapter shall not knowingly sell any motor vehicle~~

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1 fuel or ~~an oxygenate octane enhancer~~ in the state that
2 fails to meet applicable standards ~~and specifications~~
3 ~~set out in this chapter as provided in section 214A.2.~~

4 Sec. 11. Section 214A.11, Code 2005, is amended to
5 read as follows:

6 214A.11 VIOLATIONS PENALTY.

7 ~~Any A person violating the provisions who knowingly~~
8 ~~violates a provision of this chapter shall be is~~
9 ~~guilty of a simple serious misdemeanor.~~

10 DIVISION II

11 RENEWABLE FUEL AND ENERGY

12 Sec. 12. Section 15.103, subsection 1, paragraph
13 b, subparagraph (7), Code Supplement 2005, is amended
14 to read as follows:

15 (7) Economics or alternative and renewable energy
16 including the alternative and renewable energy sectors
17 listed in section 476.42, subsection 1, paragraph "a".

18 Sec. 13. Section 15E.61, unnumbered paragraph 1,
19 Code 2005, is amended to read as follows:

20 The general assembly finds the following:

21 Fundamental changes have occurred in national and
22 international financial markets and in the financial
23 markets of this state. A critical shortage of seed
24 and venture capital resources exists in the state, and
25 such shortage is impairing the growth of commerce in
26 the state. A need exists to increase the availability
27 of venture equity capital for emerging, expanding, and
28 restructuring enterprises in Iowa, including, without
29 limitation, enterprises in the life sciences, advanced
30 manufacturing, information technology, alternative and
31 renewable energy including the alternative and
32 renewable energy sectors listed in section 476.42,
33 subsection 1, paragraph "a", and value-added
34 agriculture areas. Such investments will create jobs
35 for Iowans and will help to diversify the state's
36 economic base.

37 Sec. 14. Section 15E.223, subsection 4, Code 2005,
38 is amended to read as follows:

39 4. "Targeted industry business" means an existing
40 or proposed business entity, including an emerging
41 small business or qualified business which is operated
42 for profit and which has a primary business purpose of
43 doing business in at least one of the targeted
44 industries designated by the department which include
45 life sciences, software and information technology,
46 advanced manufacturing, value-added agriculture,
47 alternative and renewable energy including the
48 alternative and renewable energy sectors listed in
49 section 476.42, subsection 1, paragraph "a", and any
50 other industry designated as a targeted industry by

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1 the department.

2 Sec. 15. Section 15E.231, subsection 1, Code
3 Supplement 2005, is amended by adding the following
4 new paragraph:

5 NEW PARAGRAPH. h. Development of the alternative
6 and renewable energy sector.

7 Sec. 16. Section 15E.351, subsection 1, Code
8 Supplement 2005, is amended to read as follows:

9 1. The department shall establish and administer a
10 business accelerator program to provide financial
11 assistance for the establishment and operation of a
12 business accelerator for technology-based, value-added
13 agricultural, information solutions, alternative and

14 renewable energy including the alternative and
15 renewable energy sectors listed in section 476.42,
16 subsection 1, paragraph "a", or advanced manufacturing
17 start-up businesses or for a satellite of an existing
18 business accelerator. The program shall be designed
19 to foster the accelerated growth of new and existing
20 businesses through the provision of technical
21 assistance. The department shall use moneys
22 appropriated to the department from the grow Iowa
23 values fund pursuant to section 15G.111, subsection 1,
24 subject to the approval of the economic development
25 board, to provide financial assistance under this
26 section.

27 Sec. 17. Section 260C.18A, subsection 2,
28 unnumbered paragraph 1, Code Supplement 2005, is
29 amended to read as follows:

30 Moneys deposited in the funds and disbursed to
31 community colleges for a fiscal year shall be expended
32 for the following purposes, provided seventy percent
33 of the moneys shall be used on projects in the areas
34 of advanced manufacturing, information technology and
35 insurance, alternative and renewable energy including
36 the alternative and renewable energy sectors listed in
37 section 476.42, subsection 1, paragraph "a", and life
38 sciences which include the areas of biotechnology,
39 health care technology, and nursing care technology:

40 Sec. 18. Section 323A.1, Code 2005, is amended by
41 adding the following new subsections:

42 NEW SUBSECTION. 0A. "E-85 gasoline" means the
43 same as defined in section 214A.1.

44 NEW SUBSECTION. 0B. "Ethanol blended gasoline"
45 means the same as defined in section 214A.1.

46 Sec. 19. Section 323A.1, subsection 4, Code 2005,
47 is amended to read as follows:

48 4. "Motor fuel" means ~~gasoline or diesel fuel~~ the
49 same as motor fuel as defined in section 214A.1, which
50 is of a type distributed for use as a fuel in self-

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1 propelled vehicles designed primarily for use on
2 public streets, roads, and highways.

3 Sec. 20. Section 323A.2, subsection 1, paragraph
4 a, Code 2005, is amended to read as follows:

5 a. At least forty-eight hours prior to entering
6 into an agreement to purchase motor fuel from another
7 source, the franchisee has requested delivery of motor
8 fuel from the franchisor and the requested motor fuel
9 has not been delivered and the franchisor has given
10 the franchisee notice that the franchisor is unable to
11 provide the requested motor fuel, or prior to entering
12 into an agreement the franchisor has stated to the

13 franchisee that the requested motor fuel will not be
14 delivered. The request to the franchisor for delivery
15 shall be for a type of fuel normally provided by the
16 franchisor to the franchisee and for a quantity of
17 fuel not exceeding the average amount sold by the
18 franchisee in one week, based upon average weekly
19 sales in the three months preceding the request,
20 except that this provision shall not restrict a
21 franchisee from purchasing ethanol blended gasoline
22 from a source other than the franchisor or limit the
23 quantity to be purchased when the franchisor does not
24 normally supply the franchisee with ethanol blended
25 gasoline. A franchisee may also purchase E-85
26 gasoline as provided in section 323A.2A.
27 Sec. 21. NEW SECTION. 323A.2A PURCHASE OF E-85
28 GASOLINE FROM OTHER SOURCE.

29 1. a. When on and after the effective date of
30 this section of this Act, a franchise is entered into
31 or renewed, the franchisor shall provide for the
32 delivery of volumes of E-85 gasoline at times demanded
33 by the franchisee or shall allow the franchisee to
34 purchase those volumes of E-85 gasoline at those times
35 from another source.

36 b. If a franchise is in effect on the effective
37 date of this section of this Act and does not have an
38 expiration date, the franchisor shall provide for the
39 delivery of volumes of E-85 gasoline at times demanded
40 by the franchisee or shall allow the franchisee to
41 purchase those volumes of E-85 gasoline at those times
42 from another source.

43 2. If the franchisee sells E-85 gasoline delivered
44 from a source other than the franchisor, the
45 franchisee shall prominently post a sign disclosing
46 this fact to the public on each motor fuel pump used
47 for dispensing the E-85 gasoline. The size of the
48 sign shall not be less than eight inches by ten inches
49 and the letters on the sign shall be at least three
50 inches in height.

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1 3. A franchisee who sells E-85 gasoline delivered
2 from a source other than the franchisor shall also
3 fully indemnify the franchisor against any claims
4 asserted by a user on which the claimant prevails and
5 in which the court determines that E-85 gasoline not
6 acquired from the franchisor was the proximate cause
7 of the injury.

8 4. a. A purchase of E-85 gasoline in accordance
9 with this section is not good cause for the
10 termination of a franchise.

11 b. A term of a franchise that is inconsistent with

12 this section is void and unenforceable.

13 SUBCHAPTER III

14 RENEWABLE FUEL INFRASTRUCTURE

15 Sec. 22. NEW SECTION. 455G.31 E-85 GASOLINE
16 STORAGE AND DISPENSING INFRASTRUCTURE.

17 1. As used in this section, "gasoline storage and
18 dispensing infrastructure" means any storage tank
19 located below ground or above ground and any
20 associated equipment including but not limited to a
21 pipe, hose, connection, fitting seal, or pump, which
22 is used to store, measure, and dispense gasoline by a
23 retail dealer as defined in section 214A.1.

24 2. A retail dealer may use gasoline storage and
25 dispensing infrastructure to store and dispense E-85
26 gasoline, if all of the following apply:

27 a. For gasoline storage and dispensing
28 infrastructure other than the dispenser, the
29 department must determine that it is compatible with
30 E-85 gasoline.

31 b. For a dispenser, the manufacturer must state
32 all of the following:

33 (1) That the equipment is, in the opinion of the
34 manufacturer, not incompatible with E-85 gasoline.

35 (2) The manufacturer has initiated the process of
36 applying to an independent testing laboratory for
37 listing of the equipment for use in dispensing E-85
38 gasoline.

39 A manufacturer's statement must include a written
40 statement, with reference to a particular type and
41 model of equipment, signed by a responsible official
42 on behalf of the manufacturer, provided either to the
43 retail dealer using the gasoline storage and
44 dispensing infrastructure or to the department of
45 natural resources or the department of public safety.

46 If the written statement is provided to a retail
47 dealer, the statement shall be retained in the files
48 on the premises of the retail dealer and shall be
49 available to personnel of the department of natural
50 resources or the department of public safety upon

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1 request.

2 3. This section is repealed July 1, 2009.

3 Sec. 23. EFFECTIVE DATE.

4 1. The sections of this Act amending sections
5 323A.1 and 323A.2, being deemed of immediate
6 importance, take effect upon enactment.

7 2. Section 323A.2A, as enacted in this Act, being
8 deemed of immediate importance, takes effect upon
9 enactment.

- 10 DIVISION III
 11 RENEWABLE FUEL INFRASTRUCTURE PROGRAMS
 12 SUBCHAPTER II
 13 RENEWABLE FUEL INFRASTRUCTURE
 14 Sec. 24. NEW SECTION. 15G.114 DEFINITIONS.
 15 As used in this subchapter, unless the context
 16 otherwise requires:
 17 1. "Biodiesel", "biodiesel blended fuel", "E-85
 18 gasoline", "gasoline", "motor fuel", "motor fuel
 19 pump", "retail dealer", and "retail motor fuel site"
 20 mean the same as defined in section 214A.1.
 21 2. "Infrastructure board" means the renewable fuel
 22 infrastructure board as created in section 15G.115.
 23 3. "Motor fuel storage and dispensing
 24 infrastructure" or "infrastructure" means a tank and
 25 motor fuel pumps necessary to keep and dispense motor
 26 fuel at a retail motor fuel site, including but not
 27 limited to all associated equipment, dispensers,
 28 pumps, pipes, hoses, tubes, lines, fittings, valves,
 29 filters, seals, and covers.
 30 4. "Terminal" means a storage and distribution
 31 facility for motor fuel or a blend stock such as
 32 ethanol or biodiesel that is supplied to a motor
 33 vehicle, pipeline, or a marine vessel and from which
 34 the motor fuel or blend stock may be removed at a
 35 rack. "Terminal" does not include any of the
 36 following:
 37 a. A retail motor fuel site.
 38 b. A facility at which motor fuel or special fuel,
 39 or blend stocks are used in the manufacture of
 40 products other than motor fuel and from which no motor
 41 fuel or special fuel is removed.
 42 5. "Terminal operator" means a person who has
 43 responsibility for, or physical control over, the
 44 operation of a terminal, including by ownership,
 45 contractual agreement, or appointment.
 46 Sec. 25. NEW SECTION. 15G.115 RENEWABLE FUEL
 47 INFRASTRUCTURE BOARD.
 48 A renewable fuel infrastructure board is
 49 established within the department.
 50 1. The department shall provide the infrastructure

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- 1 board with necessary facilities, items, and clerical
 2 support. The department shall perform administrative
 3 functions necessary for the management of the
 4 infrastructure board, and the renewable fuel
 5 infrastructure programs as provided in sections
 6 15G.116 and 15G.117, all under the direction of the
 7 infrastructure board.
 8 2. The infrastructure board shall be composed of

9 nine members who shall be appointed by the governor as
10 follows:

- 11 a. One person representing insurers who is
12 knowledgeable about issues relating to underground
13 storage tanks.
- 14 b. Eight persons based on nominations made by the
15 titular heads of all of the following:
 - 16 (1) The agribusiness association of Iowa.
 - 17 (2) The Iowa corn growers association.
 - 18 (3) The Iowa farm bureau federation.
 - 19 (4) The Iowa motor truck association.
 - 20 (5) The Iowa soybean association.
 - 21 (6) The petroleum marketers and convenience stores
22 of Iowa.
 - 23 (7) The Iowa petroleum equipment contractors
24 association.
 - 25 (8) The Iowa renewable fuels association.
- 26 3. Appointments of voting members to the
27 infrastructure board are subject to the requirements
28 of sections 69.16 and 69.16A. In addition, the
29 appointments shall be geographically balanced. The
30 governor's appointees shall be confirmed by the
31 senate, pursuant to section 2.32.
- 32 4. The members of the infrastructure board shall
33 serve five-year terms beginning and ending as provided
34 in section 69.19. However, the governor shall appoint
35 initial members to serve for less than five years to
36 ensure members serve staggered terms. A member is
37 eligible for reappointment. A vacancy on the board
38 shall be filled for the unexpired portion of the
39 regular term in the same manner as regular
40 appointments are made.
- 41 5. The infrastructure board shall elect a
42 chairperson from among its members each year on a
43 rotating basis as provided by the infrastructure
44 board. The infrastructure board shall meet on a
45 regular basis and at the call of the chairperson or
46 upon the written request to the chairperson of five or
47 more members.
- 48 6. Members of the infrastructure board are not
49 entitled to receive compensation but shall receive
50 reimbursement of expenses from the department as

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- 1 provided in section 7E.6.
- 2 7. Five members of the infrastructure board
3 constitute a quorum and the affirmative vote of a
4 majority of the members present is necessary for any
5 substantive action to be taken by the infrastructure
6 board. The majority shall not include any member who
7 has a conflict of interest and a statement by a member

8 that the member has a conflict of interest is
9 conclusive for this purpose. A vacancy in the
10 membership does not impair the duties of the
11 infrastructure board.

12 Sec. 26. **NEW SECTION. 15G.116 RENEWABLE FUEL**
13 **INFRASTRUCTURE PROGRAM FOR RETAIL MOTOR FUEL SITES.**

14 A renewable fuel infrastructure program is
15 established in the department under the direction of
16 the renewable fuel infrastructure board created
17 pursuant to section 15G.115.

18 1. The purpose of the program is to improve a
19 retail motor fuel site by installing, replacing, or
20 converting motor fuel storage and dispensing
21 infrastructure. The infrastructure must be designed
22 and shall be used exclusively to store and dispense E-
23 85 gasoline, biodiesel, or biodiesel blended fuel on
24 the premises of retail motor fuel sites operated by
25 retail dealers.

26 2. The department shall award financial incentives
27 to a person participating in the program as directed
28 by the infrastructure board on a cost-share basis. To
29 all extent practical, the program shall be
30 administered in conjunction with the programs provided
31 in section 15.401. The department shall contract with
32 a qualified organization to evaluate applications for
33 referral to the department and evaluation and approval
34 by the infrastructure board.

35 3. The infrastructure board shall approve cost-
36 share agreements executed by the department and
37 persons that the infrastructure board determines are
38 eligible as provided in this section, according to
39 terms and conditions required by the infrastructure
40 board. The infrastructure board shall determine the
41 amount of the financial incentives to be awarded to a
42 person participating in the program. In order to be
43 eligible to participate in the program all of the
44 following must apply:

45 a. The person must be an owner or operator of the
46 retail motor fuel site.

47 b. The person must apply to the department in a
48 manner and according to procedures required by the
49 infrastructure board. The application must contain
50 all information required by the infrastructure board

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1 and shall at least include all of the following:

2 (1) The name of the person and the address of the
3 retail motor fuel site to be improved.

4 (2) A detailed description of the infrastructure
5 to be installed, replaced, or converted, including but
6 not limited to the model number of each installed,

7 replaced, or converted motor fuel storage tank if
8 available.

9 (3) A statement describing how the retail motor
10 fuel site is to be improved, the total estimated cost
11 of the planned improvement, and the date when the
12 infrastructure will be first used to store and
13 dispense the renewable fuel.

14 (4) A statement certifying that the infrastructure
15 shall not be used to store or dispense motor fuel
16 other than E-85 gasoline, biodiesel, or biodiesel
17 blended fuel, unless granted a waiver by the
18 infrastructure board pursuant to this section.

19 4. A retail motor fuel site which is improved
20 using financial incentives must comply with federal
21 and state standards governing new or upgraded motor
22 fuel storage tanks used to store and dispense the
23 renewable fuel. A site classified as a no further
24 action site pursuant to a certificate issued by the
25 department of natural resources under section 455B.474
26 shall retain its classification following
27 modifications necessary to store and dispense the
28 renewable fuel and the owner or operator shall not be
29 required to perform a new site assessment unless the
30 site causes a clear, present, and impending danger to
31 the public health or the environment.

32 5. a. For the period beginning July 1, 2006, and
33 ending June 30, 2009, the department upon direction of
34 the infrastructure board shall distribute financial
35 incentives to improve retail motor fuel sites located
36 within each of the six geographic regions described in
37 section 173.4A.

38 b. The infrastructure board shall not approve a
39 cost-share agreement which awards financial incentives
40 to install, replace, or convert infrastructure
41 associated with more than one motor fuel storage tank
42 or motor fuel pump located at the same retail motor
43 fuel site.

44 6. An award of financial incentives to a
45 participating person shall be in the form of a grant.

46 a. In order to participate in the program an
47 eligible person must execute a cost-share agreement
48 with the department as approved by the infrastructure
49 board in which the person contributes a percentage of
50 the total costs related to improving the retail motor

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1 fuel site. The financial incentives awarded to the
2 participating person shall not exceed thirty percent
3 of the estimated cost of making the improvements or
4 thirty percent of the actual cost of making the
5 improvements, whichever is less.

6 b. The infrastructure board shall not approve an
7 award of more than thirty thousand dollars to improve
8 a retail motor fuel site. The infrastructure board
9 may approve multiple awards to make improvements to a
10 retail motor fuel site so long as the total amount of
11 the awards in all years is not more than thirty
12 thousand dollars.

13 c. A participating person shall not use the
14 infrastructure to store or dispense motor fuel other
15 than E-85 gasoline, biodiesel, or biodiesel blended
16 fuel unless one of the following applies:

17 (1) The participating person is granted a waiver
18 by the infrastructure board. The participating person
19 shall store or dispense the motor fuel according to
20 the terms and conditions of the waiver.

21 (2) The infrastructure fund is immediately repaid
22 the total amount of moneys awarded to the
23 participating person together with a monetary penalty
24 equal to twenty-five percent of that awarded amount.

25 d. A participating person who acts in violation of
26 an agreement executed with the department pursuant to
27 this section is subject to a civil penalty of not more
28 than one thousand dollars a day for each day of the
29 violation. The civil penalty shall be deposited into
30 the general fund of the state.

31 e. The infrastructure board shall submit a report
32 to the general assembly each year which provides the
33 same information as required in section 15.104,
34 subsection 9.

35 **Sec. 27. NEW SECTION. 15G.117 RENEWABLE FUEL**
36 **INFRASTRUCTURE PROGRAM FOR BIODIESEL TERMINAL**
37 **FACILITIES.**

38 The department, under the direction of the
39 renewable fuel infrastructure board created in section
40 15G.115, and in cooperation with the Iowa
41 comprehensive petroleum underground storage tank fund
42 board as provided in chapter 455G, shall establish and
43 administer a renewable fuel infrastructure program for
44 terminal facilities that store and dispense biodiesel
45 or biodiesel blended fuel. The infrastructure must be
46 designed and shall be used exclusively to store and
47 distribute biodiesel or biodiesel blended fuel. The
48 department as directed by the infrastructure board
49 shall provide a cost-share program for financial
50 incentives.

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1 1. To all extent practical, the program shall be
2 administered in conjunction with the programs provided
3 in section 15.401. The department shall contract with
4 a qualified organization to evaluate applications for

5 referral to the department and evaluation and approval
6 by the infrastructure board.

7 2. The department shall award financial incentives
8 to a terminal operator participating in the program as
9 directed by the infrastructure board. In order to be
10 eligible to participate in the program, the terminal
11 operator must apply to the department in a manner and
12 according to procedures required by the infrastructure
13 board. The application must contain information
14 required by the infrastructure board and shall at
15 least include all of the following:

16 a. The name of the terminal operator and the
17 address of the terminal to be improved.

18 b. A detailed description of the infrastructure to
19 be installed, replaced, or converted.

20 c. A statement describing how the terminal is to
21 be improved, the total estimated cost of the planned
22 improvement, and the date when the infrastructure will
23 be first used to store and distribute biodiesel or
24 biodiesel blended fuel.

25 d. A statement certifying that the infrastructure
26 shall not be used to store or dispense motor fuel
27 other than biodiesel or biodiesel blended fuel, unless
28 granted a waiver by the infrastructure board pursuant
29 to this section.

30 3. The department's award of financial incentives
31 to a participating terminal operator shall be in the
32 form of a grant. In order to participate in the
33 program, an eligible terminal operator must execute a
34 cost-share agreement with the department in which the
35 terminal operator contributes a percentage of the
36 total costs related to improving the terminal. The
37 financial incentives awarded to the participating
38 terminal operator shall not exceed the estimated cost
39 of making the improvements or the actual cost of
40 making the improvements, whichever is less.

41 4. A participating terminal operator shall not use
42 the infrastructure to store or dispense motor fuel,
43 other than biodiesel or biodiesel blended fuel, unless
44 one of the following applies:

45 a. The participating terminal operator is granted
46 a waiver by the infrastructure board. The
47 participating terminal operator shall store or
48 dispense the motor fuel according to the terms and
49 conditions of the waiver.

50 b. The infrastructure fund is immediately repaid

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1 the total amount of moneys awarded to the
2 participating terminal operator together with a
3 monetary penalty equal to twenty-five percent of that

4 awarded amount.

5 c. A participating terminal operator who acts in
6 violation of an agreement executed with the department
7 pursuant to this section is subject to a civil penalty
8 of not more than one thousand dollars a day for each
9 day of the violation. The civil penalty shall be
10 deposited into the general fund of the state.

11 DIVISION IV

12 RENEWABLE FUEL INCOME TAX CREDIT PROVISIONS

13 Sec. 28. Section 422.11C, subsection 1, paragraphs
14 a through g, Code 2005, are amended by striking the
15 paragraphs and inserting in lieu thereof the
16 following:

17 a. "E-85 gasoline", "ethanol blended gasoline",
18 "gasoline", and "retail dealer" mean the same as
19 defined in section 214A.1.

20 b. "Motor fuel pump" means the same as motor
21 vehicle fuel pump as defined in section 214.1.

22 c. "Retail motor fuel site" means the same as
23 defined in section 214A.1.

24 d. "Sell" means to sell on a retail basis.

25 e. "Tax credit" means the designated ethanol
26 blended gasoline tax credit as provided in this
27 section.

28 Sec. 29. Section 422.11C, subsection 2, paragraph
29 b, Code 2005, is amended to read as follows:

30 b. The taxpayer operates at least one ~~service~~
31 ~~station~~ retail motor fuel site at which more than
32 sixty percent of the total gallons of gasoline sold
33 and dispensed through one or more ~~metered~~ motor fuel
34 pumps by the taxpayer in the tax year is ethanol
35 blended gasoline.

36 Sec. 30. Section 422.11C, subsection 3, Code 2005,
37 is amended to read as follows:

38 3. The tax credit shall be calculated separately
39 for each ~~service station~~ retail motor fuel site
40 operated by the taxpayer. The amount of the tax
41 credit for each eligible ~~service station~~ retail motor
42 fuel site is two and one-half cents multiplied by the
43 total number of gallons of ethanol blended gasoline
44 sold and dispensed through all ~~metered~~ motor fuel
45 pumps located at that ~~service station~~ retail motor
46 fuel site during the tax year in excess of sixty
47 percent of all gasoline sold and dispensed through
48 ~~metered~~ motor fuel pumps at that ~~service station~~
49 retail motor fuel site during the tax year.

50 3A. A taxpayer is not eligible to claim a

1 designated ethanol blended gasoline tax credit as
2 provided in this section, if the taxpayer claims any

3 of the following:

4 a. An ethanol promotion tax credit as provided in
5 section 422.11N or 422.33.

6 b. An E-85 gasoline promotion tax credit as
7 provided in section 422.11O or 422.33 for the same
8 gallons of ethanol blended gasoline.

9 Sec. 31. Section 422.11C, Code 2005, is amended by
10 adding the following new subsection:

11 NEW SUBSECTION. 6. This section is repealed on
12 January 1, 2007.

13 Sec. 32. NEW SECTION. 422.11N ETHANOL PROMOTION
14 TAX CREDIT.

15 1. As used in this section, unless the context
16 otherwise requires:

17 a. "E-85 gasoline", "ethanol", "ethanol blended
18 gasoline", "gasoline", "motor fuel pump", and "retail
19 dealer" mean the same as defined in section 214A.1.

20 b. "Sell" means to sell on a retail basis.

21 c. "Tax credit" means the ethanol promotion tax
22 credit as provided in this section.

23 2. The taxes imposed under this division, less the
24 credits allowed under sections 422.12 and 422.12B,
25 shall be reduced by an ethanol promotion tax credit
26 for each tax year that the taxpayer is eligible to
27 claim the tax credit under this section. In order to
28 be eligible, all of the following must apply:

29 a. The taxpayer is a retail dealer who sells and
30 dispenses ethanol blended gasoline through a motor
31 fuel pump in the tax year in which the tax credit is
32 claimed.

33 b. The retail dealer complies with requirements of
34 the department to administer this section.

35 3. In order to receive the tax credit, the retail
36 dealer must calculate all of the following:

37 a. The retail dealer's total gasoline gallonage as
38 provided in section 452A.31.

39 b. The retail dealer's total ethanol gallonage as
40 provided in section 452A.31. The retail dealer may
41 calculate the ethanol gallonage based on the schedule
42 provided in section 452A.32.

43 4. The tax credit is calculated by multiplying
44 five cents by the retail dealer's total ethanol
45 gallonage as provided in section 452A.31 as follows:

46 a. For each calendar year beginning during the
47 period commencing January 1, 2006, and ending December
48 31, 2010, the tax credit shall be five cents
49 multiplied by the retail dealer's total ethanol
50 gallonage.

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1 b. For each calendar year beginning during the
2 period commencing January 1, 2011, and ending December
3 31, 2025, the tax credit shall be calculated as
4 follows:

5 (1) Take the retail dealer's total ethanol
6 gallonage which is the minuend.

7 (2) Multiply the retail dealer's total gasoline
8 gallonage by a deductible percentage and round off the
9 resulting product to the nearest whole number to
10 obtain the subtrahend. For calendar year 2011, the
11 deductible percentage is one percent. For each
12 subsequent calendar year, the deductible percentage
13 shall keep increasing by one percent.

14 (3) Subtract the subtrahend from the minuend to
15 obtain the retail dealer's resulting qualifying
16 ethanol gallonage.

17 (4) Multiply the retail dealer's resulting
18 qualifying ethanol gallonage by five cents.

19 c. If a retail dealer's tax year ends prior to
20 December 31 of a calendar year, the retail dealer may
21 continue to claim the tax credit in the retail
22 dealer's following tax year. In that case, the tax
23 credit shall be five cents multiplied by the retail
24 dealer's total ethanol gallonage for the period
25 beginning on the first day of the retail dealer's new
26 tax year until December 31. For that period, the tax
27 credit shall be calculated in the same manner as a
28 retail dealer whose tax year began on the previous
29 January 1 and who is calculating the tax credit on
30 that same December 31.

31 5. a. A retail dealer is eligible to claim an
32 ethanol promotion tax credit as provided in this
33 section even though the retail dealer claims an E-85
34 gasoline promotion tax credit pursuant to section
35 422.11O for the same tax year and for the same ethanol
36 gallonage.

37 b. A retail dealer is not eligible to claim an
38 ethanol promotion tax credit as provided in this
39 section if the retail dealer claims a designated
40 ethanol blended gasoline tax credit as provided in
41 section 422.11C.

42 6. Any credit in excess of the retail dealer's tax
43 liability shall be refunded. In lieu of claiming a
44 refund, the retail dealer may elect to have the
45 overpayment shown on the retail dealer's final,
46 completed return credited to the tax liability for the
47 following tax year.

48 7. An individual may claim the tax credit allowed
49 a partnership, limited liability company, S
50 corporation, estate, or trust electing to have the

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1 income taxed directly to the individual. The amount
2 claimed by the individual shall be based upon the pro
3 rata share of the individual's earnings of a
4 partnership, limited liability company, S corporation,
5 estate, or trust.

6 8. This section is repealed on January 1, 2026.

7 Sec. 33. NEW SECTION. 422.110 E-85 GASOLINE
8 PROMOTION TAX CREDIT.

9 1. As used in this section, unless the context
10 otherwise requires:

11 a. "E-85 gasoline", "ethanol", "gasoline", "motor
12 fuel pump", and "retail dealer" mean the same as
13 defined in section 214A.1.

14 b. "Sell" means to sell on a retail basis.

15 c. "Tax credit" means the E-85 gasoline promotion
16 tax credit as provided in this section.

17 2. The taxes imposed under this division, less the
18 credits allowed under sections 422.12 and 422.12B,
19 shall be reduced by an E-85 gasoline promotion tax
20 credit for each tax year that the taxpayer is eligible
21 to claim under this subsection. In order to be
22 eligible, all of the following must apply:

23 a. The taxpayer is a retail dealer who sells and
24 dispenses E-85 gasoline through a motor fuel pump in
25 the tax year in which the tax credit is claimed.

26 b. The retail dealer complies with requirements of
27 the department to administer this section.

28 3. The amount of the tax credit for a retail
29 dealer is calculated by multiplying a designated rate
30 by the retail dealer's total E-85 gasoline gallonage
31 as provided in sections 452A.31 and 452A.32. The
32 designated rate is as follows:

33 a. For calendar year 2006 or calendar year 2007,
34 twenty-five cents.

35 b. For calendar year 2008 or calendar year 2009,
36 twenty cents.

37 c. For calendar year 2010, ten cents.

38 d. For calendar year 2011, nine cents.

39 e. For calendar year 2012, eight cents.

40 f. For calendar year 2013, seven cents.

41 g. For calendar year 2014, six cents.

42 h. For calendar year 2015, five cents.

43 i. For calendar year 2016, four cents.

44 j. For calendar year 2017, three cents.

45 k. For calendar year 2018, two cents.

46 l. For calendar year 2019, one cent.

47 4. If a retail dealer's tax year ends prior to
48 December 31 of a calendar year, the retail dealer may
49 continue to claim the tax credit in the retail
50 dealer's following tax year. In that case, the tax

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- 1 credit shall be the designated rate multiplied by the
2 retail dealer's total E-85 gasoline gallonage for the
3 remaining period beginning on the first day of the
4 retail dealer's new tax year until the next December
5 31. For that remaining period, the tax credit shall
6 be calculated in the same manner as a retail dealer
7 whose tax year began on the previous January 1 and who
8 is calculating the tax credit on that same December
9 31.
- 10 5. a. A retail dealer is eligible to claim an E-
11 85 gasoline promotion tax credit as provided in this
12 section even though the retail dealer claims an
13 ethanol promotion tax credit pursuant to section
14 422.11N for the same tax year for the same ethanol
15 gallonage.
- 16 b. A retail dealer is not eligible to claim an E-
17 85 gasoline tax credit as provided in this section, if
18 the retail dealer claims a designated ethanol blended
19 gasoline tax credit as provided in section 422.11C.
- 20 6. Any credit in excess of the retail dealer's tax
21 liability shall be refunded. In lieu of claiming a
22 refund, the retail dealer may elect to have the
23 overpayment shown on the retail dealer's final,
24 completed return credited to the tax liability for the
25 following tax year.
- 26 7. An individual may claim the tax credit allowed
27 a partnership, limited liability company, S
28 corporation, estate, or trust electing to have the
29 income taxed directly to the individual. The amount
30 claimed by the individual shall be based upon the pro
31 rata share of the individual's earnings of a
32 partnership, limited liability company, S corporation,
33 estate, or trust.
- 34 8. This section is repealed on January 1, 2020.
- 35 Sec. 34. NEW SECTION. 422.11P BIODIESEL BLENDED
36 FUEL TAX CREDIT.
- 37 1. As used in this section, unless the context
38 otherwise requires:
- 39 a. "Biodiesel blended fuel", "diesel fuel", and
40 "retail dealer" mean the same as defined in section
41 214A.1.
- 42 b. "Motor fuel pump" means the same as defined in
43 section 214.1.
- 44 c. "Sell" means to sell on a retail basis.
- 45 d. "Tax credit" means a biodiesel blended fuel tax
46 credit as provided in this section.
- 47 2. The taxes imposed under this division, less the
48 credits allowed under sections 422.12 and 422.12B,
49 shall be reduced by the amount of the biodiesel
50 blended fuel tax credit for each tax year that the

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1 taxpayer is eligible to claim a tax credit under this
2 subsection.

3 a. In order to be eligible, all of the following
4 must apply:

5 (1) The taxpayer is a retail dealer who sells and
6 dispenses biodiesel blended fuel through a motor fuel
7 pump in the tax year in which the tax credit is
8 claimed.

9 (2) Of the total gallons of diesel fuel that the
10 retail dealer sells and dispenses through all motor
11 fuel pumps during the retail dealer's tax year, fifty
12 percent or more is biodiesel blended fuel which meets
13 the requirements of this section.

14 (3) The retail dealer complies with requirements
15 of the department established to administer this
16 section.

17 b. The tax credit shall apply to biodiesel blended
18 fuel formulated with a minimum percentage of two
19 percent by volume of biodiesel, if the formulation
20 meets the standards provided in section 214A.2.

21 3. The amount of the tax credit is three cents
22 multiplied by the total number of gallons of biodiesel
23 blended fuel sold and dispensed by the retail dealer
24 through all motor fuel pumps operated by the retail
25 dealer during the retail dealer's tax year.

26 4. Any credit in excess of the retail dealer's tax
27 liability shall be refunded. In lieu of claiming a
28 refund, the retail dealer may elect to have the
29 overpayment shown on the retail dealer's final,
30 completed return credited to the tax liability for the
31 following tax year.

32 5. An individual may claim the tax credit allowed
33 a partnership, limited liability company, S
34 corporation, estate, or trust electing to have the
35 income taxed directly to the individual. The amount
36 claimed by the individual shall be based upon the pro
37 rata share of the individual's earnings of the
38 partnership, limited liability company, S corporation,
39 estate, or trust.

40 6. This section is repealed January 1, 2012.

41 Sec. 35. Section 422.33, subsection 11, paragraph
42 a, subparagraph (1), Code Supplement 2005, is amended
43 to read as follows:

44 (1) "~~Ethanol~~ "E-85 gasoline", "ethanol blended
45 gasoline", "gasoline", "~~metered pump~~", "motor fuel
46 pump", "retail dealer", "retail motor fuel site", and
47 "~~sell~~", and "~~service station~~" mean the same as defined
48 in section 422.11C.

49 Sec. 36. Section 422.33, subsection 11, paragraph
50 b, subparagraph (2), Code Supplement 2005, is amended

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1 to read as follows:

2 (2) The taxpayer operates at least one ~~service~~
3 ~~station retail motor fuel site~~ at which more than
4 sixty percent of the total gallons of gasoline sold
5 and dispensed through one or more ~~metered motor fuel~~
6 pumps by the taxpayer is ethanol blended gasoline.

7 Sec. 37. Section 422.33, subsection 11, paragraph
8 c, Code Supplement 2005, is amended to read as
9 follows:

10 c. (1) The tax credit shall be calculated
11 separately for each ~~service station retail motor fuel~~
12 ~~site~~ operated by the taxpayer.

13 (2) The amount of the tax credit for each eligible
14 ~~service station retail motor fuel site~~ is two and one-
15 half cents multiplied by the total number of gallons
16 of ethanol blended gasoline sold and dispensed through
17 all ~~metered motor fuel~~ pumps located at that ~~service~~
18 ~~station retail motor fuel site~~ during the tax year in
19 excess of sixty percent of all gasoline sold and
20 dispensed through ~~metered motor fuel~~ pumps at that
21 ~~service station retail motor fuel site~~ during the tax
22 year.

23 (3) A taxpayer is not eligible to claim a
24 designated ethanol blended gasoline tax credit as
25 provided in this subsection, if the taxpayer claims
26 any of the following:

27 (a) An ethanol promotion tax credit as provided in
28 section 422.11N or this section.

29 (b) An E-85 promotion tax credit as provided in
30 section 422.11O or this section for the same gallons
31 of ethanol blended gasoline.

32 Sec. 38. Section 422.33, subsection 11, Code
33 Supplement 2005, is amended by adding the following
34 new paragraph:

35 NEW PARAGRAPH. e. This subsection is repealed on
36 January 1, 2007.

37 Sec. 39. Section 422.33, Code Supplement 2005, is
38 amended by adding the following new subsections:

39 NEW SUBSECTION. 11A. The taxes imposed under this
40 division shall be reduced by an ethanol promotion tax
41 credit for each tax year that the taxpayer is eligible
42 to claim the tax credit under this subsection.

43 a. The taxpayer shall claim the tax credit in the
44 same manner as provided in section 422.11N. The
45 taxpayer may claim the tax credit according to the
46 same requirements, for the same amount, and calculated
47 in the same manner, as provided for the ethanol
48 promotion tax credit pursuant to section 422.11N.

49 b. Any ethanol promotion tax credit which is in
50 excess of the taxpayer's tax liability shall be

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1 refunded or may be shown on the taxpayer's final,
2 completed return credited to the tax liability for the
3 following tax year in the same manner as provided in
4 section 422.11N.

5 c. This subsection is repealed on January 1, 2026.
6 **NEW SUBSECTION. 11B.** The taxes imposed under this
7 division shall be reduced by an E-85 gasoline
8 promotion tax credit for each tax year that the
9 taxpayer is eligible to claim the tax credit under
10 this subsection.

11 a. The taxpayer shall claim the tax credit in the
12 same manner as provided in section 422.11O. The
13 taxpayer may claim the tax credit according to the
14 same requirements, for the same amount, and calculated
15 in the same manner, as provided for the E-85 gasoline
16 promotion tax credit pursuant to section 422.11O.

17 b. Any E-85 gasoline promotion tax credit which is
18 in excess of the taxpayer's tax liability shall be
19 refunded or may be shown on the taxpayer's final,
20 completed return credited to the tax liability for the
21 following tax year in the same manner as provided in
22 section 422.11O.

23 c. This subsection is repealed on January 1, 2020.
24 Sec. 40. Section 422.33, Code Supplement 2005, is
25 amended by adding the following new subsection:
26 **NEW SUBSECTION. 11C.** The taxes imposed under this
27 division shall be reduced by a biodiesel blended fuel
28 tax credit for each tax year that the taxpayer is
29 eligible to claim the tax credit under this
30 subsection.

31 a. The taxpayer may claim the biodiesel blended
32 fuel tax credit according to the same requirements,
33 for the same amount, and calculated in the same
34 manner, as provided for the biodiesel blended fuel tax
35 credit pursuant to section 422.11P.

36 b. Any biodiesel blended fuel tax credit which is
37 in excess of the taxpayer's tax liability shall be
38 refunded or may be shown on the taxpayer's final,
39 completed return credited to the tax liability for the
40 following tax year in the same manner as provided in
41 section 422.11P.

42 c. This subsection is repealed on January 1, 2012.
43 Sec. 41. **RETROACTIVE APPLICABILITY DATE.** Sections
44 422.11N, 422.11O, and 422.11P, as enacted in this Act,
45 and section 422.33, subsections 11A, 11B, and 11C, as
46 enacted in this Act, apply retroactively to tax years
47 beginning on or after January 1, 2006.

48 Sec. 42. **TAX CREDIT AVAILABILITY.**

49 1. For a retail dealer who may claim a designated
50 ethanol blended gasoline tax credit under section

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1 422.11C or 422.33, subsection 11, as amended by this
2 Act, in calendar year 2006 and whose tax year ends
3 prior to December 31, 2006, the retail dealer may
4 continue to claim the tax credit in the retail
5 dealer's following tax year. In that case, the tax
6 credit shall be calculated in the same manner as
7 provided in section 422.11C or 422.33, subsection 11,
8 as amended by this Act, for the remaining period
9 beginning on the first day of the retail dealer's new
10 tax year until December 31, 2006. For that remaining
11 period, the tax credit shall be calculated in the same
12 manner as a retail dealer whose tax year began on the
13 previous January 1 and who is calculating the tax
14 credit on December 31, 2006.

15 2. For a retail dealer who may claim an ethanol
16 promotion tax credit under section 422.11N or 422.33,
17 subsection 11A, as enacted in this Act, in calendar
18 year 2025 and whose tax year ends prior to December
19 31, 2025, the retail dealer may continue to claim the
20 tax credit in the retail dealer's following tax year.
21 In that case, the tax credit shall be calculated in
22 the same manner as provided in section 422.11N or
23 422.33, subsection 11A, as enacted in this Act, for
24 the remaining period beginning on the first day of the
25 retail dealer's new tax year until December 31, 2025.
26 For that remaining period, the tax credit shall be
27 calculated in the same manner as a retail dealer whose
28 tax year began on the previous January 1 and who is
29 calculating the tax credit on December 31, 2025.

30 3. For a retail dealer who may claim an E-85
31 gasoline promotion tax credit under section 422.11O or
32 422.33, subsection 11B, as enacted in this Act, in
33 calendar year 2019 and whose tax year ends prior to
34 December 31, 2019, the retail dealer may continue to
35 claim the tax credit in the retail dealer's following
36 tax year. In that case, the tax credit shall be
37 calculated in the same manner as provided in section
38 422.11O or 422.33, subsection 11B, as enacted in this
39 Act, for the remaining period beginning on the first
40 day of the retail dealer's new tax year until December
41 31, 2019. For that remaining period, the tax credit
42 shall be calculated in the same manner as a retail
43 dealer whose tax year began on the previous January 1
44 and who is calculating the tax credit on December 31,
45 2019.

46 4. For a retail dealer who may claim a biodiesel
47 blended fuel tax credit under section 422.11P or
48 422.33, subsection 11C, as enacted in this Act, in
49 calendar year 2006 and whose tax year ends before
50 December 31, 2006, the retail dealer may claim the tax

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1 credit during the period beginning January 1, 2006,
 2 and ending on the last day of the retail dealer's tax
 3 year, if of the total gallons of diesel fuel that the
 4 retail dealer sells and dispenses through all motor
 5 fuel pumps during that period, fifty percent or more
 6 is biodiesel blended fuel which meets the requirements
 7 of section 422.11P or 422.33, subsection 11C, as
 8 enacted in this Act.

9 5. For a retail dealer who may claim a biodiesel
 10 blended fuel tax credit under section 422.11P or
 11 422.33, subsection 11C, as enacted in this Act, in
 12 calendar year 2011 and whose tax year ends prior to
 13 December 31, 2011, the retail dealer may continue to
 14 claim the tax credit in the retail dealer's following
 15 tax year. In that case, the tax credit shall be
 16 calculated in the same manner as provided in section
 17 422.11P or 422.33, subsection 11C, as enacted in this
 18 Act, for the remaining period beginning on the first
 19 day of the retail dealer's new tax year until December
 20 31, 2011. For that remaining period, the tax credit
 21 shall be calculated in the same manner as a retail
 22 dealer whose tax year began on the previous January 1
 23 and who is calculating the tax credit on December 31,
 24 2011.

25 DIVISION V

26 PETROLEUM REPLACEMENT INITIATIVE

27 Sec. 43. Section 452A.2, subsection 2, Code
 28 Supplement 2005, is amended by striking the subsection
 29 and inserting in lieu thereof the following:

30 2. "Biofuel" means the same as defined in section
 31 214A.1.

32 Sec. 44. Section 452A.2, Code Supplement 2005, is
 33 amended by adding the following new subsections:

34 NEW SUBSECTION. 1A. "Biodiesel" means the same as
 35 defined in section 214A.1.

36 NEW SUBSECTION. 1B. "Biodiesel blended fuel"
 37 means the same as defined in section 214A.1.

38 NEW SUBSECTION. 9A. "E-85 gasoline" means the
 39 same as defined in section 214A.1.

40 NEW SUBSECTION. 10A. "Ethanol" means the same as
 41 defined in section 214A.1.

42 NEW SUBSECTION. 13A. "Gasoline" means the same as
 43 defined in section 214A.1.

44 NEW SUBSECTION. 19A. "Motor fuel pump" means the
 45 same as defined in section 214.1.

46 NEW SUBSECTION. 20A. "Nonethanol blended
 47 gasoline" means gasoline other than ethanol blended
 48 gasoline.

49 NEW SUBSECTION. 24A. "Retail dealer" means the
 50 same as defined in section 214A.1.

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1 NEW SUBSECTION. 24B. "Retail motor fuel site"
2 means the same as defined in section 214A.1.

3 Sec. 45. Section 452A.2, subsection 11, Code
4 Supplement 2005, is amended to read as follows:

5 11. "Ethanol blended gasoline" means ~~motor fuel~~
6 ~~containing at least ten percent alcohol distilled from~~
7 ~~cereal grains the same as defined in section 214A.1.~~

8 Sec. 46. Section 452A.2, subsection 19, unnumbered
9 paragraph 1, Code Supplement 2005, is amended to read
10 as follows:

11 "Motor fuel" means both motor fuel as defined in
12 section 214A.1 and includes all of the following:

13 Sec. 47. Section 452A.3, subsection 1A, Code 2005,
14 is amended by striking the subsection and inserting in
15 lieu thereof the following:

16 1A. Except as otherwise provided in this section
17 and in this division, after June 30, 2007, this
18 subsection shall apply to the excise tax imposed on
19 each gallon of gasoline used for any purpose for the
20 privilege of operating motor vehicles in this state.

21 The amount of the excise tax is the applicable rate
22 multiplied by each gallon of ethanol blended gasoline
23 and nonethanol blended gasoline.

24 a. The applicable rate is the base rate of twenty
25 cents for ethanol blended gasoline and nonethanol
26 blended gasoline.

27 b. By March 1, following each key determination
28 period as provided in section 452A.31, the department
29 shall determine whether the biofuel percentage
30 threshold has been met as provided in section 452A.34.

31 (1) If the biofuel threshold percentage has been
32 met, the applicable rate of the excise tax is the base
33 rate as provided in paragraph "a".

34 (2) If the biofuel threshold percentage has not
35 been met, the applicable rate of the excise tax is a
36 special rate.

37 (a) The special rate is calculated as follows:

38 (i) Multiply the biofuel threshold disparity
39 factor for that key determination period as provided
40 in section 452A.34 by two cents to obtain the
41 resulting product.

42 (ii) Add the resulting product to the base rate as
43 if the biofuel threshold percentage had been met as
44 provided in paragraph "a" to obtain the resulting sum
45 which is the special rate.

46 (b) The special rate shall be effective as
47 follows:

48 (i) If the biofuel threshold percentage has not
49 been met during the first key determination period,
50 the special rate is effective beginning on July 1,

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1 2010, and ending on June 30, 2015.

2 (ii) If the biofuel threshold percentage has not
3 been met during the second key determination period,
4 the special rate is effective beginning on July 1,
5 2015, and ending on June 30, 2020.

6 (iii) If the biofuel threshold percentage has not
7 been met during the third key determination period,
8 the special rate is effective beginning on July 1,
9 2020, and ending on June 30, 2025.

10 (iv) If the biofuel threshold percentage has not
11 been met during the fourth key determination period,
12 the special rate is effective on and after July 1,
13 2025.

14 Sec. 48. NEW SECTION. 452A.31 SPECIAL TERMS.

15 For purposes of this division, all of the following
16 shall apply:

17 1. a. A determination period is any twelve-month
18 period beginning on January 1 and ending on December
19 31.

20 b. A key determination period and key
21 determination date are as follows:

22 (1) For the first key determination period, the
23 period beginning January 1 and ending December 31,
24 2009, and for the first key determination date, March
25 1, 2010.

26 (2) For the second key determination period, the
27 period beginning January 1 and ending December 31,
28 2014, and for the second key determination date, March
29 1, 2015.

30 (3) For the third key determination period, the
31 period beginning January 1 and ending December 31,
32 2019, and for the third key determination date, March
33 1, 2020.

34 (4) For the fourth key determination period, the
35 period beginning January 1 and ending December 31,
36 2024, and for the fourth key determination date, March
37 1, 2025.

38 2. a. A retail dealer's total gasoline gallonage
39 is the total number of gallons of gasoline, which the
40 retail dealer sells and dispenses from all motor fuel
41 pumps operated by the retail dealer in this state
42 during a twelve-month period beginning January 1 and
43 ending December 31. The retail dealer's total
44 gasoline gallonage is divided into the following
45 classifications:

46 (1) The total ethanol blended gasoline gallonage
47 which is the retail dealer's total number of gallons
48 of ethanol blended gasoline and which includes all of
49 the following subclassifications:

50 (a) The total E-xx gasoline gallonage which is the

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1 total number of gallons of ethanol blended gasoline
2 other than E-85 gasoline.

3 (b) The total E-85 gasoline gallonage which is the
4 total number of gallons of E-85 gasoline.

5 (2) The total nonblended gasoline gallonage which
6 is the total number of gallons of nonblended ethanol
7 gasoline.

8 b. A retail dealer's total ethanol gallonage is
9 the total number of gallons of ethanol which is a
10 component of ethanol blended gasoline which the retail
11 dealer sells and dispenses from motor fuel pumps as
12 provided in paragraph "a" during a twelve-month period
13 beginning January 1 and ending December 31.

14 3. a. A retail dealer's total diesel fuel
15 gallonage is the total number of gallons of diesel
16 fuel, which the retail dealer sells and dispenses from
17 all motor fuel pumps operated by the retail dealer in
18 this state during a twelve-month period beginning
19 January 1 and ending December 31. The retail dealer's
20 total diesel fuel gallonage is divided into the
21 following classifications:

22 (1) The total biodiesel blended fuel gallonage
23 which is the retail dealer's total number of gallons
24 of biodiesel blended fuel.

25 (2) The total nonblended diesel fuel gallonage
26 which is the total number of gallons of diesel fuel
27 which is not biodiesel or biodiesel blended fuel.

28 b. A retail dealer's total biodiesel gallonage is
29 the total number of gallons of biodiesel which may or
30 may not be a component of biodiesel blended fuel, and
31 which the retail dealer sells and dispenses from motor
32 fuel pumps as provided in paragraph "a" during a
33 twelve-month period beginning January 1 and ending
34 December 31.

35 4. a. The aggregate gasoline gallonage is the
36 total number of gallons of gasoline, which all retail
37 dealers sell and dispense from all motor fuel pumps
38 operated by the retail dealers in this state during a
39 twelve-month period beginning January 1 and ending
40 December 31. The aggregate gasoline gallonage is
41 divided into the following classifications:

42 (1) The aggregate ethanol blended gasoline
43 gallonage which is the aggregate total number of
44 gallons of ethanol blended gasoline and which includes
45 all of the following subclassifications:

46 (a) The aggregate E-xx gasoline gallonage which is
47 the aggregate total number of gallons of ethanol
48 blended gasoline other than E-85 gasoline.

49 (b) The aggregate E-85 gasoline gallonage which is
50 the aggregate total number of gallons of E-85

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1 gasoline.

2 (2) The aggregate nonblended gasoline gallonage,
3 which is the aggregate number of gallons of nonblended
4 ethanol gasoline.

5 b. The aggregate ethanol gallonage is the total
6 number of gallons of ethanol which is a component of
7 ethanol blended gasoline which all retail dealers sell
8 and dispense from motor fuel pumps as provided in
9 paragraph "a" during a twelve-month period beginning
10 January 1 and ending December 31.

11 5. a. The aggregate diesel fuel gallonage is the
12 total number of gallons of diesel fuel, which all
13 retail dealers sell and dispense from all motor fuel
14 pumps operated by the retail dealers in this state
15 during a twelve-month period beginning January 1 and
16 ending December 31. The aggregate diesel fuel
17 gallonage is divided into the following
18 classifications:

19 (1) The aggregate biodiesel blended fuel gallonage
20 which is the aggregate number of gallons of biodiesel
21 blended fuel.

22 (2) The aggregate nonblended diesel fuel gallonage
23 which is the aggregate number of gallons of diesel
24 fuel which is not biodiesel or biodiesel blended fuel.
25 b. The aggregate biodiesel gallonage is the total
26 number of gallons of biodiesel which may or may not be
27 a component of biodiesel blended fuel, and which all
28 retail dealers sell and dispense from motor fuel pumps
29 as provided in paragraph "a" during a twelve-month
30 period beginning January 1 and ending December 31.

31 6. a. The aggregate ethanol distribution
32 percentage is the aggregate ethanol gallonage
33 expressed as a percentage of the aggregate gasoline
34 gallonage calculated for a twelve-month period
35 beginning January 1 and ending December 31.

36 b. The aggregate per gallon distribution
37 percentage which is the aggregate ethanol blended
38 gasoline gallonage expressed as a percentage of the
39 aggregate gasoline gallonage.

40 7. a. The aggregate biodiesel distribution
41 percentage is the aggregate biodiesel gallonage
42 expressed as a percentage of the aggregate diesel fuel
43 gallonage calculated for a twelve-month period
44 beginning January 1 and ending December 31.

45 b. The aggregate per gallon distribution
46 percentage is the aggregate biodiesel blended fuel
47 gallonage expressed as a percentage of the aggregate
48 diesel fuel gallonage.

49 8. The aggregate biofuel distribution percentage
50 is the sum of the aggregate ethanol gallonage plus the

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1 aggregate biodiesel gallonage expressed as a
2 percentage of the sum of the aggregate gasoline
3 gallonage plus the aggregate diesel fuel gallonage.
4 9. a. The biofuel threshold percentage is the
5 aggregate biofuel distribution percentage required to
6 be met during a key determination period as provided
7 in section 452A.34.

8 b. The biofuel threshold percentage disparity is a
9 positive percentage difference obtained by taking the
10 minuend which is the aggregate biofuel distribution
11 percentage and subtracting from it the subtrahend
12 which is the biofuel threshold percentage, as
13 calculated for a key determination period as provided
14 in section 452A.34.

15 c. The biofuel threshold disparity factor is the
16 biofuel threshold percentage disparity expressed as a
17 positive number rounded to the nearest tenth of a
18 whole number.

19 Sec. 49. NEW SECTION. 452A.32 SCHEDULE FOR
20 AVERAGING BIOFUEL CONTENT IN MOTOR FUEL.

21 1. The department shall establish a schedule
22 listing the average amount of ethanol contained in E-
23 85 gasoline as defined in section 214A.1, for use by a
24 retail dealer in calculating the retail dealer's total
25 ethanol gallonage, as provided in section 452A.31. In
26 establishing the schedule, the department shall assume
27 that a retail dealer begins selling and dispensing E-
28 85 gasoline from a motor fuel pump on the first day of
29 a month and ceases selling and distributing E-85
30 gasoline on the last day of a month.

31 2. The department shall establish a schedule
32 listing the average amount of biodiesel contained in
33 biodiesel blended fuel as defined in section 214A.1,
34 for use by a retail dealer in calculating the retail
35 dealer's total biodiesel gallonage, as provided in
36 section 452A.31. In establishing the schedule, the
37 department shall assume that a retail dealer begins
38 selling and dispensing biodiesel blended fuel from a
39 motor fuel pump on the first day of a month and ceases
40 selling and distributing biodiesel blended fuel on the
41 last day of a month.

42 Sec. 50. NEW SECTION. 452A.33 REPORTING
43 REQUIREMENTS.

44 1. a. Each retail dealer shall report its total
45 motor fuel gallonage for a determination period as
46 follows:

- 47 (1) Its total gasoline gallonage and its total
48 ethanol gallonage, including for each classification
49 and subclassification as provided in section 452A.31.
- 50 (2) Its total diesel fuel gallonage and its total

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1 biodiesel gallonage, including for each classification
2 and subclassification as provided in section 452A.31.
3 b. The retail dealer shall prepare and submit the
4 report in a manner and according to procedures
5 required by the department. The department may
6 require that retail dealers report to the department
7 on an annual, quarterly, or monthly basis.

8 c. The information included in a report submitted
9 by a retail dealer is deemed to be a trade secret,
10 protected as a confidential record pursuant to section
11 22.7.

12 2. On or before February 1 the department shall
13 deliver a report to the governor and the legislative
14 services agency. The report shall compile information
15 reported by retail dealers to the department as
16 provided in this section and shall at least include
17 all of the following:

18 a. (1) The aggregate gasoline gallonage for the
19 previous determination period, including for all
20 classifications and subclassifications as provided in
21 section 452A.31.

22 (2) The aggregate diesel fuel gallonage for the
23 previous determination period, including for all
24 classifications and subclassifications as provided in
25 section 452A.31.

26 b. (1) The aggregate ethanol distribution
27 percentage for the previous determination period.

28 (2) The aggregate biodiesel distribution
29 percentage for the previous determination period.

30 c. (1) The projected aggregate gasoline
31 gallonage, the aggregate ethanol gallonage, and the
32 projected aggregate ethanol distribution percentage,
33 for each future key determination period as provided
34 in section 452A.34.

35 (2) The projected aggregate diesel fuel gallonage,
36 the projected aggregate biodiesel gallonage, and the
37 projected aggregate biodiesel distribution percentage,
38 for each future key determination period as provided
39 in section 452A.34.

40 (3) The projected aggregate biofuel gallonage and
41 the projected aggregate biofuel distribution
42 percentage, for each future key determination period
43 as provided in section 452A.34.

44 d. The biofuel threshold percentage required for
45 the next key determination period as provided in
46 section 452A.34 and any projected biofuel threshold
47 percentage disparity, including the amount of
48 additional biofuel required to be sold and dispensed
49 from all motor fuel pumps located at all retail motor
50 fuel sites in this state in order to meet the next

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1 biofuel threshold percentage.

2 e. The report shall not provide information
3 regarding motor fuel or biofuel which is sold and
4 dispensed by an individual retail dealer or at a
5 particular retail motor fuel site. The report shall
6 not include a trade secret protected as a confidential
7 record pursuant to section 22.7.

8 3. On or before February 1 of each year, the state
9 department of transportation shall deliver a report to
10 the governor and the legislative services agency
11 providing information regarding flexible fuel vehicles
12 registered in this state during the previous
13 determination period. The information shall state all
14 of the following:

15 a. The aggregate number of flexible fuel vehicles.

16 b. Of the aggregate number of flexible fuel
17 vehicles, all of the following:

18 (1) The number of flexible fuel vehicles according
19 to the year of manufacture.

20 (2) The number of passenger vehicles and the
21 number of passenger vehicles according to the year of
22 manufacture.

23 (3) The number of light pickup trucks and the
24 number of light pickup trucks according to the year of
25 manufacture.

26 Sec. 51. NEW SECTION. 452A.34 BIOFUEL THRESHOLD
27 PERCENTAGES.

28 1. The department shall determine whether a
29 biofuel threshold percentage has been met on the
30 following key determination dates:

31 a. On March 1, 2010, the department must determine
32 that the aggregate biofuel distribution percentage was
33 at least ten percent in order to meet the first
34 biofuel threshold percentage for the key determination
35 period beginning on January 1, 2009, and ending
36 December 31, 2009.

37 b. On March 1, 2015, the department must determine
38 that the aggregate biofuel distribution percentage was
39 at least fifteen percent in order to meet the second
40 biofuel threshold percentage for the key determination
41 period beginning on January 1, 2014, and ending
42 December 31, 2014.

43 c. On March 1, 2020, the department must determine
44 that the aggregate biofuel distribution percentage was
45 at least twenty percent in order to meet the third
46 biofuel threshold percentage for the key determination
47 period beginning on January 1, 2019, and ending
48 December 31, 2019.

49 d. On March 1, 2025, the department must determine
50 that the aggregate biofuel distribution percentage was

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1 at least twenty-five percent in order to meet the
2 fourth biofuel threshold percentage for the key
3 determination period beginning on January 1, 2024, and
4 ending December 31, 2024.

5 2. If on a key determination date, a biofuel
6 threshold percentage has not been met, the department
7 shall calculate the biofuel threshold percentage
8 disparity and the resulting biofuel threshold
9 disparity factor as provided in section 452A.31 which
10 shall be used to determine the special rate of the
11 excise tax imposed on each gallon of nonethanol
12 blended gasoline as provided in section 452A.3.

13 DIVISION VI

14 COORDINATING PROVISIONS — GOVERNMENT VEHICLES

15 Sec. 52. Section 8A.362, subsection 3, Code 2005,
16 is amended to read as follows:

17 3. a. The director shall provide for a record
18 system for the keeping of records of the total number
19 of miles state-owned motor vehicles are driven and the
20 per-mile cost of operation of each motor vehicle.
21 Every state officer or employee shall keep a record
22 book to be furnished by the director in which the
23 officer or employee shall enter all purchases of
24 gasoline, lubricating oil, grease, and other
25 incidental expense in the operation of the motor
26 vehicle assigned to the officer or employee, giving
27 the quantity and price of each purchase, including the
28 cost and nature of all repairs on the motor vehicle.
29 Each operator of a state-owned motor vehicle shall
30 promptly prepare a report at the end of each month on
31 forms furnished by the director and forwarded to the
32 director, giving the information the director may
33 request in the report. Each month the director shall
34 compile the costs and mileage of state-owned motor
35 vehicles from the reports and keep a cost history for
36 each motor vehicle and the costs shall be reduced to a
37 cost-per-mile basis for each motor vehicle. The
38 director shall call to the attention of an elected
39 official or the head of any state agency to which a
40 motor vehicle has been assigned any evidence of the
41 mishandling or misuse of a state-owned motor vehicle
42 which is called to the director's attention.

43 b. A motor vehicle operated under this subsection
44 shall not operate on gasoline other than ethanol
45 blended gasoline blended with at least ten percent
46 ethanol as defined in section 214A.1, unless under
47 emergency circumstances. A state-issued credit card
48 used to purchase gasoline shall not be valid to
49 purchase gasoline other than ethanol blended gasoline
50 blended with at least ten percent ethanol, if

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1 commercially available. The motor vehicle shall also
2 be affixed with a brightly visible sticker which
3 notifies the traveling public that the motor vehicle
4 is being operated on ethanol blended gasoline ~~blended~~
5 ~~with ethanol~~. However, the sticker is not required to
6 be affixed to an unmarked vehicle used for purposes of
7 providing law enforcement or security.

8 Sec. 53. Section 8A.362, subsection 5, paragraph
9 a, subparagraphs (1) and (2), Code 2005, are amended
10 to read as follows:

11 ~~(1) A fuel blended with not more than fifteen~~
12 ~~percent E-85 gasoline and at least eighty five percent~~
13 ~~ethanol as provided in section 214A.2.~~

14 (2) ~~A B-20 biodiesel blended fuel which is a~~
15 ~~mixture of diesel fuel and processed soybean oil as~~
16 ~~provided in section 214A.2. At least twenty percent~~
17 ~~of the mixed fuel by volume must be processed soybean~~
18 ~~oil.~~

19 Sec. 54. Section 216B.3, subsection 16, paragraph
20 a, Code 2005, is amended to read as follows:

21 a. A motor vehicle purchased by the commission
22 shall not operate on gasoline other than ethanol
23 blended gasoline ~~blended with at least ten percent~~
24 ~~ethanol as defined in section 214A.1.~~ A state issued
25 credit card used to purchase gasoline shall not be
26 valid to purchase gasoline other than ethanol blended
27 gasoline blended with at least ten percent ethanol.
28 The motor vehicle shall also be affixed with a
29 brightly visible sticker which notifies the traveling
30 public that the motor vehicle is being operated on
31 ethanol blended gasoline ~~blended with ethanol~~.
32 However, the sticker is not required to be affixed to
33 an unmarked vehicle used for purposes of providing law
34 enforcement or security.

35 Sec. 55. Section 216B.3, subsection 16, paragraph
36 b, subparagraph (1), subparagraph subdivisions (a) and
37 (b), Code 2005, are amended to read as follows:

38 (a) ~~A fuel blended with not more than fifteen~~
39 ~~percent E-85 gasoline and at least eighty five percent~~
40 ~~ethanol as provided in section 214A.2.~~

41 (b) ~~A B-20 biodiesel blended fuel which is a~~
42 ~~mixture of diesel fuel and processed soybean oil as~~
43 ~~provided in section 214A.2. At least twenty percent~~
44 ~~of the mixed fuel by volume must be processed soybean~~
45 ~~oil.~~

46 Sec. 56. Section 260C.19A, subsection 1, Code
47 2005, is amended to read as follows:

48 1. A motor vehicle purchased by or used under the
49 direction of the board of directors to provide
50 services to a merged area shall not operate on

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1 gasoline other than ethanol blended gasoline ~~blended~~
2 ~~with at least ten percent ethanol as defined in~~
3 section 214A.1. The motor vehicle shall also be
4 affixed with a brightly visible sticker which notifies
5 the traveling public that the motor vehicle is being
6 operated on ethanol blended gasoline ~~blended with~~
7 ethanol. However, the sticker is not required to be
8 affixed to an unmarked vehicle used for purposes of
9 providing law enforcement or security.

10 Sec. 57. Section 260C.19A, subsection 2, paragraph
11 a, subparagraphs (1) and (2), Code 2005, are amended
12 to read as follows:

13 (1) ~~A fuel blended with not more than fifteen~~
14 ~~percent E-85 gasoline and at least eighty-five percent~~
15 ~~ethanol as provided in section 214A.2.~~

16 (2) ~~A B-20 biodiesel blended fuel which is a~~
17 ~~mixture of diesel fuel and processed soybean oil as~~
18 ~~provided in section 214A.2. At least twenty percent~~
19 ~~of the mixed fuel by volume must be processed soybean~~
20 ~~oil.~~

21 Sec. 58. Section 262.25A, subsection 2, Code 2005,
22 is amended to read as follows:

23 2. A motor vehicle purchased by the institutions
24 shall not operate on gasoline other than ethanol
25 blended gasoline blended with at least ten percent
26 ethanol as defined in section 214A.1, unless under
27 emergency circumstances. A state-issued credit card
28 used to purchase gasoline shall not be valid to
29 purchase gasoline other than ethanol blended gasoline
30 blended with at least ten percent ethanol if
31 commercially available. The motor vehicle shall also
32 be affixed with a brightly visible sticker which
33 notifies the traveling public that the motor vehicle
34 is being operated on ethanol blended gasoline ~~blended~~
35 ~~with ethanol~~. However, the sticker is not required to
36 be affixed to an unmarked vehicle used for purposes of
37 providing law enforcement or security.

38 Sec. 59. Section 262.25A, subsection 3, paragraph
39 a, subparagraphs (1) and (2), Code 2005, are amended
40 to read as follows:

41 (1) ~~A fuel blended with not more than fifteen~~
42 ~~percent E-85 gasoline and at least eighty-five percent~~
43 ~~ethanol as provided in section 214A.2.~~

44 (2) ~~A B-20 biodiesel blended fuel which is a~~
45 ~~mixture of processed soybean oil and diesel fuel as~~
46 ~~provided in section 214A.2. At least twenty percent~~
47 ~~of the fuel by volume must be processed soybean oil.~~

48 Sec. 60. Section 279.34, Code 2005, is amended to
49 read as follows:

50 279.34 MOTOR VEHICLES REQUIRED TO OPERATE ON

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1 ~~ETHANOL-BLENDED ETHANOL BLENDED GASOLINE.~~

2 A motor vehicle purchased by or used under the
3 direction of the board of directors to provide
4 services to a school corporation shall not, on or
5 after January 1, 1993, operate on gasoline other than
6 ~~ethanol blended gasoline blended with at least ten~~
7 ~~percent ethanol as defined in section 214A.1.~~ The
8 motor vehicle shall also be affixed with a brightly
9 visible sticker which notifies the traveling public
10 that the motor vehicle is being operated on ethanol
11 blended gasoline blended with ethanol. However, the
12 sticker is not required to be affixed to an unmarked
13 vehicle used for purposes of providing law enforcement
14 or security.

15 Sec. 61. Section 307.21, subsection 4, paragraph
16 d, Code 2005, is amended to read as follows:

17 d. A motor vehicle purchased by the administrator
18 shall not operate on gasoline other than ethanol
19 blended gasoline blended with at least ten percent
20 ethanol as defined in section 214A.1. A state-issued
21 credit card used to purchase gasoline shall not be
22 valid to purchase gasoline other than ethanol blended
23 gasoline blended with at least ten percent ethanol.
24 The motor vehicle shall also be affixed with a
25 brightly visible sticker which notifies the traveling
26 public that the motor vehicle is being operated on
27 ethanol blended gasoline blended with ethanol.
28 However, the sticker is not required to be affixed to
29 an unmarked vehicle used for purposes of providing law
30 enforcement or security.

31 Sec. 62. Section 307.21, subsection 5, paragraph
32 a, subparagraphs (1) and (2), Code 2005, are amended
33 to read as follows:

34 (1) ~~A fuel blended with not more than fifteen~~
35 ~~percent E-85 gasoline and at least eighty five percent~~
36 ~~ethanol as provided in section 214A.2.~~

37 (2) ~~A B-20 biodiesel blended fuel which is a~~
38 ~~mixture of processed soybean oil and diesel fuel as~~
39 ~~provided in section 214A.2. At least twenty percent~~
40 ~~of the fuel by volume must be processed soybean oil.~~

41 Sec. 63. Section 331.908, Code 2005, is amended to
42 read as follows:

43 331.908 MOTOR VEHICLES REQUIRED TO OPERATE ON
44 ~~ETHANOL-BLENDED ETHANOL BLENDED GASOLINE.~~

45 A motor vehicle purchased or used by a county to
46 provide county services shall not, ~~on or after January~~
47 ~~1, 1993,~~ operate on gasoline other than ethanol
48 blended gasoline blended with at least ten percent
49 ethanol as defined in section 214A.1. The motor
50 vehicle shall also be affixed with a brightly visible

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1 sticker which notifies the traveling public that the
2 motor vehicle is being operated on ethanol blended
3 ~~gasoline blended with ethanol~~. However, the sticker
4 is not required to be affixed to an unmarked vehicle
5 used for purposes of providing law enforcement or
6 security.

7 Sec. 64. Section 364.20, Code 2005, is amended to
8 read as follows:

9 364.20 MOTOR VEHICLES REQUIRED TO OPERATE ON
10 ~~ETHANOL BLENDED ETHANOL BLENDED~~ GASOLINE.

11 A motor vehicle purchased or used by a city to
12 provide city services shall not, ~~on or after January~~
13 ~~1, 1993~~, operate on gasoline other than ethanol
14 blended gasoline ~~blended with at least ten percent~~
15 ~~ethanol as defined in section 214A.1~~. The motor
16 vehicle shall also be affixed with a brightly visible
17 sticker which notifies the traveling public that the
18 motor vehicle is being operated on ethanol blended
19 ~~gasoline blended with ethanol~~. However, the sticker
20 is not required to be affixed to an unmarked vehicle
21 used for purposes of providing law enforcement or
22 security.

23 Sec. 65. Section 904.312A, subsection 1, Code
24 2005, is amended to read as follows:

25 1. A motor vehicle purchased by the department
26 shall not operate on gasoline other than ethanol
27 blended gasoline ~~blended with at least ten percent~~
28 ~~ethanol as defined in section 214A.1~~. A state-issued
29 credit card used to purchase gasoline shall not be
30 valid to purchase gasoline other than ethanol blended
31 ~~gasoline blended with at least ten percent ethanol~~.
32 The motor vehicle shall also be affixed with a
33 brightly visible sticker which notifies the traveling
34 public that the motor vehicle is being operated on
35 ethanol blended gasoline ~~blended with ethanol~~.
36 However, the sticker is not required to be affixed to
37 an unmarked vehicle used for purposes of providing law
38 enforcement or security.

39 Sec. 66. Section 904.312A, subsection 2, paragraph
40 a, subparagraphs (1) and (2), Code 2005, are amended
41 to read as follows:

42 (1) A fuel ~~blended with not more than fifteen~~
43 ~~percent E-85 gasoline and at least eighty-five percent~~
44 ~~ethanol as provided in section 214A.2~~.

45 (2) A B-20 biodiesel ~~blended fuel which is a~~
46 ~~mixture of diesel fuel and processed soybean oil as~~
47 provided in section 214A.2. At least twenty percent
48 ~~of the mixed fuel by volume must be processed soybean~~
49 ~~oil~~.

50

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1 COORDINATING PROVISIONS — MISCELLANEOUS

2 Sec. 67. Section 15.401, Code Supplement 2005, is
3 amended to read as follows:

4 15.401 E-85 BLENDED GASOLINE RENEWABLE FUELS.

5 1. As used in this section, unless the context
6 otherwise requires, “biodiesel”, “biodiesel blended
7 fuel”, “E-85 gasoline”, and “retail motor fuel site”
8 mean the same as defined in section 214A.1.

9 2. The department shall provide a cost-share
10 program for financial incentives for the installation
11 or conversion of infrastructure used by service
12 stations ~~retail motor fuel sites~~ to do all of the
13 following:

14 a. sell ~~Sell~~ and dispense E-85 blended gasoline
15 and for the installation or conversion of,

16 b. Install or convert infrastructure required to
17 establish on-site and off-site terminal facilities
18 that store biodiesel or biodiesel blended fuel for
19 distribution to ~~service stations~~ retail motor fuel
20 sites.

21 3. The department shall provide for an addition of
22 at least thirty new or converted E-85 gasoline retail
23 outlets and four new or converted on-site or off-site
24 terminal facilities with a maximum expenditure of
25 three hundred twenty-five thousand dollars per year
26 for the fiscal period beginning July 1, 2005, and
27 ending June 30, 2008. The department may provide for
28 the marketing of these products in conjunction with
29 this infrastructure program.

30 Sec. 68. Section 159A.2, Code 2005, is amended by
31 adding the following new subsections:

32 NEW SUBSECTION. 0A. “Biodiesel” and “biodiesel
33 blended fuel” mean the same as defined in section
34 214A.1.

35 NEW SUBSECTION. 3A. “Department” means the
36 department of agriculture and land stewardship.

37 NEW SUBSECTION. 3B. “Ethanol blended gasoline”
38 means the same as defined in section 214A.1.

39 Sec. 69. Section 159A.2, subsection 6, Code 2005,
40 is amended by striking the subsection and inserting in
41 lieu thereof the following:

42 6. “Renewable fuel” means the same as defined in
43 section 214A.1.

44 Sec. 70. Section 159A.2, subsection 8, Code 2005,
45 is amended by striking the subsection.

46 Sec. 71. Section 159A.3, subsection 3, Code 2005,
47 is amended to read as follows:

48 3. a. A chief purpose of the office is to further
49 the production and consumption of ethanol fuel blended
50 gasoline in this state. The office shall be the

Page 39

1 primary state agency charged with the responsibility
2 to promote public consumption of ethanol ~~fuel~~ blended
3 gasoline.

4 b. The office shall promote the production and
5 consumption of ~~soy diesel fuel~~ biodiesel and biodiesel
6 blended fuel in this state.

7 Sec. 72. Section 214A.19, subsection 1, unnumbered
8 paragraph 1, Code 2005, is amended to read as follows:

9 The department of natural resources, conditioned
10 upon the availability of funds, is authorized to award
11 demonstration grants to persons who purchase vehicles
12 which operate on alternative fuels, including but not
13 limited to, ~~high blend ethanol~~ E-85 gasoline,
14 biodiesel, compressed natural gas, electricity, solar
15 energy, or hydrogen. A grant shall be for the purpose
16 of conducting research connected with the fuel or the
17 vehicle, and not for the purchase of the vehicle
18 itself, except that the money may be used for the
19 purchase of the vehicle if all of the following
20 conditions are satisfied:

21 Sec. 73. Section 307.20, Code 2005, is amended to
22 read as follows:

23 307.20 BIODIESEL AND BIODIESEL BLENDED FUEL
24 REVOLVING FUND.

25 1. A biodiesel and biodiesel blended fuel
26 revolving fund is created in the state treasury. The
27 biodiesel and biodiesel blended fuel revolving fund
28 shall be administered by the department and shall
29 consist of moneys received from the sale of EPA
30 credits banked by the department on April 19, 2001,
31 moneys appropriated by the general assembly, and any
32 other moneys obtained or accepted by the department
33 for deposit in the fund. Moneys in the fund are
34 appropriated to and shall be used by the department
35 for the purchase of biodiesel and biodiesel blended
36 fuel for use in department vehicles. The department
37 shall submit an annual report not later than January
38 31 to the members of the general assembly and the
39 legislative services agency, of the expenditures made
40 from the fund during the preceding fiscal year.
41 Section 8.33 does not apply to any moneys in the fund
42 and, notwithstanding section 12C.7, subsection 2,
43 earnings or interest on moneys deposited in the fund
44 shall be credited to the fund.

45 2. A ~~department~~ departmental motor vehicle
46 operating on using biodiesel or biodiesel blended fuel
47 shall be affixed with a brightly visible sticker that
48 notifies the traveling public that the motor vehicle
49 uses biodiesel blended fuel.

50 3. For purposes of this section the following

Page 40

1 definitions apply:

2 a. "Biodiesel" and "biodiesel blended
3 fuel" ~~means soydiesel fuel~~ mean the same as defined in
4 section ~~459A.2~~ 214A.1.

5 b. "EPAct credit" means a credit issued pursuant
6 to the federal Energy Policy Act (EPAct), 42 U.S.C. §
7 13201 et seq.

8 Sec. 74. Section 452A.2, subsection 3, Code
9 Supplement 2005, is amended to read as follows:

10 3. "Blender" means a person who owns and blends
11 ~~alcohol~~ ethanol with gasoline to produce ethanol
12 blended gasoline and blends the product at a
13 nonterminal location. The blender person is not
14 restricted to blending ~~alcohol~~ ethanol with gasoline.
15 Products blended with gasoline other than grain
16 ~~alcohol~~ ethanol are taxed as gasoline. "Blender" also
17 means a person blending two or more special fuel
18 products at a nonterminal location where the tax has
19 not been paid on all of the products blended. This
20 blend is taxed as a special fuel.

21 Sec. 75. Section 452A.2, Code Supplement 2005, is
22 amended by adding the following new subsection:
23 NEW SUBSECTION. 9A. "E-85 gasoline" means the
24 same as defined in section 214A.1.

25 Sec. 76. Section 452A.2, subsection 11, Code
26 Supplement 2005, is amended to read as follows:

27 11. "Ethanol blended gasoline" means ~~motor fuel~~
28 ~~containing at least ten percent alcohol distilled from~~
29 ~~cereal grains the same as defined in section 214A.1.~~

30 Sec. 77. Section 452A.2, subsection 19, unnumbered
31 paragraph 1, Code Supplement 2005, is amended to read
32 as follows:

33 "Motor fuel" means both motor fuel as defined in
34 section 214A.1 and includes all of the following:

35 Sec. 78. Section 452A.2, subsection 21, Code
36 Supplement 2005, is amended to read as follows:

37 21. "Nonterminal storage facility" means a
38 facility where motor fuel or special fuel, other than
39 liquefied petroleum gas, is stored that is not
40 supplied by a pipeline or a marine vessel.
41 "Nonterminal storage facility" includes a facility
42 that manufactures products such as alcohol ethanol as
43 defined in section 214A.1, biofuel, blend stocks, or
44 additives which may be used as motor fuel or special
45 fuel, other than liquefied petroleum gas, for
46 operating motor vehicles or aircraft.

47 Sec. 79. Section 452A.3, subsection 1B, Code
48 Supplement 2005, is amended to read as follows:

49 1B. An excise tax of seventeen cents is imposed on
50 each gallon of E-85 gasoline, ~~which contains at least~~

Page 41

1 ~~eighty-five percent denatured alcohol by volume from~~
2 ~~the first day of April until the last day of October~~
3 ~~or seventy percent denatured alcohol from the first~~
4 ~~day of November until the last day of March, used for~~
5 ~~the privilege of operating motor vehicles in this~~
6 ~~state as defined in section 214A.1, subject to the~~
7 ~~determination provided in subsection 1C.~~

8 Sec. 80. Section 452A.6, Code 2005, is amended to
9 read as follows:

10 452A.6 ETHANOL BLENDED GASOLINE AND OTHER PRODUCTS
11 — BLENDER'S LICENSE.

12 1. a. A person other than a supplier, restrictive
13 supplier, or importer licensed under this division,
14 who blends gasoline with ~~alcohol distilled from cereal~~
15 ~~grains so that the blend contains at least ten percent~~
16 ~~alcohol distilled from cereal grains~~ ethanol as
17 defined in section 214A.1 in order to formulate
18 ethanol blended gasoline, shall obtain a blender's
19 license.

20 b. A person who blends two or more special fuel
21 products or sells one hundred percent biofuel shall
22 obtain a blender's license.

23 2. The A blender's license shall be obtained by
24 following the procedure under section 452A.4 and the
25 blender's license is subject to the same restrictions
26 as contained in that section.

27 3. A blender required to obtain a license pursuant
28 to this section shall maintain records as required by
29 section 452A.10 as to motor fuel, ~~alcohol~~ ethanol,
30 ethanol blended gasoline, and special fuels.

31 DIVISION VIII

32 CHANGE OF TERMS

33 Sec. 81. CHANGE OF TERMS.

34 1. Sections 8A.362, 101.21, 159A.4, 214.1, 214.11,
35 214A.1, 214A.2, 214A.4, 214A.5, 214A.7, 214A.8,
36 214A.9, 214A.10, 214A.16, 214A.17, 214A.18, 306C.11,
37 312.1, 321.56, 423.14, 452A.63, 452A.66, and 452A.78,
38 Code 2005, are amended by striking from the provisions
39 the words "motor vehicle fuel" and inserting the
40 following: "motor fuel".

41 2. Sections 214.1, 214.3, 214.9, 214.11, and
42 214A.16, Code 2005, are amended by striking the words
43 "motor vehicle fuel pump" or "motor vehicle fuel
44 pumps" and inserting the following: "motor fuel pump"
45 or "motor fuel pumps".

46 3. Sections 159A.3 and 214A.17, Code 2005, are
47 amended by striking from the provisions the words
48 "oxygenate octane enhancers" and inserting the
49 following: "oxygenates".

50 4. Sections 214A.1, 214A.4, 214A.5, 214A.7,

Page 42

- 1 214A.8, and 214A.10, Code 2005, are amended by
- 2 striking from the provisions the words "oxygenate
- 3 octane enhancer" and inserting the following:
- 4 "oxygenate".
- 5 2. Title page, by striking lines 1 through 7 and
- 6 inserting the following: "An Act relating to
- 7 renewable fuel and energy, providing incentives for
- 8 infrastructure used to store and dispense renewable
- 9 fuel, providing for income tax credits and excise
- 10 taxes, providing for penalties, and providing
- 11 effective and applicability dates, including
- 12 retroactive applicability."

DAVID JOHNSON
TOM RIELLY

S-5181

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2508

- 1 Amend the Senate amendment, H-8426, to House File
- 2 2508, as passed by the House, as follows:
- 3 1. Page 1, lines 13 and 14, by striking the words
- 4 "direct deposit" and inserting the following: "send".

S-5182

- 1 Amend House File 2754, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 4, by striking the figure "2025"
- 4 and inserting the following: "2020, all".
- 5 2. Page 1, by inserting after line 6 the
- 6 following:
- 7 "Sec. ____ Section 214.1, subsections 1 through 3,
- 8 Code 2005, are amended by striking the subsections and
- 9 inserting in lieu thereof the following:
- 10 1. "Commercial weighing and measuring device" or
- 11 "device" means the same as defined in section 215.26.
- 12 2. "Motor fuel" means the same as defined in
- 13 section 214A.1.
- 14 3. "Motor fuel pump" means a pump, meter, or
- 15 similar commercial weighing and measuring device used
- 16 to measure and dispense motor fuel on a retail basis.
- 17 4. "Retail dealer" means the same as defined in
- 18 section 214A.1.
- 19 5. "Wholesale dealer" means the same as defined in
- 20 section 214A.1."

- 21 3. Page 1, line 20, by striking the word
22 "constituent" and inserting the following:
23 "component".
- 24 4. Page 3, line 14, by inserting after the word
25 "site" the following: "including a permanent or
26 mobile location".
- 27 5. Page 4, line 7, by striking the word
28 "registration".
- 29 6. Page 4, by striking lines 17 through 22 and
30 inserting the following:
31 "() Ethanol must be an agriculturally derived
32 ethyl alcohol that meets A.S.T.M. international
33 specification D 4806 for denatured fuel ethanol for
34 blending with gasoline for use as automotive spark-
35 ignition engine fuel, or a successor A.S.T.M.
36 international specification, as established by rules
37 adopted by the department."
- 38 7. By striking page 4, line 26, through page 5,
39 line 1, and inserting the following:
40 "() E-85 gasoline must be an agriculturally
41 derived ethyl alcohol that meets A.S.T.M.
42 international specification D 5798, described as a
43 fuel blend for use in ground vehicles with automotive
44 spark-ignition engines, or a successor A.S.T.M.
45 international specification, as established by rules
46 adopted by the department."
- 47 8. Page 5, line 11, by striking the words
48 "biodiesel or biodiesel blended" and inserting the
49 following: "diesel".
- 50 9. Page 5, line 12, by striking the word

Page 2

- 1 "registration".
- 2 10. Page 5, line 16, by striking the word "The"
3 and inserting the following: "If the motor fuel is
4 advertised for sale or sold as biodiesel or biodiesel
5 blended fuel, the".
- 6 11. Page 6, line 32, by inserting after the word
7 "gasoline." the following: "However, a person
8 advertising E-10 gasoline may only designate it as
9 ethanol blended gasoline."
- 10 12. Page 7, by inserting after line 4 the
11 following:
12 "Sec. ____ Section 214A.5, Code 2005, is amended
13 to read as follows:
14 214A.5 SALES SLIP ON DEMAND.
15 Each A wholesale dealer or retail dealer ~~in this~~
16 ~~state~~ shall, when making a sale of motor vehicle fuel,
17 give to each a purchaser upon demand a sales slip,
18 ~~upon which must be printed the words "This motor~~
19 ~~vehicle fuel conforms to the standard of~~

20 specifications required by the state of Iowa." Each
 21 wholesale dealer in this state shall, when making a
 22 sale of oxygenate octane enhancer, give to each
 23 purchaser upon demand a sales slip upon which must be
 24 printed the words "This oxygenate octane enhancer
 25 conforms to the standard specifications required by
 26 the state of Iowa."

27 Sec. ____ Section 214A.7, Code 2005, is amended to
 28 read as follows:

29 214A.7 DEPARTMENT INSPECTION — SAMPLES TESTED.

30 The department, ~~its agents or employees,~~ shall,
 31 from time to time, make or cause to be made tests of
 32 any motor vehicle fuel or oxygenate octane enhancer
 33 which is being sold, or held or offered for sale
 34 within this state, ~~and for such purposes the~~
 35 ~~inspectors have the right to.~~ An inspector may enter
 36 upon the premises of any wholesale dealer or retail
 37 dealer of motor vehicle fuel or oxygenate octane
 38 enhancer within this state, and to take from any
 39 container a sample of the motor vehicle fuel or
 40 oxygenate octane enhancer, not to exceed ~~eight~~ sixteen
 41 fluid ounces. The sample shall be sealed and
 42 appropriately marked or labeled by the inspector and
 43 delivered to the department. The department shall
 44 make, or cause to be made, complete analyses or tests
 45 of the motor vehicle fuel or oxygenate octane enhancer
 46 by the methods specified in section 214A.2."

47 13. Page 7, line 9, by striking the words "an
 48 oxygenate" and inserting the following: "oxygenate".

49 14. Page 7, line 10, by inserting after the word
 50 "enhancer" the following: "biofuel".

Page 3

1 15. Page 7, by striking lines 13 through 18 and
 2 inserting the following:

3 "Sec. ____ Section 214A.11, Code 2005, is amended
 4 to read as follows:

5 214A.11 VIOLATIONS PENALTIES.

6 1. Any Except as provided in subsection 2, a
 7 person violating the provisions who violates a
 8 provision of this chapter shall be is guilty of a
 9 simple misdemeanor. Each day that a continuing
 10 violation occurs shall be considered a separate
 11 offense.

12 2. The state may proceed against a person who
 13 violates this chapter by initiating an alternative
 14 civil enforcement action in lieu of a prosecution.
 15 The alternative civil enforcement action may be
 16 brought against the person as a contested case
 17 proceeding by the department under chapter 17A or as a
 18 civil judicial proceeding by the attorney general upon

19 referral by the department. The department may
20 impose, assess, and collect the civil penalty. The
21 civil penalty shall be for at least one hundred
22 dollars but not more than one thousand dollars for
23 each violation. Each day that a continuing violation
24 occurs shall be considered a separate offense.
25 a. Except as provided in paragraph "b", the state
26 is precluded from prosecuting a violation pursuant to
27 subsection 1, if the state is a party in the
28 alternative civil enforcement action, the department
29 has made a final decision in the contested case
30 proceeding, or a court has entered a final judgment.
31 b. If a party to an alternative civil enforcement
32 action fails to pay the civil penalty to the
33 department within thirty days after the party has
34 exhausted the party's administrative remedies and the
35 party has not sought judicial review in accordance
36 with section 17A.19, the department may order that its
37 final decision be vacated. When the department's
38 final decision is vacated, the state may initiate a
39 criminal prosecution, but shall be precluded from
40 bringing an alternative civil enforcement action. If
41 a party to an alternative civil enforcement action
42 fails to pay the civil penalty within thirty days
43 after a court has entered a final judgment, the
44 department may request that the attorney general
45 petition the court to vacate its final judgment. When
46 the court's judgment has been vacated, the state may
47 initiate a criminal prosecution, but shall be
48 precluded from bringing an alternative civil
49 enforcement action."
50 16. Page 11, by striking line 20 and inserting

Page 4

1 the following:
2 " ___. As used in this section, unless the context
3 otherwise requires:
4 ___. "E-85 gasoline and "retail dealer" mean the
5 same as defined in section 214A.1.
6 ___. "Gasoline storage and".
7 17. Page 11, line 25, by striking the words "as
8 defined in section 214A.1".
9 18. Page 11, line 30, by inserting after the word
10 "department" the following: "of natural resources
11 under this chapter or the state fire marshal under
12 chapter 101, division II".
13 19. Page 11, line 34, by striking the word
14 "equipment" and inserting the following: "dispenser".
15 20. Page 12, line 6, by inserting after the word
16 "equipment" the following: "for use in dispensing E-
17 85 gasoline".

- 18 21. Page 12, lines 9 and 10, by striking the
19 words "department of public safety" and inserting the
20 following: "state fire marshal".
- 21 22. Page 12, line 14, by striking the words
22 "department of public safety" and inserting the
23 following: "state fire marshal".
- 24 23. Page 12, by inserting after line 15 the
25 following:
26 "Sec. ____ CONFLICT WITH OTHER ACT. If the
27 Eighty-first General Assembly enacts House File 2793
28 or any other Act that amends section 214.1 in a manner
29 that conflicts with the amendments in this Act to
30 section 214.1, the provisions of this Act shall
31 prevail."
- 32 24. Page 12, by inserting after line 32 the
33 following:
34 "____. "Department" means the Iowa department of
35 economic development created in section 15.105."
- 36 25. Page 13, line 7, by inserting after the word
37 "biodiesel" the following: "that is stored on-site or
38 off-site in bulk and".
- 39 26. Page 13, line 9, by inserting after the word
40 "which" the following: "storage and distribution
41 facility".
- 42 27. Page 13, by inserting after line 20 the
43 following:
44 "____. "Underground storage tank fund board" means
45 the Iowa comprehensive petroleum underground storage
46 tank fund board established pursuant to section
47 455G.4."
- 48 28. Page 13, line 32, by striking the word "nine"
49 and inserting the following: "eleven".
- 50 29. Page 13, by inserting after line 35 the

Page 5

- 1 following:
2 "____. One person representing the petroleum
3 industry who is knowledgeable about issues relating to
4 petroleum refining, terminal operations, and petroleum
5 or motor fuel distribution."
- 6 30. Page 14, line 1, by striking the word "Eight"
7 and inserting the following: "Nine".
- 8 31. Page 14, by inserting after line 11 the
9 following:
10 "(____) The Iowa grocery industry association."
- 11 32. Page 14, line 29, by striking the word "five"
12 and inserting the following: "six".
- 13 33. Page 14, by inserting after line 30 the
14 following:
15 "____. The infrastructure board shall meet with
16 three or more members of the underground storage tank

17 fund board who shall represent the underground storage
18 tank fund board. The representatives shall be
19 available to advise the infrastructure board when the
20 infrastructure board makes decisions regarding the
21 awarding of financial incentives to a person under a
22 renewable fuel infrastructure program provided in
23 section 15G.116 or 15G.117.”

24 34. Page 14, line 34, by striking the word “Five”
25 and inserting the following: “Six”.

26 35. Page 15, line 16, by inserting after the word
27 “dispense” the following: “renewable fuel which is”.

28 36. Page 15, by striking lines 19 through 26 and
29 inserting the following:

30 “2. A person may apply to the department to
31 receive financial incentives on a cost-share basis.
32 The department shall forward the applications to the
33 underground storage tank fund board as required by
34 that board for evaluation and recommendation. The
35 underground storage tank fund board may rank the
36 recommended applications with comments and shall
37 forward them to the infrastructure board for approval
38 or disapproval. The department shall award financial
39 incentives on a cost-share basis to an eligible person
40 whose application as recommended by the underground
41 storage tank fund board was approved by the
42 infrastructure board.

43 3. To all extent practical, the program shall be
44 administered in conjunction with the programs provided
45 in section 15.401.”

46 37. Page 16, by striking lines 31 through 33 and
47 inserting the following: “to perform a new site
48 assessment unless a new release occurs or if a
49 previously unknown or unforeseen risk condition should
50 arise.”

Page 6

1 38. By striking page 16, line 34, through page
2 17, line 4, and inserting the following:
3 “___ The infrastructure board shall not approve a
4 cost-”.

5 39. Page 17, line 7, by striking the words “or
6 motor fuel pump”.

7 40. Page 17, by striking lines 17 through 25 and
8 inserting the following: “exceed fifty percent of the
9 actual cost of making the improvement or thirty
10 thousand dollars, whichever is less. The
11 infrastructure board may approve multiple awards to
12 make improvements to a retail motor fuel site so long
13 as the total amount of the awards does not exceed the
14 limitations provided in this paragraph.”

15 41. Page 17, line 26, by striking the word “c.”

16 and inserting the following: "7."

17 42. Page 17, by striking lines 27 and 28 and
18 inserting the following: "to store and dispense motor
19 fuel other than the type of renewable fuel approved by
20 the board in the cost-share agreement, unless one of
21 the".

22 43. Page 17, line 30, by striking the figure
23 "(1)" and inserting the following: "a."

24 44. Page 17, line 34, by striking the figure
25 "(2)" and inserting the following: "b."

26 45. Page 17, line 34, by striking the words
27 "infrastructure fund" and inserting the following:
28 "renewable fuel infrastructure fund if created in 2006
29 Iowa acts, House File 2759".

30 46. Page 18, line 2, by inserting after the word
31 "amount." the following: "The amount shall be
32 deposited in the renewable fuel infrastructure fund if
33 created in 2006 Iowa acts, House File 2759."

34 47. Page 18, line 3, by striking the word "d."
35 and inserting the following: "8."

36 48. Page 18, by striking lines 9 through 11.

37 49. Page 18, by striking lines 15 through 17 and
38 inserting the following: "infrastructure board
39 created in section 15G.115 shall".

40 50. Page 18, by striking lines 25 through 30 and
41 inserting the following:

42 " ___. A person may apply to the department to
43 receive financial incentives on a cost-share basis.
44 The department shall forward the applications to the
45 underground storage tank fund board as required by
46 that board for evaluation and recommendation. The
47 underground storage tank fund board may rank the
48 recommended applications with comments and shall
49 forward them to the infrastructure board for approval
50 or disapproval. The department shall award financial

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1 incentives on a cost-share basis to an eligible person
2 whose application as recommended by the underground
3 storage tank fund board was approved by the
4 infrastructure board.

5 ___. To all extent practical, the program shall be
6 administered in conjunction with the programs provided
7 in section 15.401."

8 51. Page 19, by striking lines 16 through 25 and
9 inserting the following:

10 " ___. An award of financial incentives to a
11 participating person shall be in the form of a grant.
12 In order to participate in the program an eligible
13 person must execute a cost-share agreement with the
14 department as approved by the infrastructure board in

15 which the person contributes a percentage of the total
16 costs related to improving the terminal. The
17 financial incentives awarded to the participating
18 person shall not exceed fifty percent of the actual
19 cost of making the improvements or fifty thousand
20 dollars, whichever is less. The infrastructure board
21 may approve multiple awards to make improvements to a
22 terminal so long as the total amount of the awards
23 does not exceed the limitations provided in this
24 subsection.”

25 52. Page 19, line 34, by striking the words
26 “infrastructure fund” and inserting the following:
27 “renewable fuel infrastructure fund if created in 2006
28 Iowa acts, House File 2759”.

29 53. Page 20, line 2, by inserting after the word
30 “amount.” the following: “The amount shall be
31 deposited in the renewable fuel infrastructure fund if
32 created in 2006 Iowa acts, House File 2759 .”

33 54. Page 20, by inserting after line 8, the
34 following:

35 “Sec. . NEW SECTION. 15G.120 REPORT.

36 1. By January 15 of each year, the renewable fuel
37 infrastructure board shall approve that part of the
38 department’s report required to be submitted to the
39 governor and general assembly by the department
40 regarding projects supported from the grow Iowa values
41 fund as provided in section 15.104 which provides
42 information regarding expenditures to support
43 renewable fuel infrastructure programs as provided in
44 sections 15G.116 and 15G.117. That part of the report
45 approved by the board shall include the same
46 information as required for business finance projects
47 funded during the previous fiscal year.

48 2. This section is repealed on July 1, 2012.

49 Sec. . DEPARTMENTAL STUDY — E-85 GASOLINE
50 AVAILABILITY. The state department of transportation

Page 8

1 and the department of natural resources shall
2 cooperate to conduct a study to provide methods to
3 inform persons of the availability of E-85 gasoline
4 offered for sale and distribution by retail dealers of
5 motor fuel in this state, including the location of
6 each retail motor fuel site where a retail dealer
7 offers E-85 gasoline for sale and distribution. The
8 department’s study shall include methods for
9 identifying those locations for the convenience of the
10 traveling public including but not limited to the
11 identification of those locations on roadside signs
12 and on the official Iowa map published pursuant to
13 section 307.14. The departments shall jointly prepare

14 and deliver a report to the governor and general
 15 assembly, which includes findings and recommendations,
 16 not later than January 10, 2007.

17 Sec. __. EMERGENCY RULES. The Iowa department of
 18 economic development and the Iowa comprehensive
 19 petroleum underground storage tank fund board shall
 20 adopt emergency rules under section 17A.4, subsection
 21 2, and section 17A.5, subsection 2, paragraph "b", to
 22 implement the provisions of this division and the
 23 rules shall be effective immediately upon filing, but
 24 not later than June 1, 2006. Any rules adopted in
 25 accordance with this section shall also be published
 26 as a notice of intended action as provided in section
 27 17A.4, subsection 1."

28 55. Page 20, line 15, by striking the words "and
 29 "retail dealer"" and inserting the following:

30 ""retail dealer", and "retail motor fuel site"".

31 56. Page 20, lines 17 and 18, by striking the

32 words "as motor vehicle fuel pump".

33 57. Page 20, by striking lines 19 and 20.

34 58. Page 21, by striking lines 9 through 16, and

35 inserting the following:

36 "3A. A retail dealer is eligible to claim a
 37 designated ethanol blended gasoline tax credit as
 38 provided in this section even though the retail dealer
 39 claims an E-85 gasoline promotion tax credit pursuant
 40 to section 422.11O for the same tax year for the same
 41 ethanol gallonage."

42 59. Page 21, line 20 by striking the figure

43 "2007" and inserting the following: "2009".

44 60. Page 21, line 26, by striking the words

45 ""motor fuel pump",."

46 61. Page 21, by inserting after line 27 the

47 following:

48 " __. "Flexible fuel vehicle" means the same as
 49 defined in section 452A.2.

50 __. "Motor fuel" means the same as defined in

Page 9

1 section 452A.2.

2 __. "Motor fuel pump" means the same as defined
 3 in section 214.1."

4 63. Page 21, by inserting after line 30 the

5 following:

6 " __. The special terms provided in section
 7 452A.31 shall also apply to this section."

8 64. By striking page 22, line 9, through page 23,
 9 line 11, and inserting the following:

10 "a. The retail dealer's biofuel distribution
 11 percentage which is the sum of the retail dealer's
 12 total ethanol gallonage plus the retail dealer's total

13 biodiesel gallonage expressed as a percentage of the
14 retail dealer's total gasoline gallonage, in the
15 retail dealer's applicable determination period.

16 b. The retail dealer's biofuel threshold
17 percentage is as follows:

18 (1) For a retail dealer who sells and dispenses
19 more than two hundred thousand gallons of motor fuel
20 in an applicable determination period, the retail
21 dealer's biofuel threshold percentage is as follows:

22 (a) Ten percent for the determination period
23 beginning on January 1, 2009, and ending December 31,
24 2009.

25 (b) Eleven percent for the determination period
26 beginning on January 1, 2010, and ending December 31,
27 2010.

28 (c) Twelve percent for the determination period
29 beginning on January 1, 2011, and ending December 31,
30 2011.

31 (d) Thirteen percent for the determination period
32 beginning on January 1, 2012, and ending December 31,
33 2012.

34 (e) Fourteen percent for the determination period
35 beginning on January 1, 2013, and ending December 31,
36 2013.

37 (f) Fifteen percent for the determination period
38 beginning on January 1, 2014, and ending December 31,
39 2014.

40 (g) Seventeen percent for the determination period
41 beginning on January 1, 2015, and ending December 31,
42 2015.

43 (h) Nineteen percent for the determination period
44 beginning on January 1, 2016, and ending December 31,
45 2016.

46 (i) Twenty-one percent for the determination
47 period beginning on January 1, 2017, and ending
48 December 31, 2017.

49 (j) Twenty-three percent for the determination
50 period beginning on January 1, 2018, and ending

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1 December 31, 2018.

2 (k) Twenty-five percent for each determination
3 period beginning on and after January 1, 2019.

4 (2) For a retail dealer who sells and dispenses
5 two hundred thousand gallons of motor fuel or less in
6 an applicable determination period, the biofuel
7 threshold percentages shall be:

8 (a) Six percent for the determination period
9 beginning on January 1, 2009, and ending December 31,
10 2009.

11 (b) Six percent for the determination period

- 12 beginning on January 1, 2010, and ending December 31,
13 2010.
- 14 (c) Ten percent for the determination period
15 beginning on January 1, 2011, and ending December 31,
16 2011.
- 17 (d) Eleven percent for the determination period
18 beginning on January 1, 2012, and ending December 31,
19 2012.
- 20 (e) Twelve percent for the determination period
21 beginning on January 1, 2013, and ending December 31,
22 2013.
- 23 (f) Thirteen percent for the determination period
24 beginning on January 1, 2014, and ending December 31,
25 2014.
- 26 (g) Fourteen percent for the determination period
27 beginning on January 1, 2015, and ending December 31,
28 2015.
- 29 (h) Fifteen percent for the determination period
30 beginning on January 1, 2016, and ending December 31,
31 2016.
- 32 (i) Seventeen percent for the determination period
33 beginning on January 1, 2017, and ending December 31,
34 2017.
- 35 (j) Nineteen percent for the determination period
36 beginning on January 1, 2018, and ending December 31,
37 2018.
- 38 (k) Twenty-one percent for the determination
39 period beginning on January 1, 2019, and ending
40 December 31, 2019.
- 41 (l) Twenty-three percent for the determination
42 period beginning on January 1, 2020, and ending
43 December 31, 2020.
- 44 (m) Twenty-five percent for each determination
45 period beginning on and after January 1, 2021.
- 46 (3) Notwithstanding paragraph "a", the department
47 of agriculture and land stewardship may adjust a
48 biofuel threshold percentage for a determination
49 period if the department finds that exigent
50 circumstances exist. Exigent circumstances exist due

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- 1 to potential substantial economic injury to the
2 state's economy. Exigent circumstances also exist if
3 it is probable that a substantial number of retail
4 dealers cannot comply with a biofuel threshold
5 percentage during a determination period due to any of
6 the following:
- 7 (a) Less than the target number of flexible fuel
8 vehicles are registered under chapter 321. The target
9 numbers of flexible fuel vehicles are as follows:
- 10 (i) On January 1, 2011, two hundred fifty

11 thousand.

12 (ii) On January 1, 2014, three hundred fifty
13 thousand.

14 (iii) On January 1, 2017, four hundred fifty
15 thousand.

16 (iv) On January 1, 2019, five hundred fifty
17 thousand.

18 (b) A shortage in the biofuel feedstock resulting
19 in a dramatic decrease in biofuel inventories.

20 If the governor finds that exigent circumstances
21 exist, the department may reduce the applicable
22 biofuel threshold percentage by replacing it with an
23 adjusted biofuel threshold percentage. The governor
24 shall consult with the department of revenue and the
25 renewable fuels and coproducts advisory committee
26 established pursuant to section 159A.4. The governor
27 shall make the adjustment by giving notice of intent
28 to issue a proclamation which shall take effect not
29 earlier than thirty-five days after publication in the
30 Iowa administrative bulletin of a notice to issue the
31 proclamation. The governor shall provide a period of
32 notice and comment in the same manner as provided in
33 section 17A.4, subsection 1. The adjusted biofuel
34 threshold percentage shall be effective for the
35 following determination period.

36 c. The retail dealer's biofuel threshold
37 percentage disparity which is a positive percentage
38 difference obtained by taking the minuend which is the
39 retail dealer's biofuel distribution percentage and
40 subtracting from it the subtrahend which is the retail
41 dealer's biofuel threshold percentage, in the retail
42 dealer's applicable determination period.

43 ____ a. For a retail dealer whose tax year is the
44 same as a determination period beginning on January 1
45 and ending on December 31, the retail dealer's tax
46 credit is calculated by multiplying the retail
47 dealer's total ethanol gallonage by a tax credit rate,
48 which may be adjusted based on the retail dealer's
49 biofuel threshold percentage disparity. The tax
50 credit rate is as follows:

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1 (1) For any tax year in which the retail dealer
2 has attained a biofuel threshold percentage for the
3 determination period, the tax credit rate is six and
4 one-half cents.

5 (2) For any tax year in which the retail dealer
6 has not attained a biofuel threshold percentage for
7 the determination period, the tax credit rate shall be
8 adjusted based on the retail dealer's biofuel
9 threshold percentage disparity. The amount of the

10 adjusted tax credit rate is as follows:

11 (a) If the retail dealer's biofuel threshold
12 percentage disparity equals two percent or less, the
13 tax credit rate is four and one-half cents.

14 (b) If the retail dealer's biofuel threshold
15 percentage disparity equals more than two percent but
16 not more than four percent, the tax credit rate is two
17 and one-half cents.

18 (c) A retail dealer is not eligible for a tax
19 credit if the retail dealer's biofuel threshold
20 percentage disparity equals more than four percent.

21 b. For a retail dealer whose tax year is not the
22 same as a determination period beginning on January 1
23 and ending on December 31, the retail dealer shall
24 calculate the tax credit twice, as follows:

25 (1) For the period beginning on the first day of
26 the retail dealer's tax year until December 31, the
27 retail dealer shall calculate the tax credit in the
28 same manner as a retail dealer who calculates the tax
29 credit on that same December 31 as provided in
30 paragraph "a".

31 (2) For the period beginning on January 1 to the
32 end of the retail dealer's tax year, the retail dealer
33 shall calculate the tax credit in the same manner as a
34 retail dealer who will calculate the tax credit on the
35 following December 31 as provided in paragraph "a".

36 65. Page 23, line 12, by striking the word "a."

37 66. Page 23, by striking lines 17 through 20.

38 67. Page 24, lines 3 and 4, by striking the words
39 "motor fuel pump",.

40 68. Page 24, by inserting after line 5 the
41 following:

42 "____. "Motor fuel pump" means the same as defined
43 in section 214.1."

44 69. Page 24, line 12, by inserting after the word
45 "claim" the following: "the tax credit".

46 70. Page 24, by striking lines 19 and 20 and
47 inserting the following:

48 "____. For a retail dealer whose tax year is on a
49 calendar year basis, the retail dealer shall calculate
50 the amount of the tax credit by multiplying a

Page 13

1 designated rate by the retail".

2 71. Page 24, by striking line 23, and inserting
3 the following:

4 "____. For calendar year 2006, calendar year 2007,
5 and calendar year 2008, twenty-".

6 72. Page 24, line 25, by striking the figures and
7 words "2008 or calendar year 2009" and inserting the
8 following: "2009 and calendar year 2010".

- 9 73. Page 24, line 27, by striking the figure
10 "2010" and inserting the following: "2011".
- 11 74. Page 24, line 28, by striking the figure
12 "2011" and inserting the following: "2012".
- 13 75. Page 24, line 29, by striking the figure
14 "2012" and inserting the following: "2013".
- 15 76. Page 24, line 30, by striking the figure
16 "2013" and inserting the following: "2014".
- 17 77. Page 24, line 31, by striking the figure
18 "2014" and inserting the following: "2015".
- 19 78. Page 24, line 32, by striking the figure
20 "2015" and inserting the following: "2016".
- 21 79. Page 24, line 33, by striking the figure
22 "2016" and inserting the following: "2017".
- 23 80. Page 24, line 34, by striking the figure
24 "2017" and inserting: "2018".
- 25 81. Page 24, line 35, by striking the figure
26 "2018" and inserting the following: "2019".
- 27 82. Page 25, line 1, by striking the figure
28 "2019" and inserting the following: "2020".
- 29 83. Page 25, by striking lines 2 through 12 and
30 inserting the following:
31 "___ For a retail dealer whose tax year is not on
32 a calendar year basis, the retail dealer shall
33 calculate the tax credit twice, as follows:
34 (1) For the period beginning on the first day of
35 the retail dealer's tax year until December 31, the
36 retail dealer shall calculate the tax credit in the
37 same manner as a retail dealer who calculates the tax
38 credit on that same December 31 as provided in
39 subsection 3.
40 (2) For the period beginning on January 1 to the
41 end of the retail dealer's tax year, the retail dealer
42 shall calculate the tax credit in the same manner as a
43 retail dealer who will calculate the tax credit on the
44 following December 31 as provided in subsection 3."
45 84. Page 25, line 13, by striking the word "a."
46 85. Page 25, by striking lines 18 through 21.
47 86. Page 25, line 34, by striking the figure
48 "2020" and inserting the following: "2021".
- 49 87. Page 28, by striking lines 8 through 15.
50 88. Page 28, line 19, by striking the figure

Page 14

- 1 "2007" and inserting the following: "2009".
2 89. Page 29, line 18, by striking the figure
3 "2020" and inserting the following: "2021".
4 90. Page 30, line 1, by striking the figures
5 "422.11N, 422.11O," and inserting the following:
6 "422.11O"
7 91. Page 30, line 2, by striking the figures

- 8 "11A, 11B" and inserting the following: "11B".
- 9 92. Page 30, line 8, by striking the figure
10 "2006" and inserting the following: "2008".
- 11 93. Page 30, line 9, by striking the figure
12 "2006" and inserting the following: "2008".
- 13 94. Page 30, line 15, by striking the figure
14 "2006" and inserting the following: "2008".
- 15 95. Page 30, line 19, by striking the figure
16 "2006" and inserting the following: "2008".
- 17 96. Page 31, line 1, by striking the figure
18 "2019" and inserting the following: "2020".
- 19 97. Page 31, line 2, by striking the figure
20 "2019" and inserting the following: "2020".
- 21 98. Page 31, line 8, by striking the figure
22 "2019" and inserting the following: "2020".
- 23 99. Page 31, line 12, by striking the figure
24 "2019" and inserting the following: "2020".
- 25 100. Page 32, by inserting after line 18 the
26 following:
27 "NEW SUBSECTION. 13A. "Flexible fuel vehicle"
28 means a motor vehicle as defined in section 321M.1
29 which is powered by an engine capable of operating
30 using E-85 gasoline."
- 31 101. Page 32, line 19, by striking the figure
32 "13A." and inserting the following: "13B."
- 33 102. Page 32, by striking lines 27 and 28.
- 34 103. By striking page 33, line 4, through page
35 34, line 13.
- 36 104. Page 34, line 17, by striking the word "a."
- 37 105. Page 34, by striking lines 19 through 32.
- 38 106. Page 37, line 18, by inserting after the
39 word "gallonage" the following: "calculated for a
40 twelve-month period beginning January 1 and ending
41 December 31".
- 42 107. Page 37, line 25, by inserting after the
43 word "gallonage" the following: "calculated for a
44 twelve-month period beginning January 1 and ending
45 December 31".
- 46 108. Page 37, line 30, by inserting after the
47 word "gallonage" the following: "calculated for a
48 twelve-month period beginning January 1 and ending
49 December 31".
- 50 109. By striking page 37, line 31, through page

Page 15

- 1 38, line 7.
- 2 110. Page 38, line 9, by striking the words
3 "BIOFUEL CONTENT IN MOTOR FUEL" and inserting the
4 following: "ETHANOL CONTENT IN E-85 GASOLINE".
- 5 111. Page 38, line 10, by striking the figure
6 "1."

- 7 112. Page 38, by striking lines 19 through 28.
8 113. By striking page 39, line 26, through page
9 40, line 9.
10 114. By striking page 40, line 30, through page
11 41, line 26.
12 115. Page 48, by inserting after line 20 the
13 following:
14 "4. The department shall consult with the
15 renewable fuel infrastructure board created in section
16 15G.115 in administering this section."
17 116. By striking page 50, line 31 through page
18 51, line 9.
19 117. Page 52, line 21, by striking the figure
20 "214.1,".
21 118. Page 52, line 27, by striking the figure
22 "214.1,".
23 119. By renumbering, relettering, or
24 redesignating and correcting internal references as
25 necessary.

TOM RIELLY
DAVID JOHNSON

S-5183

- 1 Amend the amendment, S-5182, to House File 2754, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 10, lines 46 and 47, by striking the
5 words "department of agriculture and land stewardship"
6 and inserting the following: "governor".
7 2. Page 10, line 49, by striking the word
8 "department" and inserting the following: "governor".
9 3. Page 11, line 21, by striking the word
10 "department" and inserting the following: "governor".
11 4. Page 11, by inserting after line 42 the
12 following:
13 "___ The tax credit shall be calculated
14 separately for each retail motor fuel site or other
15 permanent or temporary location from which the retail
16 dealer sells and dispenses ethanol blended gasoline."
17 5. Page 15, by inserting after line 7, the
18 following:
19 "___ Page 39, by inserting after line 2, the
20 following:
21 "___ The report shall include a breakdown of the
22 information required in paragraph "a" for each retail
23 motor fuel site or other permanent or temporary
24 location from which the retail dealer sells and
25 dispenses motor fuel."
26 6. Page 15, by inserting after line 22, the
27 following:

- 28 “___ . Title page, lines 3 and 4, by striking the
29 words “and excise taxes.”
30 7. By renumbering as necessary.

TOM RIELLY
DAVID JOHNSON

S-5184

- 1 Amend Senate File 2286 as follows:
2 1. Page 2, by striking lines 23 through 34.
3 2. Page 3, by striking lines 7 through 9 and
4 inserting the following: “is stayed pending action of
5 the supreme court or until the expiration of the time
6 specified in section 602.4102, subsections 4 and
7 subsection 5.”
8 3. By striking page 5, line 33, through page 6,
9 line 12.
10 4. By renumbering as necessary.

PAT WARD

S-5185

- 1 Amend House File 2740, as passed by the House, as
2 follows:
3 1. Page 2, by striking lines 23 through 32 and
4 inserting the following:
5 “Sec. ___ . Section 602.4102, subsection 5, Code
6 2005, is amended to read as follows:
7 5. The court of appeals shall extend the time for
8 filing of an application if the court of appeals
9 determines that a failure to timely file an
10 application was due to the failure of the clerk of the
11 court of appeals to notify the prospective applicant
12 of the filing of the decision. ~~If an application for~~
13 ~~further review is not acted upon by the supreme court~~
14 ~~within thirty days after the application was filed,~~
15 ~~the application is deemed denied, the supreme court~~
16 ~~loses jurisdiction, and the decision of the court of~~
17 ~~appeals is conclusive.~~
18 Sec. ___ . Section 602.5106, subsection 2, Code
19 2005, is amended to read as follows:
20 2. A decision of the court of appeals is final and
21 shall not be reviewed by any other court except upon
22 the granting by the supreme court of an application
23 for further review as provided in section 602.4102.
24 Upon the filing of the application, the judgment and
25 mandate of the court of appeals is stayed pending
26 action of the supreme court ~~or until the expiration of~~
27 ~~the time specified in section 602.4102, subsections 4~~

28 and 5.”

29 2. By renumbering as necessary.

PAT WARD

S-5186

1 Amend the amendment, S-5182, to House File 2754, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 9, by striking lines 10 through 21, and
5 inserting the following:

6 “ _____. The aggregate biofuel distribution
7 percentage is the aggregate ethanol gallonage plus the
8 aggregate biodiesel gallonage expressed as a
9 percentage of the aggregate gasoline gallonage
10 calculated for a determination period.

11 _____. The aggregate biofuel threshold percentage is
12 as follows:”

13 2. Page 10, by striking lines 4 through 45.

14 3. Page 11, line 36, by striking the words
15 “retail dealer’s” and inserting the following:
16 “aggregate”.

17 4. Page 11, line 39, by striking the words
18 “retail dealer’s” and inserting the following:
19 “aggregate”.

20 5. Page 11, lines 40 and 41, by striking the
21 words “retail dealer’s” and inserting the following:
22 “aggregate”.

23 6. Page 11, lines 41 and 42, by striking the
24 words “retail dealer’s” and inserting the following:
25 “aggregate”.

26 7. Page 11, line 48, by striking the words
27 “retail dealer’s”.

28 8. Page 12, lines 1 and 2, by striking the words
29 “retail dealer has attained a biofuel threshold
30 percentage” and inserting the following: “aggregate
31 biofuel threshold percentage has been attained”.

32 9. Page 12, lines 5 and 6, by striking the words
33 “retail dealer has not attained a biofuel threshold
34 percentage” and inserting the following: “aggregate
35 biofuel threshold percentage has not been attained”.

36 10. Page 12, line 8, by striking the words
37 “retail dealer’s” and inserting the following:
38 “aggregate”.

39 11. Page 12, line 11, by striking the words
40 “retail dealer’s” and inserting the following:
41 “aggregate”.

42 12. Page 12, line 14, by striking the words
43 “retail dealer’s” and inserting the following:
44 “aggregate”.

45 13. Page 12, line 19, by striking the words

46 "retail dealer's" and inserting the following:
 47 "aggregate".
 48 14. By renumbering as necessary.

MARK ZIEMAN
 STEVE KETTERING
 E. THURMAN GASKILL
 JERRY BEHN

S-5187

1 Amend Senate File 2361 as follows:
 2 1. Page 3, line 23, by inserting after the word
 3 "less." the following: "However, if the incumbent
 4 cable provider is a municipal utility providing
 5 telecommunications services under section 388.10,
 6 "percentage of gross revenues" means the percentage
 7 set by the municipality and identified in a written
 8 request made under section 477A.8, subsection 1, which
 9 shall equal an equitable apportionment of the services
 10 and fees that the municipal utility pays to the
 11 municipality."
 12 2. Page 4, by inserting after line 31 the
 13 following:
 14 "b. A municipality that provides cable service or
 15 video service in this state is not subject to this
 16 section and shall not be required to obtain a
 17 certificate of franchise authority pursuant to this
 18 chapter."
 19 3. By renumbering, redesignating, and correcting
 20 internal references as necessary.

JEFF DANIELSON

S-5188

1 Amend the amendment, S-5182, to House File 2754, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 3, line 9, by striking the word "simple"
 5 and inserting the following: "~~simple~~ serious".
 6 2. Page 5, line 36, by striking the word
 7 "recommended".
 8 3. Page 5, by striking lines 40 and 41 and
 9 inserting the following: "whose application was
 10 approved by the".
 11 4. Page 6, line 48, by striking the word
 12 "recommended".
 13 5. Page 7, by striking lines 2 and 3 and
 14 inserting the following: "whose application was

15 approved by the”:
16 6. By renumbering as necessary.

TOM RIELLY
DAVID JOHNSON

S-5189

1 Amend the amendment, S-5166, to House File 2351, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 11, line 35, by striking the words “for
5 the following.” and inserting the following: “for the
6 following, subject to the provisions of chapters 6A
7 and 6B:”

BOB BRUNKHORST
KEITH A. KREIMAN

S-5190

1 Amend House File 2521, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 9, by striking lines 12 and 13 and
4 inserting the following:
5 “For salaries, support, maintenance, and
6 miscellaneous purposes, and for not more than the
7 following full-time equivalent position:

8	\$	86,000
9	FTEs	1.00”

DARYL BEALL

S-5191

1 Amend House File 2515, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 21 the
4 following:
5 “___ “Officer” means any department employee,
6 county employee, or elected county official.”
7 2. By striking page 2, line 29, through page 3,
8 line 2.
9 3. Page 3, by striking lines 6 and 7.
10 4. Page 3, by inserting after line 35 the
11 following:
12 “4. All removals shall be without liability on the
13 part of any officer ordering or effecting such
14 removal.”
15 5. By renumbering as necessary.

DICK L. DEARDEN

S-5192

1 Amend Senate File 2297 as follows:

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

4 "Section 1. NEW SECTION. 318.1 DEFINITIONS.

5 As used in this chapter, unless the context
6 otherwise requires:

7 1. "Department" means the state department of
8 transportation.

9 2. "Highway authority" means the county board of
10 supervisors, in the case of secondary roads, and the
11 department, in the case of primary roads.

12 3. "Highway right-of-way" means the total area of
13 land, whether reserved by public ownership or
14 easement, that is reserved for the operation and
15 maintenance of a legally established public roadway.
16 This area shall be deemed to consist of two portions,
17 a central traveled way including the shoulders and
18 that remainder on both sides of the road, between the
19 outside shoulder edges and the outer boundaries of the
20 right-of-way.

21 4. "Obstruction" means an obstacle in the highway
22 right-of-way, or an impediment or hindrance which
23 impedes, opposes, or interferes with free passage
24 along the highway right-of-way not including utility
25 structures installed in accordance with an approved
26 permit.

27 5. "Traveled portion of the right-of-way" means
28 that area of the highway right-of-way, not including
29 the shoulders, on which vehicles normally travel.

30 6. "Utility" means all private, public, municipal,
31 or cooperative owned systems for water, sewer, natural
32 gas, electric, telegraph, telephone, transit,
33 pipeline, heating plants, railroads, bridges, street
34 lights, or traffic control signals.

35 7. "Utility structures" means the aboveground
36 devices, required by a utility, including poles,
37 lines, and wires, used for telephone, electric,
38 natural gas, and other distribution or transmission
39 purposes, and natural gas and electrical substations.

40 Sec. 2. NEW SECTION. 318.2 PURPOSE.

41 The purpose of this chapter is to enhance public
42 safety for those traveling the public roads and allow
43 economical maintenance of highway rights-of-way.

44 Sec. 3. NEW SECTION. 318.3 OBSTRUCTIONS IN
45 HIGHWAY RIGHT-OF-WAY.

46 1. A person shall not place, or cause to be
47 placed, an obstruction within any highway right-of-
48 way. This prohibition includes, but is not limited
49 to, the following actions:

50 a. The excavation, filling, or making of any

Page 2

1 physical changes to any part of the highway right-of-
2 way, except as provided under section 318.8.

3 b. The cultivation or growing of crops within the
4 highway right-of-way.

5 c. The destruction of plants placed within the
6 highway right-of-way.

7 d. The placing of fences or ditches within the
8 highway right-of-way.

9 e. The alteration of ditches, water breaks, or
10 drainage tiles within the highway right-of-way.

11 f. The placement of trash, litter, debris, waste
12 material, manure, rocks, crops or crop residue, brush,
13 vehicles, machinery, or other items within the highway
14 right-of-way.

15 g. The placement of billboards, signs, or
16 advertising devices within the highway right-of-way.

17 h. The placement of any red reflector, or any
18 object or other device which shall cause the effect of
19 a red reflector on the highway right-of-way which is
20 visible to passing motorists.

21 2. The following actions shall not constitute an
22 obstruction within a highway right-of-way:

23 a. Mowing or harvesting grass within the highway
24 right-of-way so long as the mowing or harvesting does
25 not destroy the grass or other plants in the highway
26 right-of-way and is not in violation of an integrated
27 roadside vegetation management plan adopted pursuant
28 to section 314.22.

29 b. Any action by, or authorized by, the highway
30 authority or the state of Iowa.

31 Sec. 4. NEW SECTION. 318.4 DUTY OF HIGHWAY
32 AUTHORITIES.

33 The highway authority shall cause all obstructions
34 in a highway right-of-way under its jurisdiction to be
35 removed. All removals shall be without liability on
36 the part of any officer ordering or effecting such
37 removal.

38 Sec. 5. NEW SECTION. 318.5 REMOVAL AND COST.

39 1. An obstruction in a highway right-of-way which
40 constitutes an immediate and dangerous hazard shall,
41 without notice or liability in damages, be removed by
42 the highway authority.

43 2. An obstruction not constituting an immediate
44 and dangerous hazard shall be removed by the highway
45 authority without liability after forty-eight-hour
46 notice served in the same manner in which an original
47 notice is served, or in writing by certified mail, or
48 in any other manner reasonably calculated to apprise
49 the person responsible for the obstruction that the
50 obstruction will be removed at the person's expense.

Page 3

1 The highway authority shall assess the removal cost.

2 3. Upon removal of the obstruction, the highway
3 authority may immediately send a statement of the cost
4 to the person responsible for the obstruction. If
5 within ten days after sending the statement the cost
6 is not paid, the highway authority may institute legal
7 proceedings to collect the cost of removal. The
8 removal costs shall be assessed against the following
9 persons, as applicable:

10 a. The vehicle owner in the case of an abandoned
11 vehicle.

12 b. The abutting property owner in the case of a
13 fence, other than a right-of-way line fence, or other
14 temporary obstruction placed within the highway right-
15 of-way by the owner or tenant of the abutting
16 property.

17 c. The owner or person responsible for placement
18 of any other obstruction.

19 Sec. 6. NEW SECTION. 318.6 PUBLIC NUISANCE.

20 1. Any person who places, or causes to be placed,
21 any obstruction in a highway right-of-way as
22 prohibited under section 318.3 is deemed to have
23 created a public nuisance punishable as provided in
24 chapter 657.

25 2. If a person is found guilty of placing an
26 obstruction within a highway right-of-way, the court
27 may, in addition to any fine imposed, or judgment for
28 damages or costs for which a separate execution may
29 issue, order that the obstruction be abated or removed
30 at the expense of the defendant. The costs for
31 abatement or removal of the obstruction may be entered
32 as a personal judgment against the defendant or
33 assessed against the property where the obstruction
34 occurred, or both.

35 Sec. 7. NEW SECTION. 318.7 INJUNCTION TO
36 RESTRAIN OBSTRUCTIONS.

37 A highway authority may maintain a suit in equity
38 aided by injunction to restrain an obstruction in a
39 highway right-of-way. In such actions, the highway
40 authority may cause the legal boundary lines of the
41 highway to be adjudicated provided all interested
42 parties are impleaded.

43 Sec. 8. NEW SECTION. 318.8 PERMIT REQUIRED.

44 A person shall not excavate, fill, or make a
45 physical change within a highway right-of-way without
46 obtaining a permit from the applicable highway
47 authority. At the request of a permittee, a
48 modification may be granted in the discretion of the
49 highway authority. Work performed under the permit
50 shall be performed in conformity with the

Page 4

1 specifications prescribed by the highway authority.
2 If the work does not conform to permit specifications,
3 the person shall be notified to make the conforming
4 changes. If after twenty days the changes have not
5 been made, the highway authority may make the
6 necessary changes and immediately send a statement of
7 the cost to the responsible person. If within thirty
8 days after sending the statement the cost is not paid,
9 the highway authority may institute legal proceedings
10 to collect the cost of correction. A violation of the
11 permit specifications shall be considered a violation
12 of section 318.3. A public utility subject to section
13 306A.3 is exempt from this section.

14 Sec. 9. NEW SECTION. 318.9 UTILITY STRUCTURES.

15 1. a. A utility structure in a highway right-of-
16 way used for telephone, electric, natural gas, or
17 other distribution or transmission purposes shall be
18 removed by the owner or operator of the transmission
19 lines upon written notice from the highway authority
20 of not less than ninety days, to the owner and
21 operator. The notice shall, with reasonable
22 certainty, specify the utility structure to be
23 removed, and shall be served in the same manner that
24 original notices are required to be served. If the
25 owner or operator of the transmission line is unable
26 to remove the utility structure within the required
27 time due to circumstances beyond the control of the
28 owner or operator, the owner or operator shall file a
29 request with the highway authority for an extension of
30 time to complete the work.

31 b. If the owner or operator of a transmission line
32 needs authorization from the utilities board or other
33 governmental authority to relocate a utility structure
34 or to obtain a new private easement right for
35 relocation of the utility structure, the owner or
36 operator shall request an extension of time within
37 which to remove the utility structure. The highway
38 authority shall grant an extension of time for at
39 least ninety days following the date authorization is
40 granted or the easement right is obtained.

41 2. Upon written application, the highway authority
42 shall locate the construction of new telephone,
43 electric, or transmission lines or parts of lines,
44 including natural gas pipeline, for the roads within
45 the highway authority's jurisdiction, subject to the
46 jurisdiction of the utilities board under chapters
47 476, 478, and 479, as follows:

48 a. The county engineer, or the board of
49 supervisors if a county engineer is not available,
50 shall locate the lines for secondary roads.

Page 5

1 b. The department shall locate the lines for
2 primary roads.
3 3. The department and the county engineer, or the
4 board of supervisors if a county engineer is not
5 available, may designate the location of a utility
6 structure within a highway right-of-way. A utility
7 structure that is not properly located within the
8 highway right-of-way shall be removed within a time
9 prescribed to a designated location. If not so
10 removed, the highway authority may remove the utility
11 structure and recover costs as provided in section
12 318.5.

13 Sec. 10. NEW SECTION. 318.10 FENCES.

14 1. A fence which constitutes an immediate and
15 dangerous hazard shall, without notice or liability in
16 damages, be removed by the highway authority. In all
17 other cases where a fence is an obstruction in a
18 highway right-of-way, notice in writing of not less
19 than thirty days shall be given to the owner,
20 occupant, or agent of the land enclosed by the fence.

21 2. The notice shall, with reasonable certainty,
22 specify the line to which the fences shall be removed,
23 and shall be served in the same manner that original
24 notices are required to be served, or in writing by
25 certified mail, or in any other manner reasonably
26 calculated to apprise the person responsible for the
27 fence.

28 3. The department and the county engineer, or the
29 board of supervisors if a county engineer is not
30 available, may designate the location of a fence
31 within a highway right-of-way. A fence that is not
32 properly located within the highway right-of-way shall
33 be removed within a time prescribed to a designated
34 location. If not so removed, the highway authority
35 may remove the fences and recover costs as provided in
36 section 318.5.

37 Sec. 11. NEW SECTION. 318.11 BILLBOARDS AND
38 SIGNS.

39 1. No billboard or advertising sign or device,
40 except a sign or device authorized by law or approved
41 by the highway authority, shall be placed or erected
42 upon a highway right-of-way.

43 2. A billboard or advertising sign, whether on
44 public or private property, that obstructs the view of
45 any portion of a public highway or of a railway track
46 making the use of the traveled portion of the right-
47 of-way dangerous is a public nuisance and shall be
48 abated. The person responsible for the erection and
49 maintenance of the billboard or sign may be punished
50 as provided in chapter 657.

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1 Sec. 12. NEW SECTION. 318.12 ENFORCEMENT.

2 A highway authority shall enforce the provisions of
3 this chapter by appropriate civil or criminal
4 proceeding or by both such proceedings.

5 Sec. 13. Section 68A.406, subsection 2, paragraph
6 a, Code Supplement 2005, is amended to read as
7 follows:

8 a. Any property owned by the state or the
9 governing body of a county, city, or other political
10 subdivision of the state, including all property
11 considered the public right-of-way. Upon a
12 determination by the board that a sign has been
13 improperly placed, the sign shall be removed by
14 highway authorities as provided in section ~~319.13~~
15 318.5, or by county or city law enforcement
16 authorities in a manner consistent with section ~~319.13~~
17 318.5.

18 Sec. 14. Section 306.46, subsection 1, Code
19 Supplement 2005, is amended to read as follows:

20 1. A public utility may construct, operate,
21 repair, or maintain its utility facilities within a
22 public road right-of-way. The location of new utility
23 facilities shall comply with section ~~319.5~~ 318.9. A
24 utility facility shall not be constructed or installed
25 in a manner that causes interference with public use
26 of the road.

27 Sec. 15. Section 306C.13, subsection 8, paragraph
28 f, Code 2005, is amended to read as follows:

29 f. Which do not comply with all applicable state
30 or local laws, regulations and ordinances, including
31 but not limited to zoning, building, and sign codes as
32 locally interpreted and applied and enforced, or which
33 violate chapter ~~319~~ 318; however, nothing in this
34 division shall prevent or restrict county or local
35 zoning authorities from making a determination of
36 customary use concerning size, lighting, and spacing
37 of advertising devices in zoned commercial or
38 industrial adjacent areas, and such determinations
39 will be accepted in lieu of the standards of this
40 division. The provisions of this division shall not
41 prevent or restrict county or local zoning authorities
42 within their respective jurisdictions from
43 establishing standards imposing controls stricter than
44 those required by this division.

45 Sec. 16. Section 311.32, Code 2005, is amended to
46 read as follows:

47 311.32 ADMINISTRATION AND MAINTENANCE OF ROADS.

48 Any road established by petition and any road
49 improved by petition under this chapter shall be
50 administered and maintained by the county under

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- 1 chapters 306, 309, 314, 317, and ~~319~~ 318. However,
 2 the fact that right-of-way is donated by property
 3 owners for the establishment of a road or a portion of
 4 the cost of a road improvement is paid by property
 5 owners under this chapter, does not preclude the board
 6 of supervisors from exercising its responsibility over
 7 these roads as secondary roads.
 8 Sec. 17. Section 331.362, subsection 7, Code 2005,
 9 is amended to read as follows:
 10 7. The board shall cause the removal of
 11 obstructions on the secondary roads, in accordance
 12 with chapter ~~319~~ 318.
 13 Sec. 18. Section 331.756, subsection 57, Code
 14 Supplement 2005, is amended to read as follows:
 15 57. Commence legal proceedings to remove
 16 billboards and signs which constitute a public
 17 nuisance as provided in section ~~319.11~~ 318.11.
 18 Sec. 19. Chapter 319, Code 2005, is repealed."
 19 2. By renumbering as necessary.

DICK L. DEARDEN

S-5193

- 1 Amend the House amendment, S-5135, to Senate File
 2 2183, as passed by the Senate, as follows:
 3 1. Page 2, line 6, by striking the word "year"
 4 and inserting the following: "period".
 5 2. Page 2, by striking lines 11 and 12 and
 6 inserting the following: "be awarded to eligible
 7 businesses applying to an enterprise zone commission
 8 for incentives and assistance during that fiscal year
 9 that are located in an enterprise zone certified
 10 pursuant to this".
 11 3. Page 2, line 14, by inserting after the word
 12 and figure "subsection 2A," the following: "and
 13 notwithstanding the limitation of this division's
 14 applicability to cities as described in subsection
 15 2,".
 16 4. Page 2, by striking lines 15 and 16 and
 17 inserting the following: "with a population of
 18 twenty-four thousand or more."
 19 5. Page 3, line 27, by inserting after the word
 20 "city" the following: ", as defined in section
 21 15E.192, subsection 2A,".
 22 6. Page 3, line 29, by inserting after the word

23 "area" the following: "is a blighted area as defined
24 in section 403.17 and the area".

JAMES A. SEYMOUR
ROGER STEWART
JACK HATCH
BOB BRUNKHORST

S-5194

1 Amend the amendment, S-5166, to House File 2351, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, lines 13 and 14, by striking the word
5 "seventy-five" and inserting the following: "fifty-
6 one".
7 2. Page 3, line 37, by striking the word
8 "seventy-five" and inserting the following: "fifty-
9 one".
10 3. By renumbering as necessary.

JACK HATCH
BRAD ZAUN
WILLIAM A. DOTZLER, JR.

S-5195

1 Amend the amendment, S-5162, to the House
2 amendment, S-5135, to Senate File 2183, as passed by
3 the Senate, as follows:
4 1. Page 1, line 7, by striking the words "A city"
5 and inserting the following: "Notwithstanding the
6 limitation of this division's applicability to cities
7 as described in section 15E.192, subsection 2, a
8 city".
9 2. Page 1, line 12, by striking the word
10 "eighteen" and inserting the following: "twenty-
11 four".
12 3. Page 1, line 12, by inserting after the word
13 "less." the following: "A city shall not designate an
14 enterprise zone pursuant to this subsection after June
15 30, 2010."
16 4. Page 1, line 15, by inserting after the word
17 "employees." the following: "Not more than two
18 million dollars worth of incentives and assistance may
19 be awarded each fiscal year to eligible businesses
20 located in enterprise zones designated pursuant to
21 this subsection."
22 5. Page 1, line 26, by striking the word
23 "eighteen" and inserting the following: "twenty-
24 four".

25 6. Page 1, by inserting after line 38 the
26 following:
27 " _____. Page 5, by inserting after line 13 the
28 following:
29 "1A. The section of this Act enacting section
30 15E.194, subsection 5, being deemed of immediate
31 importance, takes effect upon enactment and applies
32 retroactively to January 1, 2006."
33 7. By renumbering as necessary.

JAMES A. SEYMOUR

S-5196

1 Amend the amendment, S-5166, to House File 2351, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 11, by inserting after line 32 the
5 following:
6 " _____. Page 18, by inserting before line 17 the
7 following:
8 "Sec. _____. NEW SECTION. 16.54 PROPERTY TAX
9 REIMBURSEMENT PROGRAM — FUND CREATED.
10 1. A property tax reimbursement program is
11 established under the supervision of the authority to
12 provide financial assistance in paying property taxes
13 on replacement housing property for an eligible
14 homeowner. A homeowner is eligible to file a claim
15 for property tax reimbursement under this section if
16 all of the following apply:
17 a. The homeowner's previous residence was acquired
18 by eminent domain.
19 b. The homeowner's residence acquired by eminent
20 domain was located in that portion of an urban renewal
21 area designated as a slum and blighted area pursuant
22 to chapter 403.
23 c. The homeowner's residence was acquired as part
24 of a project or acquisition plan whereby more than
25 seventy-five percent of the area included in the plan
26 is in a slum or blighted condition as defined in
27 section 6A.22.
28 d. The homeowner's residence was one of the
29 properties comprising the twenty-five percent or less
30 of the project or acquisition plan area that was not
31 in a slum or blighted condition as defined in section
32 6A.22.
33 e. The homeowner's residence was acquired by
34 eminent domain no more than two years before the
35 homeowner first applies for assistance under this
36 section.
37 f. The homeowner is a lower income family as
38 defined in section 16.1.

- 39 2. a. A property tax reimbursement claim shall
40 not exceed an amount equal to the base year property
41 taxes subtracted from the current year property taxes.
42 b. For purposes of this subsection:
43 (1) "Base year property taxes" means the last full
44 fiscal year's property taxes the homeowner paid on the
45 residence that was acquired by eminent domain.
46 (2) "Current year property taxes" means the amount
47 calculated by applying the levy rate for the fiscal
48 year beginning in the calendar year the claim is filed
49 to the adjusted valuation amount.
50 (3) "Adjusted valuation amount" means the amount

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- 1 of damages paid to the homeowner by the acquiring
2 agency times the assessment limitation percentage
3 determined pursuant to section 441.21, subsection 4,
4 for the assessment year ending in the calendar year
5 prior to the calendar year the claim is filed.
6 c. A claim for property tax reimbursement shall be
7 filed each year between January 15 and February 15
8 before the start of the fiscal year for which the
9 claim is filed.
10 d. An eligible homeowner may claim a property tax
11 reimbursement under this section for up to five years
12 or until the replacement housing property is
13 transferred by the homeowner, whichever is sooner.
14 3. A property tax reimbursement fund is created
15 within the authority to pay claims filed under this
16 section. Notwithstanding section 12C.7, interest or
17 earnings on moneys in the property tax reimbursement
18 fund or appropriated to the fund shall be credited to
19 the fund. Notwithstanding section 8.33, unencumbered
20 and unobligated moneys remaining in the fund at the
21 close of each fiscal year shall not revert but shall
22 remain available for expenditure for the same purposes
23 in the succeeding fiscal year.
24 If moneys in the property tax reimbursement fund
25 are insufficient to pay the total of all claims filed
26 for a fiscal year, the claims for that year shall be
27 prorated among all claimants in the proportion that
28 each valid claim bears to the total of all valid
29 claims filed for that fiscal year.
30 4. The authority shall adopt rules pursuant to
31 chapter 17A necessary to administer this section."
32 2. Page 12, by inserting before line 10 the
33 following:
34 " __. Page 28, by inserting after line 28 the
35 following:
36 "Sec. __. APPROPRIATION. There is appropriated
37 from the general fund of the state to the Iowa finance

38 authority for the fiscal year beginning July 1, 2006,
 39 and ending June 30, 2007, the following amount, or so
 40 much thereof as is necessary, to be used for the
 41 following purpose:

42 For payment of property tax reimbursement claims
 43 under the property tax reimbursement program
 44 established in section 16.54:

45 \$ 1,000,000”

46 3. Title page, line 3, by inserting after the
 47 word “matters,” the following: “making an
 48 appropriation,”

49 4. By renumbering as necessary.

KEITH A. KREIMAN

S-5197

1 Amend House File 2775, as passed by the House, as
 2 follows:

3 1. Page 1, by striking lines 18 through 20 and
 4 inserting the following: “citation issued shall be
 5 dismissed by the court.”

6 2. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS

JEFF ANGELO, Co-chair

ROBERT E. DVORSKY, Co-chair

S-5198

1 Amend House File 2773, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 1, by striking line 26 and inserting the
 4 following: “commission, four members of the Iowa
 5 association of realtors, one of whom is primarily
 6 involved in commercial real estate.”

NANCY J. BOETTGER

WALLY E. HORN

S-5199

HOUSE AMENDMENT TO
 SENATE FILE 2312

1 Amend Senate File 2312, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 1, line 6, by striking the words “at
 4 least ninety days of” and inserting the following:
 5 “on”.

6 2. Page 1, line 11, by inserting after the word

7 "veterans." the following: "Providing grants to
8 eligible injured veterans pursuant to this section is
9 deemed to serve a vital and valid public purpose of
10 the state by assisting injured veterans and their
11 families."

12 3. Page 1, by inserting after line 11 the
13 following:

14 "2A. The department may receive and accept
15 donations, grants, gifts, and contributions from any
16 public or private source for the purpose of providing
17 grants under this section. Moneys received by the
18 department pursuant to this subsection shall be
19 deposited in an injured veterans trust fund which
20 shall be created in the state treasury under the
21 control of the department. Moneys credited to the
22 trust fund shall be appropriated to the department for
23 the purpose of providing injured veterans grants under
24 this section and shall not be transferred, used,
25 obligated, appropriated, or otherwise encumbered,
26 except as provided in this section. Notwithstanding
27 section 12C.7, subsection 2, interest or earnings on
28 moneys in the trust fund shall be credited to the
29 trust fund."

30 4. Page 1, line 12, by inserting after the words
31 "appropriated to" the following: "or received by".

32 5. Page 1, line 19, by striking the word "since"
33 and inserting the following: "after".

34 6. Page 2, line 6, by inserting after the word
35 "injured" the following: "after September 11, 2001,
36 but".

37 7. Page 2, line 11, by striking the word
38 "subsection" and inserting the following:
39 "subsections".

40 8. Page 2, by inserting after line 14 the
41 following:

42 **NEW SUBSECTION.** 46. Subtract, to the extent not
43 otherwise deducted in computing adjusted gross income,
44 the amounts paid by the taxpayer to the department of
45 veterans affairs for the purpose of providing grants
46 under the injured veterans grant program established
47 in section 35A.14. Amounts subtracted under this
48 subsection shall not be used by the taxpayer in
49 computing the amount of charitable contributions as
50 defined by section 170 of the Internal Revenue Code."

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1 9. Title page, line 2, by striking the words "an
2 income tax exclusion" and inserting the following:
3 "income tax exclusions".

4 10. By renumbering as necessary.

S-5200

HOUSE AMENDMENT TO
SENATE FILE 2268

- 1 Amend Senate File 2268, as passed by the Senate as
2 follows:
- 3 1. By striking page 1, line 1, by through page 4,
4 line 28, and inserting the following:
5 "Sec. ____ Section 175.2, Code 2005, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 0A. "Agricultural assets" means
8 agricultural land, depreciable agricultural property,
9 crops, or livestock.
- 10 Sec. ____ NEW SECTION. 175.37 AGRICULTURAL
11 ASSETS TRANSFER TAX CREDIT — AGREEMENT.
- 12 1. An agricultural assets transfer tax credit is
13 allowed under this section. The tax credit is allowed
14 against the taxes imposed in chapter 422, division II,
15 as provided in section 422.11M, and in chapter 422,
16 division III, as provided in section 422.33, to
17 facilitate the transfer of agricultural assets from a
18 taxpayer to a beginning farmer.
- 19 2. In order to qualify for the tax credit, the
20 taxpayer must meet qualifications established by rules
21 adopted by the authority. At a minimum, the taxpayer
22 must comply with all of the following:
- 23 a. Be a person who may acquire or otherwise obtain
24 or lease agricultural land in this state pursuant to
25 chapter 9H or 9I. However, the taxpayer must not be a
26 person who may acquire or otherwise obtain or lease
27 agricultural land exclusively because of an exception
28 provided in one of those chapters or in a provision of
29 another chapter of this Code including but not limited
30 to chapter 10, 10C, 10D, or 501, or section 15E.207.
- 31 b. Execute an agricultural assets transfer
32 agreement with a beginning farmer as provided in this
33 section.
- 34 3. An individual may claim a tax credit under this
35 section of a partnership, limited liability company, S
36 corporation, estate, or trust electing to have income
37 taxed directly to the individual. The amount claimed
38 by the individual shall be based upon the pro rata
39 share of the individual's earnings from the
40 partnership, limited liability company, S corporation,
41 estate, or trust.
- 42 4. The tax credit is allowed only for agricultural
43 assets that are subject to an agricultural assets
44 transfer agreement. The agreement shall provide for
45 the lease of agricultural land including any
46 improvements and may provide for the rental of
47 agricultural equipment as defined in section 322F.1.

48 a. The agreement may be made on a cash basis or on
49 a commodity share basis which includes a share of the
50 crops or livestock produced on the agricultural land.

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1 The agreement must be in writing.

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

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

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

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

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

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

31 8. A taxpayer shall not claim a tax credit under
32 this section unless a tax credit certificate issued by
33 the authority is attached to the taxpayer's tax return
34 for the tax year for which the tax credit is claimed.
35 The authority must review and approve an application
36 for a tax credit as provided by rules adopted by the
37 authority. The application must include a copy of the
38 agricultural assets transfer agreement. The authority
39 may approve an application and issue a tax credit
40 certificate to a taxpayer who has previously been
41 allowed a tax credit under this section. The
42 authority may require that the parties to an
43 agricultural assets transfer agreement provide
44 additional information as determined relevant by the
45 authority. The authority shall review an application
46 for a tax credit which includes the renewal of an

47 agricultural assets transfer agreement to determine
48 that the parties to the renewed agreement meet the
49 same qualifications as required for an original
50 application. However, the authority shall not approve

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1 an application or issue a certificate to a taxpayer if
2 any of the following applies:
3 a. The taxpayer is at fault for terminating a
4 prior agricultural assets transfer agreement as
5 determined by the authority.
6 b. The taxpayer is any of the following:
7 (1) A party to a pending administrative or
8 judicial action, including a contested case proceeding
9 under chapter 17A, relating to an alleged violation
10 involving an animal feeding operation as regulated by
11 the department of natural resources, regardless of
12 whether the pending action is brought by the
13 department or the attorney general.
14 (2) Classified as a habitual violator for a
15 violation of state law involving an animal feeding
16 operation as regulated by the department of natural
17 resources.
18 c. The beginning farmer is responsible for
19 managing or maintaining agricultural land and other
20 agricultural assets that are greater than necessary to
21 adequately support a beginning farmer as determined by
22 the authority according to rules which shall be
23 adopted by the authority.
24 d. The agricultural assets are being leased or
25 rented at a rate which is substantially higher or
26 lower than the market rate for similar agricultural
27 assets leased or rented within the same community, as
28 determined by the authority.
29 9. A taxpayer or the beginning farmer may
30 terminate an agricultural assets transfer agreement as
31 provided in the agreement or by law. The taxpayer
32 must immediately notify the authority of the
33 termination.
34 a. If the authority determines that the taxpayer
35 is not at fault for the termination, the authority
36 shall not issue a tax certificate to the taxpayer for
37 a subsequent tax year based on the approved
38 application. Any prior tax credit is allowed as
39 provided in this section. The taxpayer may apply for
40 and be issued another tax credit certificate for the
41 same agricultural assets as provided in this section
42 for any remaining tax years for which a certificate
43 was not issued.
44 b. If the authority determines that the taxpayer
45 is at fault for the termination, any prior tax credit

46 allowed under this section is disallowed. The tax
47 credit shall be recaptured and the amount of the tax
48 credit shall be immediately due and payable to the
49 department of revenue. If a taxpayer does not
50 immediately notify the authority of the termination,

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1 the taxpayer shall be conclusively deemed at fault for
2 the termination.
3 Sec. ____ NEW SECTION. 422.11M AGRICULTURAL
4 ASSETS TRANSFERRED TO BEGINNING FARMERS.
5 The taxes imposed under this division, less the
6 credits allowed under sections 422.12 and 422.12B,
7 shall be reduced by an agricultural assets transfer
8 tax credit as allowed under section 175.37.
9 Sec. ____ Section 422.33, Code Supplement 2005, is
10 amended by adding the following new subsection:
11 NEW SUBSECTION. 20. The taxes imposed under this
12 division shall be reduced by an agricultural assets
13 transfer tax credit as allowed under section 175.37.”

S-5201

1 Amend House File 2521, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 12 and 13 and
4 inserting the following:

5 “..... \$ 5,836,824
6 FTEs 451.68”

7 2. Page 1, by inserting after line 16 the
8 following:

9 “Notwithstanding section 8.33, any excess funds
10 appropriated for utility costs in this subsection
11 shall not revert to the general fund of the state at
12 the end of the fiscal year but shall remain available
13 for expenditure for the purposes of this subsection
14 during the fiscal year beginning July 1, 2007.”

15 3. Page 8, by inserting after line 3 the
16 following:

17 “6. TRANSITION COSTS

18 a. For payment of vacation allowances:

19 \$ 77,057

20 b. For payment to the governor-elect expense fund
21 in lieu of the appropriation from the general fund of
22 the state under section 7.13 to the governor-elect
23 expense fund:

24 \$ 100,000”

25 4. Page 14, by striking line 2 and inserting the
26 following:

27 “..... \$ 119,435”

28 5. Page 15, by inserting after line 6 the

29 following:

30 "6. For deposit in the local government innovation
31 fund established in section 8.64:

32 \$ 300,000"

33 6. Page 16, by inserting after line 1 the
34 following:

35 "If the director of revenue determines that
36 contracting for an upgrade of the department's
37 computer assisted collections system would result in
38 generating significantly increased net collection
39 revenues for the fiscal year beginning July 1, 2006,
40 and ending June 30, 2007, in excess of \$2,000,000, the
41 director is authorized to procure such upgrade from
42 the current vendor."

43 7. Page 18, by inserting after line 29 the
44 following:

45 "Sec. ____ Section 70A.20, Code 2005, is amended
46 to read as follows:

47 70A.20 EMPLOYEES DISABILITY PROGRAM.

48 A state employees disability insurance program is
49 created, which shall be administered by the director
50 of the department of administrative services and which

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1 shall provide disability benefits in an amount and for
2 the employees as provided in this section. The
3 monthly disability benefits shall, at a minimum,
4 provide twenty percent of monthly earnings if employed
5 less than one year, forty percent of monthly earnings
6 if employed one year or more but less than two years,
7 and sixty percent of monthly earnings thereafter,
8 reduced by primary and family social security
9 determined at the time social security disability
10 payments commence, railroad retirement disability
11 income, workers' compensation if applicable, and any
12 other state-sponsored sickness or disability benefits
13 payable. However, the amount of benefits payable
14 under the Iowa public employees' retirement system
15 pursuant to chapter 97B shall not reduce the benefits
16 payable pursuant to this section. Subsequent social
17 security or railroad retirement increases shall not be
18 used to further reduce the insurance benefits payable.
19 As used in this section, "primary and family social
20 security" shall not include social security benefits
21 awarded to an adult child with a disability of the
22 state employee with a disability who does not reside
23 with the state employee with a disability if the
24 social security benefits were awarded to the adult
25 child with a disability prior to the approval of the
26 state employee's benefits under this section,
27 regardless of whether the United States social

28 security administration records the benefits to the
29 social security number of the adult child with a
30 disability, the state employee with a disability, or
31 any other family member, and such social security
32 benefits shall not reduce the benefits payable
33 pursuant to this section. As used in this section,
34 unless the context otherwise requires, "adult" means a
35 person who is eighteen years of age or older. State
36 employees shall receive credit for the time they were
37 continuously employed prior to and on July 1, 1974.
38 The following provisions apply to the employees
39 disability insurance program:

40 1. Waiting period, of no more than ninety working
41 days of continuous sickness or accident disability or
42 the expiration of accrued sick leave, whichever is
43 greater.

44 2. Maximum period benefits paid for both accident
45 or sickness disability:

46 a. If the disability occurs prior to the time the
47 employee attains the age of sixty-one years, the
48 maximum benefit period shall end sixty months after
49 continuous benefit payments begin or on the date on
50 which the employee attains the age of sixty-five

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1 years, whichever is later.

2 b. If the disability occurs on or after the time
3 the employee attains the age of sixty-one years but
4 prior to the age of sixty-nine years, the maximum
5 benefit period shall end sixty months after continuous
6 benefit payments begin or on the date on which the
7 employee attains the age of seventy years, whichever
8 is earlier.

9 c. If the disability occurs on or after the time
10 the employee attains the age of sixty-nine years, the
11 maximum benefit period shall end twelve months after
12 continuous benefit payments begin.

13 3. a. Minimum and maximum benefits, of not less
14 than fifty dollars per month and not exceeding ~~two~~
15 three thousand dollars per month.

16 b. In no event shall benefits exceed one hundred
17 percent of the claimant's predisability covered
18 monthly compensation.

19 4. All probationary and permanent full-time state
20 employees shall be covered under the employees
21 disability insurance program, except board members and
22 members of commissions who are not full-time state
23 employees, and state employees who on July 1, 1974,
24 are under another disability program financed in whole
25 or in part by the state, and state employees who have
26 agreed to participation in another disability program

27 through a collective bargaining agreement. For
 28 purposes of this section, members of the general
 29 assembly serving on or after January 1, 1989, are
 30 eligible for the plan during their tenure in office,
 31 on the basis of enrollment rules established for full-
 32 time state employees excluded from collective
 33 bargaining as provided in chapter 20.”
 34 8. By renumbering as necessary.

JOHN PUTNEY
 ROGER STEWART

S-5202

HOUSE AMENDMENT TO
 SENATE FILE 2319

1 Amend Senate File 2319, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by striking lines 11 through 13 and
 4 inserting the following: “of such moneys shall be
 5 deposited in the general fund of the county in which
 6 the violation occurred to be used exclusively for the
 7 clean up and prevention of illegal dumping.”

S-5203

HOUSE AMENDMENT TO
 SENATE FILE 2369

1 Amend Senate File 2369, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting before line 1, the
 4 following:
 5 “Sec. ____ Section 459A.102, Code Supplement 2005,
 6 is amended by adding the following new subsections:
 7 NEW SUBSECTION. 8A. “Designated area” means a
 8 known sinkhole, a cistern, an abandoned well, an
 9 unplugged agricultural drainage well, an agricultural
 10 drainage well surface inlet, a drinking water well, a
 11 designated wetland, or a water source. However,
 12 “designated area” does not include a terrace tile
 13 inlet or surface tile inlet other than an agricultural
 14 drainage well surface tile inlet.
 15 NEW SUBSECTION. 8B. “Designated wetland” means
 16 the same as defined in section 459.102.
 17 NEW SUBSECTION. 9A. “Grassed waterway” means a
 18 natural or constructed channel that is shaped or
 19 graded and established with suitable vegetation for
 20 the stable conveyance of surface water runoff.
 21 NEW SUBSECTION. 9B. “High-quality water resource”

22 means the same as defined in section 459.102.

23 NEW SUBSECTION. 20A. "Stockpile" means to store
24 solids from an open feedlot operation outside of an
25 open feedlot operation structure or outside of an area
26 that drains to an open feedlot operation structure.

27 NEW SUBSECTION. 23. "Water source" means the same
28 as defined in section 459.102."

29 2. Page 2, by inserting after line 12 the
30 following:

31 "Sec. . NEW SECTION. 459A.403 SOLIDS
32 STOCKPILING.

33 A person may stockpile solids, subject to all of
34 the following:

35 1. a. The person shall not stockpile the solids
36 within the following distances:

37 (1) Four hundred feet from a designated area other
38 than a high-quality water resource.

39 (2) Eight hundred feet from a high-quality water
40 resource.

41 b. The person shall not stockpile solids within
42 two hundred feet from a terrace tile inlet or surface
43 tile inlet unless the solids are maintained in a
44 manner that will not allow precipitation-induced
45 runoff to drain from the solids to the terrace tile
46 inlet or surface tile inlet.

47 c. The person shall not stockpile solids in a
48 grassed waterway or where water pools on the soil
49 surface.

50 d. The person shall not stockpile solids on land

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1 having a slope of more than three percent unless
2 methods, structures, or practices are implemented to
3 contain the stockpiled solids, including but not
4 limited to using hay bales, silt fences, temporary
5 earthen berms, or other effective measures, and to
6 prevent or diminish precipitation-induced runoff from
7 the stockpiled solids.

8 2. The person must remove the stockpiled solids
9 and apply them in accordance with the provisions of
10 this chapter, including but not limited to section
11 459A.410, within six months after the solids are
12 stockpiled."

13 3. Title page, line 2, by inserting after the
14 word "plans" the following: ", stockpiling of
15 solids,".

16 4. By renumbering as necessary.

S-5204HOUSE AMENDMENT TO
SENATE FILE 2301

- 1 Amend Senate File 2301, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by striking lines 19 through 34 and
4 inserting the following:
5 "NEW SUBSECTION. 15. The debtor's interest in
6 payments reasonably necessary for the support of the
7 debtor or the debtor's dependents to or for the
8 benefit of the debtor or the debtor's dependents,
9 including structured settlements, resulting from the
10 wrongful death of a decedent upon which the debtor or
11 the debtor's dependents were dependent."
12 2. By renumbering as necessary.

S-5205

- 1 Amend House File 2558, as passed by the House, as
2 follows:
3 1. Page 22, by inserting after line 13 the
4 following:
5 "Sec. __. Section 13.2, Code 2005, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 15. Diligently and exclusively
8 enforce state law violations, which may be commenced
9 or prosecuted in the name of the state, occurring on
10 the Sac and Fox Indian settlement in Tama county,
11 notwithstanding any contrary provisions of section
12 331.756."

JOHN PUTNEY

S-5206

- 1 Amend House File 2557, as passed by the House, as
2 follows:
3 1. Page 6, by inserting after line 7 the
4 following:
5 "Sec. __. Section 915.86, Code 2005, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 13. Necessary mileage expenses of
8 a victim traveling to and from a criminal trial
9 relating to the alleged crime against the victim. The
10 mileage reimbursement rate shall be the current rate
11 established by the director of the department of
12 administrative services for state employees pursuant
13 to section 8A.363."

JEFF DANIELSON

S-5207

1	Amend House File 2558, as passed by the House, as		
2	follows:		
3	1. Page 3, line 12, by striking the figure		
4	"2,450,000" and inserting the following: "3,200,000".		
5	2. Page 5, by striking line 28 and inserting the		
6	following:		
7	"....."	\$	28,972,190"
8	3. Page 5, by striking line 32 and inserting the		
9	following:		
10	"....."	\$	26,144,996"
11	4. Page 6, by striking line 5 and inserting the		
12	following:		
13	"....."	\$	8,599,419"
14	5. Page 6, by striking line 18 and inserting the		
15	following:		
16	"....."	\$	14,969,715"
17	6. Page 7, by striking line 9 and inserting the		
18	following:		
19	"....."	\$	3,928,438"
20	7. Page 10, by inserting after line 17 the		
21	following:		
22	"6. The department shall submit a report to the		
23	co-chairpersons and ranking members of the joint		
24	appropriations subcommittee on the justice system and		
25	the legislative services agency by January 2, 2007,		
26	regarding the special needs unit located at the Iowa		
27	medical and classification center at Oakdale which is		
28	currently under construction. The report shall		
29	specify the date when the construction of the special		
30	needs unit will be completed, the date when the unit		
31	is ready to be occupied by inmates, and the amount of		
32	funding required to operate the unit in FY 2006-		
33	2007."		
34	8. Page 10, by striking line 30 and inserting the		
35	following:		
36	"....."	\$	11,242,260"
37	9. Page 11, by striking line 1 and inserting the		
38	following:		
39	"....."	\$	8,924,193"
40	10. Page 11, by striking line 7 and inserting the		
41	following:		
42	"....."	\$	5,285,982"
43	11. Page 11, by striking line 13 and inserting		
44	the following:		
45	"....."	\$	4,810,474"
46	12. Page 11, by striking line 21 and inserting		
47	the following:		
48	"....."	\$	16,345,917"
49	13. Page 11, by striking line 27 and inserting		
50	the following:		

Page 2

1 “..... \$ 11,204,67”
2 14. Page 11, by inserting before line 28 the
3 following:
4 “_. The sixth judicial district department of
5 correctional services shall maintain a youth
6 leadership model program to help at-risk youth. As a
7 part of the program, the district department may
8 recruit college or high school students in the
9 judicial district to work with at-risk youth. The
10 student workers shall be recruited regardless of
11 gender and be recommended by their respective schools
12 as good role models, including but not limited to
13 students who possess capabilities in one or more of
14 the following areas of ability: intellectual
15 capacity, athletics, visual arts, or performing arts.”
16 15. Page 11, by striking line 33 and inserting
17 the following:
18 “..... \$ 6,348,075”
19 16. Page 12, by striking line 4 and inserting the
20 following:
21 “..... \$ 6,401,794”
22 17. Page 12, by inserting before line 9 the
23 following:
24 “The department of corrections shall contract with
25 a private nonprofit substance abuse treatment provider
26 in a city with a population exceeding sixty-five
27 thousand but not exceeding seventy thousand to
28 implement the pilot project. The department shall
29 file a report with the co-chairpersons and ranking
30 members of the appropriations subcommittee on the
31 justice system and the legislative services agency by
32 February 1, 2007, detailing the number of offenders
33 served by the pilot project, the recidivism rate, a
34 description of the type of services received by the
35 offenders, and the number of prison bed days saved by
36 the pilot project.”
37 18. Page 17, by striking lines 16 and 17 and
38 inserting the following:
39 “..... \$ 1,582,029
40 FTEs 26.75”
41 19. Page 17, by inserting after line 19 the
42 following:
43 “It is the intent of the general assembly that the
44 homeland security and emergency management division
45 work in conjunction with the department of public
46 safety, to the extent possible, when gathering and
47 analyzing information related to potential domestic or
48 foreign security threats, and when monitoring such
49 threats.”
50 20. Page 21, by striking lines 3 and 4 and

Page 3

1 inserting the following:

2	".....	\$	1,075,753
3	..... FTEs		27.90"

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

5 "Sec. ____ YOUTH ENRICHMENT PILOT PROJECT. There is
6 appropriated from the general fund of the state to the judicial
7 branch for the fiscal year beginning July 1, 2006, and ending
8 June 30, 2007, the following amount, or so much thereof as is
9 necessary, to be used for the purposes designated:

10 For a grant to be determined by the state court administrator,
11 for the maintenance of a youth enrichment pilot project located
12 in a county with a population greater than 300,000 that is
13 involved in a public-private partnership pursuing life
14 skills, education, and mentoring programs for offenders between
15 the ages of 16 and 22 who have been charged with a felony:

16	\$	50,000"
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17 22. Page 22, by inserting after line 13 the
18 following:

19 "Sec. ____ Section 903A.5, Code 2005, is amended
20 to read as follows:

21 903A.5 TIME TO BE SERVED — CREDIT.

22 1. An inmate shall not be discharged from the
23 custody of the director of the Iowa department of
24 corrections until the inmate has served the full term
25 for which the inmate was sentenced, less earned time
26 and other credits earned and not forfeited, unless the
27 inmate is pardoned or otherwise legally released.
28 Earned time accrued and not forfeited shall apply to
29 reduce a mandatory minimum sentence being served
30 pursuant to section 124.406, 124.413, 902.7, 902.8,
31 902.8A, or 902.11. An inmate shall be deemed to be
32 serving the sentence from the day on which the inmate
33 is received into the institution. If an inmate was
34 confined to a county jail or other correctional or
35 mental facility at any time prior to sentencing, or
36 after sentencing but prior to the case having been
37 decided on appeal, because of failure to furnish bail
38 or because of being charged with a nonbailable
39 offense, the inmate shall be given credit for the days
40 already served upon the term of the sentence.
41 However, if a person commits any offense while
42 confined in a county jail or other correctional or
43 mental health facility, the person shall not be
44 granted jail credit for that offense. Unless the
45 inmate was confined in a correctional facility, the
46 sheriff of the county in which the inmate was confined
47 shall certify to the clerk of the district court from
48 which the inmate was sentenced and to the department
49 of corrections' records administrator at the Iowa
50 medical and classification center the number of days

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1 so served. The department of corrections' records
2 administrator, or the administrator's designee, shall
3 apply jail credit as ordered by the court of proper
4 jurisdiction or as authorized by this section and
5 section 907.3, subsection 3, ~~and shall forward a copy~~
6 ~~of the number of days served to the clerk of the~~
7 ~~district court from which the inmate was sentenced.~~

8 2. An inmate shall not receive credit upon the
9 inmate's sentence for time spent in custody in another
10 state resisting return to Iowa following an escape.
11 However, an inmate may receive credit upon the
12 inmate's sentence while incarcerated in an institution
13 or jail of another jurisdiction during any period of
14 time the person is receiving credit upon a sentence of
15 that other jurisdiction."

16 23. Page 22, by inserting after line 31 the
17 following:

18 "Sec. ___. Section 904.702, Code 2005, is amended
19 to read as follows:

20 904.702 DEDUCTIONS FROM INMATE ACCOUNTS.

21 1. If allowances are paid pursuant to section
22 904.701, the director shall establish an inmate
23 account, for deposit of those allowances and for
24 deposit of moneys sent to the inmate from a source
25 other than the department of corrections. The
26 director may deduct an amount, not to exceed ten
27 percent of the amount of the allowance, unless the
28 inmate requests a larger amount, to be deposited into
29 the inmate savings fund as required under section
30 904.508, subsection 2. In addition to deducting a
31 portion of the allowance, the director may also deduct
32 from an inmate account any amount, except amounts
33 directed to be deposited in the inmate telephone fund
34 established in section 904.508A, sent to the inmate
35 from a source other than the department of corrections
36 for deposit in the inmate savings fund as required
37 under section 904.508, subsection 2, until the amount
38 in the fund equals the amount due the inmate upon
39 discharge, parole, or placement on work release. The
40 director shall deduct from the inmate account an
41 amount the inmate is legally obligated to pay for
42 child support. The director shall deduct from the
43 inmate account an amount established by the inmate's
44 restitution plan of payment. The director shall also
45 deduct from any remaining account balance an amount
46 sufficient to pay all or part of any judgment against
47 the inmate, including but not limited to judgments for
48 taxes and child support, and court costs and fees
49 assessed either as a result of the inmate's
50 confinement or amounts required to be paid under

Page 5

1 section 610A.1. Written notice of the amount of the
2 deduction shall be given to the inmate, who shall have
3 five days after receipt of the notice to submit in
4 writing any and all objections to the deduction to the
5 director, who shall consider the objections prior to
6 transmitting the deducted amount to the clerk of the
7 district court. The director need give only one
8 notice for each action or appeal under section 610A.1
9 for which periodic deductions are to be made. The
10 director shall next deduct from any remaining account
11 balance an amount sufficient to pay all or part of any
12 costs assessed against the inmate for misconduct or
13 damage to the property of others. The director may
14 deduct from the inmate's account an amount sufficient
15 to pay for the inmate's share of the costs of health
16 services requested by the inmate and for the treatment
17 of injuries inflicted by the inmate on the inmate or
18 others. The director may deduct and disburse an
19 amount sufficient for industries' programs to qualify
20 under the eligibility requirements established in the
21 Justice Assistance Act of 1984, Pub. L. No. 98-473,
22 including an amount to pay all or part of the cost of
23 the inmate's incarceration. The director may pay all
24 or any part of remaining allowances paid pursuant to
25 section 904.701 directly to a dependent of the inmate,
26 or may deposit the allowance to the account of the
27 inmate, or may deposit a portion and allow the inmate
28 a portion for the inmate's personal use.

29 2. The director, ~~the institutional division,~~ and
30 the department shall not be liable to any person for
31 any damages caused by the withdrawal or failure to
32 withdraw money or the payment or failure to make any
33 payment under this section."

34 24. Page 23, by inserting after line 3 the
35 following:

36 "Sec. ____ . Section 905.14, subsection 1, Code
37 2005, is amended to read as follows:

38 1. A person placed on probation or parole and
39 subject to supervision by a district department shall
40 be required to pay an enrollment fee of ~~two hundred~~
41 ~~fifty three hundred~~ dollars to the district department
42 to offset the costs of supervision. In addition to
43 the enrollment fee, the district department may
44 require a person to pay a fee to the district
45 department to offset the costs of providing sex
46 offender programming to that person."

47 25. Title page, line 2, by striking the word
48 "and" and inserting the following: ", providing for a

49 fee, and”.

50 26. By renumbering as necessary.

GENE FRAISE
LARRY McKIBBEN

S-5208

1 Amend Senate File 2399 as follows:

2 1. Page 4, by inserting after line 22 the
3 following:

4 “Sec. ____ EFFECTIVE DATE. Except for section 11
5 of this Act relating to a proposal for a study on the
6 transmission of electricity, this Act takes effect
7 January 1, 2007.”

8 2. Title page, line 2, by inserting after the
9 words “production tax credit” the following: “and
10 including an effective date”.

JOE BOLKCOM

S-5209

1 Amend House File 2686, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 24, by inserting before the word
4 “There” the following: “1.”

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

7 “2. The commission shall be required to repay one
8 million dollars of start-up funding from the Iowa
9 communications network fund to the general fund of the
10 state. For the fiscal year beginning July 1, 2007,
11 and ending June 30, 2008, the commission shall repay
12 two hundred fifty thousand dollars of start-up funding
13 at the end of that fiscal year, and for the fiscal
14 year beginning July 1, 2008, and ending June 30, 2009,
15 the commission shall repay two hundred fifty thousand
16 dollars of start-up funding at the end of that fiscal
17 year. The remaining five hundred thousand dollars
18 shall be repaid in a reasonable period of time
19 thereafter as provided in this subsection. The
20 commission shall conduct a review of the operation of
21 the fund and the extent to which a continued need for
22 funding for cash flow support exists, and shall
23 provide a report summarizing the results of the review
24 to the general assembly by January 1, 2010. The
25 report shall also include a plan regarding repayment
26 of the remaining five hundred thousand dollars in
27 start-up funding in a manner which will not adversely
28 affect network operations, and any other
29 recommendations relating to the fund and the operation
30 of the network deemed appropriate by the commission.”

31 3. Title page, line 2, by inserting after the
32 word "network" the following: "; and relating to
33 funding of the network".

JEFF ANGELO

S-5210

1 Amend House File 2095, as passed by the House, as
2 follows:

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

5 "Section 1. Section 257.1, subsection 2, Code
6 2005, is amended to read as follows:

7 2. STATE SCHOOL FOUNDATION AID — FOUNDATION BASE.

8 a. For a budget year, each school district in the
9 state is entitled to receive foundation aid, in an
10 amount per pupil equal to the difference between the
11 amount per pupil of foundation property tax in the
12 district, and the combined foundation base per pupil
13 or the combined district cost per pupil, whichever is
14 less. However, if the amount of foundation aid
15 received by a school district under this chapter is
16 less than three hundred dollars per pupil, the
17 district is entitled to receive three hundred dollars
18 per pupil unless the receipt of three hundred dollars
19 per pupil plus the per pupil amount raised by the
20 foundation property tax exceeds the combined district
21 cost per pupil of the district for the budget year.
22 In that case, the district is entitled to receive an
23 amount per pupil equal to the difference between the
24 per pupil amount raised by the foundation property tax
25 for the budget year and the combined district cost per
26 pupil for the budget year.

27 b. (1) For the budget year commencing July 1,
28 1999, and for each succeeding budget year 2006, the
29 regular program foundation base per pupil is eighty-
30 seven and five-tenths percent of the regular program
31 state cost per pupil. For the budget year beginning
32 July 1, 2007, the regular program foundation base per
33 pupil is eighty-seven and five-tenths percent of the
34 regular program state cost per pupil, increased by an
35 amount corresponding to the regular program allowable
36 growth for that budget year multiplied by the
37 percentage difference between the regular program
38 foundation base for the base year and one hundred
39 percent. For the budget year beginning July 1, 2008,
40 and succeeding budget years, the regular program
41 foundation base per pupil for the budget year shall
42 equal the regular program foundation base per pupil
43 for the base year, increased by an amount
44 corresponding to the regular program allowable growth

45 for the budget year multiplied by the percentage
46 difference between the regular program foundation base
47 for the base year and one hundred percent. The
48 maximum regular program foundation base per pupil
49 calculated pursuant to this subparagraph shall be one
50 hundred percent of the regular program state cost per

Page 2

1 pupil. The department of management shall annually
2 determine the regular program foundation base amount
3 to reflect the increases pursuant to this
4 subparagraph.

5 (2) For the budget year commencing July 1, 1991,
6 and for each succeeding budget year 2006, the special
7 education support services foundation base is seventy-
8 nine percent of the special education support services
9 state cost per pupil. For the budget year beginning
10 July 1, 2007, the special education support services
11 foundation base is seventy-nine percent of the special
12 education support services state cost per pupil,
13 increased by an amount corresponding to the special
14 education support services allowable growth for that
15 budget year multiplied by the percentage difference
16 between the special education support services
17 foundation base for the base year and one hundred
18 percent, and increased by the media services allowable
19 growth, and the education services allowable growth
20 for that budget year. For the budget year beginning
21 July 1, 2008, and succeeding budget years, the special
22 education support services foundation base per pupil
23 for the budget year shall equal the special education
24 support services foundation base per pupil for the
25 base year, increased by an amount corresponding to the
26 special education support services allowable growth
27 for that budget year multiplied by the percentage
28 difference between the special education support
29 services foundation base for the base year and one
30 hundred percent, and increased by the media services
31 allowable growth, and the education services allowable
32 growth for that budget year. The department of
33 management shall annually determine the special
34 education support services foundation base amount
35 reflecting the increases pursuant to this
36 subparagraph.

37 (3) The combined foundation base is the sum of the
38 regular program foundation base and the special
39 education support services foundation base.

40 c. For the budget year commencing July 1, 1999,
41 the department of management shall add the amount of
42 the additional budget adjustment computed in section
43 257.14, subsection 1, to the combined foundation

44 base.”

45 2. Page 1, by striking lines 15 through 17 and
46 inserting the following:

47 “Sec. ____ ENACTMENT. The section of this Act
48 providing for an increase in the regular program
49 foundation base is enacted, notwithstanding the
50 subject matter restrictions of section 257.8,

Page 3

1 subsection 1.

2 Sec. ____ APPLICABILITY. The section of this Act
3 establishing a state percent of growth for the budget
4 year beginning July 1, 2007, is applicable for
5 computing state aid under the state school foundation
6 program for the school budget year beginning July 1,
7 2007.”

8 3. Title page, by striking lines 1 and 2 and
9 inserting the following: “An Act relating to the
10 state school foundation program by establishing the
11 state percent of growth, and increasing the regular
12 program foundation base, and”.

13 4. By renumbering as necessary.

DAVID MILLER

S-5211

1 Amend the amendment, S-5154, to House File 2362, as
2 passed by the House, as follows:

3 1. Page 1, line 6, by striking the word “VEHICLE”
4 and inserting the following: “RECYCLING”.

5 2. Page 6, by inserting after line 1 the
6 following:

7 “Sec. ____ CONTINGENT FUTURE REPEAL OF MERCURY-
8 FREE RECYCLING ACT — IMPLEMENTATION OF NATIONAL
9 MERCURY SWITCH RECOVERY PROGRAM. If a national
10 collaborative mercury switch recovery program
11 involving vehicle manufacturers, steel makers, vehicle
12 dismantlers, vehicle crushers, auto shredders,
13 brokers, members representing the environmental
14 community, state representatives, and the United
15 States environmental protection agency is implemented,
16 the requirements of the national collaborative program
17 shall supersede the provisions of this division, and
18 sections 455B.801 through 455B.809 are repealed. The
19 director of the department of natural resources shall
20 notify the Code editor of the date when the national
21 collaborative program is implemented.”

22 3. By renumbering as necessary.

JEFF ANGELO

S-5212

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 711

- 1 Amend the amendment, H-1627, to House File 711, as
2 amended, passed, and reprinted by the House, as
3 follows:
- 4 1. Page 1, by inserting after line 2 the
5 following:
6 " ___. Page 1, by striking lines 1 through 29."
7 2. Page 1, by inserting after line 4 the
8 following:
9 " ___. By striking page 2, line 19, through page
10 4, line 16.
11 ___. Title page, by striking lines 1 through 4,
12 and inserting the following: "An Act relating to the
13 appointment of a chief juvenile court officer."

S-5213

- 1 Amend Senate File 2345 as follows:
- 2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 8.56, subsections 3 and 4,
5 Code 2005, are amended to read as follows:
6 3. The Except as provided in subsection 5, the
7 moneys in the cash reserve fund shall only be used
8 pursuant to an appropriation made by the general
9 assembly. An appropriation under this subsection
10 shall be made in accordance with subsection 4 only for
11 the fiscal year in which the appropriation is made.
12 The moneys shall only be appropriated by the general
13 assembly for nonrecurring emergency expenditures and
14 shall not be appropriated for payment of any
15 collective bargaining agreement or arbitrator's
16 decision negotiated or awarded under chapter 20.
17 Except as provided in section 8.58, the cash reserve
18 fund shall be considered a special account for the
19 purposes of section 8.53 in determining the cash
20 position of the general fund of the state for the
21 payment of state obligations.
- 22 4. a. Except as provided in subsection 1 or 5, an
23 appropriation under subsection 3 shall not be made
24 from the cash reserve fund unless the appropriation is
25 in accordance with all of the following:
- 26 (1) The appropriation is contained in a bill or
27 joint resolution in which the appropriation is the
28 only subject matter of the bill or joint resolution.
29 (2) The bill or joint resolution states the
30 reasons the appropriation is necessary.

31 b. In addition to the requirements of paragraph
 32 "a", an appropriation under subsection 3 shall not be
 33 made from the cash reserve fund which would cause the
 34 fund's balance to be less than three and three-fourths
 35 percent of the adjusted revenue estimate for the year
 36 for which the appropriation is made unless the bill or
 37 joint resolution is approved by vote of at least
 38 three-fifths of the members of both chambers of the
 39 general assembly and is signed by the governor.
 40 Sec. 2. Section 8.56, Code 2005, is amended by
 41 adding the following new subsection:
 42 NEW SUBSECTION. 5. There is annually appropriated
 43 from the cash reserve fund for the fiscal year
 44 beginning July 1, 2006, and for each succeeding fiscal
 45 year to the health savings account loan fund created
 46 in section 12A.3 the amount of ten million dollars.
 47 Sec. 3. NEW SECTION. 12A.1 PURPOSE — PROGRAM
 48 ESTABLISHMENT.
 49 The purpose of this chapter is to assist resident
 50 account beneficiaries of health savings accounts to be

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1 able to fund, as quickly as possible, the amount of
 2 the annual deductible and maximum out-of-pocket
 3 amounts under the beneficiary's high deductible health
 4 plan.
 5 To fulfill the purpose of this chapter, the office
 6 of the treasurer of state shall establish a health
 7 savings account loan program.
 8 Sec. 4. NEW SECTION. 12A.2 DEFINITIONS.
 9 For purposes of this chapter, unless the context
 10 otherwise requires:
 11 1. "Account beneficiary", "health savings
 12 account", and "high deductible health plan" mean the
 13 same as defined in section 223 of the Internal Revenue
 14 Code.
 15 2. "Administrative contractor" means the person
 16 with whom the office of the treasurer of state enters
 17 into a contract to administer the health savings
 18 account loan program.
 19 3. "Internal Revenue Code" means the same as
 20 defined in section 422.3.
 21 4. "Small business" means an enterprise which is
 22 located in this state, which is operated for profit
 23 and under a single management, and which has twenty-
 24 five or fewer employees.
 25 Sec. 5. NEW SECTION. 12A.3 HEALTH SAVINGS
 26 ACCOUNT LOAN FUND.
 27 1. A health savings account loan fund is created
 28 under the authority of the office of the treasurer of
 29 state. The fund shall consist of appropriations made

30 to the fund and transfers of interest, earnings, and
31 moneys from other funds as provided by law. The fund
32 shall be separate from the general fund of the state
33 and the balance in the fund shall not be considered
34 part of the balance of the general fund of the state.
35 However, the fund shall be considered a special
36 account for the purposes of section 8.53, relating to
37 generally accepted accounting principles.

38 2. Notwithstanding section 12C.7, subsection 2,
39 interest or earnings on moneys in the fund shall be
40 credited to the fund.

41 3. The moneys in the health savings account loan
42 fund are appropriated to the office of the treasurer
43 of state for purposes of providing loans to resident
44 account beneficiaries of health savings accounts
45 pursuant to section 12A.4 or to small businesses to
46 make contributions to health savings accounts on
47 behalf of resident account beneficiaries pursuant to
48 section 12A.4.

49 Sec. 6. NEW SECTION. 12A.4 LOANS — PENALTY.

50 1. a. A resident of the state who is an account

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1 beneficiary and whose balance in the health savings
2 account is less than the deductible under the account
3 beneficiary's high deductible health plan may apply to
4 the administrative contractor for a loan in an amount
5 not to exceed the difference.

6 b. An individual seeking a loan under this section
7 shall apply for the loan on a form approved by the
8 administrative contractor and provide the following
9 information:

10 (1) The amount of the deductible, the balance in
11 the health savings account, and the loan sought.

12 (2) A list of the major assets and liabilities of
13 the individual and the individual's household. The
14 treasurer of state shall establish by rule what
15 constitutes a major asset or liability.

16 (3) Any other health coverage of the individual
17 and the corresponding deductible.

18 (4) Other information deemed necessary by the
19 treasurer of state and administrative contractor.

20 c. If the administrative contractor determines
21 that the applicant qualifies for a loan and sufficient
22 funds are available, the administrative contractor
23 shall direct the office of the treasurer of state to
24 provide the applicant with a loan equal to the amount
25 requested by the applicant, not to exceed the limit
26 specified in paragraph "a". The loan shall be on
27 terms set by the treasurer of state and without
28 interest. The loan shall be deposited into the

29 applicant's health savings account. As part of the
30 loan agreement, the applicant shall agree that moneys
31 shall not be deposited by the applicant into the
32 applicant's health savings account until after the
33 loan has been repaid.

34 2. a. A small business that employs resident
35 account beneficiaries may apply to the administrative
36 contractor for a loan to make contributions on behalf
37 of its resident account beneficiaries. The amount of
38 the loan shall not exceed the sum of the differences
39 of each account beneficiary's balance in the health
40 savings account and the deductible under the account
41 beneficiary's high deductible health plan.

42 b. A small business seeking a loan under this
43 section shall apply for the loan on a form approved by
44 the administrative contractor and provide the
45 following information:

46 (1) A list of the resident account beneficiaries
47 employed by the business on whose behalf the business
48 will make contributions and a list of the difference
49 for each account of the account balance and the
50 account beneficiary's deductible.

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1 (2) The amount of the loan and in which accounts
2 the loan proceeds will be deposited. The amount of
3 the loan shall not exceed the aggregate amount of the
4 differences listed as required in subparagraph (1).

5 (3) Other information deemed necessary by the
6 treasurer of state and administrative contractor.

7 c. If the administrative contractor determines
8 that the small business qualifies for a loan and
9 sufficient funds are available, the administrative
10 contractor shall direct the office of the treasurer of
11 state to provide the small business with a loan equal
12 to the amount requested by the small business, not to
13 exceed the limit specified in paragraph "a". The loan
14 shall be on terms set by rule of the treasurer of
15 state and without interest. As part of the loan
16 agreement, the small business shall agree that moneys,
17 other than the loan proceeds, shall not be deposited
18 by the small business into the health savings account
19 of the business's account beneficiaries until after
20 the loan has been repaid.

21 3. If funds are insufficient to provide all the
22 loans requested by the resident account beneficiaries
23 and small businesses that qualify, distribution of the
24 available funds shall be made based on the earlier
25 date of the application. However, priority in the
26 providing of loan requests shall be given to those
27 resident account beneficiaries and small businesses

28 that received loans for the prior calendar year,
29 except that such priority ceases after the second
30 year.

31 4. An applicant or small business shall not
32 receive more than two loans under this section.

33 5. If an applicant or other person knowingly makes
34 a false statement for the purpose of enabling the
35 applicant to receive a loan under this section, the
36 applicant or other person is guilty of a fraudulent
37 practice as described in section 714.8.

38 Sec. 7. NEW SECTION. 12A.5 ADMINISTRATIVE
39 CONTRACTOR.

40 1. An administrative contractor shall be selected
41 to administer the health savings account loan program
42 through a request for proposals process. The
43 treasurer of state, in conjunction with the
44 administrator of the division of insurance, shall
45 develop the criteria to be included in the request for
46 proposals for the selection of any administrative
47 contractor for the program. The request for proposals
48 shall specify that the maximum amount of remuneration
49 payable to the administrative contractor shall not
50 exceed five percent of the total amount of loans made

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1 under the program during the calendar year.

2 2. The administrative contractor shall do all of
3 the following:

4 a. Accept applications for loans under the program
5 and determine which applications qualify.

6 b. Develop and issue appropriate approval and
7 denial notifications to inform applicants of the
8 status of their applications.

9 c. Notify the office of the treasurer of state of
10 the loan applications that have been approved.

11 d. Provide periodic reports to the office of the
12 treasurer of state.

13 e. Perform other duties specified in the contract
14 and as required by rule of the treasurer of state."

15 2. Title page, line 1, by inserting after the
16 words "made to" the following: "or on behalf of".

17 3. Title page, line 2, by inserting after the
18 word "accounts" the following: "and providing an
19 appropriation".

RON WIECK

S-5214

1 Amend House File 2332, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Section 1. Section 252B.7, subsection 1,
6 paragraph c, Code 2005, is amended to read as follows:

7 c. An information charging a violation of section
8 726.3, 726.5, 726.5A, or 726.6."

9 2. Page 3, by inserting after line 11 the
10 following:

11 "Sec. ____ Section 600B.29, Code 2005, is amended
12 to read as follows:

13 600B.29 DESERTION STATUTE APPLICABLE.

14 The provisions of sections 726.3 through ~~726.5~~
15 726.5A relating to desertion, nonsupport, and
16 abandonment of children, have the same effect in cases
17 of illegitimacy where paternity has been judicially
18 established, or has been acknowledged by the father in
19 writing or by the furnishing of support, as in cases
20 of children born in wedlock.

21 Sec. ____ Section 726.4, Code 2005, is amended to
22 read as follows:

23 726.4 HUSBAND OR WIFE MAY BE WITNESS.

24 In all prosecutions under section 726.3, 726.5,
25 726.5A, or 726.6, the husband or wife is a competent
26 witness for the state and may testify to relevant acts
27 or communications between them.

28 Sec. ____ NEW SECTION. 726.5A HABITUAL
29 NONSUPPORT AS CHILD ENDANGERMENT.

30 A person who, being able to do so, fails or refuses
31 to provide support for the person's child or ward
32 under the age of eighteen years for a period longer
33 than one year or in an amount greater than five
34 thousand dollars commits child endangerment based upon
35 habitual nonsupport. A person shall not be held to
36 have violated this section if the person fails to
37 support any child or ward under the age of eighteen
38 who has left the home of the parent or other person
39 having legal custody of the child or ward without the
40 consent of that parent or person having legal custody
41 of the child or ward. Support, for the purposes of
42 this section, means any support which has been fixed
43 by court order. Child endangerment based upon
44 habitual nonsupport as described in this section is a
45 class "C" felony."

46 3. Title page, line 5, by inserting after the
47 word "program" the following: ", establishing
48 habitual nonsupport as child endangerment, providing a
49 criminal penalty,".

DOUG SHULL

S-5215

1 Amend House File 2716, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Section 1. Section 135.40, Code 2005, is amended
6 to read as follows:

7 135.40 COLLECTION AND DISTRIBUTION OF INFORMATION.

8 Any person, hospital, sanatorium, nursing or rest
9 home or other organization may provide information,
10 interviews, reports, statements, memoranda, or other
11 data relating to the condition and treatment of any
12 person to the department, the Iowa medical society or
13 any of its allied medical societies, ~~or~~ the Iowa
14 osteopathic medical association, ~~or~~ any in-hospital
15 staff committee, or the Iowa healthcare collaborative,
16 to be used in the course of any study for the purpose
17 of reducing morbidity or mortality, and no liability
18 of any kind or character for damages or other relief
19 shall arise or be enforced against any person or
20 organization that has acted reasonably and in good
21 faith, by reason of having provided such information
22 or material, or by reason of having released or
23 published the findings and conclusions of such groups
24 to advance medical research and medical education, or
25 by reason of having released or published generally a
26 summary of such studies.

27 For the purposes of this section, and section
28 135.41, the "Iowa healthcare collaborative" means an
29 organization which is exempt from federal income
30 taxation under section 501(c)(3) of the Internal
31 Revenue Code and which is established to provide
32 direction to promote quality, safety, and value
33 improvement collaborative efforts by hospitals and
34 physicians.

35 Sec. 2. Section 135.41, Code 2005, is amended to
36 read as follows:

37 135.41 PUBLICATION.

38 The department, the Iowa medical society or any of
39 its allied medical societies, ~~or~~ the Iowa osteopathic
40 medical association, ~~or~~ any in-hospital staff
41 committee, or the Iowa healthcare collaborative shall
42 use or publish said material only for the purpose of
43 advancing medical research or medical education in the
44 interest of reducing morbidity or mortality, except
45 that a summary of such studies may be released by any
46 such group for general publication. In all events the
47 identity of any person whose condition or treatment
48 has been studied shall be confidential and shall not
49 be revealed under any circumstances. A violation of
50 this section shall constitute a simple misdemeanor."

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- 1 2. Page 1, by striking lines 6 through 8 and
2 inserting the following: "against a health care
3 provider as defined in section 135.61, a hospital
4 licensed".
- 5 3. Page 1, line 11, by striking the word "any"
6 and inserting the following: "that".
- 7 4. Page 1, by striking lines 19 and 20 and
8 inserting the following: "inadmissible as evidence.
9 Any response by the plaintiff, relative of the
10 plaintiff, or decision maker for the plaintiff to such
11 statement, affirmation, gesture, or conduct is
12 similarly inadmissible as evidence.
- 13 Sec. ____ NEW SECTION. 505.27 MEDICAL
14 MALPRACTICE INSURANCE — REPORTS REQUIRED.
- 15 1. An insurer providing medical malpractice
16 insurance coverage to Iowa health care providers shall
17 file annually on or before June 1 with the
18 commissioner a report of all medical malpractice
19 insurance claims, both open claims and closed claims
20 filed during the reporting period, against any such
21 Iowa insureds during the preceding calendar year.
- 22 2. The report shall be in writing and contain all
23 of the following information aggregated by specialty
24 area and paid loss and paid expense categories
25 established by the commissioner:
- 26 a. The total number of claims in the reporting
27 period and the nature and substance of such claims.
- 28 b. The total amounts paid within six months after
29 final disposition of the claims.
- 30 c. The total amount reserved for the payment of
31 claims incurred and reported but not disposed.
- 32 d. The expenses, as set forth by rule, related to
33 the claims.
- 34 e. Any other additional information as required by
35 the commissioner by rule.
- 36 3. The commissioner shall compile annually the
37 data included in reports filed by insurers pursuant to
38 this section into an aggregate form by insurer, except
39 that such data shall not include information that
40 directly or indirectly identifies any individual,
41 including a patient, an insured, or a health care
42 provider. The commissioner shall submit a written
43 report summarizing such data along with any
44 recommendations to the general assembly and the
45 governor by December 1, 2007, with subsequent reports
46 submitted to the general assembly and the governor
47 annually thereafter.
- 48 4. A report prepared pursuant to subsection 1 or 3
49 shall be open to the public and shall be made
50 available to a requesting party by the commissioner at

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- 1 no charge, except that any identifying information of
 2 any individual, including a patient, an insured, or
 3 health care provider, shall remain confidential.
 4 5. For purposes of this section, "health care
 5 provider" means the same as defined in section 135.61,
 6 a hospital licensed pursuant to chapter 135B, or a
 7 health care facility licensed pursuant to chapter
 8 135C, and "insurer" means an insurance company
 9 authorized to transact insurance business in this
 10 state. "Insurer" does not include a health care
 11 provider who maintains professional liability
 12 insurance coverage through a self-insurance plan, an
 13 unauthorized insurance company transacting business
 14 with an insured person in this state, or a person not
 15 authorized to transact insurance business in this
 16 state."
 17 5. Title page, line 2, by inserting after the
 18 word "evidentiary" the following: ", reporting, and
 19 study information".
 20 6. By renumbering as necessary.

BOB BRUNKHORST
 KEITH A. KREIMAN

S-5216

- 1 Amend House File 2717, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 5, lines 6 and 7, by striking the words
 4 "appropriated by the general assembly and moneys".

JOHN PUTNEY

S-5217

- 1 Amend Senate File 2403 as follows:
 2 1. Page 4, by striking lines 23 through 25 and
 3 inserting the following: "chapter is guilty of a
 4 simple misdemeanor, and be."
 5 2. By striking page 4, line 32, through page 5,
 6 line 3, and inserting the following: "referral by the
 7 department.
 8 a. The department shall not impose a civil penalty
 9 for the first alleged violation of a provision of this
 10 chapter, including a rule adopted pursuant to this
 11 chapter. In that case, the department shall issue a
 12 letter of warning which includes all of the following:
 13 (1) The alleged violator's name, trade name, and
 14 address.

15 (2) A description of the alleged violation with
 16 specific citation to the statute or administrative
 17 rule alleged to have been violated.

18 (3) The location, date, and time of the alleged
 19 violation.

20 b. For a violation of the same provision of this
 21 chapter, including a rule adopted pursuant to this
 22 chapter, arising subsequent to the issuance of a
 23 letter of warning, the department may impose, assess,
 24 and collect a civil penalty as follows:

25 (1) For the first violation after the letter of
 26 warning, the amount of the civil penalty shall not
 27 exceed one hundred dollars.

28 (2) For the second violation after the letter of
 29 warning, the amount of the civil penalty shall not
 30 exceed five hundred dollars.

31 (3) For each subsequent violation after the letter
 32 of warning, the amount of the civil penalty shall not
 33 exceed one thousand dollars.

34 When imposing a civil penalty, the department shall
 35 consider the degree and extent of potential harm
 36 caused by the violation, the amount of money which the
 37 violation obtained as a result of the noncompliance,
 38 whether the violation was committed willfully, and the
 39 compliance record of the violator.

40 2A. a. Except as provided in paragraph "b", the
 41 state is".

42 3. Page 6, by inserting after line 35 the
 43 following:

44 "Sec. . NEW SECTION. 214.12 SUSPENSION OF
 45 REQUIREMENTS.

46 The department may suspend in whole or in part any
 47 requirement of this chapter, including a rule adopted
 48 pursuant to this chapter, as applied to an identified
 49 person on the basis of the particular circumstances of
 50 that person, when the department determines that the

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1 suspension promotes the maintenance of good commercial
 2 practices within the state."

3 4. Page 12, by striking lines 7 and 8 and
 4 inserting the following: "misdemeanor."

5 5. Page 12, by striking lines 15 through 21 and
 6 inserting the following: "referral by the department.

7 a. The department shall not impose a civil penalty
 8 for the first alleged violation of a provision of this
 9 chapter, including a rule adopted pursuant to this
 10 chapter. In that case, the department shall issue a
 11 letter of warning which includes all of the following:

12 (1) The alleged violator's name, trade name, and
 13 address.

14 (2) A description of the alleged violation with
 15 specific citation to the statute or administrative
 16 rule alleged to have been violated.
 17 (3) The location, date, and time of the alleged
 18 violation.
 19 b. For a violation of the same provision of this
 20 chapter, including a rule adopted pursuant to this
 21 chapter, arising subsequent to the issuance of a
 22 letter of warning, the department may impose, assess,
 23 and collect a civil penalty as follows:
 24 (1) For the first violation after the letter of
 25 warning, the amount of the civil penalty shall not
 26 exceed one hundred dollars.
 27 (2) For the second violation after the letter of
 28 warning, the amount of the civil penalty shall not
 29 exceed five hundred dollars.
 30 (3) For each subsequent violation after the letter
 31 of warning, the amount of the civil penalty shall not
 32 exceed one thousand dollars.
 33 c. When imposing a civil penalty, the department
 34 shall consider the degree and extent of potential harm
 35 caused by the violation, the amount of money which the
 36 violator obtained as a result of the noncompliance,
 37 whether the violation was committed willfully, and the
 38 compliance record of the violator.
 39 3. a. Except as provided in paragraph "b", the
 40 state is".
 41 6. Page 13, by inserting after line 7 the
 42 following:
 43 "Sec. ____ NEW SECTION. 215.28 SUSPENSION OF
 44 REQUIREMENTS.
 45 The department may suspend in whole or in part any
 46 requirement of this chapter, including a rule adopted
 47 pursuant to this chapter, as applied to an identified
 48 person on the basis of the particular circumstances of
 49 that person, when the department determines that the
 50 suspension promotes the maintenance of good commercial

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1 practices within the state."
 2 7. Page 13, by striking lines 23 through 29 and
 3 inserting the following: "referral by the department.
 4 a. The department shall not impose a civil penalty
 5 for the first alleged violation of a provision of this
 6 chapter, including a rule adopted pursuant to this
 7 chapter. In that case, the department shall issue a
 8 letter of warning which includes all of the following:
 9 (1) The alleged violator's name, trade name, and
 10 address.
 11 (2) A description of the alleged violation with
 12 specific citation to the statute or administrative

13 rule alleged to have been violated.

14 (3) The location, date, and time of the alleged
15 violation.

16 b. For a violation of the same provision of this
17 chapter, including a rule adopted pursuant to this
18 chapter, arising subsequent to the issuance of a
19 letter of warning, the department may impose, assess,
20 and collect a civil penalty as follows:

21 (1) For the first violation after the letter of
22 warning, the amount of the civil penalty shall not
23 exceed one hundred dollars.

24 (2) For the second violation after the letter of
25 warning, the amount of the civil penalty shall not
26 exceed five hundred dollars.

27 (3) For each subsequent violation after the letter
28 of warning, the amount of the civil penalty shall not
29 exceed one thousand dollars.

30 When imposing a civil penalty, the department shall
31 consider the degree and extent of potential harm
32 caused by the violation, the amount of money which the
33 violinor obtained as a result of the noncompliance,
34 whether the violation was committed willfully, and the
35 compliance record of the violator.

36 3. a. Except as provided in paragraph "b", the
37 state is".

38 8. Page 14, by inserting after line 15 the
39 following:

40 "Sec. . NEW SECTION. 215A.11 SUSPENSION OF
41 REQUIREMENTS.

42 The department may suspend in whole or in part any
43 requirement of this chapter, including a rule adopted
44 pursuant to this chapter, as applied to an identified
45 person on the basis of the particular circumstances of
46 that person, when the department determines that the
47 suspension promotes the maintenance of good commercial
48 practices within the state."

49 9. By renumbering as necessary.

BRAD ZAUN

S-5218

1 Amend the amendment, S-5154, to House File 2362, as
2 passed by the House, as follows:

3 1. Page 1, line 6, by striking the word "VEHICLE"
4 and inserting the following: "RECYCLING".

5 2. Page 6, by inserting after line 1 the
6 following:

7 "Sec. . CONTINGENT FUTURE REPEAL OF MERCURY-
8 FREE RECYCLING ACT — IMPLEMENTATION OF NATIONAL
9 MERCURY SWITCH RECOVERY PROGRAM. If a national
10 mercury switch recovery program is implemented by the

11 United States environmental protection agency, the
 12 requirements of the national program shall supersede
 13 the provisions of this division, and sections 455B.801
 14 through 455B.809 are repealed. The director of the
 15 department of natural resources shall notify the Code
 16 editor of the date when the national program is
 17 implemented.”
 18 3. By renumbering as necessary.

JEFF ANGELO

S-5219

1 Amend House File 2743, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 10, by inserting after line 15 the
 4 following:
 5 “Sec. ____ Section 12.65, subsection 1, Code 2005,
 6 is amended to read as follows:
 7 1. A healthy Iowans tobacco trust is created in
 8 the office of the treasurer of state. Moneys
 9 transferred to the healthy Iowans tobacco trust from
 10 the endowment for Iowa’s health account of the tobacco
 11 settlement trust fund established in section 12E.12
 12 and appropriated or transferred from any other source
 13 shall be deposited in the healthy Iowans tobacco
 14 trust. Additionally, proceeds derived from payment of
 15 taxes pursuant to section 453A.6, subsection 1,
 16 paragraph “a”, subparagraph (2); section 453A.6,
 17 subsection 1, paragraph “b”, subparagraph (2); section
 18 453A.43, subsection 1, paragraph “b”; and section
 19 453A.43, subsection 2, paragraph “b”, shall be
 20 credited to the healthy Iowans tobacco trust.
 21 Sec. ____ Section 453A.6, subsection 1, Code 2005,
 22 is amended to read as follows:
 23 1. There is imposed, and shall be collected and
 24 paid to the department, the following taxes on all
 25 cigarettes used or otherwise disposed of in this state
 26 for any purpose whatsoever:
 27 a. CLASS A.
 28 (1) On cigarettes weighing not more than three
 29 pounds per thousand, ~~eighteen mills~~ one and
 30 eight-tenths cents on each such cigarette.
 31 (2) In addition to the tax imposed in subparagraph
 32 (1), on cigarettes weighing not more than three pounds
 33 per thousand, three and two-tenths cents on each
 34 cigarette.
 35 b. CLASS B.
 36 (1) On cigarettes weighing more than three pounds
 37 per thousand, ~~eighteen mills~~ one and eight-tenths
 38 cents on each such cigarette.
 39 (2) In addition to the tax imposed in subparagraph

40 (1), on cigarettes weighing more than three pounds per
 41 thousand, three and two-tenths cents on each
 42 cigarette.

43 Sec. ____ Section 453A.35, Code 2005, is amended
 44 to read as follows:

45 453A.35 TAX AND FEES PAID TO GENERAL FUND.

46 The proceeds derived from the sale of stamps and
 47 the payment of taxes, fees and penalties provided for
 48 under this chapter, and the permit fees received from
 49 all permits issued by the department, with the
 50 exception of the proceeds derived from payment of

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1 taxes pursuant to section 453A.6, subsection 1,
 2 paragraph "a", subparagraph (2); section 453A.6,
 3 subsection 1, paragraph "b", subparagraph (2); section
 4 453A.43, subsection 1, paragraph "b"; and section
 5 453A.43, subsection 2, paragraph "b", which shall be
 6 credited to the healthy lowans tobacco trust created
 7 in section 12.65, shall be credited to the general
 8 fund of the state. All permit fees provided for in
 9 this chapter and collected by cities in the issuance
 10 of permits granted by the cities shall be paid to the
 11 treasurer of the city where the permit is effective,
 12 or to another city officer as designated by the
 13 council, and credited to the general fund of the city.
 14 Permit fees so collected by counties shall be paid to
 15 the county treasurer.

16 Sec. ____ Section 453A.40, subsection 1, Code
 17 2005, is amended to read as follows:

18 1. All of the following persons shall be subject
 19 to an inventory tax on the following items as provided
 20 in this section:

21 a. All persons required to be licensed obtain a
 22 permit under section 453A.13 as distributors or to be
 23 licensed under section 453A.44 as a distributor or
 24 subjobber, having in their possession and held for
 25 resale on the effective date of an increase in the tax
 26 rate cigarettes, or little cigars, or tobacco products
 27 upon which the tax under section 453A.6 or 453A.43 has
 28 been paid, unused cigarette tax stamps which have been
 29 paid for under section 453A.8, or unused metered
 30 imprints which have been paid for under section
 31 453A.12 shall be subject to an inventory tax on the
 32 items as provided in this section.

33 b. All consumers having for use or storage on the
 34 effective date of an increase in the tax rate, tobacco
 35 products upon which the tax under section 453A.43 has
 36 been paid.

37 c. All consumers subject to section 453A.46,
 38 subsection 6, who have acquired title to or possession

39 of tobacco products for storage in this state, upon
 40 which tobacco products the tax imposed by section
 41 453A.43 has not been paid.

42 Sec. ____ Section 453A.43, subsections 1 and 2,
 43 Code 2005, are amended to read as follows:

44 1. a. A tax is imposed upon all tobacco products
 45 in this state and upon any person engaged in business
 46 as a distributor of tobacco products, at the rate of
 47 twenty-two percent of the wholesale sales price of the
 48 tobacco products, except little cigars as defined in
 49 section 453A.42.

50 b. In addition to the tax imposed under paragraph

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1 "a", a tax is imposed upon all tobacco products in
 2 this state and upon any person engaged in business as
 3 a distributor of tobacco products, at the rate of
 4 thirty-three percent of the wholesale sales price of
 5 the tobacco products, except little cigars as defined
 6 in section 453A.42.

7 c. Little cigars shall be subject to the same rate
 8 of tax imposed upon cigarettes in section 453A.6,
 9 payable at the time and in the manner provided in
 10 section 453A.6; and stamps shall be affixed as
 11 provided in division I of this chapter.

12 d. The ~~tax~~ taxes on tobacco products, excluding
 13 little cigars, shall be imposed at the time the
 14 distributor does any of the following:

15 a. (1) Brings, or causes to be brought, into this
 16 state from without the state tobacco products for
 17 sale.

18 b. (2) Makes, manufactures, or fabricates tobacco
 19 products in this state for sale in this state.

20 e. (3) Ships or transports tobacco products to
 21 retailers in this state, to be sold by those
 22 retailers.

23 2. a. A tax is imposed upon the use or storage by
 24 consumers of tobacco products in this state, and upon
 25 the consumers, at the rate of twenty-two percent of
 26 the cost of the tobacco products.

27 b. In addition to the tax imposed in paragraph
 28 "a", a tax is imposed upon the use or storage by
 29 consumers of tobacco products in this state, and upon
 30 the consumers, at a rate of thirty-three percent of
 31 the cost of the tobacco products.

32 c. The ~~tax~~ taxes imposed by this subsection shall
 33 not apply if the ~~tax~~ taxes imposed by subsection 1 on
 34 the tobacco products ~~has~~ have been paid.

35 d. ~~This tax~~ The taxes imposed under this
 36 subsection shall not apply to the use or storage of
 37 tobacco products in quantities of:

- 38 a. (1) Less than 25 cigars.
 39 b. (2) Less than 10 oz. snuff or snuff powder.
 40 e. (3) Less than 1 lb. smoking or chewing tobacco
 41 or other tobacco products not specifically mentioned
 42 herein, in the possession of any one consumer.”
 43 2. Page 10, by inserting after line 23 the
 44 following:
 45 “Sec. ____ EFFECTIVE DATE. The sections of this
 46 Act amending section 12.65; section 453A.6, subsection
 47 1; section 453A.35; section 453A.40, subsection 1; and
 48 section 453A.43, subsections 1 and 2, being deemed of
 49 immediate importance, take effect on the first day of
 50 the month that begins following enactment of this

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- 1 Act.”
 2 3. By renumbering as necessary.

JACK HATCH
 ROBERT E. DVORSKY

S-5220

- 1 Amend House File 2332, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, line 5, by striking the word
 4 “knowingly” and inserting the following: “knowingly,
 5 with actual knowledge and intent to avoid legal
 6 obligation.”
 7 2. Title page, line 5, by inserting after the
 8 word “program” the following: “, providing
 9 penalties.”

FRANK B. WOOD

S-5221

- 1 Amend the amendment, S-5154, to House File 2362, as
 2 passed by the House, as follows:
 3 1. Page 1, line 6, by striking the word “VEHICLE”
 4 and inserting the following: “RECYCLING”.
 5 2. Page 6, by inserting after line 1, the
 6 following:
 7 “Sec. ____ FUTURE REPEAL OF MERCURY-FREE RECYCLING
 8 ACT — IMPLEMENTATION OF NATIONAL PROGRAM.
 9 1. If a national mercury switch recovery program
 10 is developed and implemented with the cooperation and
 11 approval of the United States environmental protection
 12 agency, the provisions of this division shall be
 13 superseded by the provisions of the national program,

14 and sections 455B.801 through 455B.809, as enacted in
 15 this division of this Act, are repealed, provided the
 16 following conditions are met:

17 a. The national program includes a target mercury-
 18 added switch capture rate for this state that meets or
 19 exceeds the target capture rate established in section
 20 455B.803, as enacted in this division of this Act.

21 b. The national program includes a funding
 22 mechanism that provides for the total costs of the
 23 national mercury switch recovery program implemented
 24 in this state to be paid for by program participants
 25 or with federal moneys.

26 2. The director of the department of natural
 27 resources shall notify the Code editor of the date
 28 when the national mercury switch recovery program is
 29 implemented.”

30 3. By renumbering as necessary.

JAMES F. HAHN

S-5222

1 Amend House File 2716, as amended, passed, and
 2 reprinted by the House, as follows:

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

5 “Section 1. Section 135.40, Code 2005, is amended
 6 to read as follows:

7 135.40 COLLECTION AND DISTRIBUTION OF INFORMATION.

8 Any person, hospital, sanatorium, nursing or rest
 9 home or other organization may provide information,
 10 interviews, reports, statements, memoranda, or other
 11 data relating to the condition and treatment of any
 12 person to the department, the Iowa medical society or
 13 any of its allied medical societies, ~~or~~ the Iowa
 14 osteopathic medical association, ~~or~~ any in-hospital
 15 staff committee, or the Iowa healthcare collaborative,
 16 to be used in the course of any study for the purpose
 17 of reducing morbidity or mortality, and no liability
 18 of any kind or character for damages or other relief
 19 shall arise or be enforced against any person or
 20 organization that has acted reasonably and in good
 21 faith, by reason of having provided such information
 22 or material, or by reason of having released or
 23 published the findings and conclusions of such groups
 24 to advance medical research and medical education, or
 25 by reason of having released or published generally a
 26 summary of such studies.

27 For the purposes of this section, and section
 28 135.41, the “Iowa healthcare collaborative” means an
 29 organization which is exempt from federal income
 30 taxation under section 501(c)(3) of the Internal

31 Revenue Code and which is established to provide
32 direction to promote quality, safety, and value
33 improvement collaborative efforts by hospitals and
34 physicians.

35 Sec. 2. Section 135.41, Code 2005, is amended to
36 read as follows:

37 135.41 PUBLICATION.

38 The department, the Iowa medical society or any of
39 its allied medical societies, ~~or~~ the Iowa osteopathic
40 medical association, ~~or~~ any in-hospital staff
41 committee, or the Iowa healthcare collaborative shall
42 use or publish said material only for the purpose of
43 advancing medical research or medical education in the
44 interest of reducing morbidity or mortality, except
45 that a summary of such studies may be released by any
46 such group for general publication. In all events the
47 identity of any person whose condition or treatment
48 has been studied shall be confidential and shall not
49 be revealed under any circumstances. A violation of
50 this section shall constitute a simple misdemeanor.”

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1 2. Page 1, line 11, by striking the word “any”
2 and inserting the following: “that”.

3 3. Page 1, by striking lines 19 and 20 and
4 inserting the following: “inadmissible as evidence.
5 Any response by the plaintiff, relative of the
6 plaintiff, or decision maker for the plaintiff to such
7 statement, affirmation, gesture, or conduct is
8 similarly inadmissible as evidence.

9 Sec. ____ NEW SECTION. 505.27 MEDICAL
10 MALPRACTICE INSURANCE — REPORTS REQUIRED.

11 1. An insurer providing medical malpractice
12 insurance coverage to Iowa health care providers shall
13 file annually on or before June 1 with the
14 commissioner a report of all medical malpractice
15 insurance claims, both open claims and closed claims
16 filed during the reporting period, against any such
17 Iowa insureds during the preceding calendar year.

18 2. The report shall be in writing and contain all
19 of the following information aggregated by specialty
20 area and paid loss and paid expense categories
21 established by the commissioner:

22 a. The total number of claims in the reporting
23 period and the nature and substance of such claims.

24 b. The total amounts paid within six months after
25 final disposition of the claims.

26 c. The total amount reserved for the payment of
27 claims incurred and reported but not disposed.

28 d. The expenses, as set forth by rule, related to
29 the claims.

- 30 e. Any other additional information as required by
 31 the commissioner by rule.
- 32 3. The commissioner shall compile annually the
 33 data included in reports filed by insurers pursuant to
 34 this section into an aggregate form by insurer, except
 35 that such data shall not include information that
 36 directly or indirectly identifies any individual,
 37 including a patient, an insured, or a health care
 38 provider. The commissioner shall submit a written
 39 report summarizing such data along with any
 40 recommendations to the general assembly and the
 41 governor by December 1, 2007, with subsequent reports
 42 submitted to the general assembly and the governor
 43 annually thereafter.
- 44 4. A report prepared pursuant to subsection 1 or 3
 45 shall be open to the public and shall be made
 46 available to a requesting party by the commissioner at
 47 no charge, except that any identifying information of
 48 any individual, including a patient, an insured, or
 49 health care provider, shall remain confidential.
- 50 5. For purposes of this section, "health care

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- 1 provider" means the same as defined in section 135.61,
 2 a hospital licensed pursuant to chapter 135B, or a
 3 health care facility licensed pursuant to chapter
 4 135C, and "insurer" means an insurance company
 5 authorized to transact insurance business in this
 6 state. "Insurer" does not include a health care
 7 provider who maintains professional liability
 8 insurance coverage through a self-insurance plan, an
 9 unauthorized insurance company transacting business
 10 with an insured person in this state, or a person not
 11 authorized to transact insurance business in this
 12 state."
- 13 4. Title page, line 2, by inserting after the
 14 word "evidentiary" the following: ", reporting, and
 15 study information".
- 16 5. By renumbering as necessary.

BOB BRUNKHORST
 KEITH A. KREIMAN

S-5223

HOUSE AMENDMENT TO
 SENATE FILE 2217

- 1 Amend Senate File 2217, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by inserting before line 1 the

4 following:

5 "DIVISION I
6 DISABILITY SERVICES DATA"

7 2. Page 1, by inserting after line 20 the
8 following:

9 "Sec. ____ EMERGENCY RULES. The mental health,
10 mental retardation, developmental disabilities, and
11 brain injury commission may adopt administrative rules
12 under section 17A.4, subsection 2, and section 17A.5,
13 subsection 2, paragraph "b", to implement the
14 provisions of this division of this Act, and the rules
15 shall become effective immediately upon filing or on a
16 later effective date specified in the rules, unless
17 the effective date is delayed by the administrative
18 rules review committee. Any rules adopted in
19 accordance with this section shall not take effect
20 before the rules are reviewed by the administrative
21 rules review committee. The delay authority provided
22 to the administrative rules review committee under
23 section 17A.4, subsection 5, and section 17A.8,
24 subsection 9, shall be applicable to a delay imposed
25 under this section, notwithstanding a provision in
26 those sections making them inapplicable to section
27 17A.5, subsection 2, paragraph "b". Any rules adopted
28 in accordance with the provisions of this section
29 shall also be published as notice of intended action
30 as provided in section 17A.4.

31 Sec. ____ USE OF CLIENT IDENTIFIER. The client
32 identifier established pursuant to section 225C.6A,
33 subsection 2, paragraph "c", subparagraph (2), as
34 enacted by this division of this Act, shall be used
35 beginning with the data for disability services
36 provided in the fiscal year beginning July 1, 2005,
37 that is submitted by counties in December 2006."

38 3. Page 1, by inserting after line 20 the
39 following:

40 "DIVISION II
41 MEDICAID ELIGIBILITY — VEHICLE DISREGARD

42 Sec. ____ Section 249A.3, Code Supplement 2005, is
43 amended by adding the following new subsection:
44 NEW SUBSECTION. 5B. In determining eligibility
45 for adults under subsection 1, paragraphs "b", "e",
46 "h", "j", "k", "n", "s", and "t"; subsection 2,
47 paragraphs "d", "e", "h", "i", and "j"; and subsection
48 5, paragraph "b", one motor vehicle per household
49 shall be disregarded."

50 4. Page 1, by inserting after line 20 the

Page 2

1 following:

2 "DIVISION III

3 ELECTRONIC HEALTH RECORDS

4 Sec. __. NEW SECTION. 217.41A ELECTRONIC HEALTH
5 RECORDS SYSTEM TASK FORCE.

6 1. The department of human services shall
7 establish an electronic health records system task
8 force to provide a structure that enables the state to
9 act in a leadership role in the development of state
10 and federal standards for and in the implementation
11 and use of an electronic health records system.

12 2. The task force shall consist of no more than
13 nine voting members, selected by the director of human
14 services, who represent entities with expertise in
15 developing or implementing electronic health records,
16 including but not limited to the United States
17 veterans administration facilities in the state,
18 multifacility hospital systems in the state, Des
19 Moines university, the university of Iowa hospitals
20 and clinics, and the Iowa healthcare collaborative.
21 In addition, two members of the senate appointed by
22 the president of the senate after consultation with
23 the majority leader and the minority leader of the
24 senate, two members of the house of representatives
25 appointed by the speaker of the house after
26 consultation with the majority leader and the minority
27 leader of the house of representatives, and the
28 commissioner of insurance shall serve as ex officio,
29 nonvoting members of the task force.

30 3. The task force shall do all of the following:

31 a. Develop an electronic health records system
32 that provides linkages between multiple settings that
33 utilize health records and that is consistent with
34 requirements for community health records and
35 electronic prescribing.

36 b. Evaluate the economic model and the anticipated
37 benefits of electronic health records.

38 c. Provide quarterly updates to the governor and
39 the general assembly regarding progress in the
40 development of national standards and the work of the
41 task force."

42 5. Page 1, by inserting after line 20 the
43 following:

44 "DIVISION IV
45 FOSTER PARENT TRAINING

46 Sec. __. Section 237.5A, unnumbered paragraph 1,
47 Code 2005, is amended to read as follows:

48 As a condition for initial licensure, each
49 individual licensee shall complete thirty hours of
50 foster parent training offered or approved by the

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1 department. However, if the licensee has completed
 2 relevant training or has a combination of completed
 3 relevant training and experience, and the department
 4 deems such training or combination to be an acceptable
 5 equivalent to all or a portion of the initial
 6 licensure training requirement, or based upon the
 7 circumstances of the child and the licensee the
 8 department finds there is other good cause, the
 9 department may waive all or a portion of the training
 10 requirement. Prior to annual renewal of licensure,
 11 each individual licensee shall also complete six hours
 12 of foster parent training. The training shall include
 13 but is not limited to physical care, education,
 14 learning disabilities, referral to and receipt of
 15 necessary professional services, behavioral assessment
 16 and modification, self-assessment, self-living skills,
 17 and biological parent contact. An individual licensee
 18 may complete the training as part of an approved
 19 training program offered by a public or private agency
 20 with expertise in the provision of child foster care
 21 or in related subject areas. The department shall
 22 adopt rules to implement and enforce this training
 23 requirement."

24 6. Page 1, by inserting after line 20 the
 25 following:

26 "DIVISION V
 27 PREPARATION FOR ADULT LIVING PROGRAM
 28 Sec. ____ NEW SECTION. 234.46 PREPARATION FOR
 29 ADULT LIVING PROGRAM.

30 1. For the purposes of this section, "young adult"
 31 means a person who is described by all of the
 32 following conditions:

- 33 a. The person is a resident of this state.
 34 b. The person is age eighteen, nineteen, or
 35 twenty.
 36 c. At the time the person became age eighteen, the
 37 person received foster care services that were paid
 38 for by the state under section 234.35 and the person
 39 is no longer receiving such services.
 40 d. The person enters into and participates in an
 41 individual self-sufficiency plan that complements the
 42 person's own efforts for achieving self-sufficiency
 43 and the plan provides for one or more of the
 44 following:

- 45 (1) The person attends an accredited school full-
 46 time pursuing a course of study leading to a high
 47 school diploma.
 48 (2) The person attends an instructional program
 49 leading to a high school equivalency diploma.
 50 (3) The person is enrolled in or pursuing

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1 enrollment in a postsecondary education or training
2 program or work training.

3 (4) The person is employed or seeking employment.

4 2. The division shall establish a preparation for
5 adult living program directed to young adults. The
6 purpose of the program is to assist persons who are
7 leaving foster care services at age eighteen or older
8 in making the transition to self-sufficiency. The
9 department shall adopt rules necessary for
10 administration of the program, including but not
11 limited to eligibility criteria for young adult
12 participation and the services and other support
13 available under the program. The services and other
14 support available under the program may include but
15 are not limited to any of the following:

16 a. Support for the young adult continuing to
17 reside with the family that provided family foster
18 care to the young adult.

19 b. Support for a supervised apartment living
20 arrangement.

21 c. Support for participation in education,
22 training, or employment activities.

23 d. Other assistance to enhance the young adult's
24 ability to achieve self-sufficiency.

25 3. This section shall not be construed as granting
26 an entitlement for any program, services, or other
27 support for the persons described in this section.
28 Any state obligation to provide a program, services,
29 or other support pursuant to this section is limited
30 to the extent of the funds appropriated for the
31 purposes of the program.

32 Sec. ____ Section 249A.3, subsection 2, Code
33 Supplement 2005, is amended by adding the following
34 new paragraph:

35 NEW PARAGRAPH. k. As allowed under 42 U.S.C. §
36 1396a(a)(10)(A)(ii)(XVII), individuals under twenty-
37 one years of age who were in foster care under the
38 responsibility of the state on the individuals'
39 eighteenth birthday, and whose income is less than two
40 hundred percent of the most recently revised official
41 poverty guidelines published by the United States
42 department of health and human services. Medical
43 assistance may be provided for an individual described
44 by this paragraph regardless of the individual's
45 resources."

46 7. Page 1, by inserting after line 20 the
47 following:

48 "DIVISION VI
49 FAMILY SUPPORT SUBSIDY AND COMPREHENSIVE FAMILY
50 SUPPORT PROGRAMS

Page 5

1 Sec. ____ Section 216E.1, subsection 1, Code 2005,
2 is amended to read as follows:

3 1. "Assistive device" means any item, piece of
4 equipment, or product system which is purchased, or
5 whose transfer is accepted in this state, and which is
6 used to increase, maintain, or improve the functional
7 capabilities of individuals with disabilities
8 concerning a major life activity ~~as defined in section~~
9 ~~225C.46.~~ "Assistive device" does not mean any medical
10 device, surgical device, or organ implanted or
11 transplanted into or attached directly to an
12 individual. "Assistive device" does not mean any
13 device for which a certificate of title is issued by
14 the state department of transportation but does mean
15 any item, piece of equipment, or product system
16 otherwise meeting the definition of "assistive device"
17 that is incorporated, attached, or included as a
18 modification in or to such a certificated device.

19 Sec. ____ Section 216E.1, Code 2005, is amended by
20 adding the following new subsection:

21 NEW SUBSECTION. 9A. "Major life activity"
22 includes functions such as caring for one's self,
23 performing manual tasks, walking, seeing, hearing,
24 speaking, breathing, learning, or working.

25 Sec. ____ Section 225C.37, subsection 2, Code
26 2005, is amended to read as follows:

27 2. Verification that the family member meets the
28 definitional requirements of section 225C.35,
29 subsection 3. Along with the verification, the
30 application shall identify an age when the family
31 member's eligibility for the family support subsidy
32 under such definitional requirements will end. The
33 age identified is subject to approval by the
34 department.

35 Sec. ____ Section 225C.38, subsection 1,
36 paragraphs b and c, Code Supplement 2005, are amended
37 to read as follows:

38 b. A family support subsidy shall be used to meet
39 the special needs of the family. This subsidy is
40 intended to complement but not supplant public
41 assistance or social service benefits based on
42 economic need, available through governmental programs
43 or other means available to the family.

44 c. Except as provided in section 225C.41, a family
45 support subsidy for a fiscal year shall be in an
46 amount ~~equivalent to the monthly maximum supplemental~~
47 ~~security income payment available in Iowa on July 1 of~~
48 ~~that fiscal year for an adult recipient living in the~~
49 ~~household of another, as formulated under federal~~
50 ~~regulations. In addition, the parent or legal~~

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1 guardian of a family member who is in an out of home
2 placement at the time of application may receive a
3 one-time lump-sum advance payment of twice the monthly
4 family support subsidy amount for the purpose of
5 meeting the special needs of the family in preparing
6 for in-home care determined by the department in
7 consultation with the comprehensive family support
8 council created in section 225C.48. The parent or
9 legal guardian receiving a family support subsidy may
10 elect to receive a payment amount which is less than
11 the amount determined in accordance with this
12 paragraph.

13 Sec. ___. Section 225C.38, subsection 2, Code
14 Supplement 2005, is amended by adding the following
15 new paragraph:

16 NEW PARAGRAPH. c. Unless there are exceptional
17 circumstances and the family requests and receives
18 approval from the department for an exception to
19 policy, a family is not eligible to receive the family
20 support subsidy if any of the following are applicable
21 to the family or the family member for whom the
22 application was submitted:

23 (1) The family member is a special needs child who
24 was adopted by the family and the family is receiving
25 financial assistance under section 600.17.

26 (2) Medical assistance home and community-based
27 waiver services are provided for the family member and
28 the family lives in a county in which comprehensive
29 family support program services are available.

30 (3) Medical assistance home and community-based
31 waiver services are provided for the family member
32 under a consumer choices option.

33 Sec. ___. Section 225C.40, subsection 3, Code
34 2005, is amended to read as follows:

35 3. If an application for a family support subsidy
36 is denied, the family member end-of-eligibility age
37 identified in the application is not approved by the
38 department, or a family support subsidy is terminated
39 by the department, the parent or legal guardian of the
40 affected family member may request, in writing, a
41 hearing before an impartial hearing officer.

42 Sec. ___. Section 225C.41, unnumbered paragraph 2,
43 Code 2005, is amended to read as follows:

44 Notwithstanding section 8.33, funds remaining
45 unexpended on June 30 of any fiscal year shall not
46 revert to the general fund of the state but shall
47 remain available to provide family support subsidy
48 payments or to expand the comprehensive family support
49 program in the succeeding fiscal year.

50 Sec. ___. Section 225C.42, subsection 1, Code

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1 Supplement 2005, is amended to read as follows:

2 1. The department shall conduct ~~a periodic~~ an
3 annual evaluation of the family support subsidy
4 program in conjunction with the comprehensive family
5 support council and shall submit the evaluation report
6 with recommendations to the governor and general
7 assembly. The report shall be submitted on or before
8 October 30 and provide an evaluation of the latest
9 completed fiscal year.

10 Sec. ____ Section 225C.47, subsection 4, Code
11 2005, is amended to read as follows:

12 4. A family may apply to the department or to a
13 family support center developed pursuant to this
14 section for assistance under the comprehensive family
15 support program. The department or family support
16 center shall determine eligibility for the program in
17 accordance with the provisions of this section.

18 Sec. ____ Section 225C.47, subsection 5,
19 unnumbered paragraph 1, Code 2005, is amended to read
20 as follows:

21 The department shall design the program in
22 consultation with the ~~personal assistance and~~
23 comprehensive family support ~~services~~ council created
24 in section 225C.48. The department shall adopt rules
25 to implement the program which provide for all of the
26 following:

27 Sec. ____ Section 225C.47, subsection 5, paragraph
28 e, Code 2005, is amended to read as follows:

29 e. A process is available to appeal the
30 department's or family support center's decisions
31 involving families ~~which~~ that apply for the
32 comprehensive family support program and are denied
33 services and support under the comprehensive family
34 support program. The department shall make reasonable
35 efforts to utilize telecommunications so that a family
36 initiating an appeal may complete the appeal process
37 in the family's local geographic area.

38 Sec. ____ Section 225C.47, subsection 5, paragraph
39 i, Code 2005, is amended to read as follows:

40 i. The utilization of a voucher system for payment
41 provisions for the ~~children at home~~ family support
42 center component of the program developed under
43 subsection 7.

44 Sec. ____ Section 225C.47, subsection 7, Code
45 2005, is amended to read as follows:

46 7. The comprehensive family support program shall
47 include a ~~children at home~~ family support center
48 component developed by the department in accordance
49 with this subsection. ~~A family eligible for the~~
50 ~~comprehensive family support program may choose the~~

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1 ~~children at home component.~~ Under the ~~children at~~
2 ~~home component,~~ a family member of an individual with
3 a disability shall be assisted by ~~department staff a~~
4 family support center in identifying the services and
5 support to be provided to the family under the family
6 support subsidy program or the comprehensive family
7 support program. The identification of services and
8 support shall be based upon the specific needs of the
9 individual and the individual's family which are not
10 met by other service programs available to the
11 individual and the individual's family. ~~Based upon~~
12 ~~the services and support identified, the department~~
13 ~~shall develop a contract for direct payment of the~~
14 ~~services and support provided to the family.~~

15 Sec. ____ Section 225C.48, Code 2005, is amended
16 to read as follows:

17 225C.48 PERSONAL ASSISTANCE AND COMPREHENSIVE
18 FAMILY SUPPORT SERVICES COUNCIL.

19 1. a. An eleven-member ~~personal assistance and~~
20 comprehensive family support services council is
21 created in the department. The members of the council
22 shall be appointed by the following officials as
23 follows: governor, five members; majority leader of
24 the senate, three members; and speaker of the house,
25 three members. At least three of the governor's
26 appointments and one of each legislative chamber's
27 appointments shall be a family member of an individual
28 with a disability as defined in section 225C.47. At
29 least five of the members shall be current or former
30 service consumers of personal services or family
31 members of such service consumers. Members shall
32 serve for three-year staggered terms. A vacancy on
33 the council shall be filled in the same manner as the
34 original appointment.

35 b. The members of the council ~~shall be are~~
36 entitled to reimbursement of actual and necessary
37 expenses incurred in the performance of their official
38 duties. In addition, the members who are current or
39 former service consumers or family members of such
40 service consumers are entitled to a stipend of fifty
41 dollars for each council meeting attended, subject to
42 a limit of one meeting per month. The expenses and
43 stipend shall be paid from the appropriation made for
44 purposes of the comprehensive family support program.

45 c. The council shall elect officers from among the
46 council's members.

47 2. The council shall provide ongoing guidance,
48 advice, and direction to the department and other
49 agencies working with the department in the
50 development and implementation of the ~~personal~~

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1 ~~assistance services~~ family support subsidy program
2 created in section ~~225C.46~~ 225C.36 and the
3 comprehensive family support program created in
4 section 225C.47. The council shall perform an annual
5 evaluation of each program, and annually make
6 recommendations concerning each program to the
7 governor and general assembly. The evaluation and
8 recommendations shall be prepared and submitted in
9 conjunction with the evaluation report submitted by
10 the department pursuant to section 225C.42. The
11 department shall provide sufficient staff support to
12 the council to enable the council to carry out its
13 responsibilities.

14 3. The council shall perform the following duties
15 in consultation with the department and any department
16 staff with duties associated with the ~~personal~~
17 ~~assistance services~~ family support subsidy and
18 comprehensive family support programs:

- 19 a. Oversee the operations of the programs.
20 b. Coordinate with the department of education and
21 programs administered by the department of education
22 to individuals with a disability, in providing
23 information to individuals and families eligible for
24 the programs ~~under sections 225C.46 and 225C.47.~~
25 c. Work with the department and counties regarding
26 managed care provisions utilized by the department and
27 counties for services to individuals with a disability
28 to advocate the inclusion of ~~personal assistance~~
29 ~~services~~ family support subsidy and the comprehensive
30 family support ~~program~~ programs as approved service
31 provisions under managed care.
32 d. Develop and oversee implementation of
33 evaluation processes for the programs.
34 e. Oversee statewide training of department and
35 family support center staff regarding the ~~two~~
36 programs.
37 f. Oversee efforts to promote public awareness of
38 the programs.

39 4. The department shall consider recommendations
40 from the council in developing and implementing each
41 program, including the development of administrative
42 rules. The department shall regularly report to the
43 council on the status of each program and any actions
44 planned or taken by the department related to each
45 program.

46 Sec. ____ Section 225C.49, subsection 3, paragraph
47 b, Code 2005, is amended to read as follows:

- 48 b. Utilize internal training resources or contract
49 for additional training of staff concerning the
50 information under paragraph "a" and training of

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1 families and individuals as necessary to ~~develop plans~~
2 ~~and contracts~~ implement the family support subsidy and
3 comprehensive family support programs under sections
4 225C.46 and 225C.47 this chapter.

5 Sec. ____ Section 225C.49, subsection 4, Code
6 2005, is amended to read as follows:

7 4. The department shall designate one individual
8 whose sole duties are to provide central coordination.
9 of the programs under sections ~~225C.46~~ 225C.36 and
10 225C.47 and to work with the ~~personal assistance and~~
11 comprehensive family support services council to
12 oversee development and implementation of the
13 programs.

14 Sec. ____ Section 422.11E, subsection 4, paragraph
15 b, Code 2005, is amended to read as follows:

16 b. "Disability" means the same as defined in
17 section ~~225C.46~~ 15.102 except that it does not include
18 alcoholism.

19 Sec. ____ Section 422.33, subsection 9, paragraph
20 c, subparagraph (2), Code Supplement 2005, is amended
21 to read as follows:

22 (2) "Disability" means the same as defined in
23 section ~~225C.46~~ 15.102, except that it does not
24 include alcoholism.

25 Sec. ____ Section 225C.46, Code 2005, is repealed.

26 Sec. ____ CODE EDITOR DIRECTIVE. The Code editor
27 shall revise the headnote to section 225C.42 to change
28 the word "periodic" to "annual".

29 Sec. ____ TRANSITION PROVISIONS — EFFECTIVE DATE.

30 1. If a family that adopted a special needs child
31 receives the family support subsidy under section
32 225C.38 and also receives financial assistance under
33 section 600.17 for the same child as of July 1, 2006,
34 the department of human services shall provide notice
35 to the family that effective January 1, 2007, the
36 family will no longer be eligible for the family
37 support subsidy. The department shall notify the
38 families affected by this subsection on before July 1,
39 2006. This subsection, being deemed of immediate
40 importance, takes effect upon enactment.

41 2. If a family that receives the family support
42 subsidy under section 225C.38 as of July 1, 2006, also
43 receives medical assistance home and community-based
44 waiver services and lives in a county in which the
45 comprehensive family support program services are
46 available, effective January 1, 2007, the family is
47 not eligible to receive the family support subsidy.
48 The department of human services shall notify the
49 families affected by this subsection on or before July
50 1, 2006. This subsection, being deemed of immediate

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1 importance, takes effect upon enactment.
2 3. a. The provision of this division of this Act
3 enacting section 225C.38, subsection 2, paragraph "c",
4 subparagraph (3), relating to medical assistance home
5 and community-based waiver services provided under a
6 consumer choices option, is contingent upon receipt of
7 federal approval of a waiver authorizing utilization
8 of the consumer choices option. The department of
9 human services shall notify the Code editor regarding
10 the receipt of the federal approval and the
11 implementation date.

12 b. A family receiving family support services that
13 also receives medical assistance home and community-
14 based waiver services and resides in an area in which
15 the consumer choices option is available under the
16 waiver is ineligible to receive the family support
17 subsidy. The department shall notify a family
18 affected by this subsection six months prior to
19 terminating the family support subsidy.

20 c. This subsection, being deemed of immediate
21 importance, takes effect upon enactment.

22 4. Any savings generated by the requirements of
23 this section and the program changes implemented
24 pursuant to this Act during the fiscal year beginning
25 July 1, 2006, shall be used by the department of human
26 services to provide eligibility for families on the
27 waiting list for the family support subsidy program.
28 If the waiting list is eliminated, any remaining funds
29 shall be used to expand the comprehensive family
30 support program during that fiscal year."

31 8. Page 1, by inserting after line 20 the
32 following:

33 "DIVISION ____

34 INVOLUNTARY HOSPITALIZATION PROCEEDINGS

35 Sec. ____ Section 125.82, subsection 3, Code 2005,
36 as amended by 2006 Iowa Acts, Senate File 2362,
37 section 1, if enacted, is amended to read as follows:

38 3. The person who filed the application and a
39 licensed physician or qualified mental health
40 professional as defined in section 229.1 who has
41 examined the respondent in connection with the
42 commitment hearing shall be present at the hearing,
43 ~~unless prior to the hearing~~ the court for good cause
44 finds that their presence or testimony is not
45 necessary. The applicant, respondent, and the
46 respondent's attorney may waive the presence or
47 telephonic appearance of the licensed physician or
48 qualified mental health professional who examined the
49 respondent and agree to submit as evidence the written
50 report of the licensed physician or qualified mental

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1 health professional. The respondent's attorney shall
2 inform the court if the respondent's attorney
3 reasonably believes that the respondent, due to
4 diminished capacity, cannot make an adequately
5 considered waiver decision. "Good cause" for finding
6 that the testimony of the licensed physician or
7 qualified mental health professional who examined the
8 respondent is not necessary may include, but is not
9 limited to, such a waiver. If the court determines
10 that the testimony of the licensed physician or
11 qualified mental health professional is necessary, the
12 court may allow the licensed physician or qualified
13 mental health professional to testify by telephone.
14 The respondent shall be present at the hearing unless
15 prior to the hearing the respondent's attorney
16 stipulates in writing that the attorney has conversed
17 with the respondent, and that in the attorney's
18 judgment the respondent cannot make a meaningful
19 contribution to the hearing, or that the respondent
20 has waived the right to be present, and the basis for
21 the attorney's conclusions. A stipulation to the
22 respondent's absence shall be reviewed by the court
23 before the hearing, and may be rejected if it appears
24 that insufficient grounds are stated or that the
25 respondent's interests would not be served by the
26 respondent's absence.

27 Sec. ____ Section 229.12, subsection 3, Code 2005,
28 as amended by 2006 Iowa Acts, Senate File 2362,
29 section 3, if enacted is amended to read as follows:

30 3. The respondent's welfare shall be paramount and
31 the hearing shall be conducted in as informal a manner
32 as may be consistent with orderly procedure, but
33 consistent therewith the issue shall be tried as a
34 civil matter. Such discovery as is permitted under
35 the Iowa rules of civil procedure shall be available
36 to the respondent. The court shall receive all
37 relevant and material evidence which may be offered
38 and need not be bound by the rules of evidence. There
39 shall be a presumption in favor of the respondent, and
40 the burden of evidence in support of the contentions
41 made in the application shall be upon the applicant.
42 The licensed physician or qualified mental health
43 professional who examined the respondent shall be
44 present at the hearing unless ~~prior to the hearing~~ the
45 court for good cause finds that the licensed
46 physician's or qualified mental health professional's
47 presence or testimony is not necessary. The
48 applicant, respondent, and the respondent's attorney
49 may waive the presence or the telephonic appearance of
50 the licensed physician or qualified mental health

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1 professional who examined the respondent and agree to
 2 submit as evidence the written report of the licensed
 3 physician or qualified mental health professional.
 4 The respondent's attorney shall inform the court if
 5 the respondent's attorney reasonably believes that the
 6 respondent, due to diminished capacity, cannot make an
 7 adequately considered waiver decision. "Good cause"
 8 for finding that the testimony of the licensed
 9 physician or qualified mental health professional who
 10 examined the respondent is not necessary may include,
 11 but is not limited to, such a waiver. If the court
 12 determines that the testimony of the licensed
 13 physician or qualified mental health professional is
 14 necessary, the court may allow the licensed physician
 15 or the qualified mental health professional to testify
 16 by telephone. If upon completion of the hearing the
 17 court finds that the contention that the respondent is
 18 seriously mentally impaired has not been sustained by
 19 clear and convincing evidence, it shall deny the
 20 application and terminate the proceeding."

21 9. Title page, by striking line 1 and inserting
 22 the following: "An Act relating to health and human
 23 services programs and procedures involving".

24 10. Title page, line 4, by inserting after the
 25 word "data" the following: ", medical assistance
 26 program eligibility, creation of an electronic health
 27 records system task force, foster parent training,
 28 young adults transitioning from foster care, and
 29 persons with a developmental disability or other
 30 special need and the person's families".

31 11. Title page, line 4, by inserting after the
 32 word "data" the following: ", and involuntary
 33 hospitalization proceedings".

34 12. By renumbering, relettering, or redesignating
 35 and correcting internal references as necessary.

S-5224

1 Amend House File 2527, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 15, by inserting after line 25 the
 4 following:

5 "The state board of regents shall adopt rules
 6 establishing that the admission requirements for the
 7 Roy J. and Lucille A. Carver college of medicine at
 8 the state university of Iowa shall provide that
 9 qualified resident applicants shall be granted
 10 admission over less qualified nonresident applicants."

PAUL MCKINLEY
 BOB BRUNKHORST

S-5225

- 1 Amend House File 2592, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 13, line 25, through page 14,
- 4 line 5.
- 5 2. By renumbering as necessary.

JOE BOLKCOM

S-5226

- 1 Amend Senate File 2400 as follows:
- 2 1. Page 3, by striking lines 31 through 35 and
- 3 inserting the following:
- 4 "c. For implementation of lake improvement
- 5 projects, notwithstanding section 8.57, subsection 6,
- 6 paragraph "c":.
- 7 2. Page 4, by inserting after line 1 the
- 8 following:
- 9 "Of the amount appropriated in this paragraph,
- 10 \$275,000 shall be allocated to lake Delhi in Delaware
- 11 county."
- 12 3. By renumbering as necessary.

TOM HANCOCK

S-5227

- 1 Amend House File 2759, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 1, line 22, through page 2,
- 4 line 13, and inserting the following: "July 1, 2006,
- 5 and ending June 30, 2009, there is appropriated for
- 6 each fiscal year from the grow Iowa values fund
- 7 created in section 15G.108 two million dollars for
- 8 deposit in the renewable fuel infrastructure fund as
- 9 provided in section 15G.119.
- 10 b. This subsection is repealed on July 1, 2009.
- 11 Sec. ____ Section 15G.114, as enacted by 2006 Iowa
- 12 Acts, House File 2754, section 28, is amended by
- 13 adding the following new subsection:
- 14 NEW SUBSECTION. 3A. "Infrastructure fund" means
- 15 the renewable fuel infrastructure fund created in
- 16 section 15G.119.
- 17 Sec. ____ Section 15G.116, subsection 3, as
- 18 enacted by 2006 Iowa Acts, House File 2754, section
- 19 30, is amended by striking the subsection.
- 20 Sec. ____ Section 15G.117, subsection 2, as
- 21 enacted by 2006 Iowa Acts, House File 2754, section
- 22 31, is amended by striking the subsection.

23 Sec. ____ NEW SECTION. 15G.119 RENEWABLE FUEL
24 INFRASTRUCTURE FUND.

25 1. A renewable fuel infrastructure fund is created
26 in the state treasury under the control of the
27 department. The infrastructure fund is separate from
28 the general fund of the state.

29 2. The renewable fuel infrastructure fund is
30 composed of moneys appropriated by the general
31 assembly and moneys available to and obtained or
32 accepted by the department from the United States
33 government or private sources for placement in the
34 infrastructure fund.

35 3. Moneys in the renewable fuel infrastructure
36 fund are appropriated to the department exclusively to
37 support the renewable fuel infrastructure programs as
38 provided in sections 15G.116 and 15G.117, as enacted
39 by 2006 Iowa Acts, House File 2754, sections 30 and
40 31, as allocated in financial incentives by the
41 renewable fuel infrastructure board as created in
42 section 15G.115, as enacted by 2006 Iowa Acts, House
43 File 2754, section 29. Up to fifty thousand dollars
44 shall be allocated each fiscal year to the department
45 to support the administration of the programs.
46 Otherwise the moneys shall not be transferred, used,
47 obligated, appropriated, or otherwise encumbered
48 except to allocate as financial incentives under the
49 programs.

50 4. a. The recapture of awards or penalties, or

Page 2

1 other repayments of moneys originating from the
2 renewable fuel infrastructure fund shall be deposited
3 into the infrastructure fund.

4 b. Notwithstanding section 12C.7, interest or
5 earnings on moneys in the infrastructure fund shall be
6 credited to the infrastructure fund.

7 c. Notwithstanding section 8.33, unencumbered and
8 unobligated moneys remaining in the infrastructure
9 fund at the close of each fiscal year shall not revert
10 but shall remain available in the infrastructure fund
11 for expenditure for the same purposes in the
12 succeeding fiscal year.

13 Sec. ____ NEW SECTION. 214A.1A MOTOR FUEL
14 QUALITY ASSURANCE SCHEDULE.

15 1. The department shall adopt a schedule which
16 provides a schedule of departmental improvements
17 required for each fiscal year necessary to assure that
18 motor fuel sold and dispensed from motor fuel pumps in
19 this state meets all applicable standards as provided
20 in section 214A.2. On or before June 1 of each year,
21 and based on the schedule of improvements, the

22 secretary of agriculture shall certify the amount
 23 required to implement the improvements required for
 24 the next fiscal year to the director of the department
 25 of management and the fiscal services division of the
 26 legislative services agency. The department of
 27 management shall conduct a review of the scheduled
 28 improvements for that fiscal year and may reduce the
 29 amount certified by the secretary if the department of
 30 management determines that a lesser amount is
 31 adequate. The director of the department of
 32 management and the secretary shall report their
 33 findings to the legislative government oversight
 34 committees as required by the committees'
 35 chairpersons.

36 2. For each fiscal year, of the moneys
 37 appropriated to each state agency to support the
 38 production or use of ethanol, ethanol blended
 39 gasoline, biodiesel, or biodiesel blended fuel as
 40 defined in section 214A.1, the department of
 41 management shall transfer a prorated share of the
 42 state agency's appropriation as is necessary to
 43 satisfy the amount required to comply with the
 44 schedule of improvements for that fiscal year as
 45 directed by the department of management. The
 46 department of management shall identify each affected
 47 appropriation and notify each head of a department of
 48 the transfer of the prorated share on or before June
 49 15 of each year.

50 Sec. ____ Section 214A.2, subsection 2A, paragraph

Page 3

1 b, subparagraph (4), as enacted by 2006 Iowa Acts,
 2 House File 2754, section 7, is amended by striking the
 3 subparagraph.

4 Sec. ____ Section 214A.7, as amended by 2006 Iowa
 5 Acts, House File 2754, section 12, is amended to read
 6 as follows:

7 214A.7 DEPARTMENT INSPECTION — SAMPLES TESTED.

8 The department shall, from time to time, make or
 9 cause to be made tests of any motor vehicle fuel or
 10 ~~oxygenate octane enhancer~~ biofuel which is being sold,
 11 or held or offered for sale within this state. ~~An~~ A
 12 departmental inspector may enter upon the premises of
 13 ~~any wholesale dealer or retail~~ a dealer, and take from
 14 any container a sample of the motor vehicle fuel or
 15 ~~oxygenate octane enhancer~~ biofuel, not to exceed
 16 sixteen fluid ounces. The sample shall be sealed and
 17 appropriately marked or labeled by the inspector and
 18 delivered to the department. The department shall
 19 make, or cause to be made, complete analyses or tests
 20 of the motor vehicle fuel or ~~oxygenate octane enhancer~~

21 biofuel by the methods specified in section 214A.2.
 22 Sec. __. Section 422.11N, subsection 4, paragraph
 23 b, subparagraph (1), subparagraph subdivision (k), as
 24 enacted by 2006 Iowa Acts, House File 2754, section
 25 39, is amended to read as follows:

26 (k) Twenty-five percent for each determination
 27 period ~~in the period~~ beginning on ~~and after~~ January 1,
 28 2019, and ending on December 31, 2020.

29 Sec. __. Section 422.11N, subsection 4, paragraph
 30 b, subparagraph (2), subparagraph subdivisions (l) and
 31 (m), as enacted by 2006 Iowa Acts, House File 2754,
 32 section 39, are amended to read as follows:

33 (l) ~~Twenty-three~~ Twenty-five percent for the
 34 determination period beginning on January 1, 2020, and
 35 ending December 31, 2020.

36 ~~(m) Twenty-five percent for each determination~~
 37 ~~period beginning on and after January 1, 2021.~~

38 Sec. __. Section 422.11N, subsection 4, paragraph
 39 c, as enacted by 2006 Iowa Acts, House File 2754,
 40 section 39, is amended to read as follows:

41 c. The retail dealer's biofuel threshold
 42 percentage disparity which is a positive percentage
 43 difference obtained by taking the minuend which is the
 44 retail dealer's biofuel distribution threshold
 45 percentage and subtracting from it the subtrahend
 46 which is the retail dealer's biofuel ~~threshold~~
 47 distribution percentage, in the retail dealer's
 48 applicable determination period.

49 Sec. __. Section 422.11N, subsection 5, paragraph
 50 b, subparagraphs (1) and (2), as enacted by 2006 Iowa

Page 4

1 Acts, House File 2754, section 39, are amended to read
 2 as follows:

3 (1) If a retail dealer has not claimed a tax
 4 credit in the retail dealer's previous tax year, the
 5 retail dealer may claim the tax credit in the retail
 6 dealer's current tax year for that period beginning on
 7 January 1 of the retail dealer's previous tax year to
 8 the last day of the retail dealer's previous tax year.
 9 For that period the retail dealer shall calculate the
 10 tax credit in the same manner as a retail dealer who
 11 will calculate the tax credit on December 31 of that
 12 calendar year as provided in paragraph "a".

13 (2) (a) For the period beginning on the first day
 14 of the retail dealer's tax year until December 31, the
 15 retail dealer shall calculate the tax credit in the
 16 same manner as a retail dealer who calculates the tax
 17 credit on that same December 31 as provided in
 18 paragraph "a".

19 ~~(2)~~ (b) For the period beginning on January 1 to

20 the end of the retail dealer's tax year, the retail
21 dealer shall calculate the tax credit in the same
22 manner as a retail dealer who will calculate the tax
23 credit on the following December 31 as provided in
24 paragraph "a".

25 Sec. ____ Section 422.11N, subsection 9, as
26 enacted by 2006 Iowa Acts, House File 2754, section
27 39, is amended to read as follows:

28 9. This section is repealed on January 1, ~~2026~~
29 2021.

30 Sec. ____ Section 422.11O, subsection 4,
31 paragraphs a and b, as enacted by 2006 Iowa Acts,
32 House File 2754, section 40, are amended to read as
33 follows:

34 a. If a retail dealer has not claimed a tax credit
35 in the retail dealer's previous tax year, the retail
36 dealer may claim the tax credit in the retail dealer's
37 current tax year for that period beginning on January
38 1 of the retail dealer's previous tax year to the last
39 day of the retail dealer's previous tax year. For
40 that period the retail dealer shall calculate the tax
41 credit in the same manner as a retail dealer who will
42 calculate the tax credit on December 31 of that
43 calendar year as provided in subsection 3.

44 b. (1) For the period beginning on the first day
45 of the retail dealer's tax year until December 31, the
46 retail dealer shall calculate the tax credit in the
47 same manner as a retail dealer who calculates the tax
48 credit on that same December 31 as provided in
49 subsection 3.

50 b. (2) For the period beginning on January 1 to

Page 5

1 the end of the retail dealer's tax year, the retail
2 dealer shall calculate the tax credit in the same
3 manner as a retail dealer who will calculate the tax
4 credit on the following December 31 as provided in
5 subsection 3.

6 Sec. ____ Section 422.33, subsection 11A,
7 paragraph c, as enacted by 2006 Iowa Acts, House File
8 2754, section 46, is amended to read as follows:

9 c. This subsection is repealed on January 1, ~~2026~~
10 2021.

11 Sec. ____ 2006 Iowa Acts, House File 2754, section
12 49, subsection 2, is amended to read as follows:

13 2. For a retail dealer who may claim an ethanol
14 promotion tax credit under section 422.11N or 422.33,
15 subsection 11A, as enacted in this Act, in calendar
16 year ~~2025~~ 2020 and whose tax year ends prior to
17 December 31, ~~2025~~ 2020, the retail dealer may continue
18 to claim the tax credit in the retail dealer's

19 following tax year. In that case, the tax credit
 20 shall be calculated in the same manner as provided in
 21 section 422.11N or 422.33, subsection 11A, as enacted
 22 in this Act, for the remaining period beginning on the
 23 first day of the retail dealer's new tax year until
 24 December 31, ~~2025~~ 2020. For that remaining period,
 25 the tax credit shall be calculated in the same manner
 26 as a retail dealer whose tax year began on the
 27 previous January 1 and who is calculating the tax
 28 credit on December 31, ~~2025~~ 2020.

29 Sec. ____ 2006 Iowa Acts, House File 2754, section
 30 83, subsection 4, is amended to read as follows:

31 4. Sections 214A.1, 214A.4, ~~214A.5, 214A.7,~~
 32 214A.8, and 214A.10, Code 2005, are amended by
 33 striking from the provisions the words "oxygenate"
 34 octane enhancer" and inserting the following:
 35 "oxygenate".

36 Sec. ____ **NEW SECTION. 455G.3A SPECIAL**
 37 **APPROPRIATION — RENEWABLE FUEL INFRASTRUCTURE FUND.**

38 1. Notwithstanding section 455G.3, for the fiscal
 39 period beginning July 1, 2006, and ending June 30,
 40 2008, there is appropriated each fiscal year from the
 41 Iowa comprehensive petroleum underground storage tank
 42 fund created in section 455G.3, to the renewable fuel
 43 infrastructure fund, created in section 15G.119, three
 44 million five hundred thousand dollars.

45 2. This section is repealed on July 1, 2008.

46 Sec. ____ Section 15.401, Code Supplement 2005, is
 47 repealed.

48 Sec. ____ **TRANSFER OF MONEYS.** Moneys appropriated
 49 to the Iowa department of economic development for the
 50 purposes provided in section 15.401 shall be

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1 transferred to the renewable fuel infrastructure fund
 2 created in section 15G.119, as enacted by this Act, to
 3 be expended as provided in sections 15G.116 and
 4 15G.117, as enacted by 2006 Iowa Acts, House File
 5 2754, sections 30 and 31.

6 Sec. ____ **MOTOR FUEL INSPECTION.** There is
 7 appropriated from the renewable fuel infrastructure
 8 fund as created in section 15G.119, as enacted in this
 9 Act, to the department of agriculture and land
 10 stewardship for each fiscal year of the fiscal period
 11 beginning July 1, 2006, and ending June 30, 2008, the
 12 following amount, or so much thereof as is necessary,
 13 to be used for the purposes designated:

14 For purposes of the inspection of motor fuel,
 15 including salaries, support, maintenance,
 16 miscellaneous purposes, and for not more than the
 17 following full-time equivalent positions:

18 \$ 300,000
 19 FTEs 3.00
 20 The department shall establish and administer
 21 programs for the auditing of motor fuel including
 22 biofuel processing and production plants, for
 23 screening and testing motor fuel, including renewable
 24 fuel, and for the inspection of motor fuel sold by
 25 dealers including retail dealers who sell and dispense
 26 motor fuel from motor fuel pumps.”
 27 2. Page 2, line 14, by striking the words “This
 28 Act is” and inserting the following: “The sections of
 29 this Act, other than the section of this Act enacting
 30 section 214A.1A, are”.
 31 3. Page 2, by inserting after line 15 the
 32 following:
 33 “Sec. ____ SPECIAL EFFECTIVE DATE. The section of
 34 this Act enacting section 214A.1A, being deemed of
 35 immediate importance, takes effect upon enactment.”
 36 4. Title page, line 1, by inserting before the
 37 word “providing” the following: “relating to
 38 renewable fuel, by”.
 39 5. Title page, line 2, by inserting after the
 40 word “infrastructure,” the following: “providing for
 41 tax credits.”.
 42 6. Title page, lines 2 and 3, by striking the
 43 words “a contingent effective date” and inserting the
 44 following: “contingent and other effective dates”.
 45 7. By renumbering as necessary.

DAVID JOHNSON
TOM RIELLY

S-5228

1 Amend House File 2540, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking page 2, line 35, through page 3,
 4 line 1, and inserting the following: “to be used for
 5 the continued testing and monitoring of avian
 6 influenza.”
 7 2. Page 4, by inserting after line 16 the
 8 following:
 9 “Sec. 101. IOWA SHORTHORN ASSOCIATION. There is
 10 appropriated from the general fund of the state to the
 11 department of agriculture and land stewardship for the
 12 fiscal year beginning July 1, 2005, and ending June
 13 30, 2006, the following amount, or so much thereof as
 14 is necessary, to be used for the purpose designated:
 15 For allocation to the Iowa shorthorn association in
 16 connection with the 2006 national junior shorthorn
 17 show:
 18 \$ 10,000”

19 3. Page 4, line 30, by striking the figure
20 "17,792,579" and inserting the following:
21 "17,967,579".

22 4. Page 6, by striking lines 10 through 19 and
23 inserting the following: "or equipment associated
24 with personal computers. The department shall award
25 the moneys provided in this subsection using a
26 competitive grant process on a statewide basis. The
27 department shall make the award to a person or persons
28 who applies in a manner and according to procedures
29 required by the department."

30 5. Page 7, by inserting after line 10 the
31 following:
32 "Sec. 201. STORMWATER DISCHARGE PERMIT FEES
33 APPROPRIATION — AIR QUALITY MONITORING.

34 Notwithstanding section 8.33, any moneys appropriated
35 to the department of natural resources from stormwater
36 discharge permit fees for the fiscal year beginning
37 July 1, 2005, and ending June 30, 2006, pursuant to
38 2005 Iowa Acts, chapter 178, section 2, that remain
39 unencumbered or unobligated at the close of the fiscal
40 year shall not revert but shall remain available until
41 the close of the succeeding fiscal year for
42 expenditure for full-time personnel to conduct air
43 quality monitoring, which may include but is not
44 limited to staffing required to perform field
45 monitoring and laboratory functions, including
46 salaries, support, maintenance, and for miscellaneous
47 purposes."

48 6. Page 8, line 11, by striking the figure
49 "100,000" and inserting the following: "50,000".

50 7. Page 8, by inserting after line 16 the

Page 2

1 following:

2 "Sec. ___. VETERINARY DIAGNOSTIC LABORATORY.

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

9 For purposes of supporting the college of
10 veterinary medicine to reduce the operating fees
11 charged by the veterinary diagnostic laboratory:

12 \$ 1,000,000

13 2. Iowa state university of science and technology
14 shall not reduce the amount that it allocates to
15 support the college of veterinary medicine from any
16 other source due to the appropriation made in this
17 section.

18 3. If by the end of the fiscal year, Iowa state
 19 university of science and technology fails to allocate
 20 the moneys appropriated in this section to the college
 21 of veterinary science in accordance with this section,
 22 the moneys appropriated in this section for that
 23 fiscal year shall revert to the general fund of the
 24 state.

25 Sec. ____ VETERINARY DIAGNOSTIC LABORATORY —
 26 FUTURE YEARS. It is the intent of the general
 27 assembly that a future general assembly appropriate
 28 moneys to Iowa state university of science and
 29 technology for the designated fiscal years, or so much
 30 thereof as is necessary, to be used for the purposes
 31 designated:

32 For purposes of supporting the college of
 33 veterinary medicine to reduce operating fees charged
 34 by the veterinary diagnostic laboratory:

35 a. FY 2007–2008	\$	2,000,000
36 b. FY 2008–2009	\$	3,000,000
37 c. FY 2009–2010	\$	4,000,000"

38 8. Page 8, by striking lines 18 through 35 and

39 inserting the following:

40 "Sec. ____ NEW SECTION. 455B.196 NATIONAL
 41 POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT PROGRAM
 42 — FEE SCHEDULE.

43 The department may provide for the administration
 44 of the national pollutant discharge elimination system
 45 permit program pursuant to the federal Water Pollution
 46 Control Act, 33 U.S.C. ch. 26, as amended, and 40
 47 C.F.R., pt. 124, including but not limited to the
 48 issuance of permits under the program and storm water
 49 discharge permits under section 455B.103A. The
 50 department shall establish a schedule of fees based

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1 upon the reasonable costs of administering the
 2 program. The department may assess and collect the
 3 fees. The department shall deposit the fees into the
 4 national pollutant discharge elimination system permit
 5 program fund created in section 455B.197."

6 9. Page 9, line 1, by striking the figure
 7 "455B.196" and inserting the following: "455B.197".

8 10. Page 9, line 2, by inserting after the word
 9 "PERMIT" the following: "PROGRAM".

10 11. Page 9, line 4, by inserting after the word
 11 "permit" the following: "program".

12 12. Page 9, by striking lines 10 through 18 and
 13 inserting the following: "from fees collected by the
 14 department pursuant to section 455B.196.

15 2. Moneys deposited into the national pollutant
 16 discharge elimination system permit program fund is

17 appropriated to the department to defray the costs
18 associated with administering the national pollutant
19 discharge elimination system permit program as
20 provided in section 455B.196.”

21 13. Page 9, line 20, by inserting after the word
22 “permit” the following: “program”.

23 14. By striking page 9, line 24, through page 12,
24 line 19.

25 15. Page 12, by inserting before line 20 the
26 following:

27 “Sec. ____ Section 455E.11, subsection 2,
28 paragraph a, subparagraph (2), subparagraph
29 subdivision (d), Code Supplement 2005, is amended to
30 read as follows:

31 (d) For the fiscal year beginning July 1, 2005,
32 nine and one-half percent to the department to
33 establish permanent household hazardous waste
34 collection sites so that both urban and rural
35 populations are served and so that collection services
36 are available to the public on a regular basis.
37 Beginning July 1, 2006, six and one-quarter percent to
38 the department to establish permanent household
39 hazardous waste collection sites so that both urban
40 and rural populations are served and so that
41 collection services are available to the public on a
42 regular basis. Beginning July 1, 2007, three percent
43 to the department to establish permanent household
44 hazardous waste collection sites so that both urban
45 and rural populations are served and so that
46 collection services are available to the public on a
47 regular basis. ~~Any Beginning July 1, 2008, any~~ moneys
48 collected pursuant to this subparagraph subdivision
49 that remain unexpended at the end of a fiscal year for
50 establishment of permanent household hazardous waste

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1 collection sites shall be used for purposes of
2 subparagraph subdivision (e).

3 16. Page 13, by inserting after line 2 the
4 following:

5 “Sec. ____ EFFECTIVE DATE. Section 101 of this
6 Act, providing for the allocation of moneys to the
7 Iowa shorthorn association, and section 201 of this
8 Act, relating to a stormwater discharge permit fees
9 appropriation, being deemed of immediate importance,
10 take effect upon enactment.”

11 17. Title page, line 3, by striking the words
12 “natural resources and providing fees” and inserting
13 the following: “natural resources, providing fees,

- 14 and providing an effective date”.
 15 18. By renumbering as necessary.

JOE M. SENG
 E. THURMAN GASKILL
 ROBERT E. DVORSKY
 JEFF ANGELO

S-5229

- 1 Amend the amendment, S-5228, to House File 2540, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, line 28, by striking the word
 5 “applies” and inserting the following: “apply”.
 6 2. Page 2, by striking lines 10 and 11 and
 7 inserting the following: “veterinary medicine for the
 8 operation of the veterinary diagnostic laboratory.”
 9 3. Page 2, by striking lines 33 and 34 and
 10 inserting the following: “veterinary medicine for the
 11 operation of the veterinary diagnostic laboratory.”
 12 4. Page 3, line 16, by striking the words “fund
 13 is” and inserting the following: “fund are”.
 14 5. By renumbering as necessary.

JOE M. SENG
 E. THURMAN GASKILL

S-5230

- 1 Amend House File 2592, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, by striking lines 16 through 27 and
 4 inserting the following:
 5 “Sec. ____ Section 135.63, subsection 2, paragraph
 6 o, Code 2005, is amended to read as follows:”

JAMES A. SEYMOUR

S-5231

- 1 Amend House File 2540, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 13, by inserting after line 2 the
 4 following:
 5 “IOWA FOOD POLICY COUNCIL
 6 Sec. ____ FINDINGS AND DECLARATION. The general
 7 assembly finds and declares all of the following:
 8 1. The economy and social fabric of this state are
 9 inextricably linked to food production and food
 10 production-related activities.

- 11 2. Food production accounts for more than
12 twenty-five percent of the state's gross annual
13 product.
- 14 3. The expansion of global markets for
15 agricultural products has failed to keep pace with
16 increased agricultural productivity in recent years,
17 leading to a reduction in the amount of income earned
18 by local producers.
- 19 4. Unacceptable numbers of people from across the
20 state and around the world do not have reliable access
21 to Iowa's abundant food supply.
- 22 5. This state contains some of the most productive
23 farmland found anywhere in the world, and the
24 potential to feed hungry populations and generate
25 sustainable income for local producers is virtually
26 unlimited.
- 27 6. This state has natural and population resources
28 to become a world leader in a new economy by creating
29 an efficient food infrastructure that links producers,
30 processors, distributors, and marketers to vibrant and
31 sustainable world markets.
- 32 7. The development of important linkages to
33 different parts of the food infrastructure will enable
34 this state to establish itself as the food capital of
35 the world by creating new opportunities to increase
36 profitability for Iowa agricultural producers through
37 product diversification, local processing, enhanced
38 distribution, and direct marketing.
- 39 8. It is imperative for policymakers to develop a
40 common working knowledge of Iowa's overall food system
41 by collecting and analyzing information about the
42 state's food infrastructure, including consumer
43 patterns, in an effort to improve food policy-related
44 decisions.
- 45 9. A state food policy that is designed to produce
46 a safe, nutritious, and adequate food supply stock for
47 world consumption must also balance economic,
48 environmental, and social considerations that are
49 important to the people of this state.
- 50 Sec. __. NEW SECTION. 7.19 IOWA FOOD POLICY

Page 2

1 COUNCIL.

2 An Iowa food policy council is established within
3 the office of the governor.

4 1. The purpose of the Iowa food policy council is
5 to advise the governor on all aspects of the food
6 system in Iowa. The council's advice shall include
7 but not be limited to all of the following:

8 a. The state's baseline agricultural production
9 output, including the collection of data and an

10 assessment of the amount of food produced annually in
11 this state; the amount of food that is purchased and
12 consumed by state residents; and the extent to which
13 the food produced in this state is processed,
14 distributed, and marketed by local individuals and
15 businesses.

16 b. Barriers that limit the access of local
17 businesses to production, distribution, and consumer
18 markets within this state and to markets outside this
19 state. The council shall perform an assessment which
20 includes but is not limited to an examination of the
21 manner in which state and local policies may impede
22 the ability of local individuals and businesses to
23 engage in food production, processing, distribution,
24 and marketing activities.

25 c. Barriers that limit the access of hungry
26 consumers to available food stocks.

27 d. Innovative local food system activities,
28 including an assessment of the state's capacity to
29 replicate these activities across this state.

30 e. Strategies to expand training and assistance
31 programs for local individuals and businesses,
32 including methods that link actors at each stage of
33 the local food infrastructure together in a working
34 system.

35 f. Strategies to improve the participation of
36 state and local governments in the development of a
37 growing local food infrastructure.

38 g. Strategies to link consumers to a growing local
39 food infrastructure.

40 2. The council shall be composed of all of the
41 following:

42 a. Seven members serving as ex officio, nonvoting
43 members, including all of the following:

44 (1) The secretary of agriculture or the
45 secretary's designee.

46 (2) The director of the department of economic
47 development or the director's designee.

48 (3) The director of the department of human
49 services or the director's designee.

50 (4) The director of the Iowa department of public

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1 health or the director's designee.

2 (5) The director of the department of education or
3 the director's designee.

4 (6) The director of the Iowa department of elder
5 affairs or the director's designee.

6 (7) The director of the department of inspections
7 and appeals or the director's designee.

8 b. One person serving as a voting member,

9 associated with the Iowa cooperative extension service
10 in agriculture and home economics and who is appointed
11 by the president of Iowa state university.

12 c. Not less than eleven and not more than sixteen
13 persons who are public members serving as voting
14 members, who are actively engaged in areas of this
15 state's food system, and who are appointed by the
16 governor, including all of the following:

17 (1) An agricultural producer, who is engaged in
18 direct marketing of food to consumers, and whose scope
19 of operations is principally local.

20 (2) A food processor whose scope of operations is
21 principally local.

22 (3) A food distributor whose scope of operations
23 is principally local.

24 (4) A person engaged in agriculture and education
25 in an urban environment.

26 (5) A person who is an agricultural policy and
27 legal expert.

28 (6) A person who is an expert in hunger prevention
29 and food security.

30 3. A vacancy on the council shall be filled for
31 the unexpired portion of the regular term in the same
32 manner as the regular appointment is made.

33 4. a. Appointments of the public members are
34 subject to the requirements of sections 69.16 and
35 69.16A, and to every extent feasible shall be
36 geographically balanced. The public members shall be
37 confirmed by the senate, pursuant to section 2.32.

38 b. A public member shall serve a five-year term
39 beginning and ending as provided in section 69.19.
40 However, the governor shall appoint initial members to
41 serve for less than five years to ensure members serve
42 staggered terms. A member is eligible for
43 reappointment.

44 5. The council shall elect a chairperson from
45 among its public members each year on a rotating basis
46 as provided by the council. The council shall meet on
47 a regular basis and at the call of the chairperson or
48 upon the written request to the chairperson of a
49 majority of public members.

50 6. Members are not entitled to receive

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1 compensation, but public members shall receive
2 reimbursement of expenses as provided in section 7E.6.

3 7. A majority of public members constitute a
4 quorum and the affirmative vote of a majority of the
5 public members present is necessary for any
6 substantive action to be taken by the council. The
7 majority shall not include any member who has a

8 conflict of interest and a statement by a member that
9 the member has a conflict of interest is conclusive
10 for this purpose. A vacancy in the membership does
11 not impair the duties of the council.

12 8. The governor's office shall assist the council
13 in carrying out its functions.

14 a. The council shall seek administrative support
15 from the agricultural law center at Drake university.
16 To every extent feasible, research, policy
17 development, and publication activities shall be
18 coordinated through Drake university.

19 b. The council may seek and obtain financing to
20 support its activities, including private donations,
21 state and federal grant assistance, and institutional
22 support from Drake university.

23 Sec. ____ IOWA FOOD POLICY COUNCIL. There is
24 appropriated from the general fund of the state to the
25 office of the governor for the fiscal year beginning
26 July 1, 2006, and ending June 30, 2007, the following
27 amount, or so much thereof as is necessary, to be used
28 for the purpose designated:

29 For the purpose of allocating the full amount of
30 the appropriation to Drake university to support the
31 Iowa food policy council as established in this Act:

32 \$ 5,000"

33 2. By renumbering as necessary.

JACK HATCH

S-5232

1 Amend House File 2786, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 17 through 19 and
4 inserting the following: "~~the receiver is or may be~~
5 ~~indebted shall be enforced null and void, all liens~~
6 ~~shall be extinguished,~~ and no execution ~~shall be~~
7 issued thereon and no force or vitality given thereto
8 for any purpose other than as a setoff or".

9 2. Page 2, line 34, by striking the word "and".

10 3. Page 2, line 35, by inserting after the word
11 "sale" the following: ", and by mailing a copy of the
12 notice to the debtor at the debtor's last known
13 address by ordinary mail".

14 4. Page 4, by striking line 19 and inserting the
15 following: "junior creditor shall file proof of
16 service of such request for notice."

17 5. Page 5, line 18, by inserting after the word
18 "action" the following: "within thirty days of the
19 service of notice".

20 6. Page 5, line 35, by inserting after the word
21 "sale" the following: ", with the written consent of

- 22 the mortgagor”.
- 23 7. Page 7, line 11, by inserting after the word
- 24 “to” the following: “reasonable damages and”.
- 25 8. By renumbering as necessary.

KEITH A. KREIMAN
DAVID MILLER

S-5233

- 1 Amend House File 2773, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 27, by striking the words “of the
- 4 public” and inserting the following: “of the Iowa
- 5 commercial real estate association”.

NANCY J. BOETTGER

S-5234

- 1 Amend House File 2527, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 7, by inserting after line 9 the
- 4 following:
- 5 “For the fiscal year beginning July 1, 2006, and
- 6 ending June 30, 2007, a public library that receives
- 7 funds for meeting the standards requirements of tier
- 8 3, as established by the commission of libraries,
- 9 shall also meet the internet safety requirements
- 10 established in 20 U.S.C. § 9134(f)(1)(A)(i) and (B)(i)
- 11 and 47 U.S.C. § 254(h)(6)(B)(i) and (c)(i).”
- 12 2. Page 25, line 27, by inserting after the word
- 13 “filtering.” the following: “However, for the fiscal
- 14 year beginning July 1, 2007, and each succeeding
- 15 fiscal year, a public library that receives funds for
- 16 meeting the standards requirements of tier 2 or tier
- 17 3, as established by the commission, shall also meet
- 18 the internet safety requirements established in 20
- 19 U.S.C. § 9134(f)(1)(A)(i) and (B)(i) and 47 U.S.C. §
- 20 254(h)(6)(B)(i) and (c)(i).”

BRAD ZAUN
BOB BRUNKHORST
PAUL McKINLEY
LARRY McKIBBEN

S-5235

- 1 Amend Senate File 2400 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:

4 "DIVISION I
5 REBUILD IOWA INFRASTRUCTURE FUND
6 Section 1. There is appropriated from the rebuild
7 Iowa infrastructure fund to the following departments
8 and agencies for the fiscal year beginning July 1,
9 2006, and ending June 30, 2007, the following amounts,
10 or so much thereof as is necessary, to be used for the
11 purposes designated:

12 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
13 a. For relocation and project costs directly
14 associated with remodeling projects on the capitol
15 complex and for facility lease payments,
16 notwithstanding section 8.57, subsection 6, paragraph
17 "c":
18 \$ 1,824,500
19 Of the funds appropriated in this paragraph,
20 \$210,600 is allocated to the department of corrections
21 and board of parole for assessed maintenance charges
22 by the department of administrative services, \$122,000
23 is allocated for rent payments for the community-based
24 corrections facility located in Davenport, and
25 \$185,768 is allocated to the department of cultural
26 affairs for costs associated with leasing space for
27 the state records center.
28 b. For routine maintenance of state buildings and
29 facilities, notwithstanding section 8.57, subsection
30 6, paragraph "c":
31 \$ 2,536,500
32 c. For maintenance of the Terrace Hill complex:
33 \$ 75,000
34 d. For planning, design, and construction costs
35 associated with the construction of a new 350,000-
36 gross-square-foot state office building:
37 \$ 1,800,000

38 2. DEPARTMENT OF CORRECTIONS
39 a. For the lease payment under the lease-purchase
40 agreement to connect the electrical system supporting
41 the special needs unit at Fort Madison:
42 \$ 333,168
43 b. For the Oakdale expansion one-time equipment
44 purchases and expenses, notwithstanding section 8.57,
45 subsection 6, paragraph "c":
46 \$ 3,376,519
47 c. For systemic study and planning of the state
48 prison system to maximize the efficient use of the
49 current infrastructure, capacity, and treatment needs,
50 versus projected needs of the prison system based on

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1 the Iowa prison population forecast:
2 \$ 500,000

3	3. DEPARTMENT OF CULTURAL AFFAIRS		
4	For continuation of the project recommended by the		
5	Iowa battle flag advisory committee to stabilize the		
6	condition of the battle flag collection,		
7	notwithstanding section 8.57, subsection 6, paragraph		
8	"c":		
9	.....	\$	220,000
10	4. DEPARTMENT OF ECONOMIC DEVELOPMENT		
11	For costs associated with the creation and		
12	operation of Iowa port authorities pursuant to chapter		
13	28J:		
14	.....	\$	80,000
15	The amount appropriated in this subsection shall be		
16	administered by the department as a grant program.		
17	The purpose of the grant program is to provide support		
18	for programs that enhance, foster, aid, provide, or		
19	promote transportation, economic development,		
20	recreation, governmental operations, culture, or		
21	research within the jurisdiction of a port authority		
22	pursuant to chapter 28J. Grants shall be awarded in		
23	the manner provided by the department pursuant to		
24	rule.		
25	5. DEPARTMENT OF EDUCATION		
26	To provide resources for structural and		
27	technological improvements to local libraries and for		
28	the enrich Iowa program, notwithstanding section 8.57,		
29	subsection 6, paragraph "c":		
30	.....	\$	1,200,000
31	6. IOWA FINANCE AUTHORITY		
32	For deposit into the transitional housing revolving		
33	loan program fund created in section 16.184:		
34	.....	\$	1,400,000
35	7. DEPARTMENT OF NATURAL RESOURCES		
36	To be used to assist in the purchase, through		
37	public-private partnerships, of certain unique and		
38	treasured land in Iowa:		
39	.....	\$	1,500,000
40	8. DEPARTMENT OF PUBLIC DEFENSE		
41	For construction costs associated with the Camp		
42	Dodge armed forces readiness center:		
43	.....	\$	100,000
44	9. STATE BOARD OF REGENTS		
45	a. For allocation by the state board of regents to		
46	the state university of Iowa, the Iowa state		
47	university of science and technology, and the		
48	university of Northern Iowa to reimburse the		
49	institutions for deficiencies in their operating funds		
50	resulting from the pledging of tuition, student fees		

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1 and charges, and institutional income to finance the	
2 cost of providing academic and administrative	
3 buildings and facilities and utility services at the	
4 institutions, notwithstanding section 8.57, subsection	
5 6, paragraph "c":	
6	\$ 10,329,981
7 b. For implementation of the recommendations	
8 provided in separate consultant reports on bioscience,	
9 advanced manufacturing, and information technology	
10 submitted to the department of economic development in	
11 the calendar years 2004 and 2005, notwithstanding	
12 section 8.57, subsection 6, paragraph "c":	
13	\$ 8,200,000
14 c. For vertical infrastructure-related	
15 improvements associated with the implementation of the	
16 recommendations provided in separate consultant	
17 reports on bioscience, advanced manufacturing, and	
18 information technology submitted to the department of	
19 economic development in the calendar years 2004 and	
20 2005:	
21	\$ 1,800,000
22 d. For the design and construction of a new	
23 university hygienic laboratory at the state university	
24 of Iowa:	
25	\$ 10,000,000
26 e. For the construction, major renovation, and	
27 maintenance of a veterinary laboratory at Iowa state	
28 university of science and technology:	
29	\$ 2,000,000
30 f. For major renovation and major repair needs,	
31 including health, life, and fire safety needs, and for	
32 compliance with the federal Americans With	
33 Disabilities Act, for state buildings and facilities	
34 under the purview of the state board of regents	
35 institutions:	
36	\$ 6,200,000
37 It is the intent of the general assembly that the	
38 moneys appropriated in this subsection supplant state	
39 university operating funds used for the purposes	
40 stated.	
41 g. For endowment salaries:	
42	\$ 5,000,000
43 h. To provide a grant for the construction of, and	
44 purchasing equipment for, a facility to be used	
45 exclusively for processing novel proteins from	
46 agricultural products for pharmaceutical,	
47 nutraceutical, or chemical applications:	
48	\$ 1,000,000
49 10. NATIONAL PROGRAM FOR PLAYGROUND SAFETY AT THE	
50 UNIVERSITY OF NORTHERN IOWA	

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1 For the Iowa safe surfacing initiative,
2 notwithstanding section 8.57, subsection 6, paragraph
3 "c":
4 \$ 500,000
5 Not more than 2.5 percent of the funds appropriated
6 in this subsection shall be used by the national
7 program for playground safety for administrative costs
8 associated with the Iowa safe surfacing initiative.
9 The crumb rubber playground tiles for the
10 initiative shall be international play equipment
11 manufacturers association (IPEMA)-certified to the
12 American society for testing and materials (A.S.T.M.)
13 F1292 standard.
14 The national program for playground safety shall
15 submit a report by January 15, 2007, to the joint
16 appropriations subcommittee on transportation,
17 infrastructure, and capitals detailing the use of the
18 moneys appropriated in this subsection. The report
19 shall specify the projects for which moneys were used
20 and the cost of each project, including the amounts
21 spent on administration.

22 11. DEPARTMENT OF TRANSPORTATION
23 a. For the rail assistance program and to provide
24 economic development project funding, notwithstanding
25 section 8.57, subsection 6, paragraph "c":
26 \$ 235,000
27 b. For operation and maintenance of the network of
28 automated weather observation and data transfer
29 systems associated with the Iowa aviation weather
30 system, the runway marking program for public
31 airports, the windsock program for public airports,
32 and the aviation improvement program, notwithstanding
33 section 8.57, subsection 6, paragraph "c":
34 \$ 564,000
35 c. For acquiring, constructing, and improving
36 recreational trails within the state:
37 \$ 1,000,000

38 12. TREASURER OF STATE
39 For repayment of prison infrastructure revenue
40 bonds under section 16.177, notwithstanding section
41 8.57, subsection 6, paragraph "c":
42 \$ 5,416,604
43 Sec. 2. There is appropriated from the rebuild
44 Iowa infrastructure fund to the department of public
45 defense for the fiscal year beginning July 1, 2007,
46 and ending June 30, 2008, the following amount, or so
47 much thereof as is necessary, to be used for the
48 purposes designated:
49 For allocation to the homeland security and
50 emergency management division for construction costs

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1 of regional multijurisdictional institutes for
2 governmental, first responder, communications, and
3 training operations, and including regional and mobile
4 fire training centers, in consultation with the state
5 fire marshal:
6 \$ 6,000,000

7 Sec. 3. There is appropriated from the rebuild
8 Iowa infrastructure fund to the department of public
9 defense for the fiscal year beginning July 1, 2008,
10 and ending June 30, 2009, the following amount, or so
11 much thereof as is necessary, to be used for the
12 purposes designated:
13 For allocation to the homeland security and
14 emergency management division for construction costs
15 of regional multijurisdictional institutes for
16 governmental, first responder, communications, and
17 training operations, and including regional and mobile
18 fire training centers, in consultation with the state
19 fire marshal:
20 \$ 6,000,000

21 Sec. 4. REVERSION. Notwithstanding section 8.33,
22 moneys appropriated for the fiscal year beginning July
23 1, 2006, in this division of this Act that remain
24 unencumbered or unobligated at the close of the fiscal
25 year shall not revert but shall remain available for
26 the purposes designated until the close of the fiscal
27 year that begins July 1, 2009, or until the project
28 for which the appropriation was made is completed,
29 whichever is earlier.

30 Sec. 5. DEPARTMENT OF ADMINISTRATIVE SERVICES.
31 There is appropriated from the rebuild Iowa
32 infrastructure fund to the department of
33 administrative services for the designated fiscal
34 years, the following amounts, or so much thereof as is
35 necessary, to be used for the purposes designated:
36 For planning, design, and construction costs
37 associated with the construction of a new 350,000-
38 gross-square-foot state office building, including
39 costs associated with furnishings, employee
40 relocation, and the demolition of the Wallace
41 Building:
42 FY 2007-2008 \$ 14,600,000
43 FY 2008-2009 \$ 14,600,000
44 FY 2009-2010 \$ 6,657,100

45 Notwithstanding section 8.33, moneys appropriated
46 in this section shall not revert at the close of the
47 fiscal year for which they were appropriated but shall
48 remain available for the purposes designated until the
49 close of the fiscal year that begins July 1, 2011, or
50 until the project for which the appropriation was made

1 is completed, whichever is earlier.

2 Sec. 6. STATE BOARD OF REGENTS. There is
3 appropriated from the rebuild Iowa infrastructure fund
4 to the state board of regents for the following fiscal
5 years the following amounts, or so much thereof as is
6 necessary, to be used for the purposes designated:

7 For the design and construction of a new university
8 hygienic laboratory at the state university of Iowa:

9	FY 2007-2008	\$	14,000,000
10	FY 2008-2009	\$	12,000,000

11 Notwithstanding section 8.33, moneys appropriated
12 in this section shall not revert at the close of the
13 fiscal year for which they were appropriated but shall
14 remain available for the purposes designated until the
15 close of the fiscal year that begins July 1, 2011, or
16 until the project for which the appropriation was made
17 is completed, whichever is earlier.

18 DIVISION II

19 ENVIRONMENT FIRST FUND

20 Sec. 7. There is appropriated from the environment
21 first fund to the following departments and agencies
22 for the fiscal year beginning July 1, 2006, and ending
23 June 30, 2007, the following amounts, or so much
24 thereof as is necessary, to be used for the purposes
25 designated:

26 1. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

27 a. For the conservation reserve enhancement
28 program to restore and construct wetlands for the
29 purposes of intercepting tile line runoff, reducing
30 nutrient loss, improving water quality, and enhancing
31 agricultural production practices:

32	\$	1,500,000
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33 Not more than 5 percent of the moneys appropriated
34 in this lettered paragraph may be used for costs of
35 administration and implementation of soil and water
36 conservation practices.

37 b. For continuation of a program that provides
38 multiobjective resource protections for flood control,
39 water quality, erosion control, and natural resource
40 conservation:

41	\$	2,700,000
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42 Not more than 5 percent of the moneys appropriated
43 in this lettered paragraph may be used for costs of
44 administration and implementation of soil and water
45 conservation practices.

46 c. For continuation of a statewide voluntary farm
47 management demonstration program to demonstrate the
48 effectiveness and adaptability of emerging practices
49 in agronomy that protect water resources and provide
50 other environmental benefits:

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1	\$	850,000
2 Not more than 5 percent of the moneys appropriated		
3 in this lettered paragraph may be used for costs of		
4 administration and implementation of soil and water		
5 conservation practices.		
6 Of the amount appropriated in this lettered		
7 paragraph, \$400,000 shall be allocated to the Iowa		
8 soybean association's agriculture and environment		
9 performance program.		
10 d. For deposit in the alternative drainage system		
11 assistance fund created in section 460.303 to be used		
12 for purposes of supporting the alternative drainage		
13 system assistance program as provided in section		
14 460.304:		
15	\$	500,000
16 Not more than 5 percent of the moneys appropriated		
17 in this lettered paragraph may be used for costs of		
18 administration and implementation of soil and water		
19 conservation practices.		
20 e. To provide financial assistance for the		
21 establishment of permanent soil and water conservation		
22 practices:		
23	\$	5,500,000
24 (1) Not more than 5 percent of the moneys		
25 appropriated in this lettered paragraph may be		
26 allocated for cost-sharing to abate complaints filed		
27 under section 161A.47.		
28 (2) Of the moneys appropriated in this lettered		
29 paragraph, 5 percent shall be allocated for financial		
30 incentives to establish practices to protect		
31 watersheds above publicly owned lakes of the state		
32 from soil erosion and sediment as provided in section		
33 161A.73.		
34 (3) Not more than 30 percent of a soil and water		
35 conservation district's allocation of moneys as		
36 financial incentives may be provided for the purpose		
37 of establishing management practices to control soil		
38 erosion on land that is row-cropped, including but not		
39 limited to no-till planting, ridge-till planting,		
40 contouring, and contour strip-cropping as provided in		
41 section 161A.73.		
42 (4) The state soil conservation committee created		
43 in section 161A.4 may allocate moneys appropriated in		
44 this lettered paragraph to conduct research and		
45 demonstration projects to promote conservation tillage		
46 and nonpoint source pollution control practices.		
47 (5) The financial incentive payments may be used		
48 in combination with department of natural resources		
49 moneys.		
50 (6) Not more than 10 percent of the moneys		

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1	appropriated in this lettered paragraph may be used	
2	for costs of administration and implementation of soil	
3	and water conservation practices.	
4	f. To encourage and assist farmers in enrolling in	
5	and the implementation of federal conservation	
6	programs and to work with them to enhance their	
7	revegetation efforts to improve water quality and	
8	habitat:	
9	.....	\$ 2,000,000
10	Not more than 5 percent of the moneys appropriated	
11	in this lettered paragraph may be used for costs of	
12	administration and implementation of soil and water	
13	conservation practices.	
14	g. For deposit in the loess hills development and	
15	conservation fund created in section 161D.2:	
16	.....	\$ 600,000
17	Of the amount appropriated in this lettered	
18	paragraph, \$400,000 shall be allocated to the hungry	
19	canyons account and \$200,000 shall be allocated to the	
20	loess hills alliance account to be used for the	
21	purposes for which the moneys in those accounts are	
22	authorized to be used under chapter 161D. No more	
23	than 10 percent of the moneys allocated to the hungry	
24	canyons account in this lettered paragraph may be used	
25	for administrative costs. No more than 10 percent of	
26	the moneys allocated to the loess hills alliance	
27	account in this lettered paragraph may be used for	
28	administrative costs.	
29	h. For deposit in the southern Iowa development	
30	and conservation fund created in section 161D.12:	
31	.....	\$ 300,000
32	Not more than 5 percent of the moneys appropriated	
33	in this lettered paragraph may be used for	
34	administrative costs.	
35	2. DEPARTMENT OF ECONOMIC DEVELOPMENT	
36	For deposit in the brownfield redevelopment fund	
37	created in section 15.293 to provide assistance under	
38	the brownfield redevelopment program:	
39	.....	\$ 500,000
40	3. DEPARTMENT OF NATURAL RESOURCES	
41	a. For statewide coordination of volunteer efforts	
42	under the water quality and keepers of the land	
43	programs:	
44	.....	\$ 100,000
45	b. For purposes of funding capital projects for	
46	the purposes specified in section 452A.79, and for	
47	expenditures for the local cost-share grants to be	
48	used for capital expenditures to local governmental	
49	units for boating accessibility:	
50	\$ 2,500,000

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1	c. For regular maintenance of state parks and		
2	staff time associated with these activities:		
3	.....	\$	2,000,000
4	d. To provide local watershed managers with		
5	geographic information system data for their use in		
6	developing, monitoring, and displaying results of		
7	their watershed work:		
8	.....	\$	195,000
9	e. For continuing the establishment and operation		
10	of water quality monitoring stations:		
11	.....	\$	2,955,000
12	f. For deposit in the administration account of		
13	the water quality protection fund, to carry out the		
14	purposes of that account:		
15	.....	\$	500,000
16	g. For full-time personnel to conduct air quality		
17	monitoring, which may include but is not limited to		
18	staffing required to perform field monitoring and		
19	laboratory functions, including salaries, support,		
20	maintenance, and miscellaneous purposes:		
21	.....	\$	275,000
22	h. For the dredging of lakes, including necessary		
23	preparation for dredging, in accordance with the		
24	department's classification of Iowa lakes restoration		
25	report:		
26	.....	\$	275,000
27	Of the amount appropriated for the dredging of		
28	lakes, \$275,000 shall be allocated for a lake with		
29	public access located in a county with a population		
30	between 18,350 and 18,450.		
31	The department shall consider the following		
32	criteria for funding lake dredging projects as		
33	provided in this lettered paragraph, and shall		
34	prioritize projects based on the following:		
35	(1) Documented efforts to address watershed		
36	protection, considering testing, conservation efforts,		
37	and the amount of time devoted to watershed		
38	protection.		
39	(2) Protection of a natural resource and natural		
40	habitat.		
41	(3) Percentage of public access and undeveloped		
42	lakefront property.		
43	(4) Continuation of current projects partially		
44	funded by state resources to achieve department		
45	recommendations.		
46	i. For the purposes of contracting with qualified		
47	persons outside the department to conduct use		
48	attainability analyses in conformance with section		
49	455B.176A, as enacted in 2006 Iowa Acts, Senate File		
50	2363, if enacted, or in any other Act of the Eighty-		

1 first General Assembly, 2006 Session:
 2 \$ 750,000
 3 RESOURCES ENHANCEMENT AND PROTECTION FUND
 4 Sec. 8. Notwithstanding the amount of the standing
 5 appropriation from the general fund of the state under
 6 section 455A.18, subsection 3, there is appropriated
 7 from the environment first fund to the Iowa resources
 8 enhancement and protection fund, in lieu of the
 9 appropriation made in section 455A.18, for the fiscal
 10 year beginning July 1, 2006, and ending June 30, 2007,
 11 the following amount, to be allocated as provided in
 12 section 455A.19:
 13 \$ 11,000,000

14 Sec. 9. REVERSION.
 15 1. Except as provided in subsection 2, and
 16 notwithstanding section 8.33, moneys appropriated in
 17 this division of this Act that remain unencumbered or
 18 unobligated at the close of the fiscal year shall not
 19 revert but shall remain available for the purposes
 20 designated until the close of the fiscal year
 21 beginning July 1, 2007, or until the project for which
 22 the appropriation was made is completed, whichever is
 23 earlier.
 24 2. Notwithstanding section 8.33, moneys
 25 appropriated in this division of this Act to the
 26 department of agriculture and land stewardship to
 27 provide financial assistance for the establishment of
 28 permanent soil and water conservation practices that
 29 remain unencumbered or unobligated at the close of the
 30 fiscal year shall not revert but shall remain
 31 available for expenditure for the purposes designated
 32 until the close of the fiscal year that begins July 1,
 33 2009.

34 Sec. 10. CONTINGENT EFFECTIVE DATE. The lettered
 35 paragraph in the section of this division of this Act
 36 making an appropriation from the environment first
 37 fund to the department of natural resources for
 38 purposes related to use attainability analyses is
 39 contingent upon the enactment of section 455B.176A by
 40 the Eighty-first General Assembly, 2006 Session,
 41 making it necessary for the department to contract
 42 with qualified persons outside the department to
 43 conduct use attainability analyses.

DIVISION III

TOBACCO SETTLEMENT TRUST FUND

46 Sec. 11.
 47 1. There is appropriated from the tax-exempt bond
 48 proceeds restricted capital funds account of the
 49 tobacco settlement trust fund to the following
 50 departments and agencies for the fiscal year beginning

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1 July 1, 2006, and ending June 30, 2007, the following
 2 amounts, or so much thereof as is necessary, to be
 3 used for the purposes designated:

4 a. DEPARTMENT OF ADMINISTRATIVE SERVICES

5 (1) For upgrades to the electrical distribution
 6 system serving the capitol complex:
 7 \$ 3,468,800

8 (2) For planning, design, and construction costs
 9 associated with the construction of a new 350,000-
 10 gross-square-foot state office building:
 11 \$ 1,000,000

12 b. DEPARTMENT OF CULTURAL AFFAIRS

13 For historical site preservation grants, to be used
 14 for the restoration, preservation, and development of
 15 historic sites:
 16 \$ 800,000

17 In making grants pursuant to this paragraph, the
 18 department shall consider the existence and amount of
 19 other funds available to an applicant for the
 20 designated project. A grant awarded from moneys
 21 appropriated in this subsection shall not exceed
 22 \$100,000 per project. Not more than two grants may be
 23 awarded in the same county.

24 c. DEPARTMENT OF ECONOMIC DEVELOPMENT

25 For accelerated career education program capital
 26 projects at community colleges that are authorized
 27 under chapter 260G and that meet the definition of
 28 "vertical infrastructure" in section 8.57B, subsection
 29 3:
 30 \$ 5,500,000

31 d. DEPARTMENT OF NATURAL RESOURCES

32 For state park infrastructure renovations:
 33 \$ 1,000,000

34 e. DEPARTMENT OF PUBLIC DEFENSE

35 (1) For major maintenance projects at national
 36 guard armories and facilities:
 37 \$ 1,500,000

38 (2) For allocation to the homeland security and
 39 emergency management division for the STARCOM project:
 40 \$ 1,700,000

41 f. DEPARTMENT OF PUBLIC SAFETY

42 For allocation to the division of fire protection
 43 for the planning, design, and construction of regional
 44 emergency response training centers in the state:
 45 \$ 4,300,000

46 Of the amount appropriated in this subsection,
 47 \$300,000 shall be allocated to Western Iowa technical
 48 community college.

49 Of the amount appropriated in this subsection,
 50 \$900,000 shall be allocated to Iowa western community

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- 1 college.
- 2 Of the amount appropriated in this subsection,
- 3 \$150,000 shall be allocated to the Dubuque county
- 4 firefighter's association.
- 5 Of the amount appropriated in this subsection,
- 6 \$150,000 shall be allocated to the city of Waterloo.
- 7 Of the amount appropriated in this subsection,
- 8 \$300,000 shall be allocated to Scott county community
- 9 college.
- 10 Of the amount appropriated in this subsection,
- 11 \$400,000 shall be allocated to Iowa lakes community
- 12 college.
- 13 Of the amount appropriated in this subsection,
- 14 \$400,000 shall be allocated to the Mason City fire
- 15 department.
- 16 Of the amount appropriated in this subsection,
- 17 \$400,000 shall be allocated to southeastern community
- 18 college.
- 19 Of the amount appropriated in this subsection,
- 20 \$300,000 shall be allocated to a public agency, as
- 21 defined in section 470.1, located in merged area
- 22 eleven.
- 23 Of the amount appropriated in this subsection,
- 24 \$300,000 shall be allocated to Kirkwood community
- 25 college.
- 26 Of the amount appropriated in this subsection,
- 27 \$300,000 shall be allocated to Iowa central community
- 28 college.
- 29 Of the amount appropriated in this subsection,
- 30 \$400,000 shall be allocated to a public agency, as
- 31 defined in section 470.1, located in merged areas
- 32 fourteen and fifteen.

33 g. DEPARTMENT OF TRANSPORTATION

34 (1) For infrastructure improvements at general		
35 aviation airports within the state:		
36	\$	750,000
37 (2) For vertical infrastructure improvements at		
38 the commercial air service airports within the state:		
39	\$	1,000,000

40 Fifty percent of the funds appropriated in this
 41 subparagraph shall be allocated equally between each
 42 commercial service airport, 40 percent of the funds
 43 shall be allocated based on the percentage that the
 44 number of enplaned passengers at each commercial
 45 service airport bears to the total number of enplaned
 46 passengers in the state during the previous fiscal
 47 year, and 10 percent of the funds shall be allocated
 48 based on the percentage that the air cargo tonnage at
 49 each commercial service airport bears to the total air
 50 cargo tonnage in the state during the previous fiscal

1 year. In order for a commercial service airport to
 2 receive funding under this subparagraph, the airport
 3 shall be required to submit applications for funding
 4 of specific projects to the department for approval by
 5 the state transportation commission.

6 h. OFFICE OF TREASURER OF STATE

7 For county fair infrastructure improvements for
 8 distribution in accordance with chapter 174 to
 9 qualified fairs which belong to the association of

10 Iowa fairs:

11 \$ 1,060,000

12 2. TAX-EXEMPT STATUS — USE OF APPROPRIATIONS.

13 Payment of moneys from the appropriations in this
 14 section shall be made in a manner that does not
 15 adversely affect the tax-exempt status of any
 16 outstanding bonds issued by the tobacco settlement
 17 authority.

18 3. REVERSION. Notwithstanding section 8.33,
 19 moneys appropriated in this section that remain
 20 unencumbered or unobligated at the close of the fiscal
 21 year shall not revert but shall remain available for
 22 the purposes designated until the close of the fiscal
 23 year that begins July 1, 2009, or until the project
 24 for which the appropriation was made is completed,
 25 whichever is earlier.

26 DIVISION IV

27 VERTICAL INFRASTRUCTURE FUND

28 Sec. 12. There is appropriated from the vertical
 29 infrastructure fund to the state board of regents for
 30 the fiscal year beginning July 1, 2006, and ending
 31 June 30, 2007, the following amount, or so much
 32 thereof as is necessary, to be used for the purposes
 33 designated:

34 STATE BOARD OF REGENTS

35 For vertical infrastructure-related improvements
 36 associated with the implementation of the
 37 recommendations provided in separate consultant
 38 reports on bioscience, advanced manufacturing, and
 39 information technology submitted to the department of
 40 economic development in the calendar years 2004 and
 41 2005:

42 \$ 5,000,000

43 Sec. 13. REVERSION. Notwithstanding section 8.33,
 44 moneys appropriated in this division of this Act that
 45 remain unencumbered or unobligated at the close of the
 46 fiscal year shall not revert but shall remain
 47 available for the purposes designated until the close
 48 of the fiscal year that begins July 1, 2009, or until
 49 the project for which the appropriation was made is
 50 completed, whichever is earlier.

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1	DIVISION V	
2	ENDOWMENT FOR IOWA'S HEALTH RESTRICTED CAPITALS FUND	
3	Sec. 14. There is appropriated from the endowment	
4	for Iowa's health restricted capitals fund to the	
5	following departments and agencies for the fiscal year	
6	beginning July 1, 2006, and ending June 30, 2007, the	
7	following amounts, or so much thereof as is necessary,	
8	to be used for the purposes designated:	
9	1. DEPARTMENT OF ADMINISTRATIVE SERVICES	
10	a. For costs to repair parking lots on the capitol	
11	complex:	
12	..... \$	1,545,000
13	b. For capitol interior and exterior restoration	
14	and for major renovation and major repair needs,	
15	including health, life, and fire safety needs, and for	
16	compliance with the federal Americans With	
17	Disabilities Act, for state buildings and facilities	
18	under the purview of the department:	
19	..... \$	6,830,000
20	Of the amount appropriated in this paragraph, up to	
21	\$500,000 shall be used to establish areas of rescue	
22	assistance in emergency evacuation situations.	
23	c. For planning, design, and construction costs	
24	associated with the construction of a new 350,000-	
25	gross-square-foot state office building:	
26	..... \$	38,485,000
27	d. For upgrades to the Woodward state resource	
28	center wastewater treatment system:	
29	..... \$	2,443,000
30	e. For costs associated with the remodeling of the	
31	records and property center:	
32	..... \$	2,200,000
33	f. For costs associated with the replacement of	
34	the powerhouse facilities at the Iowa juvenile home at	
35	Toledo:	
36	..... \$	1,521,045
37	g. For construction of a new school and infirmary	
38	building at the Iowa juvenile home at Toledo and for	
39	the renovation of existing school buildings and the	
40	demolition of other buildings:	
41	..... \$	8,130,668
42	2. DEPARTMENT FOR THE BLIND	
43	For costs associated with department for the blind	
44	building renovations:	
45	..... \$	4,000,000
46	3. DEPARTMENT OF CORRECTIONS	
47	a. For construction of a community-based	
48	correctional facility, including district offices, in	
49	Davenport:	
50 \$	3,750,000

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1	b. For construction of a community-based		
2	correctional facility, including district offices, in		
3	Fort Dodge:		
4	.....	\$	1,400,000
5	c. For the remodeling and renovation of the		
6	kitchen facilities at the Anamosa correctional		
7	facility:		
8	.....	\$	1,840,000
9	4. DEPARTMENT OF CULTURAL AFFAIRS		
10	To fund capital projects in a city with a		
11	population of at least 1,285 residents but not more		
12	than 1,320 residents in the county of Carroll, in a		
13	city with a population of at least 25,000 residents		
14	but not more than 30,000 residents, and in a city with		
15	a population of at least 80,000 residents but not more		
16	than 90,000 residents through the Iowa great places		
17	program:		
18	.....	\$	3,000,000
19	5. DEPARTMENT OF EDUCATION		
20	For major renovation and major repair needs,		
21	including health, life, and fire safety needs, and for		
22	compliance with the federal Americans With		
23	Disabilities Act, for state buildings and facilities		
24	under the purview of community colleges:		
25	.....	\$	2,000,000
26	The moneys appropriated in this subsection shall be		
27	allocated to the community colleges based upon the		
28	state aid distribution formula established in section		
29	260C.18C.		
30	6. IOWA STATE FAIR AUTHORITY		
31	For capital projects on the Iowa state fairgrounds:		
32	.....	\$	1,000,000
33	7. DEPARTMENT OF PUBLIC DEFENSE		
34	a. For construction of a national guard readiness		
35	center in Iowa City:		
36	.....	\$	1,444,288
37	b. For construction of a national guard aviation		
38	armory in Waterloo:		
39	.....	\$	1,635,000
40	c. For construction of a national guard armory in		
41	Spencer:		
42	.....	\$	689,000
43	d. For upgrades to the Camp Dodge water		
44	distribution system:		
45	.....	\$	750,000
46	8. DEPARTMENT OF PUBLIC SAFETY		
47	For construction of an Iowa state patrol post in		
48	district 8:		
49	\$	2,400,000
50	9. STATE BOARD OF REGENTS		

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1 For major renovation and major repair needs,
 2 including health, life, and fire safety needs, and for
 3 compliance with the federal American With Disabilities
 4 Act, for state buildings and facilities under the
 5 purview of state board of regents institutions:
 6 \$ 10,000,000
 7 Of the funds appropriated in this paragraph,
 8 \$5,000,000 is allocated for costs associated with the
 9 planning, design, and construction of the chemistry
 10 building at Iowa state university of science and
 11 technology, \$3,000,000 is allocated for costs
 12 associated with completing upgrades to the electrical
 13 distribution system at the university of northern
 14 Iowa, and \$2,000,000 is allocated for costs associated
 15 with the planning, design, and construction of a new
 16 building to house the college of public health at the
 17 state university of Iowa.
 18 10. DEPARTMENT OF VETERANS AFFAIRS
 19 For capital improvement projects at the Iowa
 20 veterans home:
 21 \$ 6,200,000
 22 Sec. 15. There is appropriated from the endowment
 23 for Iowa's health restricted capitals fund to the
 24 department of administrative services for the fiscal
 25 year beginning July 1, 2005, and ending June 30, 2006,
 26 the following amount, or so much thereof as is
 27 necessary, to be used for the purpose designated:
 28 For costs associated with the restoration of the
 29 west capitol terrace:
 30 \$ 2,300,000
 31 Sec. 16. TAX-EXEMPT STATUS — USE OF
 32 APPROPRIATIONS. Payment of moneys from the
 33 appropriations in this section shall be made in a
 34 manner that does not adversely affect the tax-exempt
 35 status of any outstanding bonds issued by the tobacco
 36 settlement authority.
 37 Sec. 17. REVERSION.
 38 1. Except as provided in subsections 2 and 3,
 39 notwithstanding section 8.33, moneys appropriated from
 40 the endowment for Iowa's health restricted capitals
 41 fund for the fiscal years that begin July 1, 2005, and
 42 July 1, 2006, in this division of this Act that remain
 43 unencumbered or unobligated at the close of the fiscal
 44 year shall not revert but shall remain available for
 45 the purposes designated until the close of the fiscal
 46 year that begins July 1, 2009, or until the project
 47 for which the appropriation was made is completed,
 48 whichever is earlier.
 49 2. Notwithstanding section 8.33, moneys
 50 appropriated from the endowment for Iowa's health

1 restricted capitals fund for the fiscal year that
 2 begins July 1, 2006, and ends June 30, 2007, in this
 3 division of this Act to the department of veterans
 4 affairs for capital improvement projects at the Iowa
 5 veterans home that remain unencumbered or unobligated
 6 at the close of the fiscal year shall not revert but
 7 shall remain available for expenditure for the
 8 purposes designated until the close of the fiscal year
 9 that begins July 1, 2010.

10 3. Notwithstanding section 8.33, moneys
 11 appropriated from the endowment for Iowa's health
 12 restricted capitals fund for the fiscal year beginning
 13 July 1, 2006, and ending June 30, 2007, in this
 14 division of this Act to the department of education
 15 for major renovation and major repair needs at the
 16 community colleges that remain unencumbered or
 17 unobligated at the close of the fiscal year shall not
 18 revert but shall remain available for expenditure for
 19 the purposes designated until the close of the fiscal
 20 year beginning July 1, 2010, or until the project for
 21 which appropriated is completed, whichever is earlier.

22 Sec. 18. EFFECTIVE DATE. The section of this
 23 division of this Act appropriating moneys to the
 24 department of administrative services for the fiscal
 25 year beginning July 1, 2005, for restoration of the
 26 west capitol terrace, being deemed of immediate
 27 importance, takes effect upon enactment.

DIVISION VI

TECHNOLOGY REINVESTMENT FUND

30 Sec. 19. There is appropriated from the technology
 31 reinvestment fund created in section 8.57C to the
 32 following departments and agencies for the fiscal year
 33 beginning July 1, 2006, and ending June 30, 2007, the
 34 following amounts, or so much thereof as is necessary,
 35 to be used for the purposes designated:

36	1. DEPARTMENT OF ADMINISTRATIVE SERVICES		
37	For technology improvement projects:		
38	.....	\$	3,358,334
39	2. DEPARTMENT OF CORRECTIONS		
40	For costs associated with the Iowa corrections		
41	offender network data system:		
42	.....	\$	500,000
43	3. DEPARTMENT OF EDUCATION		
44	a. For implementation of the provisions of chapter		
45	280A:		
46	.....	\$	500,000
47	b. For maintenance and lease costs associated with		
48	connections for Part III of the Iowa communications		
49	network:		
50	\$	2,727,000

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1	c. For allocation to the public broadcasting		
2	division for installation costs for the conversion to		
3	high definition broadcasting at the Iowa public		
4	television facilities:		
5	.....	\$	2,300,000
6	d. To the public broadcasting division for		
7	replacing transmitters:		
8	.....	\$	1,425,000
9	e. To the public broadcasting division for the		
10	purchase of equipment intended to provide an		
11	uninterruptible power supply:		
12	.....	\$	315,000
13	4. DEPARTMENT OF HUMAN RIGHTS		
14	For the cost of equipment and computer software for		
15	the implementation of Iowa's criminal justice		
16	information system:		
17	.....	\$	2,645,066
18	5. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD		
19	For technological improvements to the board's		
20	electronic filing system:		
21	.....	\$	39,100
22	6. IOWA TELECOMMUNICATIONS AND TECHNOLOGY		
23	COMMISSION		
24	For replacement of equipment for the Iowa		
25	communications network:		
26	.....	\$	1,997,500
27	7. IOWA LAW ENFORCEMENT ACADEMY		
28	For information technology upgrades and renovations		
29	at the Iowa law enforcement academy:		
30	.....	\$	50,000
31	8. BOARD OF PAROLE		
32	For information technology upgrades for the board		
33	of parole:		
34	.....	\$	75,000
35	9. DEPARTMENT OF PUBLIC DEFENSE		
36	For information technology upgrades for the Iowa		
37	national guard:		
38	.....	\$	75,000
39	10. DEPARTMENT OF PUBLIC SAFETY		
40	a. For continuation of payments on the lease of		
41	the automated fingerprint identification system:		
42	.....	\$	550,000
43	b. For information technology hardware and		
44	software upgrades for the department of public safety:		
45	.....	\$	943,000
46	Sec. 20. REVERSION. Notwithstanding section 8.33,		
47	moneys appropriated in this division of this Act that		
48	remain unencumbered or unobligated at the close of the		
49	fiscal year shall not revert but shall remain		
50	available for the purposes designated until the close		

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1 of the fiscal year beginning July 1, 2007, or until
2 the project for which the appropriation was made is
3 completed, whichever is earlier.

4 Sec. 21. **NEW SECTION.** 8.57C TECHNOLOGY
5 REINVESTMENT FUND.

6 1. A technology reinvestment fund is created under
7 the authority of the department of management. The
8 fund shall consist of appropriations made to the fund
9 and transfers of interest, earnings, and moneys from
10 other funds as provided by law. The fund shall be
11 separate from the general fund of the state and the
12 balance in the fund shall not be considered part of
13 the balance of the general fund of the state.

14 However, the fund shall be considered a special
15 account for the purposes of section 8.53, relating to
16 generally accepted accounting principles.

17 2. Moneys in the fund in a fiscal year shall be
18 used as appropriated by the general assembly for the
19 acquisition of computer hardware and software,
20 software development, telecommunications equipment,
21 and maintenance and lease agreements associated with
22 technology components and for the purchase of
23 equipment intended to provide an uninterruptible power
24 supply.

25 3. There is appropriated from the general fund of
26 the state for the fiscal year beginning July 1, 2006,
27 and for each subsequent fiscal year, the sum of
28 seventeen million five hundred thousand dollars to the
29 technology reinvestment fund.

30 DIVISION VII

31 ENDOWMENT FOR IOWA'S HEALTH ACCOUNT

32 Sec. 22. Notwithstanding section 12.65, subsection
33 2, and section 12E.12, subsection 1, paragraph "b",
34 subparagraph (2), there is appropriated from the
35 endowment for Iowa's health account of the tobacco
36 settlement trust fund established in section 12E.12 to
37 the following departments and agencies for the fiscal
38 year beginning July 1, 2006, and ending June 30, 2007,
39 the following amounts, or so much thereof as is
40 necessary, to be used for the purposes designated:

41 1. DEPARTMENT OF NATURAL RESOURCES

42 For implementation of lake projects that have
43 established watershed improvement initiatives and
44 community support in accordance with the department's
45 annual lake restoration plan and report:

46 \$ 8,600,000

47 It is the intent of the general assembly that all
48 lake restoration projects that satisfy the criteria
49 required in section 456A.33B and whose project
50 designers worked with the department to develop an

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1 action plan prior to January 1, 2006, shall be funded
 2 in the amounts and according to the timeline for
 3 fiscal year 2006–2007 provided in the department’s
 4 Iowa lakes restoration report submitted to the Eighty-
 5 first General Assembly.

6 Of the amounts appropriated in this subsection, at
 7 least the following amounts shall be allocated as
 8 follows:

9 a. For clear lake in Cerro Gordo county:		
10	\$	4,000,000
11 b. For storm lake in Buena Vista county:		
12	\$	500,000
13 c. For crystal lake in Hancock county:		
14	\$	1,400,000
15 2. TREASURER OF STATE		
16 For deposit in the watershed improvement fund		
17 created in section 466A.2:		
18	\$	5,000,000

19 Sec. 23. Notwithstanding section 12.65, subsection
 20 2, and section 12E.12, subsection 1, paragraph “b”,
 21 subparagraph (2), there is appropriated from the
 22 endowment for Iowa’s health account of the tobacco
 23 settlement trust fund established in section 12E.12 to
 24 the treasurer of state for the fiscal year beginning
 25 July 1, 2007, and ending June 30, 2008, the following
 26 amount, or so much thereof as is necessary, to be used
 27 for the purposes designated:

28 For deposit in the watershed improvement fund		
29 created in section 466A.2:		
30	\$	5,000,000

31 Sec. 24. NEW SECTION. 456A.33B LAKE RESTORATION
 32 PLAN AND REPORT.

33 1. It is the intent of the general assembly that
 34 the department of natural resources shall develop
 35 annually a lake restoration plan and report that shall
 36 be submitted to the joint appropriations subcommittee
 37 on transportation, infrastructure, and capitals and
 38 the legislative services agency by no later than
 39 January 1 of each year. The plan and report shall
 40 include the department’s plans and recommendations for
 41 lake restoration projects to receive funding
 42 consistent with the process and criteria provided in
 43 this section, and shall include the department’s
 44 assessment of the progress and results of projects
 45 funded with moneys appropriated under this section.

46 The department shall recommend funding for lake
 47 restoration projects that are designed to achieve the
 48 following goals:

- 49 a. Ensure a cost-effective, positive return on
- 50 investment for the citizens of Iowa.

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- 1 b. Ensure local community commitment to lake and
- 2 watershed protection.
- 3 c. Ensure significant improvement in water
- 4 clarity, safety, and quality of Iowa lakes.
- 5 d. Provide for a sustainable, healthy, functioning
- 6 lake system.
- 7 e. Result in the removal of the lake from the
- 8 impaired waters list.
- 9 2. The process and criteria the department shall
- 10 utilize to recommend funding for lake restoration
- 11 projects shall be as follows:
- 12 a. The department shall develop an initial list of
- 13 not more than thirty-five significant public lakes to
- 14 be considered for funding based on the feasibility of
- 15 each lake for restoration and the use or potential use
- 16 of the lake, if restored. The list shall include lake
- 17 projects under active development that the department
- 18 shall recommend be given priority for funding so long
- 19 as progress toward completion of the projects remains
- 20 consistent with the goals of this section.
- 21 b. The department shall meet with representatives
- 22 of communities where lakes on the initial list are
- 23 located to provide an initial lake restoration
- 24 assessment and to explain the process and criteria for
- 25 receiving lake restoration funding. Communities with
- 26 lakes not included on the initial list may petition
- 27 the director of the department for a preliminary lake
- 28 restoration assessment and explanation of the funding
- 29 process and criteria. The department shall work with
- 30 representatives of each community to develop a joint
- 31 lake restoration action plan. At a minimum, each
- 32 joint action plan shall document the causes, sources,
- 33 and magnitude of lake impairment, evaluate the
- 34 feasibility of the lake and watershed restoration
- 35 options, establish water quality goals and a schedule
- 36 for attainment, assess the economic benefits of the
- 37 project, identify the sources and amounts of any
- 38 leveraged funds, and describe the community's
- 39 commitment to the project, including local funding.
- 40 The community's commitment to the project may include
- 41 moneys to fund a lake diagnostic study and watershed
- 42 assessment, including development of a TMDL (total
- 43 maximum daily load).
- 44 c. Each joint lake restoration plan shall comply
- 45 with the following guidelines:
- 46 (1) Biologic controls will be utilized to the
- 47 maximum extent, wherever possible.
- 48 (2) If proposed, dredging of the lake will be
- 49 conducted to a mean depth of at least ten feet to gain
- 50 water quality benefits unless a combination of

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1 biologic and structural controls is sufficient to
2 assure water quality targets will be achieved at a
3 shallower average water depth.

4 (3) The costs of lake restoration will include the
5 maintenance costs of improvements to the lake.

6 (4) Delivery of phosphorous and sediment from the
7 watershed will be controlled and in place before lake
8 restoration begins. Loads of phosphorous and
9 sediment, in conjunction with in-lake management, will
10 meet or exceed the following water quality targets:

11 (a) Clarity. A four-and-one-half-foot secchi
12 depth will be achieved fifty percent of the time from
13 April 1 through September 30.

14 (b) Safety. Beaches will meet water quality
15 standards for recreational use.

16 (c) Biota. A diverse, balanced, and sustainable
17 aquatic community will be maintained.

18 (d) Sustainability. The water quality benefits of
19 the restoration efforts will be sustained for at least
20 fifty years.

21 d. The department shall evaluate the joint action
22 plans and prioritize the plans based on the criteria
23 required in this section. The department's annual
24 lake restoration plan and report shall include the
25 prioritized list and the amounts of state and other
26 funding the department recommends for each lake
27 restoration project. The department may seek public
28 comment on its recommendations prior to submitting the
29 plan and report to the general assembly.

30 DIVISION VIII

31 CHANGES TO PRIOR APPROPRIATIONS

32 Sec. 25. 2001 Iowa Acts, chapter 185, section 30,
33 as amended by 2005 Iowa Acts, chapter 178, section 22,
34 is amended to read as follows:

35 SEC. 30. REVERSION.

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

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

1 year that begins July 1, ~~2005~~ 2006, or until the
 2 project for which the appropriation was made is
 3 completed, whichever is earlier.

4 Sec. 26. 2002 Iowa Acts, chapter 1173, section 1,
 5 subsection 3, paragraph b, is amended to read as
 6 follows:

7 b. To provide a grant for construction of, and
 8 purchasing of equipment for, a facility to be used
 9 exclusively for processing novel proteins from
 10 agricultural products for pharmaceutical,
 11 nutraceutical, or chemical applications:

12 FY 2002–2003	\$	3,268,696
13		<u>0</u>
14 FY 2003–2004	\$	0
15 FY 2004–2005	\$	0
16 FY 2005–2006	\$	0

17 The moneys appropriated in this paragraph "b" shall
 18 comprise no more than 15 percent of the total costs of
 19 construction of, and purchasing equipment for, the
 20 facility.

21 Sec. 27. 2004 Iowa Acts, chapter 1175, section
 22 288, subsection 4, paragraph b, is amended to read as
 23 follows:

24 b. For construction of a community-based
 25 correctional facility, including district offices, in
 26 Davenport:

27 FY 2004–2005	\$	3,000,000
28 FY 2005–2006	\$	3,750,000
29 FY 2006–2007	\$	3,750,000
30		<u>0</u>

31 ~~It is the intent of the general assembly that the~~
 32 ~~department of management allocate the entire~~
 33 ~~appropriation for the fiscal year beginning July 1,~~
 34 ~~2006, to the department of corrections by July 31,~~
 35 ~~2006.~~

36 Sec. 28. 2004 Iowa Acts, chapter 1175, section
 37 288, subsection 7, paragraph d, is amended to read as
 38 follows:

39 d. For allocation to the public broadcasting
 40 division for costs of installation of digital and
 41 analog television for Iowa public television
 42 facilities, notwithstanding section 8.57, subsection
 43 5, paragraph "c":

44 FY 2004–2005	\$	8,000,000
45 FY 2005–2006	\$	8,000,000
46 FY 2006–2007	\$	2,300,000
47		<u>0</u>

48 Sec. 29. 2005 Iowa Acts, chapter 178, section 4,
 49 is amended to read as follows:

50 SEC. 4. There is appropriated from the rebuild

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1	Iowa infrastructure fund to the following departments		
2	and agencies for the fiscal year beginning July 1,		
3	2006, and ending June 30, 2007, the following amounts,		
4	or so much thereof as is necessary, to be used for the		
5	purposes designated:		
6	1. DEPARTMENT OF ADMINISTRATIVE SERVICES		
7	a. For costs associated with the remodeling of the		
8	records and property center:		
9	.....	\$	2,200,000
10			0
11	b. For costs associated with the replacement of		
12	the powerhouse facilities at the Iowa juvenile home at		
13	Toledo:		
14	.....	\$	1,521,045
15			0
16	2. DEPARTMENT OF CORRECTIONS		
17	a. For construction of a community-based		
18	correctional facility, including district offices, in		
19	Fort Dodge:		
20	.....	\$	1,400,000
21			0
22	b. For the remodeling and renovation of the		
23	kitchen facilities at the Anamosa correctional		
24	facility:		
25	.....	\$	1,840,000
26			0
27	Sec. 30. 2005 Iowa Acts, chapter 179, section 13,		
28	unnumbered paragraph 2, is amended to read as follows:		
29	For major renovation and major repair needs,		
30	including health, life, and fire safety needs, and for		
31	compliance with the federal Americans With		
32	Disabilities Act, for state buildings and facilities		
33	under the purview of the community colleges:		
34	FY 2006-2007	\$	2,000,000
35			0
36	FY 2007-2008	\$	2,000,000
37	FY 2008-2009	\$	2,000,000

DIVISION IX

MISCELLANEOUS CHANGES

40 Sec. 31. STATE BOARD OF REGENTS — GENERAL FUND
 41 ENDING BALANCE.

- 42 1. Prior to the appropriation of the surplus
 43 existing in the general fund of the state at the
 44 conclusion of the fiscal year beginning July 1, 2005,
 45 pursuant to section 8.57, subsections 1 and 2, from
 46 appropriations that remain unencumbered or unobligated
 47 and would otherwise revert on August 31, 2006,
 48 pursuant to section 8.33, up to \$2,800,000 shall be
 49 transferred to the state board of regents.
 50 2. The transfer made in subsection 1 shall be

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1 distributed to the state board of regents in the
2 fiscal year beginning July 1, 2006, to be used as
3 additional funding for the fiscal year beginning July
4 1, 2006, for the institutions under the state board of
5 regents.

6 Sec. 32. **EFFECTIVE DATE.** This division of this
7 Act, being deemed of immediate importance, takes
8 effect upon enactment.

9

DIVISION X

10 MISCELLANEOUS CODE CHANGES

11 Sec. 33. **NEW SECTION.** 8A.330 NEW CONSTRUCTION —
12 RETURN ON INVESTMENT.

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

28 1. A list of the identified agencies that will
29 occupy the building and an estimate of the number of
30 employees of each agency.

31 2. The rental or lease costs currently paid by the
32 identified state agencies, and the estimated rental or
33 lease costs to be incurred by the identified state
34 agencies if a new state office building is not
35 constructed.

36 3. A return on investment analysis associated with
37 the construction of a new state office building
38 compared with the following:

39 a. Continuing to lease or rent space for existing
40 state agencies in addition to renovating the Wallace
41 state office building.

42 b. Entering into an agreement for the construction
43 of a new building for use by the state through a long-
44 term lease or long-term lease-purchase agreement.

45 Sec. 34. Section 100B.2, Code Supplement 2005, is
46 amended by adding the following new subsection:

47 **NEW SUBSECTION.** 9. Participate in the regional
48 emergency response training center application process
49 as provided in section 100B.16.

50 Sec. 35. Section 100B.3, Code 2005, is amended to

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1 read as follows:

2 100B.3 TRAINING AGREEMENTS.

3 The state fire marshal, subject to the approval of
4 the state fire service and emergency response council,
5 ~~may shall~~ enter into written agreements with other
6 ~~educational institutions public agencies that have~~
7 established regional emergency response training
8 centers under section 100B.16 to provide training in
9 conjunction with training provided by the fire service
10 training bureau ~~or~~. Moneys appropriated shall not be
11 distributed by the department of public safety to a
12 regional training center until such an agreement has
13 been entered into with the regional training center.

14 PARAGRAPH DIVIDED. The state fire marshal, subject
15 to the approval of the state fire service and
16 emergency response council, may enter into written
17 agreements with other educational institutions to
18 assist in research conducted by the bureau.

19 Sec. 36. Section 100B.4, unnumbered paragraph 1,
20 Code Supplement 2005, is amended to read as follows:

21 Fees assessed pursuant to this chapter shall be
22 retained by the division of state fire marshal and
23 such repayments received shall be used exclusively to
24 offset the cost of fire service training. Fees
25 charged by regional emergency response training
26 centers for fire service training programs as
27 described in section 100B.6 shall be uniform statewide
28 and shall not be greater than the fee schedule
29 approved by the state fire service and emergency
30 response council.

31 Sec. 37. Section 100B.7, subsection 2, paragraphs
32 k and l, Code 2005, are amended to read as follows:

33 k. Plan and coordinate fire schools and other
34 short courses of instruction on a statewide, regional,
35 and local level, utilizing existing educational
36 institutions, programs, and facilities as feasible
37 provided in sections 100B.16 and 100B.18.

38 l. Prepare for the state fire marshal and the
39 state fire service and emergency response council an
40 annual report of activities that include a summary of
41 classes taught, budget, and staff activities. The
42 annual report shall include a report of the activities
43 of each regional emergency response training center
44 established under section 100B.16.

45 Sec. 38. Section 100B.7, subsection 2, Code 2005,
46 is amended by adding the following new paragraph:
47 NEW PARAGRAPH. r. Work in conjunction with those
48 state agencies charged with developing training
49 standards for emergency response training to develop a
50 curriculum and standards for emergency response

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1 training provided by a training center established
2 pursuant to section 100B.16.

3 Sec. 39. NEW SECTION. 100B.15 DEFINITIONS.

4 As used in this part:

5 1. "Bureau" means the fire service training
6 bureau.

7 2. "Council" means the state fire service and
8 emergency response council.

9 3. "Emergency responders" means firefighters, law
10 enforcement officers, emergency medical service
11 personnel, and other personnel having emergency
12 response duties.

13 4. "Emergency response service" means fire
14 protection service, law enforcement, emergency medical
15 service, hazardous materials containment and disposal,
16 search and rescue operations, evacuation operations,
17 and other related services.

18 5. "Municipality" means a city, county, township,
19 benefited fire district, or agency authorized by law
20 to provide emergency response services.

21 6. "Public agency" means a municipality, a
22 community college, or an association representing fire
23 fighters.

24 7. "Training center" means a regional emergency
25 response training center established under section
26 100B.16.

27 Sec. 40. NEW SECTION. 100B.16 REGIONAL EMERGENCY
28 RESPONSE TRAINING CENTERS.

29 1. Twelve regional emergency response training
30 centers are established to provide training to fire
31 fighters and other emergency responders. The training
32 centers are established in the following cities and
33 shall be operated by the following public agencies:

34 a. In Dubuque to be operated by the Dubuque county
35 fire fighters' association and to provide advanced
36 training in agricultural emergency response.

37 b. In Waterloo to be operated by the city of
38 Waterloo and to provide advanced training in hazardous
39 materials emergency response.

40 c. In Sioux City to be operated by Western Iowa
41 technology community college and to provide advanced
42 training in emergency responder communications.

43 d. In Cedar Rapids to be operated by Kirkwood
44 community college and to provide advanced training in
45 agricultural terrorism response and mass casualty and
46 fatality response.

47 e. In Council Bluffs to be operated by Iowa
48 western community college.

49 f. In Davenport to be operated by Scott County
50 community college.

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- 1 g. In Emmetsburg to be operated by Iowa lakes
2 community college.
3 h. In Fort Dodge to be operated by Iowa central
4 community college and to provide advanced training in
5 homeland security.
6 i. In Mason City to be operated by the Mason City
7 fire department.
8 j. In Fort Madison to be operated by southeastern
9 community college.

10 The public agencies named in paragraphs "a" through
11 "j" shall, in conjunction with the bureau, coordinate
12 fire service training programs as described in section
13 100B.6 at each training center.

14 2. a. A public agency listed in subsection 1,
15 paragraphs "a" through "j", shall submit an
16 application to the council in order to receive any
17 appropriation made for the agency's training center.
18 A public agency located in merged area eleven, or in
19 merged areas fourteen and fifteen combined may submit
20 an application to the council to request that a
21 training center be established to coordinate, in
22 conjunction with the bureau, fire service training
23 programs as described in section 100B.6 at that
24 training center.

25 b. The application shall be provided by the bureau
26 in a form prescribed by the council. An applicant
27 public agency shall indicate on the application the
28 location of the proposed training center. The
29 application shall be accompanied by letters from
30 public agencies and private businesses in the merged
31 area stating an intent to participate in, and provide
32 for financial support for, establishment and
33 activities of the training center.

34 c. By January 10 of each year, the council shall
35 submit a list of applications received and the
36 council's recommendation on each application to the
37 general assembly. The general assembly shall
38 determine which applications for establishment of a
39 training center shall be approved. The council shall,
40 upon request, provide the applications and supporting
41 documentation submitted by each applicant.

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

- 45 a. The availability and proximity of quality
46 classroom space with adequate audio-visual support.
47 b. The availability and adequate supply from area
48 emergency response service entities of equipment which
49 supports training.
50 c. A site where limited, safe open burning would

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1 not be challenged or prohibited due to environmental
2 issues or community concerns.

3 d. Proximity to a medical facility.

4 e. The availability of water mains, roadway,
5 drainage, electrical service, and reasonably flat
6 terrain.

7 f. Accessibility to area fire departments.

8 The application shall include letters of support
9 for the recommended site from emergency response
10 entities in the region.

11 4. If a training center is established in merged
12 area eleven, the training center shall provide
13 advanced training in operations integration in
14 compliance with the national incident management
15 system.

16 Sec. 41. NEW SECTION. 100B.17 TRAINING CENTER
17 FACILITIES.

18 1. Each training center is required to have the
19 following facilities:

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

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

34 c. Necessary classroom space.

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

44 3. The bureau shall inspect the facilities of each
45 training center to ensure compliance with the
46 requirements of this section.

47 Sec. 42. NEW SECTION. 100B.18 TRAINING PROVIDED.

48 1. Training centers shall provide fire service
49 training in accordance with curriculum approved by the
50 bureau. The bureau, in cooperation with the public

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1 agencies operating the training centers, shall provide
2 the necessary training materials, curriculum, and
3 training aids. Each public agency operating a
4 training center shall be responsible for scheduling
5 training programs.

6 2. Training centers may provide emergency response
7 service training in addition to fire service training.
8 A training center shall offer joint training exercises
9 to emergency responders. The bureau shall work in
10 conjunction with those state agencies charged with
11 developing training standards for emergency response
12 service training to develop a curriculum and standards
13 for emergency response service training provided by a
14 training center.

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

19 Sec. 43. NEW SECTION. 100B.19 AGREEMENTS FOR
20 TRAINING AND FINANCIAL ASSISTANCE — AUTHORITY.

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

31 Sec. 44. NEW SECTION. 546.12 COMMERCE-RELATED
32 BUILDING.

33 1. For the purposes of this section:

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

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

44 (2) The banking division, actual expenses under
45 section 524.207, subsection 3.

46 (3) The credit union division, actual expenses
47 under section 533.67, subsection 3.

48 (4) The insurance division, actual expenses under
49 section 505.7, subsection 4.

50 b. "Commerce-related agency" means the consumer

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1 advocate division of the department of justice or any
2 of the following divisions of the department:
3 (1) Banking.
4 (2) Credit union.
5 (3) Insurance.
6 (4) Utilities.
7 2. The commerce-related agencies may jointly
8 provide for construction of a building to house the
9 commerce-related agencies. If deemed cost-effective
10 by the commerce-related agencies, the building may be
11 developed with capacity for other occupants. A
12 building developed under this section shall be a model
13 energy-efficient building that may be used as a public
14 example for similar efforts. The building shall
15 comply with the life cycle cost provisions developed
16 pursuant to section 72.5. The building shall be
17 located on the capitol grounds.
18 3. Costs associated with construction and
19 operation of the building are chargeable expenses.
20 The commerce-related agencies shall utilize a cost-
21 effective approach for financing construction of the
22 building which may include but is not limited to
23 lease, lease-purchase, bonding, or installment
24 acquisition arrangement, or a financing arrangement
25 under section 12.28. If financing for the building is
26 implemented under section 12.28, the limitation on
27 principal under that section does not apply. This
28 section comprises a complete and independent
29 authorization and procedure for the commerce-related
30 agencies to enter into a lease or agreement and this
31 section is not a qualification of any other powers
32 which the commerce-related agencies may possess and
33 the authorizations and powers granted under this
34 section are not subject to the terms, requirements, or
35 limitations of any other provisions of law, except
36 that the commerce-related agencies must comply with
37 the provisions of section 12.28 when entering into
38 financing agreements for the purchase of real or
39 personal property.
40 4. If financing for the building is implemented
41 through bonding, the commerce-related agencies shall
42 be considered to be an authority for purposes of
43 section 12.30 and shall be subject to that section.
44 In order further to assure maintenance of any bond
45 reserve funds established in connection with the
46 financing, the treasurer of state shall, on or before
47 January 1 of each calendar year, make and deliver to
48 the governor the treasurer of state's certificate
49 stating the sum, if any, required to restore any such
50 bond reserve fund to the bond reserve fund requirement

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1 for that fund. Within thirty days after the beginning
2 of the session of the general assembly next following
3 the delivery of the certificate, the governor shall
4 submit to both houses of the general assembly printed
5 copies of a budget including the sum, if any, required
6 to restore any such bond reserve fund to the bond
7 reserve fund requirement for that fund. Any sums
8 appropriated by the general assembly and paid to the
9 treasurer of state shall be deposited by the treasurer
10 of state in the applicable bond reserve fund.

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

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

34 Sec. 45. TRAINING FOCUS REPORT.

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

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1 2. On or before March 10, 2007, the state fire
2 service and emergency response council and the
3 homeland security and emergency response division
4 shall report to the general assembly on the matters
5 described in subsection 1.”

6 2. Title page, by striking lines 1 through 6 and
7 inserting the following: “An Act relating to and
8 making appropriations to state departments and
9 agencies from the rebuild Iowa infrastructure fund,
10 environment first fund, tobacco settlement trust fund,
11 vertical infrastructure fund, the endowment for Iowa’s
12 health restricted capitals fund, the technology
13 reinvestment fund, the endowment for Iowa’s health
14 account, and related matters.”

STEVE KETTERING
STEVE WARNSTADT

S-5236

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2540

1 Amend the Senate amendment, H-8587, to House File
2 2540, as amended, passed, and reprinted by the House,
3 as follows:

4 1. By striking page 2, line 38, through page 3,
5 line 24.

6 2. By renumbering as necessary.

S-5237

1 Amend House File 2789, as amended, passed, and
2 reprinted by the House, as follows:

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

5 “Section 1. Section 321J.2, subsection 2,
6 paragraph a, subparagraph (2), Code 2005, is amended
7 to read as follows:

8 (2) Assessment of a fine of one thousand two
9 hundred fifty dollars. However, in the discretion of
10 the court, if no personal or property injury has
11 resulted from the defendant’s actions, the court may
12 waive up to five six hundred twenty-five dollars of
13 the fine when the defendant presents to the court at
14 the end of the minimum period of ineligibility, a
15 temporary restricted license issued pursuant to
16 section 321J.20. As an alternative to a portion or

17 all of the fine, the court may order the person to
18 perform unpaid community service.

19 Sec. 2. Section 321J.2, subsection 2, paragraph b,
20 Code 2005, is amended to read as follows:

21 b. An aggravated misdemeanor for a second offense,
22 and shall be imprisoned in the county jail or
23 community-based correctional facility not less than
24 seven days, and assessed a fine of not less than one
25 thousand ~~five~~ eight hundred ~~seventy-five~~ dollars nor
26 more than ~~five~~ six thousand ~~two hundred fifty~~ dollars.

27 Sec. 3. Section 321J.2, subsection 2, paragraph c,
28 unnumbered paragraph 1, Code 2005, is amended to read
29 as follows:

30 A class "D" felony for a third offense and each
31 subsequent offense, and shall be committed to the
32 custody of the director of the department of
33 corrections for an indeterminate term not to exceed
34 five years, shall be confined for a mandatory minimum
35 term of thirty days, and shall be assessed a fine of
36 not less than ~~two~~ three thousand ~~five~~ one hundred
37 ~~twenty-five~~ dollars nor more than ~~seven~~ nine thousand
38 ~~five~~ three hundred ~~seventy-five~~ dollars."

39 2. Page 3, line 14, by inserting after the figure
40 "~~8A~~," the following: "8B,".

41 3. Page 3, line 26, by striking the word
42 "~~thirteen~~" and inserting the following: "fourteen".

43 4. Page 4, line 6, by striking the word
44 "subsection" and inserting the following:
45 "subsections".

46 5. Page 4, line 11, by striking the words "two
47 million eight hundred thousand" and inserting the
48 following: "three million".

49 6. Page 4, by inserting after line 14 the
50 following:

Page 2

1 "NEW SUBSECTION. 8B. The state court
2 administrator shall allocate to the office of attorney
3 general for the fiscal year beginning July 1, 2006,
4 and for each fiscal year thereafter, three hundred
5 thousand dollars of the moneys received annually under
6 subsection 2, to be used for legal services for
7 persons in poverty grants as provided in section
8 13.34."

9 7. By striking page 4, line 35 through page 5,
10 line 1, and inserting the following: "class "A"
11 felonies, sixty dollars per hour for all other
12 felonies, sixty dollars per hour for misdemeanors, and
13 fifty-five dollars per hour for all other cases."

14 8. Page 5, by inserting after line 11 the
15 following:

16 "Sec. ____ Section 903.1, subsection 1, paragraphs
 17 a and b, Code 2005, are amended to read as follows:
 18 a. For a simple misdemeanor, there shall be a fine
 19 of at least ~~forty~~ sixty-five dollars but not to exceed
 20 ~~five~~ six hundred ~~twenty~~ five dollars. The court may
 21 order imprisonment not to exceed thirty days in lieu
 22 of a fine or in addition to a fine.

23 b. For a serious misdemeanor, there shall be a
 24 fine of at least ~~two~~ three hundred ~~forty~~ fifteen
 25 dollars but not to exceed one thousand ~~five~~ eight
 26 hundred ~~seventy~~ five dollars. In addition, the court
 27 may also order imprisonment not to exceed one year.

28 Sec. ____ Section 903.1, subsection 2, Code 2005,
 29 is amended to read as follows:

30 2. When a person is convicted of an aggravated
 31 misdemeanor, and a specific penalty is not provided
 32 for, the maximum penalty shall be imprisonment not to
 33 exceed two years. There shall be a fine of at least
 34 ~~five~~ six hundred ~~twenty~~ five dollars but not to exceed
 35 ~~five~~ six thousand ~~two~~ hundred ~~fifty~~ fifty dollars. When a
 36 judgment of conviction of an aggravated misdemeanor is
 37 entered against any person and the court imposes a
 38 sentence of confinement for a period of more than one
 39 year the term shall be an indeterminate term."

40 9. Title page, line 1, by inserting after the
 41 word "costs" the following: "and modifying fines".

42 10. Title page, line 2, by inserting after the
 43 word "branch" the following: ", attorney general".

44 11. By renumbering as necessary.

JEFF ANGELO
 ROBERT E. DVORSKY

S-5238

1 Amend Senate File 2350 as follows:

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

4 "SUBCHAPTER I

5 GENERAL PROVISIONS

6 Section 1. NEW SECTION. 171.101 DEFINITIONS.

7 As used in this chapter, unless the context
 8 otherwise requires:

9 1. "Authorized department" means the department of
 10 agriculture and land stewardship or the department of
 11 natural resources.

12 2. "Custody or control" means to keep swine in a
 13 manner that prevents the release or escape of the
 14 swine from containment at all times, including keeping
 15 swine for breeding, growing, or transport.

16 3. "Department" means the department of
 17 agriculture and land stewardship.

- 18 4. "Estray swine" means swine that are not in the
19 custody or control of a responsible party.
- 20 5. "Feral swine" means swine that are classified
21 as part of the species *sus scrofa linnaeus* which may
22 be commonly known as Russian boar or European boar of
23 either sex.
- 24 6. "Landholder" means a titleholder or leaseholder
25 of land.
- 26 7. "Local authority" means a county as provided in
27 chapter 331 or a city as defined in section 362.2.
- 28 8. "Move" or "movement" means to ship, transport,
29 or deliver swine by land, water, or air.
- 30 9. "Public land" means land owned by the federal
31 government, the state, or a local authority.
- 32 10. "Responsible party" means a person who owns or
33 has custody or control of swine, including by
34 providing for the care and feeding of the swine.
- 35 11. "Swine" means an animal belonging to the order
36 *artiodactyla*, and classified as part of the family
37 *suidae*.
- 38 12. "System" means the feral swine reporting
39 system established pursuant to section 171.202.
- 40 13. "Take" means to kill or attempt to kill a
41 feral swine by a person other than the owner of the
42 feral swine.
- 43 Sec. 2. NEW SECTION. 171.102 STATE PUBLIC
44 NUISANCE SWINE ERADICATION POLICY — AGENCY
45 COOPERATION.
- 46 1. The following classes of swine are declared to
47 be a public nuisance:
- 48 a. Feral swine, regardless of whether the swine
49 are in a person's custody or control.
- 50 b. Estray swine.

Page 2

- 1 c. Swine which are produced or maintained to
2 provide persons with the opportunity to hunt the
3 swine.
- 4 2. Swine which are a public nuisance are subject
5 to a policy of eradication as administered by the
6 department of agriculture and land stewardship
7 pursuant to this chapter.
- 8 3. a. The department of agriculture and land
9 stewardship shall be the principal enforcement agency
10 charged with carrying out the policy.
- 11 b. The department of natural resources shall
12 cooperate with the department of agriculture and land
13 stewardship in carrying out the policy. The
14 authorized departments shall periodically consult
15 about how to most effectively contribute resources and
16 their respective expertise, and divide jurisdictional

17 responsibility, including the assignment of
 18 investigative personnel where appropriate. However,
 19 the department of natural resources shall regulate
 20 hunting preserves under chapter 484B or 484C, and the
 21 regulation of persons taking animals under Title XI,
 22 subtitle 6.

23 c. The department of agriculture and land
 24 stewardship shall cooperate with the animal and plant
 25 health inspection service of the United States
 26 department of agriculture, and may enter into
 27 cooperative agreements with the animal and plant
 28 health inspection service in order to carry out the
 29 provisions of this chapter.

30 SUBCHAPTER II

31 FERAL SWINE

32 Sec. 3. NEW SECTION. 171.201 FINDINGS AND
 33 DECLARATION.

34 1. The general assembly finds all of the
 35 following:

36 a. Feral swine are known carriers of a variety of
 37 diseases including but not limited to pseudorabies,
 38 swine brucellosis, leptospirosis, and trichinosis
 39 impacting upon this state's domestic livestock herds
 40 and especially its domestic swine herds.

41 b. Feral swine carry diseases which may be
 42 transmitted to human populations.

43 c. Feral swine disrupt native wildlife and destroy
 44 native habitat.

45 d. Feral swine damage or destroy cropland and row
 46 crops, including but not limited to corn and soybeans.

47 2. a. The general assembly declares that the
 48 increased movement of feral swine into this state
 49 presents an immediate and serious risk to the state's
 50 economy, public health, and ecosystems.

Page 3

1 b. The general assembly further declares that the
 2 state establishes a policy to eradicate all feral
 3 swine from this state with all possible speed.

4 Sec. 4. NEW SECTION. 171.202 FERAL SWINE
 5 REPORTING SYSTEM — PENALTY.

6 1. a. The department of agriculture and land
 7 stewardship shall establish a feral swine reporting
 8 system, in cooperation with the department of natural
 9 resources. The system may include receipt of reports
 10 by any of the following:

11 (1) Automated toll-free telephone number.

12 (2) Postcard.

13 (3) Electronic communication at an electronic
 14 licensing location.

15 (4) Electronic communication to the department

16 including by the internet.

17 b. The department of natural resources shall
18 maintain a database of information collected by the
19 system which shall be made available to the department
20 of agriculture and land stewardship.

21 2. The system shall allow persons to conveniently
22 report the presence of a feral swine to an authorized
23 department. Either authorized department may conduct
24 the investigation or refer the report to the local
25 authority responsible for the prevention and detection
26 of crime in the jurisdiction where the swine is found.

27 3. a. The system shall provide for reports by
28 persons who have taken or injured feral swine in this
29 state. A person who has taken or injured feral swine
30 in this state shall report to an authorized department
31 within ten days after taking the swine. The report
32 shall include at least all of the following:

33 (1) The name and address of the person who has
34 taken or injured the feral swine.

35 (2) The county and township where the feral swine
36 were taken or injured.

37 (3) The date when the feral swine were taken or
38 injured.

39 (4) The number of feral swine found by the person
40 on the date when the feral swine were taken or
41 injured.

42 b. A person who takes a feral swine shall retain
43 the feral swine or its carcass for examination by the
44 authorized department. The authorized department may
45 temporarily or permanently confiscate the carcass for
46 purposes of analysis including disease testing.

47 c. A person who does not report taking a feral
48 swine as required in this subsection is subject to a
49 civil penalty of not more than one hundred dollars.
50 The moneys collected by the department shall be

Page 4

1 deposited into the general fund of the state.

2 Sec. 5. NEW SECTION. 171.203 PROHIBITIONS AND
3 PENALTY.

4 1. A person shall not do any of the following:

5 a. Move a feral swine into or within this state.

6 b. Release or allow the escape of feral swine from
7 the person's custody or control.

8 c. Acquire custody or control of a feral swine in
9 this state.

10 d. Maintain custody or control of a feral swine in
11 this state on and after August 1, 2006.

12 2. a. A person who violates subsection 1 is
13 guilty of an aggravated misdemeanor. A person is
14 guilty of a separate offense for each feral swine

15 which is the subject of violation.

16 b. Upon conviction of violating subsection 1, a
17 court may, as part of the judgment, revoke or suspend
18 a license issued pursuant to chapter 481A or 483A for
19 any definite period of time.

20 Sec. 6. NEW SECTION. 171.204 MAINTAINING FERAL
21 SWINE — INJUNCTIVE RELIEF.

22 A court may prevent and restrain a violation of
23 section 171.203 through the issuance of an injunction.

24 The attorney general or a county attorney shall
25 institute an action on behalf of the state to prevent
26 or restrain a violation of section 171.203.

27 Sec. 7. NEW SECTION. 171.205 MAINTAINING FERAL
28 SWINE — STATE INVESTIGATORY AND LEGAL EXPENSES.

29 A person convicted of violating section 171.203 is
30 liable for all of the following:

31 1. The amount to indemnify the state or a local
32 authority for investigative and eradication expenses
33 incurred by the state or the local authority. The
34 amount of the indemnification shall not exceed ten
35 thousand dollars for each feral swine involved in the
36 violation. The amount paid for indemnification shall
37 be deposited in the general fund of the state.
38 However, if the investigation or eradication is not
39 conducted by an authorized department or other state
40 agency, the amount shall be paid to the local
41 authority which conducts the investigation or
42 eradication for deposit in the general fund of the
43 county or city, as the case requires.

44 2. If the attorney general or a county attorney is
45 the prevailing party in an action for a violation of
46 section 171.203, the prevailing party shall be awarded
47 court costs and reasonable attorney fees, which shall
48 be taxed as part of the costs of the action. If the
49 attorney general is the prevailing party, the moneys
50 shall be deposited in the general fund of the state.

Page 5

1 If the county is the prevailing party, the moneys
2 shall be deposited in the general fund of the county.
3 Sec. 8. NEW SECTION. 171.206 MAINTAINING FERAL
4 SWINE — STRICT LIABILITY — ATTORNEY FEES.

5 If a person is convicted of violating section
6 171.203, the person is strictly liable for damages
7 caused to the property of another person. The person
8 who is the prevailing plaintiff in the case shall be
9 awarded court costs and reasonable attorney fees,
10 which shall be taxed as part of the costs of the
11 action.

12 Sec. 9. NEW SECTION. 171.207 TAKING OR CAPTURING
13 FERAL SWINE BY THE DEPARTMENT OR A LOCAL AUTHORITY.

14 An authorized department or local authority may
15 take or capture feral swine which are maintained on
16 land in violation of section 171.203, if one of the
17 following applies:

- 18 1. The landowner provides consent.
 - 19 2. If the authorized department or local authority
20 has credible reason to believe that feral swine are on
21 land, the authorized department or local authority may
22 enter onto the land pursuant to a warrant issued by a
23 court, or otherwise enter onto the land in a manner
24 consistent with the laws of this state and the United
25 States, including Article I, section 8, of the
26 Constitution of the State of Iowa, or the fourth
27 amendment to the Constitution of the United States.
- 28 Sec. 10. NEW SECTION. 171.208 FERAL SWINE
29 INDEMNITY FUND.

30 1. A feral swine indemnity fund is created as a
31 separate fund in the state treasury under the control
32 of the department. The general fund of the state is
33 not liable for claims presented against the indemnity
34 fund.

35 2. The feral swine indemnity fund consists of any
36 moneys appropriated by the general assembly and any
37 other moneys available to and obtained or accepted by
38 the department from the federal government or private
39 sources for placement in the fund. Notwithstanding
40 section 12C.7, subsection 2, interest or earnings on
41 moneys deposited in the fund shall be credited to the
42 fund.

43 3. The moneys deposited in the feral swine
44 indemnity fund are appropriated to the department
45 exclusively for paying claims of persons who purchased
46 feral swine on or before the effective date of this
47 Act.

48 4. In order to be eligible to file a claim for
49 indemnification, a person shall do all of the
50 following:

Page 6

- 1 a. File an application, including supporting
2 documentation, with the department as required by the
3 department pursuant to procedures established by the
4 department. The application shall state the amount of
5 the claim. The application shall be filed with the
6 department not later than September 30, 2006.
- 7 b. Relinquish custody or control of the feral
8 swine to an authorized department or a local
9 authority, as required by the department of
10 agriculture and land stewardship.
- 11 5. The department shall determine the validity of
12 a claim which is submitted by an eligible person as

13 part of the application for indemnification as
14 provided in this section. The dollar value of the
15 claim shall be based on a formula established by rule
16 and adopted by the department. The formula shall
17 provide for the payment of the fair market value of
18 the feral swine based on market prices paid for
19 similar swine according to categories or criteria
20 established by the department.

21 6. Upon a determination that the amount claimed in
22 a person's application is valid, the department shall
23 provide for payment of one hundred percent of the
24 amount claimed. The department shall pay all valid
25 claims not later than January 1, 2007. If the
26 department determines that there are insufficient
27 moneys in the feral swine indemnity fund to fully
28 satisfy the amounts claimed in valid applications
29 submitted by all eligible persons, the department
30 shall prorate the amount paid to all eligible persons.
31 7. A person's submission of an application under
32 this section constitutes a waiver of any further claim
33 by the person against the state regarding the feral
34 swine.

35 8. This section is repealed on July 1, 2007. Any
36 moneys remaining in the feral swine indemnity fund on
37 that date shall be distributed as follows:

38 a. The amount of moneys which were contributed to
39 the fund by persons other than a state or federal
40 government source shall be refunded to the respective
41 persons. If the department determines that there are
42 insufficient moneys in the fund to fully satisfy the
43 amounts for refunds to all persons, the department
44 shall prorate the amount of refunds paid to those
45 persons based on their contributions.

46 b. Any remaining moneys that were appropriated by
47 a state or federal government source shall be repaid
48 to that source. If the department determines that
49 there are insufficient moneys in the fund to fully
50 satisfy the amounts for repayments to these sources,

Page 7

1 the department shall prorate the amounts repaid to
2 those sources based on the amounts appropriated.

3 9. This section does not imply any guarantee or
4 obligation on the part of the state of Iowa, the
5 department of agriculture and land stewardship, or any
6 state agency, employee, or official, either elective
7 or appointive.

8 SUBCHAPTER III
9 ESTRAY SWINE

10 Sec. 11. NEW SECTION. 171.301 ORDINARY
11 LIABILITY.

12 Nothing in this subchapter affects a responsible
 13 party's liability which arises out of estray swine and
 14 any remedies available to an injured party, as
 15 provided under statute, common law, or contract.

16 Sec. 12. NEW SECTION. 171.302 TAKING OR
 17 CAPTURING ESTRAY SWINE BY THE DEPARTMENT OR A LOCAL
 18 AUTHORITY.

19 An authorized department or local authority may
 20 take or capture estray swine on public land. An
 21 authorized department or local authority may take or
 22 capture estray swine on land other than public land if
 23 one of the following applies:

- 24 1. The landowner provides consent.
- 25 2. If the authorized department or local authority
 26 has credible reason to believe that estray swine are
 27 on land, the authorized department or local authority
 28 may enter onto the land pursuant to a warrant issued
 29 by a court, or otherwise enter onto the land in a
 30 manner consistent with the laws of this state and the
 31 United States, including Article I, section 8, of the
 32 Constitution of the State of Iowa, or the fourth
 33 amendment to the Constitution of the United States.

34 Sec. 13. NEW SECTION. 171.303 TAKING OF ESTRAY
 35 SWINE BY A PERSON OTHER THAN THE DEPARTMENT OR A LOCAL
 36 AUTHORITY — CRIMINAL PENALTY.

37 A person other than an authorized department or a
 38 local authority may take estray swine only as provided
 39 in this section.

- 40 1. The person may take the estray swine at any
 41 time regardless of whether the person has been issued
 42 a license under chapter 483A, unless a person's
 43 hunting license has been suspended or revoked as
 44 provided in chapter 481A, including but not limited to
 45 section 481A.134, or chapter 483A, including but not
 46 limited to section 483A.21.

- 47 2. a. The person shall not take or capture estray
 48 swine on public land unless in compliance with
 49 regulations adopted by rule of the department of
 50 natural resources or an ordinance of the local

Page 8

1 authority that is responsible for the public land.

2 b. The person shall not take or capture estray
 3 swine on land other than public land unless the
 4 landowner provides consent.

5 3. A person who violates this section is guilty of
 6 a simple misdemeanor. A person is guilty of a
 7 separate offense for each estray swine which is the
 8 subject of violation.

9 SUBCHAPTER IV
 10 HUNTING

11 Sec. 14. NEW SECTION. 171.401 HUNTS AND SCHEDULE
12 OF HUNTS — PENALTY.

13 1. Except as provided in subsection 2, a person
14 maintaining custody or control of swine shall not
15 provide persons with the opportunity to hunt the
16 swine.

17 2. a. A person maintaining custody or control of
18 swine shall not provide for a hunt of the swine if the
19 person sold or offered to sell the hunt, or scheduled
20 a date or time for the hunt, on or after April 15,
21 2006.

22 b. A person maintaining custody or control of
23 swine who provides persons with the opportunity to
24 hunt the swine shall report the schedule of all hunts
25 of the swine to the department not later than May 15,
26 2006, according to procedures required by the
27 department.

28 c. This subsection is repealed on July 1, 2007.

29 3. A person who violates this section is subject
30 to a civil penalty of not more than one thousand
31 dollars. The amount of civil penalties collected by
32 the department shall be deposited in the general fund
33 of the state.

34 Sec. 15. NEW SECTION. 171.402 TAKING OR
35 CAPTURING SWINE BY THE DEPARTMENT OR A LOCAL
36 AUTHORITY.

37 An authorized department or local authority may
38 take or capture swine which are maintained on land in
39 violation of section 171.401 if one of the following
40 applies:

41 1. The landowner provides consent.

42 2. If the authorized department or local authority
43 has credible reason to believe that swine are on land,
44 the authorized department or local authority may enter
45 onto the land pursuant to a warrant issued by a court,
46 or otherwise enter onto the land in a manner
47 consistent with the laws of this state and the United
48 States, including Article I, section 8, of the
49 Constitution of the State of Iowa, or the fourth
50 amendment to the Constitution of the United States.

Page 9

1 Sec. 16. Section 170.6, Code 2005, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 3. The department shall revoke a
4 fence certification issued pursuant to section 170.4
5 or disapprove a person's application for the
6 certification of a fence pursuant to that section for
7 a period of three years if the person violates a
8 provision of section 171.203 or 171.401.

9 Sec. 17. Section 484B.13, Code 2005, is amended to

10 read as follows:

11 484B.13 LICENSE REFUSAL DISCIPLINARY ACTION.

12 1. The department may either refuse to issue,
 13 refuse to renew, or suspend or revoke a person's
 14 hunting preserve operator's license issued pursuant to
 15 section 484B.4 if the department finds that the
 16 licensed area or the operator or employees of the
 17 licensed area are not in compliance with this chapter,
 18 or that the property or area is operated in violation
 19 of this chapter or administrative rules adopted under
 20 this chapter.

21 2. The department shall revoke a person's hunting
 22 preserve operator's license issued pursuant to section
 23 484B.4, or disapprove a person's application for a
 24 hunting preserve operator's license issued under that
 25 section for a period of three years if the person
 26 violates a provision of section 171.203 or 171.401.

27 Sec. 18. Section 484C.13, Code Supplement 2005, is
 28 amended by adding the following new subsection:

29 NEW SUBSECTION. 4. The department shall revoke a
 30 fence certification issued pursuant to section 484C.6
 31 or disapprove a person's application for the
 32 certification of a fence issued pursuant to that
 33 section for a period of three years if the person
 34 violates a provision of section 171.203 or 171.401.

35 Sec. 19. ADOPTION OF RULES. The department of
 36 agriculture and land stewardship shall adopt all rules
 37 necessary to administer this Act by July 1, 2006. If
 38 the department adopts the rules pursuant to section
 39 17A.4, subsection 2, and section 17A.5, subsection 2,
 40 it shall immediately readopt the rules as provided in
 41 section 17A.4, subsection 1, and section 17A.5,
 42 subsection 1.

43 Sec. 101. CONTINGENT EFFECTIVE DATE. Section
 44 171.208, as enacted in this Act, takes effect upon the
 45 appropriation of moneys into the feral swine indemnity
 46 fund by July 1, 2006.

47 Sec. 20. EFFECTIVE DATE. Except as provided in
 48 section 101 of this Act, this Act, being deemed of
 49 immediate importance, takes effect upon enactment."

50 2. Title page, line 1, by striking the word

Page 10

1 "and".

2 3. Title page, line 2, by inserting after the
 3 word "penalties" the following: ", and providing an
 4 effective date".

5 4. By renumbering as necessary.

S-5239

1 Amend House File 2734, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 64, by inserting after line 4 the
4 following:

5 "Sec. __. NEW SECTION. 136D.5 LIMITATION —
6 MINORS.

7 A tanning facility shall prohibit access to a
8 tanning device by children younger than fifteen years
9 of age, and shall permit access to a tanning device by
10 children fifteen through seventeen years of age only
11 when parental consent has been obtained prior to
12 utilization of the tanning device. The department
13 shall by rule establish procedures relating to age
14 verification by tanning facility personnel, and the
15 form and manner in which parental consent shall be
16 obtained and verified. The rules shall require that a
17 tanning facility post a sign in a conspicuous location
18 readily visible to persons entering the facility, and
19 a sign for each tanning device in a conspicuous
20 location readily visible to a person preparing to use
21 the device, clearly indicating the age restrictions
22 and parental consent requirements. The age
23 restrictions and parental consent requirements
24 otherwise applicable pursuant to this section shall be
25 waived if utilization of a tanning device by a minor
26 is authorized pursuant to a prescription by a
27 physician licensed pursuant to chapter 148, 150, or
28 150A."

29 2. By renumbering as necessary.

NANCY J. BOETTGER

S-5240

1 Amend House File 2332, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, by inserting after line 11 the
4 following:

5 "Sec. __. Section 726.5, Code 2005, is amended to
6 read as follows:

7 726.5 NONSUPPORT.

8 A person, who being able to do so, fails or refuses
9 to provide support for the person's child or ward
10 under the age of eighteen years for a period longer
11 than one year or in an amount greater than five
12 thousand dollars commits nonsupport; provided that no
13 person shall be held to have violated this section who
14 fails to support any child or ward under the age of
15 eighteen who has left the home of the parent or other

16 person having legal custody of the child or ward
 17 without the consent of that parent or person having
 18 legal custody of the child or ward. Support, for the
 19 purposes of this section, means any support which has
 20 been fixed by court order, or, in the absence of any
 21 such order or decree, the minimal requirements of
 22 food, clothing or shelter. Nonsupport is a class "D"
 23 felony."

24 2. Title page, line 5, by inserting after the
 25 word "program" the following: ", nonsupport of a
 26 child or ward, providing for and making criminal
 27 penalties applicable,".

28 3. By renumbering as necessary.

DOUG SHULL
 KEITH A. KREIMAN

S-5241

1 Amend House File 2734, as amended, passed, and
 2 reprinted by the house, as follows:

3 1. Page 64, by inserting after line 4 the
 4 following:

5 "Sec. ____ Section 135H.3, Code 2005, is amended
 6 by adding the following new unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. A child who is diagnosed
 8 with a biologically based mental illness, as defined
 9 in section 514C.22, and meets the medical assistance
 10 program criteria for admission to a psychiatric
 11 medical institution for children, shall be deemed to
 12 meet the acuity criteria for inpatient benefits under
 13 a group policy, contract, or plan providing for third-
 14 party payment or prepayment of health, medical, and
 15 surgical coverage benefits issued by a carrier, as
 16 defined in section 513B.2, or by an organized delivery
 17 system authorized under 1993 Iowa Acts, ch. 158, that
 18 is subject to section 514C.22. The treatment and
 19 other care provided in a psychiatric institution shall
 20 not be considered to be care that is substantially
 21 custodial in nature for purposes of section 514C.22."

22 2. By renumbering as necessary.

JACK HATCH
 MICHAEL E. GRONSTAL
 MARY LUNDBY
 MAGGIE TINSMAN
 DAVID JOHNSON
 AMANDA RAGAN

S-5242

HOUSE AMENDMENT TO
SENATE FILE 2364

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

3 1. Page 5, by inserting after line 28 the
4 following:

5 "Sec. ____ NEW SECTION. 505.29 SERVICE OF
6 PROCESS — FEE.

7 The commissioner of insurance, pursuant to rules
8 adopted pursuant to chapter 17A, may collect a
9 reasonable fee each time process is served on the
10 commissioner as allowed by law. Fees collected by the
11 commissioner under this section shall be used and are
12 appropriated to the insurance division to offset the
13 costs of receiving such service of process. The party
14 to a proceeding causing service of process is entitled
15 to recover this fee as costs if the party prevails in
16 the proceeding."

17 2. Page 9, line 7, by striking the word "one-
18 third" and inserting the following: "forty-nine
19 percent".

20 3. Page 10, line 13, by striking the words
21 "contract or" and inserting the following:
22 "contractor".

23 4. Page 10, by striking lines 18 through 26.

24 5. Page 12, by striking lines 7 through 14.

25 6. Page 12, line 15, by striking the figure "16."
26 and inserting the following: "15."

27 7. Page 30, by striking lines 23 and 24.

28 8. Page 31, by striking lines 7 and 8.

29 9. Page 39, line 3, by striking the words "~~or~~
30 ~~process~~" and inserting the following: "or process".

31 10. Page 40, line 1, by striking the words "~~or~~
32 ~~process~~" and inserting the following: "or process".

33 11. Page 41, by striking lines 12 through 27.

34 12. Page 43, by striking lines 11 through 20.

35 13. By striking page 43, line 28, through page
36 44, line 6.

37 14. By striking page 48, line 9, through page 50,
38 line 2, and inserting the following:

39 "Sec. ____ Section 516E.3, subsection 1, paragraph
40 a, Code Supplement 2005, is amended to read as
41 follows:

42 a. A service contract shall not be issued, sold,
43 or offered for sale in this state unless a true and
44 correct copy of the service contract, and the service
45 company's reimbursement insurance policy, if
46 applicable, have been filed with the commissioner by
47 the service company.

48 Sec. ____ Section 516E.3, subsection 2, paragraph
49 b, Code Supplement 2005, is amended to read as
50 follows:

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1 b. A provider shall file a consent to service of
2 process on the commissioner, a notice with the name
3 and ownership of the provider, and such other
4 information as the commissioner requires, annually
5 with the commissioner no later than August 1. If
6 August 1 falls on a weekend or a holiday, the date for
7 filing shall be the next business day. In addition to
8 the annual filing, the provider shall promptly file
9 copies of any amended documents if material amendments
10 have been made in the materials on file with the
11 commissioner. If an annual filing is made after
12 August 1 and sales have occurred during the period
13 when the provider was in noncompliance with this
14 section, the commissioner shall assess an additional
15 filing fee that is two times the amount normally
16 required for an annual filing. A fee shall not be
17 charged for interim filings made to keep the materials
18 filed with the division current and accurate. The
19 annual filing shall be accompanied by a filing fee in
20 the amount of one hundred dollars."

21 15. Page 60, by striking lines 31 through 33 and
22 inserting the following: "the association or upon the
23 commissioner of insurance on its behalf. The
24 commissioner shall promptly transmit any notice served
25 upon the commissioner to the association."

26 16. By striking page 60, line 34, through page
27 61, line 33.

28 17. By striking page 69, line 15, through page
29 70, line 16.

30 18. Page 72, line 3, by striking the word
31 "subsections" and inserting the following:
32 "subsection".

33 19. Page 72, by striking lines 4 through 9.

34 20. Page 75, line 18, by striking the word "an"
35 and inserting the following: "an a written".

36 21. Page 75, line 20, by striking the word "a"
37 and inserting the following: "a the owner of the
38 property on which the cemetery or burial site is
39 located or to a public or".

40 22. Page 75, line 21, by inserting after the word
41 "preservation." the following: "The governmental
42 subdivision shall not enter into an agreement with a
43 public or private organization to preserve and protect
44 the cemetery or burial site unless the property owner
45 has been offered the opportunity to enter into such an
46 agreement and has declined to do so."

47 23. Page 75, by striking lines 25 through 30 and
48 inserting the following:
49 “c. If a governmental subdivision proposes to
50 enter into an agreement with a public or private

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1 organization pursuant to this subsection to preserve
2 and protect a cemetery or burial site that is located
3 on property owned by another person within the
4 jurisdiction of the governmental subdivision, the
5 proposed agreement shall be written, and the
6 governmental subdivision shall provide written notice
7 by ordinary mail of the proposed agreement to the
8 property owner at least fourteen days prior to the
9 date of the meeting at which such proposed agreement
10 will be authorized. The notice shall include the
11 location of the cemetery or burial site and a copy of
12 the proposed agreement, and explain that the property
13 owner is required to permit members of the public or
14 private organization reasonable ingress and egress for
15 the purposes of preserving and protecting the cemetery
16 or burial site pursuant to the proposed agreement.
17 The notice shall also include the date, time, and
18 place of the meeting and a statement that the property
19 owner has a right to attend the meeting and to comment
20 regarding the proposed agreement.

21 d. Subject to chapter 670, a governmental
22 subdivision that enters into an agreement with a
23 public or private organization pursuant to this
24 subsection is liable for any personal injury or
25 property damage that occurs in connection with the
26 preservation or protection of the cemetery or burial
27 site or access to the cemetery or burial site by the
28 governmental subdivision or the public or private
29 organization.

30 For the purposes of this paragraph, “liable” means
31 liability for every civil wrong which results in
32 wrongful death or injury to a person or injury to
33 property or injury to personal or property rights and
34 includes but is not restricted to actions based upon
35 negligence; error or omission; nuisance; breach of
36 duty, whether statutory or other duty; or denial or
37 impairment of any right under any constitutional
38 provision, statute, or rule of law.

39 e. A property owner who is required to permit
40 members of a public or private organization reasonable
41 ingress and egress for the purpose of preserving or
42 protecting a cemetery or burial site on that owner’s
43 property and who acts in good faith and in a
44 reasonable manner pursuant to this subsection is not
45 liable for any personal injury or property damage that

46 occurs in connection with the preservation or
47 protection of the cemetery or burial site or access to
48 the cemetery or burial site.
49 f. For the purposes of this subsection, reasonable
50 ingress and egress to a cemetery or burial site shall

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1 include the following:
2 (1) A member of a public or private organization
3 that has entered into a written agreement with the
4 governmental subdivision who desires to visit such a
5 cemetery or burial site shall give the property owner
6 at least ten days' written notice of the intended
7 visit.
8 (2) If the property owner cannot provide
9 reasonable access to the cemetery or burial site on
10 the desired date, the property owner shall provide
11 reasonable alternative dates when the property owner
12 can provide access to the member.
13 (3) A property owner is not required to make any
14 improvements to that person's property to satisfy the
15 requirement to provide reasonable access to a cemetery
16 or burial site pursuant to this subsection."
17 24. By striking page 76, line 3, through page 77,
18 line 26.
19 25. Page 78, by inserting after line 1, the
20 following:
21 "Sec. ____ Section 616.15, Code 2005, is amended
22 to read as follows:
23 616.15 SURETY COMPANIES.
24 1. Suit may be brought against any company or
25 corporation furnishing or pretending to furnish
26 surety, fidelity, or other bonds in this state, in any
27 county in which the principal place of business of
28 such company or corporation is maintained in this
29 state, or in any county wherein is maintained its
30 general office for the transaction of its Iowa
31 business, or in the county where the principal resides
32 at the time of bringing suit, or in the county where
33 the principal did reside at the time the bond or other
34 undertaking was executed; and in the case of bonds
35 furnished by any such company or corporation for any
36 building or improvement, either public or private,
37 action may be brought in the county wherein said
38 building or improvement, or any part thereof is
39 located.
40 2. The secretary of state shall serve as the agent
41 for service of process for the purposes of 31 U.S.C. §
42 9306, of any surety company or corporation for a
43 surety bond written by that surety company or
44 corporation for the federal government and issued in

45 this state as required or permitted under federal law,
 46 if the surety company or corporation is licensed in
 47 this state and cannot be otherwise served with
 48 process. Notwithstanding section 507.14, upon request
 49 of the secretary of state, the commissioner of
 50 insurance shall provide the secretary of state with

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1 the name and address of the person designated for
 2 consent to service of process by the surety company or
 3 corporation which is on file with the commissioner.”

4 26. Page 78, by striking lines 2 through 16 and
 5 inserting the following:

6 “Sec. ____ Sections 509B.4, 521.9, 521.11, and
 7 521.12, Code 2005, are repealed.”

8 Sec. ____ Section 516E.17, Code Supplement 2005,
 9 is repealed.”

10 27. Title page, line 5, by inserting after the
 11 word “procedures” the following: “including fees and
 12 an appropriation”.

13 28. By renumbering, relettering, or redesignating
 14 and correcting internal references as necessary.

S-5243

1 Amend House File 2789, as amended, passed, and
 2 reprinted by the House, as follows:

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

5 “Section 1. Section 321J.2, subsection 2,
 6 paragraph a, subparagraph (2), Code 2005, is amended
 7 to read as follows:

8 (2) Assessment of a fine of one thousand two
 9 hundred fifty dollars. However, in the discretion of
 10 the court, if no personal or property injury has
 11 resulted from the defendant’s actions, the court may
 12 waive up to five six hundred twenty-five dollars of
 13 the fine when the defendant presents to the court at
 14 the end of the minimum period of ineligibility, a
 15 temporary restricted license issued pursuant to
 16 section 321J.20. As an alternative to a portion or
 17 all of the fine, the court may order the person to
 18 perform unpaid community service.

19 Sec. 2. Section 321J.2, subsection 2, paragraph b,
 20 Code 2005, is amended to read as follows:

21 b. An aggravated misdemeanor for a second offense,
 22 and shall be imprisoned in the county jail or
 23 community-based correctional facility not less than
 24 seven days, and assessed a fine of not less than one
 25 thousand five eight hundred seventy-five dollars nor
 26 more than five six thousand two hundred fifty dollars.

27 Sec. 3. Section 321J.2, subsection 2, paragraph c,
28 unnumbered paragraph 1, Code 2005, is amended to read
29 as follows:

30 A class "D" felony for a third offense and each
31 subsequent offense, and shall be committed to the
32 custody of the director of the department of
33 corrections for an indeterminate term not to exceed
34 five years, shall be confined for a mandatory minimum
35 term of thirty days, and shall be assessed a fine of
36 not less than ~~two~~ three thousand ~~five~~ one hundred
37 ~~twenty-five~~ dollars nor more than ~~seven~~ nine thousand
38 ~~five~~ three hundred ~~seventy-five~~ dollars."

39 2. Page 1, line 18, by inserting after the figure
40 "8A," the following: "the office of attorney general
41 pursuant to section 602.8108, subsection 8B, the
42 department of corrections pursuant to section
43 602.8108, subsection 8C."

44 3. Page 1, line 31, by inserting after the figure
45 "8A," the following: "the office of attorney general
46 pursuant to section 602.8108, subsection 8B, and the
47 department of corrections pursuant to section
48 602.8108, subsection 8C."

49 4. Page 3, line 14, by inserting after the figure
50 "8A," the following: "8B, 8C."

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1 5. Page 3, line 26, by striking the word
2 "thirteen" and inserting the following: "fourteen".

3 6. Page 4, line 6, by striking the word
4 "subsection" and inserting the following:
5 "subsections".

6 7. Page 4, line 11, by striking the words "two
7 million eight hundred thousand" and inserting the
8 following: "three million".

9 8. Page 4, by inserting after line 14 the
10 following:

11 "NEW SUBSECTION. 8B. The state court
12 administrator shall allocate to the office of attorney
13 general for the fiscal year beginning July 1, 2006,
14 and for each fiscal year thereafter, three hundred
15 thousand dollars of the moneys received annually under
16 subsection 2, to be used for legal services for
17 persons in poverty grants as provided in section
18 13.34.

19 NEW SUBSECTION. 8C. The state court administrator
20 shall allocate to the department of corrections for
21 the fiscal year beginning July 1, 2006, and for each
22 fiscal year thereafter, five hundred sixty thousand
23 dollars of the moneys received annually under
24 subsection 2, to be used for offenders transferred to
25 the department pursuant to section 229A.5, subsection

26 5.”

27 9. By striking page 4, line 35, through page 5,
28 line 1, and inserting the following: “class “A”
29 felonies, sixty dollars per hour for all other
30 felonies, sixty dollars per hour for misdemeanors, and
31 fifty-five dollars per hour for all other cases.”

32 10. Page 5, by inserting after line 11 the
33 following:

34 “Sec. ____ Section 903.1, subsection 1, paragraphs
35 a and b, Code 2005, are amended to read as follows:

36 a. For a simple misdemeanor, there shall be a fine
37 of at least ~~fifty~~ sixty-five dollars but not to exceed
38 ~~five six~~ hundred ~~twenty-five~~ dollars. The court may
39 order imprisonment not to exceed thirty days in lieu
40 of a fine or in addition to a fine.

41 b. For a serious misdemeanor, there shall be a
42 fine of at least ~~two~~ three hundred ~~fifty~~ fifteen
43 dollars but not to exceed one thousand ~~five~~ eight
44 hundred ~~seventy-five~~ dollars. In addition, the court
45 may also order imprisonment not to exceed one year.

46 Sec. ____ Section 903.1, subsection 2, Code 2005,
47 is amended to read as follows:

48 2. When a person is convicted of an aggravated
49 misdemeanor, and a specific penalty is not provided
50 for, the maximum penalty shall be imprisonment not to

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1 exceed two years. There shall be a fine of at least
2 ~~five six~~ hundred ~~twenty-five~~ dollars but not to exceed
3 ~~five six~~ thousand ~~two~~ hundred fifty dollars. When a
4 judgment of conviction of an aggravated misdemeanor is
5 entered against any person and the court imposes a
6 sentence of confinement for a period of more than one
7 year the term shall be an indeterminate term.”

8 11. Title page, line 1, by inserting after the
9 word “costs” the following: “and modifying fines”.

10 12. Title page, line 2, by inserting after the
11 word “branch” the following: “, attorney general,
12 department of corrections,”.

13 13. By renumbering as necessary.

JEFF ANGELO
ROBERT E. DVORSKY

S-5244

1 Amend House File 2734, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 64, by inserting after line 4 the
4 following:

5 “Sec. ____ NEW SECTION. 147.105 PATIENT

6 PROTECTION — HEALTH CARE WORKERS — REPORT OF ADVERSE
7 EVENTS.

8 1. DEFINITIONS. As used in this section, unless
9 the context otherwise requires:

10 a. "Health care worker" means any individual
11 employed by or under contract with a hospital, health
12 care provider, or health care agency to provide health
13 care services.

14 b. "Professional standards of care" means
15 authoritative statements that describe a level of care
16 or performance common to the profession by which the
17 quality of professional practice can be judged and
18 which reflect the values and priorities of the
19 profession.

20 2. A health care worker, who reasonably believes a
21 particular practice the health care worker has
22 observed occurring at the health care worker's place
23 of employment, based on the health care worker's
24 professional standards of care or professional code of
25 ethics, is a violation of health and safety laws or a
26 breach of public safety that may lead to harm to
27 patients, consumers, or citizens, may report the
28 information relating to the violation or breach within
29 fourteen days of its occurrence to the health care
30 worker's supervisor or employer, in order that
31 corrective action can be taken. The health care
32 worker shall be protected against reprisals or
33 retaliatory or punitive action by the individual or
34 institution receiving such a report.

35 3. If after a reasonable period of time for
36 correction of the violation or breach reported
37 pursuant to subsection 2, the health care worker
38 continues to see the particular practice occurring in
39 the workplace giving rise to the report, the health
40 care worker may disclose information to the licensing
41 board, the department, the division of insurance in
42 the department of commerce, a member or employee of
43 the general assembly, the attorney general, a
44 state-mandated health information collection agency,
45 any other public official or law enforcement agency,
46 federal government agency or program, the governing
47 board of the health care worker's employer or
48 institution, the health care worker's professional
49 association, or the media, and shall be protected
50 against reprisals or retaliatory or punitive actions

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1 by the individual or institution if disclosure of the
2 information is not otherwise prohibited by statute and
3 if the information meets any of the following
4 requirements:

5 a. Constitutes state-mandated health data required
6 to be submitted to state agencies.

7 b. Informs state agencies or entities of
8 violations of state health, safety, occupational
9 health, licensure, or insurance laws.

10 c. Is reasonably believed by the health care
11 worker to be a violation of health and safety laws or
12 a breach of public safety that may lead to harm to
13 patients, consumers, or citizens, based upon the
14 health care worker's professional standards of care or
15 professional code of ethics.

16 A health care worker making a disclosure which
17 violates any provision of the federal Health Insurance
18 Portability and Accountability Act, Pub. L. No.

19 104-191, shall not be entitled to protection pursuant
20 to this section nor entitled to civil remedies which
21 might otherwise be available pursuant to subsection 7.

22 4. A health care worker disclosing in good faith
23 the information described in subsections 2 and 3 shall
24 be presumed to have established a prima facie case
25 showing a violation of subsection 2 or 3 by the health
26 care worker's employer if the individual or
27 institution employing the health care worker knows or
28 has reason to know of the disclosure, and if
29 subsequent to and as a result of the disclosure, one
30 or more of the following actions were initiated by the
31 employer:

32 a. Discharge of the health care worker from
33 employment.

34 b. Failure by the employer to take action
35 regarding a health care worker's appointment to,
36 promotion or proposed promotion to, or receipt of any
37 advantage or benefit in the health care worker's
38 position of employment.

39 c. Any adverse change to the health care worker's
40 terms or conditions of employment or any
41 administrative, civil, or criminal action or other
42 effort that diminished the professional competence,
43 reputation, stature, or marketability of the health
44 care worker.

45 An employer shall have the burden of proof
46 regarding any attempt to show that actions taken
47 pursuant to this subsection were for a legitimate
48 business purpose.

49 5. If an individual or institution employing a
50 health care worker is determined to have violated

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1 state health, safety, or occupational health and
2 health licensure laws or regulations, or professional
3 standards of care or a professional code of ethics,

4 after a disclosure pursuant to subsection 2 or 3
5 results in an action as described in subsection 4,
6 such a determination shall create a presumption of
7 retaliation or reprisal against the health care worker
8 in violation of this section. Disclosure of a
9 reasonable belief that violations of health and safety
10 laws or breaches of public safety have occurred that
11 have caused or have a potential to cause harm to
12 patients, consumers, and citizens shall immediately
13 trigger the protection afforded by this section.

14 6. A person who violates this section commits a
15 simple misdemeanor and is subject to a civil action as
16 follows:

17 a. A person who violates this section is liable to
18 an aggrieved health care worker for affirmative
19 relief, including reinstatement with or without back
20 pay, or any other equitable relief the court deems
21 appropriate, including attorney fees and costs,
22 punitive or exemplary damages, and public notice of
23 the retaliation or reprisal undertaken against the
24 health care worker through publication in an official
25 newspaper in the city or county.

26 b. When a person commits, is committing, or
27 proposes to commit an act in violation of this
28 section, an injunction may be granted through an
29 action in district court to prohibit the person from
30 continuing such acts. The action for injunctive
31 relief may be brought by an aggrieved health care
32 worker or by the county attorney.

33 7. In addition to any other penalties applicable
34 to a person who violates this section, an individual,
35 institution, or organization employing a person who
36 violates this section shall be subject to a civil
37 penalty in the amount of one thousand dollars per
38 violation."

39 2. Title page, by striking line 6 and inserting
40 the following: "including other related provisions,
41 appropriations, and penalties, and".

42 3. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5245

1 Amend House File 2743, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 29, by striking the figure
4 "50,000" and inserting the following: "250,000".

5 2. Page 2, line 16, by striking the figure
6 "5,011,565" and inserting the following: "5,928,465".

7 3. Page 4, lines 5 and 6, by striking the words
8 "existing substance abuse treatment programs." and

9 inserting the following: "the maintenance and
10 enhancement of substance abuse treatment programs
11 currently funded by the department."

12 4. Page 4, line 33, by striking the figure
13 "250,000" and inserting the following: "350,000".

14 5. By striking page 4, line 34, through page 5,
15 line 5.

16 6. Page 5, line 11, by striking the figure
17 "850,000" and inserting the following: "1,050,000".

18 7. Page 5, line 13, by striking the figure
19 "400,000" and inserting the following: "500,000".

20 8. Page 5, line 15, by inserting after the word
21 "mentors." the following: "Of the amount specified in
22 this subparagraph (1), \$25,000 shall be utilized to
23 provide grants to small community-based organizations
24 that meet the requirements of this subparagraph (1)."

25 9. Page 5, line 21, by striking the figure
26 "400,000" and inserting the following: "500,000".

27 10. Page 5, line 24, by inserting after the word
28 "leadership." the following: "Of the amount specified
29 in this subparagraph (2), \$25,000 shall be utilized to
30 provide grants to small community-based organizations
31 that meet the requirements of this subparagraph (2)."

32 11. Page 5, line 35, by inserting after the word
33 "prevention" the following: "grants and for".

34 12. Page 6, line 5, by striking the figure
35 "60,000" and inserting the following: "100,000".

36 13. Page 6, line 11, by striking the figure
37 "3,782,999" and inserting the following: "4,046,474".

38 14. Page 6, line 12, by striking the figure
39 "164,741" and inserting the following: "228,216".

40 15. Page 6, line 15, by striking the figure
41 "64,741" and inserting the following: "128,216".

42 16. Page 6, line 21, by striking the figure
43 "296,217" and inserting the following: "306,217".

44 17. Page 7, line 20, by striking the figure
45 "100,000" and inserting the following: "300,000".

46 18. Page 7, by striking line 22 and inserting the
47 following: "correctional services. Of the funds
48 allocated, \$100,000 shall be used for community-based
49 corrections, and \$200,000 shall be used to implement
50 an adult drug court program."

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1 19. Page 8, by striking lines 3 through 18.

2 20. By striking page 9, line 17, through page 10,
3 line 15, and inserting the following:

4 "Sec. ____ DEPARTMENT OF EDUCATION. There is
5 appropriated from the healthy Iowans tobacco trust
6 created in section 12.65, to the department of
7 education for the fiscal year beginning July 1, 2006,

8 and ending June 30, 2007, the following amount, or so
9 much thereof as is necessary, to be used for the
10 purpose designated:

11 To establish a competitive grants program to expand
12 the availability of before and after school programs:
13 \$ 150,000

14 School districts and other public and private
15 organizations shall be eligible to apply for a grant
16 from the program. Grant applications shall be
17 assessed by the department based on the targeted
18 student population and whether the application
19 demonstrates partnerships and collaboration with
20 not-for-profit community organizations, if
21 appropriate; indicates that the school district or
22 organization has access to training for the program;
23 provides for a safe and engaging environment; combines
24 academic, enrichment, cultural, and recreational
25 activities; provides for no less than a 20 percent
26 match; and demonstrates that the school district or
27 organization is able to sustain the program after the
28 grant is exhausted. The types of activities supported
29 by an applicant may include but are not limited to
30 tutoring and supplementing instruction in basic
31 skills, such as reading, math, and science; drug and
32 violence prevention curricula and counseling; youth
33 leadership activities; volunteer and service learning
34 opportunities; career and vocational awareness
35 preparation; courses and enrichment in arts and
36 culture; computer instruction; character development
37 and civic participation; language instruction,
38 including English as a second language; mentoring;
39 positive interaction with law enforcement; supervised
40 recreation programs; or health and nutrition programs.
41 The department shall make every attempt to leverage
42 additional funding from other public and private
43 sources to support the program provided under this
44 section.”

45 21. Page 10, by inserting after line 15 the
46 following:

47 “Sec. ____ FARMERS WITH DISABILITIES — FEDERAL
48 REPLACEMENT FUNDS. There is appropriated from the
49 general fund of the state to the division of
50 vocational rehabilitation services of the department

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1 of education for the fiscal year beginning July 1,
2 2006, and ending June 30, 2007, the following amount,
3 or so much thereof as is necessary, to be used for the
4 purpose designated:

5 For a grant to a national nonprofit organization
6 with over 80 years of experience in assisting children

7 and adults with disabilities and special needs and
 8 their families through services that include medical
 9 rehabilitation, job training and employment services,
 10 child care, adult day services, and camping and
 11 recreation, in order to replace expired federal
 12 funding for a nationally recognized program that has
 13 been replicated in 30 other states but which is not
 14 available through any other entity in this state that
 15 provides assistance to farmers with disabilities in
 16 all 99 counties to allow the farmers to remain in
 17 their own homes and be gainfully engaged in farming
 18 through provision of agricultural worksite and home
 19 modification consultations, peer support services,
 20 services to families, information and referral, and
 21 equipment loan services:

22 \$ 130,000

23 Sec. __. Section 135.26, Code Supplement 2005, is
 24 amended to read as follows:

25 135.26 AUTOMATED EXTERNAL DEFIBRILLATOR GRANT
 26 PROGRAM.

27 The department shall establish and implement an
 28 automated external defibrillator grant program which
 29 provides matching funds to local boards of health,
 30 community organizations, or cities for the program
 31 after standards and requirements for the utilization
 32 of automated external defibrillator equipment, and
 33 training on the use of such equipment, are developed
 34 at the local level. The objective of the program
 35 shall be to enhance the emergency response system in
 36 rural areas of the state where access to health care
 37 providers is often limited by providing increased
 38 access to automated external defibrillator equipment
 39 by rural emergency and community personnel. A local
 40 board of health, community organization, or city may
 41 submit an application to the department for review.
 42 The department shall establish criteria for the review
 43 and approval of grant applications by rule, and may
 44 accept gifts, grants, bequests, and other private
 45 contributions, as well as state or federal funds, for
 46 purposes of the program. The amount of a grant shall
 47 not exceed fifty percent of the cost of the automated
 48 external defibrillator equipment to be distributed to
 49 the applicant and the training program to be
 50 administered by the applicant at the local level.

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- 1 Each application shall include information
- 2 demonstrating that the applicant will provide matching
- 3 funds of fifty percent of the cost of the program.
- 4 Grant recipients shall submit an annual report to the
- 5 department indicating automated external defibrillator

6 equipment usage levels, patient outcomes, and number
 7 of individuals trained. For the purposes of this
 8 section, "rural" means a geographic area outside an
 9 urban or suburban setting with a population of less
 10 than fifty thousand persons.

11 Sec. ____ 2005 Iowa Acts, chapter 176, section 1,
 12 subsection 1, paragraph a, unnumbered paragraph 2, is
 13 amended to read as follows:

14 Of the amount appropriated in this paragraph,
 15 ~~\$50,000~~ \$150,000 shall be used to continue the efforts
 16 of the Iowa chronic care consortium pursuant to 2003
 17 Iowa Acts, chapter 112, section 12, as amended by 2003
 18 Iowa Acts, chapter 179, sections 166 and 167."

19 22. Page 10, line 19, by striking the figure
 20 "13,750,000" and inserting the following:
 21 "10,925,000".

22 23. Page 10, by inserting after line 23 the
 23 following:

24 "Sec. ____ EFFECTIVE DATE. The section of this
 25 Act amending 2005 Iowa Acts, chapter 176, section 1,
 26 being deemed of immediate importance, takes effect
 27 upon enactment."

28 24. Title page, line 2, by inserting after the
 29 word "fund" the following: ", and providing an
 30 effective date".

31 25. By renumbering as necessary.

JAMES A. SEYMOUR

S-5246

1 Amend Senate File 2361 as follows:

2 1. By striking page 7, line 28, through page 8,
 3 line 1 and inserting the following:

4 "Sec. ____ NEW SECTION. 477A.4 MUNICIPALITY
 5 AUTHORITY.

6 1. This chapter shall not be construed to modify,
 7 impair, or supersede any of the following powers or
 8 authority of a municipality:

9 a. To manage the public rights-of-way within the
 10 jurisdiction of the municipality, including the
 11 enforcement of safety standards, and charge
 12 right-of-way management fees as provided in chapter
 13 480A.

14 b. To enact or enforce any consumer protection law
 15 or ordinance.

16 c. To enact or enforce any public safety law.

17 d. To require a person providing cable service or
 18 video service to provide a means of distributing local
 19 emergency information and instructions.

20 e. To exercise taxing authority.

21 f. To adopt fees.

22 2. In addition to any legal or equitable remedies
23 that may be available to a municipality under the
24 terms of a certificate of franchise authority or other
25 applicable law, a municipality shall have the
26 authority to do all of the following:
27 a. Impose a civil penalty for any violation of
28 this chapter by a holder of a certificate of franchise
29 authority issued pursuant to this chapter, or any
30 other violation of applicable law in an amount up to
31 five hundred dollars per day or five hundred dollars
32 per violation, whichever is greater.
33 b. Bring an enforcement action for noncompliance
34 with expansion requirements under section 477A.3. A
35 defense against an action under this paragraph is
36 limited to the following:
37 (1) Force majeure.
38 (2) A delay caused by the municipality including
39 the inability to obtain authority to access a
40 right-of-way in the service area.”
41 2. By renumbering as necessary.

MICHAEL CONNOLLY

S-5247

1 Amend the amendment, S-5131, to Senate File 2361 as
2 follows:
3 1. Page 3, line 8, by striking the word “fifteen”
4 and inserting the following: “sixty”.
5 2. Page 3, line 17, by striking the figure “2.”
6 and inserting the following:
7 “f. (1) That the applicant agrees to comply with
8 the same terms and conditions as contained in the
9 municipality’s existing cable franchise, or
10 alternatively, that the applicant requests to
11 negotiate comparable terms according to the process
12 established under subsection 2.
13 (2) As used in this paragraph “f”, “existing cable
14 franchise” means the franchise or certificate of
15 franchise authority under which a provider of cable
16 service or video service is providing such service to
17 residents of the municipality as of the date of the
18 applicant’s application. If more than one provider is
19 serving the municipality at the time that an
20 application is filed, the municipality shall, upon the
21 request of the applicant, determine which franchise
22 shall be deemed the “existing cable franchise” for
23 purposes of the application.
24 2. a. An applicant shall be subject to the same
25 terms and conditions as contained in the existing
26 cable franchise applicable in each municipality as
27 described in subsection 1, paragraph “f”, unless the

28 municipality agrees to other terms with the applicant
29 pursuant to paragraph "b" within sixty days of receipt
30 of the applicant's application.

31 b. An applicant may negotiate with a municipality
32 of the jurisdiction which the applicant proposes to
33 serve to establish the applicant's obligations. These
34 negotiations may include the incumbent cable provider
35 if the municipality, the applicant, and the incumbent
36 cable provider so desire. If an applicant and a
37 municipality are unable to reach an agreement
38 regarding the applicant's obligations within the
39 municipality's jurisdiction within sixty days, all of
40 the following requirements apply:

41 (1) The applicant shall satisfy the same
42 conditions and obligations as contained in the
43 existing cable franchise as described in subsection 1,
44 paragraph "f". For in-kind contributions, the
45 applicant may satisfy its obligations by negotiating
46 mutually agreeable terms with the incumbent cable
47 provider, so that the services to the community are
48 improved or increased. If such terms cannot be agreed
49 upon, the applicant shall pay the municipality the
50 monetary equivalent of the incumbent cable provider's

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1 depreciated in-kind contribution, or, in the case of
2 facilities, the annual amortization value.

3 (2) The municipality shall impose the same rules
4 and procedures on an applicant as it imposes on the
5 incumbent cable provider.

6 3."

7 3. Page 3, by inserting after line 27 the
8 following:

9 "____. Page 7, by inserting after line 15 the
10 following:

11 "d. A statement describing the terms and
12 conditions to which the grant of authority provided by
13 the certificate of franchise authority is subject,
14 including but not limited to any terms or conditions
15 negotiated pursuant to section 477A.3, subsection 2,
16 paragraph "b"."

17 4. Page 3, by striking lines 28 and 29 and
18 inserting the following:

19 "____. Page 8, by striking line 4 and inserting
20 the following:

21 "Each cable franchise agreement in force in the
22 state as of the effective date of this Act shall
23 remain in full force and effect until it expires or is
24 terminated pursuant to the terms of the franchise.
25 Upon the expiration of a cable franchise agreement,
26 the franchise holder may seek a certificate of

27 franchise authority according to the procedure set out
 28 in this chapter. For purposes of section 477A.3,
 29 subsection 2, paragraph "b", such a franchise holder's
 30 prior franchise shall constitute the "existing cable
 31 franchise" in the municipality. This chapter".

32 5. By renumbering, redesignating, and correcting
 33 internal references as necessary.

MICHAEL CONNOLLY

S-5248

1 Amend Senate File 2361 as follows:

2 1. Page 10, by inserting after line 30 the
 3 following:

4 "Sec. __. NEW SECTION. 477A.7A SUPPORT FOR
 5 PUBLIC, EDUCATIONAL, AND GOVERNMENTAL CHANNELS AND FOR
 6 INSTITUTIONAL NETWORKS.

7 1. In support of facilities and equipment for
 8 public, educational, and governmental access,
 9 including institutional networks, a holder of a
 10 certificate of franchise authority shall pay to each
 11 municipality in which the holder is providing cable
 12 service or video service a fee in an amount which
 13 equals the lesser of the following two amounts:

14 a. Four percent of the holder's gross revenues.

15 b. A fee proportionately equivalent to the value
 16 of any monetary grants and in-kind services or
 17 facilities for public, educational, or governmental
 18 access channels or institutional networks provided by
 19 an incumbent cable provider franchised by such
 20 municipality. The proportional equivalence shall be
 21 calculated by applying the ratio of the respective
 22 number of subscribers served by the incumbent cable
 23 provider and the competitive cable service provider or
 24 competitive video service provider to the value of the
 25 incumbent's grants, services, and facilities.

26 2. Any payments required to be made by a holder of
 27 a certificate of franchise authority pursuant to
 28 subsection 1 shall be made to the municipality at the
 29 same time franchise fee payments are made as required
 30 by section 477A.8, and the municipality may request
 31 reasonable audits of such holder to ensure compliance
 32 with this section.

33 3. A municipality may require a holder of a
 34 certificate of franchise authority to provide the
 35 municipality with information sufficient to calculate
 36 the proportionately equivalent fee allowed by
 37 subsection 1. Such information shall be entitled to
 38 treatment as confidential and proprietary business
 39 information.

40 4. The payments made by a holder of a certificate

41 of franchise authority pursuant to subsection 1 shall
42 be used by a municipality for capital facilities and
43 equipment for public, educational, or governmental
44 access channels or institutional networks, and such
45 payments shall be treated as falling within 47 U.S.C.
46 § 542(g)(2)(C).

47 5. A person providing cable services or video
48 services shall permit any other person providing cable
49 services or video services to connect with its public,
50 educational, and governmental access channel feeds.

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1 The parties shall collectively decide how to
2 accomplish this connection, taking into consideration
3 the exact physical and technical circumstances of the
4 cable and open video systems involved, as long as the
5 quality of the signal is not adversely affected by the
6 means of interconnection used. If the parties cannot
7 agree on how to accomplish the connection, the
8 municipality shall decide. The municipality may
9 require, in its discretion, that the connection occur
10 on government property or in public rights-of-way.

11 6. The costs of a connection to a provider of
12 cable service's or video service's public,
13 educational, and governmental access channel feeds
14 shall be borne by the provider that is receiving the
15 public, educational, and governmental access feeds via
16 the interconnection.

17 7. Where there is not an incumbent cable provider,
18 a competitive cable service provider or competitive
19 video service provider shall make a reasonable amount
20 of channel capacity available for public, educational,
21 and governmental use, as well as provide reasonable
22 support for services, facilities, and equipment
23 relating to such public, educational, and governmental
24 use. If a franchise agreement previously existed in
25 that franchise area, the municipality may elect either
26 to impose the previously existing public, educational,
27 and governmental access obligations or to determine
28 the competitive cable service provider's or
29 competitive video service provider's public,
30 educational, and governmental access obligations by
31 comparison to the franchise agreement for the nearest
32 operating cable system that has a commitment to
33 provide public, educational, and governmental access
34 and that serves a franchise area with a similar
35 population size. The municipality shall be permitted
36 to make a similar election every fifteen years
37 thereafter. Absent a previous franchise agreement, a
38 provider of cable service or video service is required
39 to provide channel capacity, services, facilities, and

40 equipment relating to public, educational, and
 41 governmental access equivalent to that prescribed in
 42 the franchise agreement for the nearest operating
 43 cable system with a commitment to provide public,
 44 educational, and governmental access and that serves a
 45 franchise area with a similar population size.
 46 8. A provider of cable service or video service
 47 shall adjust its system to comply with new public,
 48 educational, and governmental access obligations
 49 imposed by any cable franchise renewal in the
 50 franchise area.

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1 9. Any obligations of a provider of cable service
 2 or video service to a municipality as of the effective
 3 date of this Act to provide financial or in-kind
 4 services in support of an institutional network shall
 5 continue as long as such provider, or its successors
 6 or assigns, continues to have the legal ability to
 7 provide service in the municipality."
 8 2. By renumbering as necessary.

MICHAEL CONNOLLY

S-5249

1 Amend Senate File 2361 as follows:
 2 1. Page 13, by inserting after line 13 the
 3 following:
 4 "Sec. ____ **NEW SECTION. 477A.13 CABLE PROVIDER**
 5 **REPORTING REQUIREMENT — FUTURE REPEAL.**
 6 1. Not less than thirty days after the end of the
 7 first full calendar quarter after the effective date
 8 of this Act, and quarterly thereafter, each person
 9 providing cable service or video service in this state
 10 shall submit a report to the general assembly and to
 11 each municipality in its service area containing all
 12 of the following information:
 13 a. Identifying the geographic areas in each
 14 municipality where the provider offers cable service
 15 or video service.
 16 b. Indicating the number of homes passed and the
 17 number of subscribers in each municipality at the end
 18 of the quarter.
 19 c. Describing the provider's progress in extending
 20 cable service or video service to each municipality.
 21 2. This chapter is repealed two years from the
 22 effective date of this Act unless the general assembly
 23 extends the effectiveness of this chapter for an
 24 additional two-year period by action not less than
 25 twenty months after the effective date of this Act.
 26 In determining whether to extend the effectiveness of

- 27 this chapter, the general assembly shall hold at least
 28 one public hearing, solicit public comment, and make
 29 written findings, as to at least the following issues:
- 30 a. The progress made by providers of cable service
 31 or video service other than the incumbent cable
 32 provider in extending cable service and video service
 33 in this state.
 - 34 b. The degree to which any such progress is due to
 35 this chapter, as distinct from other factors.
 - 36 c. The amount of additional cable and video system
 37 capacity added in the state since the effective date
 38 of this Act.
 - 39 d. Any changes in the cost of cable service or
 40 video service in each municipality since the effective
 41 date of this Act.
 - 42 e. Any impact of this chapter on the quality of
 43 customer service.
 - 44 f. Any overall benefits and losses to consumers
 45 due to this chapter.
 - 46 g. The fiscal impact of this chapter on local
 47 governments.”
- 48 2. By renumbering as necessary.

MICHAEL CONNOLLY

S-5250

- 1 Amend the amendment, S-5243, to House File 2789, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
- 4 1. Page 1, line 43, by inserting after the figure
 5 “8C.” the following: “the department of public safety
 6 pursuant to section 602.8108, subsection 8D.”
 - 7 2. Page 1, line 46, by striking the word “and”.
 - 8 3. Page 1, line 48, by inserting after the figure
 9 “8C.” the following: “and the department of public
 10 safety pursuant to section 602.8108, subsection 8D.”
 - 11 4. Page 1, line 50, by inserting after the figure
 12 “8C.” the following: “8D.”
 - 13 5. Page 2, by striking line 26 and inserting the
 14 following:
 15 “5.
 16 NEW SUBSECTION. 8D. The state court administrator
 17 shall allocate to the department of public safety for
 18 the fiscal year beginning July 1, 2006, and for each
 19 fiscal year thereafter, one hundred thousand dollars
 20 of the moneys received annually under subsection 2, to
 21 be used by the division of state patrol.”
 - 22 6. Page 3, line 12, by inserting after the word
 23 “corrections,” the following: “department of public
 24 safety.”

TOM HANCOCK

S-5251

- 1 Amend the amendment, S-5131, to Senate File 2361 as
2 follows:
- 3 1. Page 1, by inserting after line 9 the
4 following:
5 "___ Page 1, by inserting after line 3 the
6 following:
7 "___ "Board" means the Iowa utilities board of
8 the utilities division of the department of commerce."
9 ___ Page 1, line 17, by striking the words
10 "secretary of state" and inserting the following:
11 "board"."
- 12 2. Page 1, by striking lines 29 through 34 and
13 inserting the following:
14 "___ Page 4, by striking line 14 and inserting
15 the following: "board.""
- 16 3. Page 3, by inserting after line 6 the
17 following:
18 "___ Page 6, line 9, by striking the words
19 "secretary of state" and inserting the following:
20 "board"."
- 21 4. Page 3, line 14, by striking the words
22 ""secretary of state"" and inserting the following:
23 ""board"".
- 24 5. Page 3, by inserting after line 24 the
25 following:
26 "___ Page 7, line 3, by striking the words
27 "secretary of state" and inserting the following:
28 "board".
- 29 6. Page 3, by inserting after line 27 the
30 following:
31 "___ Page 7, line 17, by striking the words
32 "secretary of state" and inserting the following:
33 "board".
- 34 ___ Page 7, line 20, by striking the words
35 "secretary of state" and inserting the following:
36 "board".
- 37 ___ Page 7, line 25, by striking the words
38 "secretary of state" and inserting the following:
39 "board".
- 40 ___ Page 7, line 27, by striking the words
41 "secretary of state" and inserting the following:
42 "board".
- 43 7. Page 4, by inserting after line 39 the
44 following:
45 "___ Page 13, line 12, by striking the words
46 "secretary of state" and inserting the following:
47 "board".
- 48 ___ Page 13, by inserting after line 13 the
49 following:
50 "Sec. ___ NEW SECTION. 477A.14 POWERS AND

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1 DUTIES OF BOARD.

2 The board shall have all powers and authority
3 granted under chapter 476 to administer and enforce
4 the provisions of this chapter, except as otherwise
5 provided in this chapter.”

6 8. By renumbering, relettering, redesignating,
7 and correcting internal references as necessary.

MICHAEL CONNOLLY

S-5252

1 Amend the amendment, S-5131, to Senate File 2361 as
2 follows:

3 1. Page 1, by striking lines 10 through 23 and
4 inserting the following:

5 “ _____. By striking page 1, line 23, through page
6 3, line 13, and inserting the following:

7 “7. a. “Gross revenues” means all consideration
8 of any kind or nature including without limitation
9 cash, credits, property, and in-kind contributions
10 including services or goods derived by a holder of a
11 certificate of franchise authority from the operation
12 of the holder’s network to provide cable service or
13 video service within the municipality:

14 “Gross revenues” includes all consideration paid to
15 a holder of a certificate of franchise authority and
16 its affiliates to the extent either is acting as a
17 provider of a cable service as authorized by this
18 chapter, which shall include but not be limited to all
19 of the following:

20 (1) All fees charged to subscribers for any and
21 all cable service or video service provided by the
22 holder of a certificate of franchise authority.

23 (2) Any fee imposed on the holder of a certificate
24 of franchise authority by this chapter that is passed
25 through and paid by subscribers including without
26 limitation the franchise fee set forth in this
27 chapter.

28 (3) Compensation received by the holder of a
29 certificate of franchise authority or its affiliates
30 that is derived from the operation of the holder of a
31 certificate of franchise authority’s network to
32 provide cable service or video service with respect to
33 commissions that are paid to the holder of a
34 certificate of franchise authority as compensation for
35 promotion or exhibition of any products or services on
36 the holder of a certificate of franchise authority’s
37 network, such as a home shopping or a similar channel,
38 subject to paragraph “b”, subparagraph (5).

39 "Gross revenues" includes a pro rata portion of all
40 revenue derived by the holder of a certificate of
41 franchise authority or its affiliates pursuant to
42 compensation arrangements for advertising derived from
43 the operation of the holder of a state-issued
44 certificate of franchise authority's network to
45 provide cable service within a municipality, subject
46 to paragraph "b", subparagraph (3). The pro rata
47 portion shall be based on the number of subscribers in
48 the municipality divided by the total number of
49 subscribers in relation to the relevant regional or
50 national compensation arrangement. Advertising

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1 commissions paid to third parties shall not be netted
2 against advertising revenue included in gross
3 revenues. Revenue of an affiliate derived from the
4 affiliate's provision of cable service or video
5 service shall be included in gross revenues to the
6 extent the treatment of such revenue as revenue of the
7 affiliate and not of the holder of a certificate of
8 franchise authority would have the effect, whether
9 intentional or unintentional, of evading the payment
10 of fees which would otherwise be paid to the
11 municipality. In no event shall revenue of an
12 affiliate be gross revenue to the holder of a
13 certificate of franchise authority if such revenue is
14 otherwise subject to franchise fees to be paid to the
15 municipality.

16 b. "Gross revenues" does not include any of the
17 following:

18 (1) Any revenue not actually received, even if
19 billed, such as bad debt.

20 (2) Refunds, rebates, or discounts made to
21 subscribers, leased access providers, advertisers, or
22 a municipality.

23 (3) Any revenues from services classified as
24 noncable service or nonvideo service under federal
25 law.

26 (4) Any revenue paid by subscribers to home
27 shopping programmers directly from the sale of
28 merchandise through any home shopping channel offered
29 as part of the cable services or video services, but
30 not excluding any commissions that are paid to the
31 holder of a certificate of franchise authority as
32 compensation for promotion or exhibition of any
33 products or services on the holder of a certificate of
34 franchise authority's network, such as a home shopping
35 or a similar channel.

36 (5) The sale of cable service or video service for
37 resale in which the purchaser is required to collect

38 fees required under this chapter from the purchaser's
39 customer. Nothing under this subparagraph is intended
40 to limit the rights of the state or a municipality
41 pursuant to 47 U.S.C. § 542(h).

42 (6) The provision of cable service or video
43 service to customers at no charge, as required or
44 allowed by this chapter, including without limitation
45 the provision of cable service or video service to
46 public institutions, as required or permitted in this
47 chapter, including without limitation public schools
48 or governmental entities, as required or permitted by
49 this chapter.

50 (7) Any tax of general applicability imposed upon

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1 the holder of a certificate of franchise authority or
2 upon subscribers by a city, state, federal, or any
3 other governmental entity and required to be collected
4 by the holder of a certificate of franchise authority
5 and remitted to the taxing entity.

6 (8) Any foregone revenue from the holder of a
7 certificate of franchise authority's provision of free
8 or reduced cost cable service to any person including
9 employees of the holder of a certificate of franchise
10 authority, to the municipality, or to other public
11 institutions or other institutions as allowed by this
12 chapter; provided, however, that any foregone revenue
13 which the holder of a certificate of franchise
14 authority chooses not to receive in exchange for
15 trades, barter, services, or other items of value
16 shall be included in gross revenues.

17 (9) Sales of capital assets or sales of surplus
18 equipment that is not used by the purchaser to receive
19 cable service or video service from the holder of a
20 certificate of franchise authority.

21 (10) Directory or internet advertising revenue
22 including but not limited to yellow pages, white
23 pages, banner advertisement, and electronic
24 publishing."

25 ____ Page 3, by striking lines 18 through 23."

26 2. Page 4, by striking lines 16 through 23 and
27 inserting the following:

28 "____. Notwithstanding any other provision in this
29 chapter, with respect to a franchise, or a certificate
30 of franchise authority, a municipality shall have the
31 right at any time during which there is more than one
32 person providing cable service or video service in the
33 jurisdiction of the municipality to increase the
34 franchise fee as a percentage of gross revenues which
35 persons providing cable service or video service in
36 the municipality shall pay up to the maximum permitted

37 by law. Any such increase shall be effective upon
 38 thirty days' notice to each such provider of cable
 39 service or video service."
 40 _____. Page 11, by striking lines 18 through 23 and
 41 inserting the following:
 42 "_____. Not more than once per year, a municipality
 43 may inspect and audit any books and records of each
 44 person providing cable service or video service in the
 45 jurisdiction of the municipality, and recompute any
 46 franchise fees determined to be payable. The provider
 47 of cable service or video service shall fully
 48 cooperate with the municipality in conducting such an
 49 audit. The cost of the audit shall be borne by the
 50 municipality, except that if the annual payment to the

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1 municipality for the preceding year is increased by
 2 more than five percent as a result of the audit, the
 3 cost shall be borne by the provider of cable service
 4 or video service."
 5 3. By renumbering, relettering, redesignating,
 6 and correcting internal references as necessary.

MICHAEL CONNOLLY

S-5253

1 Amend House File 2743, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 29, by striking the figure
 4 "50,000" and inserting the following: "250,000".
 5 2. Page 2, line 16, by striking the figure
 6 "5,011,565" and inserting the following: "5,928,465".
 7 3. Page 4, lines 5 and 6, by striking the words
 8 "existing substance abuse treatment programs." and
 9 inserting the following: "the maintenance and
 10 enhancement of substance abuse treatment programs
 11 currently funded by the department."
 12 4. Page 4, line 33, by striking the figure
 13 "250,000" and inserting the following: "350,000".
 14 5. By striking page 4, line 34, through page 5,
 15 line 5.
 16 6. Page 5, line 11, by striking the figure
 17 "850,000" and inserting the following: "1,050,000".
 18 7. Page 5, line 13, by striking the figure
 19 "400,000" and inserting the following: "500,000".
 20 8. Page 5, line 15, by inserting after the word
 21 "mentors." the following: "Of the amount specified in
 22 this subparagraph (1), \$25,000 shall be utilized to
 23 provide grants to small community-based organizations
 24 that meet the requirements of this subparagraph (1)."

25 9. Page 5, line 21, by striking the figure
 26 "400,000" and inserting the following: "500,000".
 27 10. Page 5, line 24, by inserting after the word
 28 "leadership." the following: "Of the amount specified
 29 in this subparagraph (2), \$25,000 shall be utilized to
 30 provide grants to small community-based organizations
 31 that meet the requirements of this subparagraph (2)."
 32 11. Page 5, line 35, by inserting after the word
 33 "prevention" the following: "grants and for".
 34 12. Page 6, line 5, by striking the figure
 35 "60,000" and inserting the following: "100,000".
 36 13. Page 6, line 11, by striking the figure
 37 "3,782,999" and inserting the following: "4,046,474".
 38 14. Page 6, line 12, by striking the figure
 39 "164,741" and inserting the following: "228,216".
 40 15. Page 6, line 15, by striking the figure
 41 "64,741" and inserting the following: "128,216".
 42 16. Page 6, line 21, by striking the figure
 43 "296,217" and inserting the following: "306,217".
 44 17. Page 7, line 20, by striking the figure
 45 "100,000" and inserting the following: "300,000".
 46 18. Page 7, by striking line 22 and inserting the
 47 following: "correctional services. Of the funds
 48 allocated, \$100,000 shall be used for community-based
 49 corrections, and \$200,000 shall be used to implement
 50 an adult drug court program."

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1 19. Page 8, by striking lines 3 through 18.
 2 20. By striking page 9, line 17, through page 10,
 3 line 15, and inserting the following:
 4 "Sec. ____ DEPARTMENT OF EDUCATION. There is
 5 appropriated from the healthy Iowans tobacco trust
 6 created in section 12.65, to the department of
 7 education for the fiscal year beginning July 1, 2006,
 8 and ending June 30, 2007, the following amount, or so
 9 much thereof as is necessary, to be used for the
 10 purpose designated:

11 To establish a competitive grants program to expand
 12 the availability of before and after school programs:

13 \$ 150,000

14 School districts and other public and private
 15 organizations shall be eligible to apply for a grant
 16 from the program. Grant applications shall be
 17 assessed by the department based on the targeted
 18 student population and whether the application
 19 demonstrates partnerships and collaboration with
 20 not-for-profit community organizations, if
 21 appropriate; indicates that the school district or
 22 organization has access to training for the program;
 23 provides for a safe and engaging environment; combines

24 academic, enrichment, cultural, and recreational
 25 activities; provides for no less than a 20 percent
 26 match; and demonstrates that the school district or
 27 organization is able to sustain the program after the
 28 grant is exhausted. The types of activities supported
 29 by an applicant may include but are not limited to
 30 tutoring and supplementing instruction in basic
 31 skills, such as reading, math, and science; drug and
 32 violence prevention curricula and counseling; youth
 33 leadership activities; volunteer and service learning
 34 opportunities; career and vocational awareness
 35 preparation; courses and enrichment in arts and
 36 culture; computer instruction; character development
 37 and civic participation; language instruction,
 38 including English as a second language; mentoring;
 39 positive interaction with law enforcement; supervised
 40 recreation programs; or health and nutrition programs.
 41 The department shall make every attempt to leverage
 42 additional funding from other public and private
 43 sources to support the program provided under this
 44 section.”

45 21. Page 10, by inserting after line 15 the
 46 following:

47 “Sec. ____ FARMERS WITH DISABILITIES — FEDERAL
 48 REPLACEMENT FUNDS. There is appropriated from the
 49 general fund of the state to the division of
 50 vocational rehabilitation services of the department

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1 of education for the fiscal year beginning July 1,
 2 2006, and ending June 30, 2007, the following amount,
 3 or so much thereof as is necessary, to be used for the
 4 purpose designated:

5 For a grant to a national nonprofit organization
 6 with over 80 years of experience in assisting children
 7 and adults with disabilities and special needs and
 8 their families through services that include medical
 9 rehabilitation, job training and employment services,
 10 child care, adult day services, and camping and
 11 recreation, in order to replace expired federal
 12 funding for a nationally recognized program that has
 13 been replicated in 30 other states but which is not
 14 available through any other entity in this state that
 15 provides assistance to farmers with disabilities in
 16 all 99 counties to allow the farmers to remain in
 17 their own homes and be gainfully engaged in farming
 18 through provision of agricultural worksite and home
 19 modification consultations, peer support services,
 20 services to families, information and referral, and
 21 equipment loan services:

22 \$ 130,000

23 Sec. ____ Section 135.26, Code Supplement 2005, is
24 amended to read as follows:

25 135.26 AUTOMATED EXTERNAL DEFIBRILLATOR GRANT
26 PROGRAM.

27 The department shall establish and implement an
28 automated external defibrillator grant program which
29 provides matching funds to local boards of health,
30 community organizations, or cities for the program
31 after standards and requirements for the utilization
32 of automated external defibrillator equipment, and
33 training on the use of such equipment, are developed
34 at the local level. The objective of the program
35 shall be to enhance the emergency response system in
36 rural areas of the state where access to health care
37 providers is often limited by providing increased
38 access to automated external defibrillator equipment
39 by rural emergency and community personnel. A local
40 board of health, community organization, or city may
41 submit an application to the department for review.
42 The department shall establish criteria for the review
43 and approval of grant applications by rule, and may
44 accept gifts, grants, bequests, and other private
45 contributions, as well as state or federal funds, for
46 purposes of the program. The amount of a grant shall
47 not exceed fifty percent of the cost of the automated
48 external defibrillator equipment to be distributed to
49 the applicant and the training program to be
50 administered by the applicant at the local level.

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1 Each application shall include information
2 demonstrating that the applicant will provide matching
3 funds of fifty percent of the cost of the program.
4 Grant recipients shall submit an annual report to the
5 department indicating automated external defibrillator
6 equipment usage levels, patient outcomes, and number
7 of individuals trained. For the purposes of this
8 section, "rural" means a geographic area outside an
9 urban or suburban setting with a population of less
10 than fifty thousand persons.

11 Sec. ____ 2005 Iowa Acts, chapter 176, section 1,
12 subsection 1, paragraph a, unnumbered paragraph 2, is
13 amended to read as follows:

14 Of the amount appropriated in this paragraph,
15 ~~\$50,000~~ \$150,000 shall be used to continue the efforts
16 of the Iowa chronic care consortium pursuant to 2003
17 Iowa Acts, chapter 112, section 12, as amended by 2003
18 Iowa Acts, chapter 179, sections 166 and 167."

19 22. Page 10, line 19, by striking the figure

20 "13,750,000" and inserting the following:

21 "10,925,000".

- 22 23. Page 10, by inserting after line 23 the
 23 following:
 24 "Sec. ___. EFFECTIVE DATE. The section of this
 25 Act amending 2005 Iowa Acts, chapter 176, section 1,
 26 being deemed of immediate importance, takes effect
 27 upon enactment."
 28 24. Title page, line 2, by inserting after the
 29 word "fund" the following: ", and providing an
 30 effective date".
 31 25. By renumbering as necessary.

JAMES A. SEYMOUR
 JOE BOLKCOM

S-5254

- 1 Amend the amendment, S-5243, to House File 2789, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 2, by striking lines 27 through 31 and
 5 inserting the following:
 6 "___ Page 4, line 34, by striking the word
 7 "sixty-five" and inserting the following: "seventy".
 8 ___ Page 4, line 35, by striking the word
 9 "sixty" and inserting the following: "sixty-five".
 10 ___ Page 5, line 1, by striking the word
 11 "fifty-five" and inserting the following: "sixty".

MICHAEL CONNOLLY

S-5255

- 1 Amend Senate File 2409 as follows:
 2 1. Page 2, by striking lines 7 through 11 and
 3 inserting the following: "this section does not
 4 exceed sixty thousand dollars."

JOE BOLKCOM

S-5256

- 1 Amend House File 2734, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 66, by inserting after line 10 the
 4 following:
 5 "Sec. ___. Section 714.16, subsection 1, paragraph
 6 o, Code 2005, is amended to read as follows:
 7 o. "Water treatment system" means a device or
 8 assembly for which a claim is made that it will
 9 improve the quality of drinking water by reducing one
 10 or more contaminants through mechanical, physical,

11 chemical, or biological processes or combinations of
 12 the processes. As used in this paragraph and in
 13 subsection 2, paragraph "h", each model of a water
 14 treatment system shall be deemed a distinct water
 15 treatment system. As used in this paragraph and in
 16 subsection 2, paragraph "h", a water treatment system
 17 does not include a portable filtration system
 18 certified as a microbiological water purifier by the
 19 United States environmental protection agency. The
 20 Iowa department of public health shall establish rules
 21 exempting portable filtration systems that meet these
 22 standards."
 23 2. By renumbering as necessary.

BOB BRUNKHORST

S-5257

HOUSE AMENDMENT TO
 SENATE FILE 2272

1 Amend Senate File 2272, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:

5 "DIVISION I

6 PRACTITIONER, STUDENT, AND SCHOOL-RELATED MATTERS

7 Section 1. Section 235A.15, subsection 2,
 8 paragraph e, subparagraph (9), Code Supplement 2005,
 9 is amended to read as follows:

10 (9) To the board of educational examiners created
 11 under chapter 272 for purposes of determining whether
 12 a ~~practitioner's~~ license, certificate, or
 13 authorization should be issued, denied, or revoked.

14 Sec. 2. Section 235B.6, subsection 2, paragraph e,
 15 Code Supplement 2005, is amended by adding the
 16 following new subparagraph:

17 NEW SUBPARAGRAPH. (12) To the board of
 18 educational examiners created under chapter 272 for
 19 purposes of determining whether a license,
 20 certificate, or authorization should be issued,
 21 denied, or revoked.

22 Sec. 3. Section 256.7, subsection 21, paragraph c,
 23 Code Supplement 2005, is amended to read as follows:

24 c. A requirement that all school districts and
 25 accredited nonpublic schools annually report to the
 26 department and the local community the district-wide
 27 progress made in attaining student achievement goals
 28 on the academic and other core indicators and the
 29 district-wide progress made in attaining locally
 30 established student learning goals. The school
 31 districts and accredited nonpublic schools shall

32 demonstrate the use of multiple assessment measures in
 33 determining student achievement levels. The school
 34 districts and accredited nonpublic schools shall also
 35 report the number of students who ~~enter ninth grade~~
 36 ~~but do not graduate from the school or school~~
 37 ~~district, utilizing the definition of graduation rate~~
 38 specified by the national governors association; the
 39 number of students who drop out of school; the number
 40 of students pursuing a high school equivalency diploma
 41 pursuant to chapter 259A; the number of students who
 42 were enrolled in the district within the past five
 43 years and who received a high school equivalency
 44 diploma; the percentage of students who receive a high
 45 school diploma and who were not proficient in reading,
 46 mathematics, and science in grade eleven; the number
 47 of students in the prior year who were enrolled as
 48 high school juniors who are within four units of
 49 meeting the district's graduation requirements; the
 50 number of students who are tested and the percentage

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1 of students who are so tested annually; and the
 2 percentage of students who graduated during the prior
 3 school year and who completed a core curriculum. The
 4 board shall develop and adopt uniform definitions
 5 consistent with the federal No Child Left Behind Act
 6 of 2001, Pub. L. No. 107-110 and any federal
 7 regulations adopted pursuant to the federal Act. The
 8 school districts and accredited nonpublic schools may
 9 report on other locally determined factors influencing
 10 student achievement. The school districts and
 11 accredited nonpublic schools shall also report to the
 12 local community their results by individual attendance
 13 center.
 14 Sec. ____ Section 256.7, subsection 26, Code
 15 Supplement 2005, is amended by striking the subsection
 16 and inserting in lieu thereof the following:
 17 26. Set a goal of increasing to eighty percent the
 18 number of students graduating from all secondary
 19 schools in school districts in this state who have
 20 successfully completed the core curriculum recommended
 21 by the college testing service whose college entrance
 22 examination is taken by the majority of Iowa's high
 23 school students. The state goal shall be exclusive of
 24 students who have special or alternative means for
 25 satisfying graduation requirements under
 26 individualized educational plans developed for the
 27 students. The state board shall require each school
 28 district to annually report, beginning with the
 29 2006-2007 school year, the percentage of students
 30 graduating from high school in the school district who

31 complete the core curriculum. The school district
32 shall report, in the comprehensive school improvement
33 plan submitted in accordance with subsection 21, how
34 the district plans to increase the number of students
35 completing the recommended core curriculum. Taking
36 into consideration the recommendations of the college
37 testing service whose college entrance examination is
38 taken by the majority of Iowa's high school students,
39 beginning with the students in the 2010–2011 school
40 year graduating class, the requirements for high
41 school graduation for all students in school districts
42 shall be four years of English and language arts,
43 three years of mathematics, three years of science,
44 and three years of social studies.

45 Sec. 5. Section 256D.1, subsection 1, paragraph b,
46 subparagraph (1), Code 2005, is amended to read as
47 follows:

48 (1) A school district shall at a minimum
49 biannually inform parents of their individual child's
50 performance on the diagnostic assessments in

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1 kindergarten through grade three. If intervention is
2 appropriate, the school district shall inform the
3 parents of the actions the school district intends to
4 take to improve the child's reading skills and provide
5 the parents with strategies to enable the parents to
6 improve their child's skills. If the diagnostic
7 assessments administered in accordance with this
8 subsection indicate that a child is reading below
9 grade level, the school district shall submit a report
10 of the assessment results to the parent, which the
11 parent shall sign and return to the school district.
12 If the parent does not sign or return the report, the
13 school district shall note in the student's record the
14 inaction on the part of the parent. The board of
15 directors of each school district shall adopt a policy
16 indicating the methods the school district will use to
17 inform parents of their individual child's
18 performance.

19 Sec. 6. Section 256D.9, Code Supplement 2005, is
20 amended to read as follows:

21 256D.9 FUTURE REPEAL.

22 This chapter is repealed effective July 1, 2006
23 2007.

24 Sec. 7. Section 256F.1, subsection 2, Code 2005,
25 is amended to read as follows:

26 2. A charter school may be established by creating
27 a new school within an existing public school or
28 converting an existing public school to charter status
29 under section 256F.3, subsections 2 through 6, or by

30 creating a charter magnet school under section 256F.3,
 31 subsection 6A.

32 Sec. 8. Section 256F.2, subsection 3, Code 2005,
 33 is amended to read as follows:

34 3. "Charter school" means a state public charter
 35 school operated as a pilot program. "Charter school"
 36 also means a charter magnet school as described in
 37 section 256F.3, subsection 6A.

38 Sec. 9. Section 256F.2, Code 2005, is amended by
 39 adding the following new subsection:

40 NEW SUBSECTION. 4B. "Public postsecondary
 41 institution" means a community college established
 42 under chapter 260C or an institution of higher
 43 education governed by the state board of regents.

44 Sec. 10. Section 256F.3, subsection 1, Code 2005,
 45 is amended to read as follows:

46 1. The state board of education shall apply for a
 47 federal grant under Pub. L. No. 107-110, cited as the
 48 federal No Child Left Behind Act of 2001 (Title V,
 49 Part B, Subpart 1), for purposes of providing
 50 financial assistance for the planning, program design,

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1 and initial implementation of public charter schools.
 2 However, if federal funds are no longer available for
 3 purposes of this chapter, the state board may continue
 4 to approve charter school applications. The
 5 department shall initiate a pilot program to test the
 6 effectiveness of charter schools and shall implement
 7 the applicable provisions of this chapter. The state
 8 board shall monitor and review charter school progress
 9 on the comprehensive school improvement plan and
 10 student achievement goals established by a charter
 11 school pursuant to section 256F.4 and on the
 12 performance goals and objectives described pursuant to
 13 section 256F.5.

14 Sec. 11. Section 256F.3, subsection 6, Code 2005,
 15 is amended to read as follows:

16 6. Upon approval of an application for the
 17 proposed establishment of a charter school, the school
 18 board shall submit an application for approval to
 19 establish the charter school to the state board in
 20 accordance with section 256F.5. The

21 6A. A public postsecondary institution may apply
 22 to the state board for approval to establish a junior-
 23 senior high or a senior high charter magnet school.
 24 The application submitted by a public postsecondary
 25 institution shall meet the requirements of subsection
 26 6B. In addition to the purposes set forth in section
 27 256F.1, subsection 3, a charter magnet school shall
 28 provide students who are enrolled in the charter

29 magnet school with a rigorous educational program with
30 a specialized focus that will prepare students to
31 attain a postsecondary degree. The specialized focus
32 of the educational program shall include at least one
33 or more of the following subject areas:
34 a. Science.
35 b. Mathematics.
36 c. Engineering.
37 d. Computer science.
38 e. Biotechnology.
39 f. International studies, emphasizing foreign
40 languages, social sciences, and communications.
41 6B. An application submitted to the state board
42 pursuant to this section shall set forth the manner in
43 which the charter school will provide special
44 instruction, in accordance with section 280.4, to
45 students who are limited English proficient. The
46 application shall set forth the manner in which the
47 charter school will comply with federal and state laws
48 and regulations relating to the federal National
49 School Lunch Act and the federal Child Nutrition Act
50 of 1966, 42 U.S.C. § 1751-1785, and chapter 283A. The

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1 state board shall approve only those applications that
2 meet the requirements specified in section 256F.1,
3 subsection 3, and sections 256F.4 and 256F.5. The
4 state board may deny an application if the state board
5 deems that approval of the application is not in the
6 best interest of the affected students. The state
7 board shall approve not more than ~~ten~~ twenty charter
8 school applications. The state board shall approve
9 not more than one charter school application per
10 school district. ~~However, if the state board receives~~
11 ~~ten or fewer applications as of June 30, 2003, and two~~
12 ~~or more of the applications received by the state~~
13 ~~board by that date are submitted by one school~~
14 ~~district, the state board may approve any or all of~~
15 ~~the applications submitted by the school district.~~
16 The state board shall adopt rules in accordance with
17 chapter 17A for the implementation of this chapter.
18 Sec. 12. Section 256F.4, subsection 4, Code 2005,
19 is amended to read as follows:
20 4. A charter school shall enroll an eligible
21 resident student who submits a timely application
22 unless the number of applications exceeds the capacity
23 of a program, class, grade level, or building. In
24 this case, students must be accepted by lot. A
25 charter school may enroll an eligible nonresident
26 student who submits a timely application in accordance
27 with the student admission policy established pursuant

28 to section 256F.5, subsection 1.
 29 a. If the charter school enrolls an eligible
 30 nonresident student, the charter school shall notify
 31 the school district and, if applicable, the sending
 32 district not later than March 1 of the preceding
 33 school year. Transportation for the student shall be
 34 in accordance with section 282.18, subsection 10,
 35 except as provided in paragraph "b". The sending
 36 district shall make payments to the charter school in
 37 the manner required under section 282.18, subsection
 38 7.
 39 b. Transportation to and from a charter magnet
 40 school for a student attending the charter magnet
 41 school shall be provided by the parent or guardian
 42 without reimbursement. However, if the student meets
 43 the economic eligibility requirements established by
 44 the department and state board of education, the
 45 charter magnet school is responsible for providing
 46 transportation or paying the pro rata cost of the
 47 transportation to a parent or guardian for
 48 transporting the pupil to and from the charter magnet
 49 school.
 50 Sec. 13. Section 256F.4, subsection 7, Code 2005,

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1 is amended to read as follows:
 2 7. A charter school shall be considered a part of
 3 the school district in which it is located for
 4 purposes of state school foundation aid pursuant to
 5 chapter 257. However, a student enrolled in a charter
 6 school established pursuant to section 256F.3,
 7 subsection 6A, shall be counted, for state school
 8 foundation aid purposes, in the pupil's district of
 9 residence. A pupil's residence, for purposes of this
 10 section, means a residence under section 282.1. The
 11 board of directors of the district of residence shall
 12 pay to the charter magnet school established pursuant
 13 to section 256F.3, subsection 6A, the state cost per
 14 pupil for the previous school year, plus any moneys
 15 received for the pupil as a result of the non-English
 16 speaking weighting under section 280.4, subsection 3,
 17 for the previous school year multiplied by the state
 18 cost per pupil for the previous year. If the student
 19 enrolled in the charter magnet school is also an
 20 eligible pupil under chapter 261C, the receiving
 21 district shall pay the tuition reimbursement amount to
 22 an eligible postsecondary institution as provided in
 23 section 261C.6.
 24 Sec. 14. Section 256F.4, Code 2005, is amended by
 25 adding the following new subsection:
 26 NEW SUBSECTION. 9. A charter magnet school

27 established pursuant to section 256F.3, subsection 6A,
28 shall establish graduation requirements and may award
29 diplomas to students who meet the graduation
30 requirements established.

31 Sec. 15. Section 256F.5, subsection 4, Code 2005,
32 is amended to read as follows:

33 4. The method for appointing or forming an
34 advisory council for the charter school. The
35 membership of an advisory council appointed or formed
36 in accordance with this chapter shall not include more
37 than one member of the school board if the charter
38 school is established pursuant to section 256F.3,
39 subsections 2 through 6.

40 Sec. 16. Section 256F.6, subsections 1 and 3, Code
41 2005, are amended to read as follows:

42 1. An approved charter school application shall
43 constitute an agreement, the terms of which shall, at
44 a minimum, be the terms of a four-year enforceable,
45 renewable contract between the school board or a
46 public postsecondary institution and the state board.
47 The contract shall include an operating agreement for
48 the operation of the charter school. The terms of the
49 contract may be revised at any time with the approval
50 of both the state board and the school board or the

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1 public postsecondary institution, whether or not the
2 stated provisions of the contract are being fulfilled.
3 The charter school shall provide parents and guardians
4 of students enrolled in the charter school with a copy
5 of the charter school application approved pursuant to
6 section 256F.5.

7 3. The state board of education shall provide by
8 rule for the ongoing review of a school board's or
9 public postsecondary institution's compliance with a
10 contract entered into in accordance with this chapter.

11 Sec. 17. Section 256F.7, subsections 2 and 3, Code
12 2005, are amended to read as follows:

13 2. The school board, or the public postsecondary
14 institution if the charter school is established
15 pursuant to section 256F.3, subsection 6A, in
16 consultation with the advisory council, shall decide
17 matters related to the operation of the school,
18 including budgeting, curriculum, and operating
19 procedures.

20 3. Employees of a charter school shall be
21 considered employees of the school district, or if the
22 charter school is established pursuant to section
23 256F.3, subsection 6A, the public postsecondary
24 institution. However, sections 279.12 through 279.19
25 and section 279.27 shall apply to employees of a

26 charter school if the employees are licensed by the
27 board of educational examiners under chapter 272 and
28 the charter school is established pursuant to section
29 256F.3, subsection 6A. In applying those sections in
30 chapter 279, references to the board of directors of a
31 school district shall be interpreted to apply to the
32 public postsecondary institution.

33 Sec. 18. Section 256F.8, subsection 1, unnumbered
34 paragraph 1, Code 2005, is amended to read as follows:

35 A contract for the establishment of a charter
36 school may be revoked by the state board or the school
37 board or public postsecondary institution that
38 established the charter school if the appropriate
39 board determines that one or more of the following
40 occurred:

41 Sec. 19. Section 256F.8, subsections 2, 3, 4, 6,
42 and 7, Code 2005, are amended to read as follows:

43 2. The decision by a school board or public
44 postsecondary institution to revoke or to fail to take
45 action to renew a charter school contract is subject
46 to appeal under procedures set forth in chapter 290.

47 3. A school board or public postsecondary
48 institution considering revocation or nonrenewal of a
49 charter school contract shall notify the advisory
50 council, the parents or guardians of the students

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1 enrolled in the charter school, and the teachers and
2 administrators employed by the charter school, sixty
3 days prior to revoking or the date by which the
4 contract must be renewed, but not later than the last
5 day of classes in the school year.

6 4. If the state board determines that a charter
7 school is in substantial violation of the terms of the
8 contract, the state board shall notify the school
9 board or the public postsecondary institution and the
10 advisory council of its intention to revoke the
11 contract at least sixty days prior to revoking a
12 contract and the school board or the public
13 postsecondary institution shall assume oversight
14 authority, operational authority, or both oversight
15 and operational authority. The notice shall state the
16 grounds for the proposed action in writing and in
17 reasonable detail. The school board or the public
18 postsecondary institution may request in writing an
19 informal hearing before the state board within
20 fourteen days of receiving notice of revocation of the
21 contract. Upon receiving a timely written request for
22 a hearing, the state board shall give reasonable
23 notice to the school board or the public postsecondary
24 institution of the hearing date. The state board

25 shall conduct an informal hearing before taking final
26 action. Final action to revoke a contract shall be
27 taken in a manner least disruptive to students
28 enrolled in the charter school. The state board shall
29 take final action to revoke or approve continuation of
30 a contract by the last day of classes in the school
31 year. If the final action to revoke a contract under
32 this section occurs prior to the last day of classes
33 in the school year, a charter school student may
34 enroll in the resident district.

35 6. A school board or public postsecondary
36 institution revoking a contract or a school board or
37 public postsecondary institution or advisory council
38 that fails to renew a contract under this chapter is
39 not liable for that action to the charter school, a
40 student enrolled in the charter school or the
41 student's parent or guardian, or any other person.

42 7. In the case of a revocation or a nonrenewal of
43 the charter, the school board or public postsecondary
44 institution is exempt from the state board's "Barker
45 guidelines", as provided in 1 D.P.I. App. Dec. 145
46 (1977).

47 Sec. 20. Section 256F.10, subsection 1, Code 2005,
48 is amended to read as follows:

49 1. A charter school shall report at least annually
50 to the school board or the public postsecondary

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1 institution, as applicable, advisory council, and the
2 state board the information required by the school
3 board or the public postsecondary institution, as
4 applicable, advisory council, or the state board. The
5 reports are public records subject to chapter 22.

6 Sec. 21. Section 260C.14, Code 2005, is amended by
7 adding the following new subsection:

8 **NEW SUBSECTION.** 21. Request that a student
9 pursuing or receiving a high school equivalency
10 diploma provide to the community college the student's
11 school district of residence and the last year the
12 student was enrolled in the school district of
13 residence. The community college shall annually
14 report the information available to the community
15 college pursuant to this subsection to the school
16 district of residence.

17 Sec. 22. Section 272.2, Code 2005, is amended by
18 adding the following new subsection:

19 **NEW SUBSECTION.** 17. Adopt rules to require that a
20 background investigation be conducted by the division
21 of criminal investigation of the department of public
22 safety on all initial applicants for licensure. The
23 board shall also require all initial applicants to

24 submit a completed fingerprint packet and shall use
 25 the packet to facilitate a national criminal history
 26 background check. The board shall have access to, and
 27 shall review the sex offender registry information
 28 under section 692A.13, the central registry for child
 29 abuse information established under chapter 235A, and
 30 the dependent adult abuse records maintained under
 31 chapter 235B for information regarding applicants for
 32 license renewal.

33 Sec. 23. Section 272.3, unnumbered paragraph 1,
 34 Code 2005, is amended to read as follows:

35 The board of educational examiners consists of
 36 eleven members. Two must be members of the general
 37 public and the remaining nine must be licensed
 38 practitioners. One of the public members shall also
 39 ~~be the director of the department of education, or the~~
 40 ~~director's designee~~ have served on a school board.
 41 ~~The other public member~~ members shall be a person who
 42 ~~does not hold~~ never have held a practitioner's
 43 license, but ~~has~~ shall have a demonstrated interest in
 44 education. One of the licensed practitioners shall be
 45 the director of the department of education or the
 46 director's designee. The nine remaining eight
 47 practitioners shall be selected from the following
 48 areas and specialties of the teaching profession:

49 Sec. 24. Section 272.3, unnumbered paragraph 2,
 50 Code 2005, is amended to read as follows:

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1 A majority of the licensed practitioner members
 2 shall be nonadministrative practitioners. Four of the
 3 members shall be administrators. Membership of the
 4 board shall comply with the requirements of sections
 5 69.16 and 69.16A. A quorum of the board shall consist
 6 of six members. ~~The director of the department of~~
 7 ~~education~~ Members shall serve as the elect a
 8 chairperson of the board. Members, except for the
 9 director of the department of education, shall be
 10 appointed by the governor ~~and the appointments are~~
 11 subject to confirmation by the senate.

12 Sec. 25. Section 272.29, Code Supplement 2005, is
 13 amended to read as follows:

14 272.29 ANNUAL ADMINISTRATIVE RULES REVIEW.

15 The executive director shall annually review the
 16 administrative rules adopted pursuant to this chapter
 17 and related state laws. The executive director shall
 18 ~~annually~~ submit the executive director's findings and
 19 recommendations in a report every three years to the
 20 board and the chairpersons and ranking members of the
 21 senate and house standing committees on education and
 22 the joint appropriations subcommittee on education by

23 January 15.

24 Sec. 26. Section 279.61, Code Supplement 2005, is
25 amended to read as follows:

26 279.61 STUDENT PLAN FOR PROGRESS TOWARD UNIVERSITY
27 ADMISSIONS — REPORT.

28 1. For the school year beginning July 1, 2006, and
29 each succeeding school year, the board of directors of
30 each school district shall cooperate with each student
31 enrolled in grade eight to develop for the student a
32 core curriculum plan to guide the student toward the
33 goal of successfully completing, at a minimum, the
34 model core curriculum developed by the state board of
35 education pursuant to section 256.7, subsection 26, by
36 the time the student graduates from high school. The
37 plan shall include career options and shall identify
38 the coursework needed in grades nine through twelve to
39 support the student's postsecondary education and
40 career options. If the pupil is under eighteen years
41 of age, the pupil's parent or guardian shall sign the
42 core curriculum plan developed with the student and
43 the signed plan shall be included in the student's
44 records.

45 2. For the school year beginning July 1, 2006, and
46 each succeeding school year, the board of directors of
47 each school district shall report annually to each
48 student enrolled in grades nine through twelve in the
49 school district, and, if the student is under the age
50 of eighteen, to each student's parent or guardian, the

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1 student's progress toward meeting the goal of
2 successfully completing the model core curriculum
3 developed by the state board of education pursuant to
4 section 256.7, subsection 26.

5 Sec. 27. NEW SECTION. 279.63 FINANCIAL REPORT.

6 1. The board of directors of each public school
7 district shall develop, maintain, and distribute a
8 financial report on an annual basis. The objective of
9 the financial report shall be to facilitate public
10 access to a variety of information and statistics
11 relating to the education funding received by the
12 school district, enrollment and employment figures,
13 and additional information.

14 2. The financial report shall contain, at a
15 minimum, information relating to the following:
16 a. All property tax levies, income surtaxes, and
17 local option sales taxes in place in the school
18 district, listed by type of levy, rate, amount,
19 duration, and notification of the maximum rate and
20 amount limitations permitted by statute.
21 b. The amount of funding received on a per pupil

22 basis through the operation of the school finance
 23 formula, and from any other state appropriation or
 24 state funding source.

25 c. Federal funding received per student or teacher
 26 population targeted to receive the funds, and any
 27 other federal grants or funding received by the
 28 district.

29 d. Teacher and administrator minimum, maximum, and
 30 average salary paid by the district, and the
 31 percentage and dollar increase under teacher and
 32 administrator salary and benefits settlement
 33 agreements.

34 e. Teacher and administrator health insurance and
 35 other alternative health benefit information,
 36 including the monthly premium, the percentage of the
 37 premium paid by the district, and the percentage of
 38 the premium paid by a teacher or administrator for
 39 single and family insurance.

40 f. Teacher and administrator employment
 41 statistics, including the annual number of licensed
 42 full-time and part-time teachers and administrators
 43 employed by the school district during the preceding
 44 five years, and including the number of teachers and
 45 administrators no longer employed by the district, and
 46 new hires.

47 g. Student enrollment levels during the preceding
 48 five years, including regular enrollment, special
 49 education enrollment, and enrollment adjustments made
 50 pursuant to supplementary weighting.

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1 h. Such additional information as the school
 2 district may determine.

3 3. Copies of a school district's financial report
 4 for the previous school year shall be posted on an
 5 internet website maintained by the school district at
 6 the beginning of the school year. If the school
 7 district does not maintain or develop a website, the
 8 school district shall either distribute or post
 9 written copies of the financial report at specified
 10 locations throughout the school district.

11 Sec. 28. NEW SECTION. 298.6 PUBLIC DISCLOSURE OF
 12 OUTSTANDING LEVIES.

13 The board of directors of a school district shall,
 14 prior to certifying any levy by board approval, or
 15 submitting a levy for voter approval, facilitate
 16 public access to a complete listing of all outstanding
 17 levies within the school district by rate, amount,
 18 duration, and the applicable maximum levy limitations.
 19 The information relating to outstanding levies shall
 20 be posted on an internet website maintained by the

21 school district at the beginning of the school year,
 22 and updated prior to board approval or submission for
 23 voter approval of any levy during the school year. If
 24 the school district does not maintain or develop a
 25 website, the school district shall either distribute
 26 or post written copies of the listing at specified
 27 locations throughout the school district.

28 Sec. 29. TRANSITIONAL PROVISION — MEMBERS' TERMS
 29 ON THE BOARD OF EDUCATIONAL EXAMINERS. The two public
 30 members serving on the board of educational examiners
 31 on the effective date of this Act shall continue to
 32 serve as public members of the board until April 30,
 33 2007. On May 1, 2007, the director of the department
 34 of education shall commence service on the board as a
 35 licensed practitioner.

36 Sec. 30. EFFECTIVE DATE. The sections of this
 37 division of this Act amending sections 256F.1 through
 38 256F.8 and 256F.10, being deemed of immediate
 39 importance, take effect upon enactment.

40 DIVISION II

41 EDUCATION ADMINISTRATION"

42 2. Page 1, by striking lines 21 and 22 and
 43 inserting the following: "services, available to
 44 children attending nonpublic schools in the same
 45 manner and to the same extent that they".

46 3. Page 4, by striking lines 4 through 17.

47 4. Page 6, line 7, by inserting before the word
 48 "The" the following: "1".

49 5. Page 6, by inserting after line 25 the
 50 following:

Page 13

1 "2. Beginning January 15, 2007, the department
 2 shall submit an annual report to the chairpersons and
 3 ranking members of the senate and house education
 4 committees that includes the ways school districts in
 5 the previous school year used modified allowable
 6 growth approved under subsection 1; identifies, by
 7 grade level, age, and district size, the students in
 8 the dropout and dropout prevention programs for which
 9 the department approves a request; describes school
 10 district progress toward increasing student
 11 achievement and attendance for the students in the
 12 programs; and describes how the school districts are
 13 using the revenues from the modified allowable growth
 14 to improve student achievement among minority
 15 subgroups."

16 6. Page 7, by striking lines 4 through 30.

17 7. By striking page 10, line 29, through page 11,
 18 line 22.

19 8. By striking page 15, line 12 through page 16,

20 line 23.

21 9. Page 17, by striking lines 7 through 14 and
22 inserting the following: "receiving district is not
23 subject to appeal."

24 10. Page 17, by striking line 16 and inserting
25 the following: "Supplement 2005, is amended by
26 striking the paragraph and inserting in lieu thereof
27 the following:

28 c. If a resident district believes that a
29 receiving district is violating this subsection, the
30 resident district may, within fifteen days after board
31 action by the receiving district, submit an appeal to
32 the director of the department of education.

33 The director, or the director's designee, shall
34 attempt to mediate the dispute to reach approval by
35 both boards as provided in section 282.18, subsection
36 16. If approval is not reached under mediation, the
37 director or the director's designee shall conduct a
38 hearing and shall hear testimony from both boards.
39 Within ten days following the hearing, the director
40 shall render a decision upholding or reversing the
41 decision by the board of the receiving district.
42 Within five days of the director's decision, the board
43 may appeal the decision of the director to the state
44 board of education under the procedures set forth in
45 chapter 290."

46 11. Page 17, by inserting before line 17 the
47 following:

48 "Sec. ____ Section 282.18, subsection 9,
49 unnumbered paragraph 2, Code Supplement 2005, is
50 amended to read as follows:

Page 14

1 If a request to transfer is due to a change in
2 family residence, change in the state in which the
3 family residence is located, a change in a child's
4 parents' marital status, a guardianship proceeding,
5 placement in foster care, adoption, participation in a
6 foreign exchange program, or participation in a
7 substance abuse or mental health treatment program,
8 and the child, who is the subject of the request, is
9 enrolled in any grade from kindergarten through grade
10 twelve at the time of the request and is not currently
11 using any provision of open enrollment, the parent or
12 guardian of the child shall have the option to have
13 the child remain in the child's original district of
14 residence under open enrollment with no interruption
15 in the child's kindergarten through grade twelve
16 educational program. If a parent or guardian
17 exercises this option, the child's new district of
18 residence is not required to pay the amount calculated

19 in subsection 7, until the start of the first full
20 year of enrollment of the child.”

21 12. Page 19, by inserting after line 2 the
22 following:

23 “Sec. __. NEW SECTION. 299A.11 STUDENT RECORDS
24 CONFIDENTIAL.

25 Notwithstanding any provision of law or rule to the
26 contrary, personal information in records regarding a
27 child receiving competent private instruction pursuant
28 to this chapter, which are maintained, created,
29 collected, or assembled by or for a state agency,
30 shall be kept confidential in the same manner as
31 personal information in student records maintained,
32 created, collected, or assembled by or for a school
33 corporation or educational institution in accordance
34 with section 22.7, subsection 1.”

35 13. Page 21, by inserting after line 28 the
36 following:

37 “Sec. __. Section 423E.1, subsection 3, Code
38 2005, is amended to read as follows:

39 3. Local sales and services tax moneys received by
40 a county for school infrastructure purposes pursuant
41 to this chapter shall be utilized for school
42 infrastructure needs or property tax relief. For
43 purposes of this chapter, “school infrastructure”
44 means those activities for which a school district is
45 authorized to contract indebtedness and issue general
46 obligation bonds under section 296.1, except those
47 activities related to a teacher’s or superintendent’s
48 home or homes. These activities include the
49 construction, reconstruction, repair, demolition work,
50 purchasing, or remodeling of schoolhouses, stadiums,

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1 gyms, fieldhouses, and bus garages and the procurement
2 of schoolhouse construction sites and the making of
3 site improvements and those activities for which
4 revenues under section 298.3 or 300.2 may be spent. A
5 school district that uses local sales and services tax
6 moneys for school infrastructure shall comply with the
7 state building code in the absence of a local building
8 code. Additionally, “school infrastructure” includes
9 the payment or retirement of outstanding bonds
10 previously issued for school infrastructure purposes
11 as defined in this subsection, and the payment or
12 retirement of bonds issued under section 423E.5.”

13 14. Page 22, by inserting after line 6 the
14 following:

15 “Sec. __. 2005 Iowa Acts, chapter 179, section
16 82, is amended to read as follows:

17 SEC. 82. 2005 Iowa Acts, House File 739, if

18 enacted, is amended by adding the following new
 19 section:
 20 NEW SECTION. Sec. ____ EFFECTIVE DATE. The
 21 section of this Act amending section 262.9 to
 22 establish a research triangle and clearinghouse takes
 23 effect July 1, ~~2006~~ 2007.”
 24 15. Page 22, by inserting after line 9 the
 25 following:
 26 “Sec. ____ EFFECTIVE DATE. The section of this
 27 Act amending 2005 Iowa Acts, chapter 179, section 82,
 28 being deemed of immediate importance, takes effect
 29 upon enactment.”
 30 16. Page 22, by striking lines 10 through 12.
 31 17. Title page, line 2, by inserting before the
 32 word “and” the following: “the board of educational
 33 examiners.”
 34 18. Title page, by striking line 3 and inserting
 35 the following: “boards.”
 36 19. By renumbering, relettering, or redesignating
 37 and correcting internal references as necessary.

S-5258

1 Amend Senate File 2409 as follows:
 2 1. Page 2, by striking lines 7 through 11 and
 3 inserting the following: “this section does not
 4 exceed an amount equal to three times the most
 5 recently published federal poverty guidelines in the
 6 federal register by the United States department of
 7 health and human services.”
 8 2. Page 3, line 9, by inserting after the figure
 9 “7.” the following: “However, a school tuition
 10 organization shall not be authorized to issue tax
 11 credit certificates unless the organization is
 12 controlled by a board of directors consisting of seven
 13 members. The names and addresses of the members shall
 14 be provided to the department and shall be made
 15 available by the department to the public,
 16 notwithstanding any state confidentiality
 17 restrictions.”
 18 3. Page 4, line 6, by inserting after the word
 19 “year.” the following: “For the tax year beginning in
 20 the 2006 calendar year only, each school served by a
 21 school tuition organization shall submit a
 22 participation form to the department by August 1,
 23 2006, providing the certified enrollment as of the
 24 third Friday of September 2005, along with the school
 25 tuition organization that represents the school.”

S-5259

1 Amend House File 2527, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, line 13, by striking the figure
4 "400,000" and inserting the following: "285,000".

5 2. Page 2, by striking lines 14 through 20.

6 3. Page 4, line 29, by striking the figure
7 "200,000" and inserting the following: "300,000".

8 4. Page 5, by striking lines 11 and 12 and
9 inserting the following:

10 ".....	\$	5,643,607
11 "..... FTEs		75.37

12 From the funds appropriated in this subsection,
13 \$225,000 shall be allocated for purposes of
14 conducting, supporting, and managing the accreditation
15 of school districts and for purposes of various other
16 duties such as conducting reorganization feasibility
17 studies."

18 5. Page 6, line 2, by striking the figure
19 "4,779,655" and inserting the following: "5,034,655".

20 6. Page 7, line 17, by striking the figure
21 "7,856,113" and inserting the following: "7,966,113".

22 7. Page 10, by striking lines 3 through 7 and
23 inserting the following: "Iowa empowerment fund,
24 \$1,000,000 shall be used for professional development
25 for the system of early care, health, and education.

26 f. Of the amount appropriated in this subsection
27 for deposit in the school ready children grants
28 account of the Iowa empowerment fund, \$100,000 shall
29 be allocated to the public broadcasting division of
30 the department of education for support of community
31 empowerment as a ready-to-learn-coordinator."

32 8. Page 10, by striking lines 15 through 19.

33 9. Page 10, line 25, by striking the figure
34 "400,000" and inserting the following: "600,000".

35 10. Page 10, by inserting after line 35 the
36 following:

37 "___ READING INSTRUCTION PILOT PROJECT GRANT
38 PROGRAM

39 For the implementation of the reading instruction
40 pilot project grant program, if enacted by this Act:

41	\$	250,000
----------	----	---------

42 ___ PARENT LIAISON PROGRAM

43 For the establishment of a parent liaison program:

44	\$	44,000
----------	----	--------

45 The department of education shall develop and
46 implement a pilot parental involvement liaison
47 project. The department shall study successful state
48 and national programs and use this information to
49 develop a parental involvement liaison pilot project
50 in which school districts and schools throughout the

Page 2

1 state may apply to participate. The department shall
 2 determine a timeline for the implementation of a
 3 parental involvement liaison pilot project and other
 4 mechanisms as identified, the necessary resources,
 5 measures to publicize the project and other
 6 mechanisms, and shall submit its findings and
 7 recommendations in a report to the chairpersons and
 8 ranking members of the senate and house of
 9 representatives standing committees on education by
 10 January 15, 2008.

11 ____ CORE CURRICULUM REQUIREMENTS

12 To implement core curriculum requirements
 13 established pursuant to section 256.7, subsection 26,
 14 as amended by 2006 Iowa Acts, Senate File 2272, if
 15 enacted:

16 \$ 270,000"

17 11. Page 11, by striking lines 4 through 22 and
 18 inserting the following:

19 "..... \$ 159,579,244

20 Notwithstanding the allocation formula in section
 21 260C.18C, the funds appropriated in this subsection
 22 shall be allocated as follows:

23 a. Merged Area I	\$	7,786,416
24 b. Merged Area II	\$	8,746,545
25 c. Merged Area III	\$	8,076,172
26 d. Merged Area IV	\$	3,965,756
27 e. Merged Area V	\$	8,716,683
28 f. Merged Area VI	\$	7,697,799
29 g. Merged Area VII	\$	11,295,091
30 h. Merged Area IX	\$	13,968,730
31 i. Merged Area X	\$	23,342,242
32 j. Merged Area XI	\$	23,626,432
33 k. Merged Area XII	\$	9,256,058
34 l. Merged Area XIII	\$	9,349,224
35 m. Merged Area XIV	\$	4,015,573
36 n. Merged Area XV	\$	12,611,064
37 o. Merged Area XVI	\$	7,125,459"

38 12. Page 11, line 24, by striking the words "each
 39 community college shall" and inserting the following:
 40 "the department of education shall compile and".

41 13. Page 11, line 27, by inserting after the word
 42 "year" the following: ", which each community college
 43 shall submit to the department by a date specified by
 44 the department".

45 14. Page 16, line 15, by striking the word
 46 "institutions" and inserting the following:
 47 "universities".

48 15. Page 16, line 17, by striking the figure
 49 "6,000,000" and inserting the following:
 50 "11,000,000".

Page 3

1 16. Page 16, line 28, by striking the word
2 "institutions" and inserting the following:
3 "universities".

4 17. Page 16, line 30, by striking the word
5 "institutions" and inserting the following:
6 "universities".

7 18. Page 16, line 31, by striking the word
8 "institution-wide" and inserting the following:
9 "university-wide".

10 19. Page 17, line 8, by striking the word
11 "institution" and inserting the following:
12 "university".

13 20. Page 17, line 18, by striking the words
14 "institution. The institutions" and inserting the
15 following: "university. The universities".

16 21. Page 17, line 32, by striking the word
17 "institution" and inserting the following:
18 "university".

19 22. Page 18, line 3, by striking the words "an
20 institutional" and inserting the following: "a
21 university".

22 23. Page 18, line 5, by striking the word
23 "institutional" and inserting the following:
24 "university".

25 24. Page 18, line 10, by striking the word
26 "institutions" and inserting the following:
27 "universities".

28 25. Page 18, by striking lines 12 through 21.

29 26. Page 18, by inserting before line 22 the
30 following:

31 "(7) Consider Iowa pilot program

32 From the moneys allocated pursuant to this lettered
33 paragraph, an amount equal to \$250,000 shall be used
34 for the development and implementation of a consider
35 Iowa pilot program at the state university of Iowa to
36 retain Iowa's college graduates. The pilot program
37 shall be developed with the intent of expanding the
38 program in future years to the Iowa state university
39 of science and technology and to the university of
40 northern Iowa. The pilot program shall be developed
41 in cooperation with representatives from the state's
42 community colleges and businesses, shall focus on
43 transitional students, current students, and alumni,
44 and shall provide for the following:

45 (a) An interactive internet web presence tying in
46 all aspects of the program.

47 (b) Career development opportunities for target
48 markets.

49 (c) A consulting service for alumni of Iowa's
50 community colleges and the institutions of higher

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1 education governed by the state board of regents.

2 (d) Virtual career fairs for Iowa's businesses.

3 (e) Organization and sponsorship of Iowa employer

4 immersion programs, which may include but are not

5 limited to opportunities for students to tour Iowa

6 businesses and visit with employers and employees in

7 the workplace.

8 (f) Employer strategy forums that encourage

9 recruitment in Iowa, assist community college students

10 with career development issues, and emphasize the

11 benefits of working within the state.

12 (g) Funding for research on why graduates leave

13 Iowa and which defines and implements methods to

14 retain Iowa's graduates and encourage those who have

15 migrated to return.

16 (h) Work with the leadership Iowa program to

17 expand the program at the collegiate level.

18 The university shall submit a progress report to

19 the general assembly by January 15, 2007, and shall

20 submit its findings and recommendations in a report to

21 the general assembly by January 14, 2008."

22 27. By striking page 18, line 33, through page
23 19, line 3.

24 28. Page 21, by striking lines 18 through 20.

25 29. Page 22, by striking lines 16 through 19.

26 30. Page 22, line 29, by striking the figure

27 "8,810,471" and inserting the following: "9,162,890".

28 31. Page 22, line 35, by striking the figure

29 "4,930,295" and inserting the following: "5,127,507".

30 32. Page 24, by inserting after line 6 the

31 following:

32 "Sec. __. NEW SECTION. 256.25 READING
33 INSTRUCTION PILOT PROJECT GRANT PROGRAM.

34 1. Subject to an appropriation of sufficient funds

35 by the general assembly, the department shall

36 establish a reading instruction pilot project grant

37 program that provides for conducting at least two

38 direct reading instruction pilot projects and at least

39 two comprehensive reading instruction pilot projects

40 to demonstrate the ability of both approaches to

41 positively affect student learning for any or all

42 grades from kindergarten through grade three in

43 selected school district attendance centers.

44 2. Each pilot project shall be conducted for a

45 minimum of one year, subject to an appropriation by

46 the general assembly to the department for that

47 purpose. The department, in consultation with experts

48 in the delivery of direct reading and comprehensive

49 reading instruction, shall establish a pilot project

50 grant application process that specifies the design

Page 5

1 and implementation expectations of each grantee,
2 criteria for the selection of pilot project
3 participant school districts, and a system of
4 assessments which all grantees will use to assist
5 teachers and the department in measuring student
6 growth in reading accuracy, fluency, phonemic
7 awareness, oral reading ability, and comprehension
8 skills, including but not limited to the dynamic
9 indicator of basic early literacy. Grantees shall be
10 evenly distributed between urban and rural school
11 districts.

12 3. The department and the experts consulted in
13 accordance with subsection 2 shall jointly develop and
14 agree upon the evaluation criteria and the system of
15 assessments used to evaluate effectiveness of the
16 instruction methods to achieve reading success. The
17 evaluation criteria and the system of assessments
18 shall employ specifically designed evaluation models
19 employing objective, valid, and reliable assessments.

20 4. Grant moneys shall be distributed to qualifying
21 school districts by the department no later than
22 September 1, 2006. Grantees shall use moneys received
23 pursuant to this section to provide for ongoing
24 support and training of the teachers implementing the
25 pilot projects. Grant amounts shall be distributed as
26 determined by the department.

27 5. The department shall retain one hundred
28 thousand dollars annually from the amount appropriated
29 for the pilot project grant program for the
30 administration of the program and one hundred thousand
31 dollars annually for the development and
32 implementation of an independent, external program and
33 results evaluation.

34 6. The department, in collaboration with an
35 independent, external evaluator, shall submit a final
36 report summarizing the results of the pilot projects,
37 including student achievement results, to the
38 chairpersons and ranking members of the senate and
39 house of representatives standing committees on
40 education by January 15, 2008.

41 7. Notwithstanding section 8.33, unencumbered or
42 unobligated funds remaining on June 30 of the fiscal
43 year for which the funds were appropriated for the
44 pilot project grant program shall not revert but shall
45 be available for expenditure for the following fiscal
46 year for purposes of this section.

47 8. This section is repealed effective June 30,
48 2008."

49 33. Page 27, by inserting after line 2 the
50 following:

Page 6

1 "Sec. ____ Section 261.1, subsection 5, Code 2005,
2 is amended to read as follows:

3 5. ~~Eight~~ Nine additional members to be appointed
4 by the governor. One of the members shall be selected
5 to represent private colleges, private universities
6 and private junior colleges located in the state of
7 Iowa. When appointing this member, the governor shall
8 give careful consideration to any person or persons
9 nominated or recommended by any organization or
10 association of some or all private colleges, private
11 universities and private junior colleges located in
12 the state of Iowa. One of the members shall be
13 selected to represent accredited private institutions
14 located in the state of Iowa whose income is not
15 exempt from taxation under section 501(c) of the
16 Internal Revenue Code. One of the members shall be
17 selected to represent community colleges located in
18 the state of Iowa. When appointing this member, the
19 governor shall give careful consideration to any
20 person or persons nominated or recommended by any
21 organization or association of Iowa community
22 colleges. One member shall be enrolled as a student
23 at a board of regents institution, community college,
24 or accredited private institution. One member shall
25 be a representative of a lending institution located
26 in this state. One member shall be a representative
27 of the Iowa student loan liquidity corporation. The
28 other three members, none of whom shall be official
29 board members or trustees of an institution of higher
30 learning or of an association of institutions of
31 higher learning, shall be selected to represent the
32 general public."

33 34. Page 27, by striking lines 7 through 27 and
34 inserting the following: "~~nine~~ fifty-one million six
35 hundred seventy-three thousand five hundred seventy-
36 five dollars for tuition grants. From the funds
37 appropriated in this subsection, an amount equal to
38 ten percent of the funds appropriated in this
39 subsection shall be reserved for distribution to
40 students attending private institutions whose income
41 is not exempt from taxation under section 501(c) of
42 the Internal Revenue Code and whose students were
43 eligible to receive Iowa tuition grant moneys in the
44 fiscal year beginning July 1, 2003. A for-profit
45 institution which, effective March 9, 2005, purchased
46 an accredited private institution that was exempt from
47 taxation under section 501(c) of the Internal Revenue
48 Code, shall be an eligible institution under the Iowa
49 tuition grant program. In the case of a qualified
50 student who was enrolled in such accredited private

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- 1 institution that was purchased by the for-profit
2 institution effective March 9, 2005, and who continues
3 to be enrolled in the eligible institution in
4 succeeding years, the amount the student qualifies for
5 under this subsection shall be not less than the
6 amount the student qualified for in the fiscal year
7 beginning July 1, 2004.”
8 35. Page 27, by striking lines 28 through 34.
9 36. By striking page 29, line 31, through page
10 35, line 35.
11 37. Page 36, by inserting after line 5 the
12 following:
13 “Sec. ____ ALLOCATION TRANSFER. Notwithstanding
14 section 284.13, subsection 1, paragraphs “a” and “b”,
15 Code Supplement 2005, the director of the department
16 of education may transfer, for the fiscal year
17 beginning July 1, 2005, and ending June 30, 2006,
18 without the prior written consent and approval of the
19 governor and the director of the department of
20 management, up to \$200,000 allocated under section
21 284.13, subsection 1, paragraph “a”, for purposes of
22 the issuance of national board certification awards,
23 to supplement moneys allocated pursuant to section
24 284.13, subsection 1, paragraph “b”, for purposes of
25 the beginning teacher mentoring and induction
26 programs.”
27 38. Page 36, by striking lines 16 and 17 and
28 inserting the following: “This division of this
29 Act.”
30 39. By renumbering as necessary.

NANCY J. BOETTGER
WALLY E. HORN

S-5260

- 1 Amend House File 2794, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking page 4, line 19, through page 5,
4 line 3.

COMMITTEE ON WAYS AND MEANS
JOE BOLKCOM, Co-chair
MARK ZIEMAN, Co-chair

S-5261

- 1 Amend House File 2780, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Section 1. Section 125.82, subsection 3, Code
6 2005, as amended by 2006 Iowa Acts, Senate File 2362,
7 section 1, if enacted, and 2006 Iowa Acts, Senate File
8 2217, section 30, if enacted, is amended to read as
9 follows:

10 3. The person who filed the application and a
11 licensed physician, ~~or qualified mental health~~
12 professional as defined in section ~~229.1~~ 228.1, or
13 certified alcohol and drug counselor certified by the
14 nongovernmental Iowa board of substance abuse
15 certification who has examined the respondent in
16 connection with the commitment hearing shall be
17 present at the hearing, unless the court for good
18 cause finds that their presence or testimony is not
19 necessary. The applicant, respondent, and the
20 respondent's attorney may waive the presence or
21 telephonic appearance of the licensed physician, ~~or~~
22 qualified mental health professional, or certified
23 alcohol and drug counselor who examined the respondent
24 and agree to submit as evidence the written report of
25 the licensed physician, ~~or qualified mental health~~
26 professional, or certified alcohol and drug counselor.
27 The respondent's attorney shall inform the court if
28 the respondent's attorney reasonably believes that the
29 respondent, due to diminished capacity, cannot make an
30 adequately considered waiver decision. "Good cause"
31 for finding that the testimony of the licensed
32 physician, ~~or qualified mental health professional, or~~
33 certified alcohol and drug counselor who examined the
34 respondent is not necessary may include, but is not
35 limited to, such a waiver. If the court determines
36 that the testimony of the licensed physician, ~~or~~
37 qualified mental health professional, or certified
38 alcohol and drug counselor is necessary, the court may
39 allow the licensed physician, ~~or qualified mental~~
40 health professional, or certified alcohol and drug
41 counselor to testify by telephone. The respondent
42 shall be present at the hearing unless prior to the
43 hearing the respondent's attorney stipulates in
44 writing that the attorney has conversed with the
45 respondent, and that in the attorney's judgment the
46 respondent cannot make a meaningful contribution to
47 the hearing, or that the respondent has waived the
48 right to be present, and the basis for the attorney's
49 conclusions. A stipulation to the respondent's
50 absence shall be reviewed by the court before the

Page 2

1 hearing, and may be rejected if it appears that
2 insufficient grounds are stated or that the
3 respondent's interests would not be served by the
4 respondent's absence."

5 2. Page 8, by striking line 4 and inserting the
6 following: "funding to counties and other public
7 funding for the services. The purposes of the review
8 include but are not limited to examining the public
9 sources of the funding and programming for the
10 services and to".

11 3. Page 8, line 13, by inserting after the word
12 "representatives." the following: "In addition, the
13 membership shall include four ex officio, nonvoting
14 members with two representing the Iowa state
15 association of counties, one representing the
16 department of human services, and one representing the
17 mental health, mental retardation, developmental
18 disabilities, and brain injury commission. It is the
19 intent of the general assembly that the study
20 committee submit a report with findings and
21 recommendations to the governor, the general assembly,
22 and the commission on or before January 1, 2007."

23 4. Page 8, by inserting after line 16 the
24 following:

25 "Sec. ____ Section 249A.12, subsection 8, as
26 enacted by 2006 Iowa Acts, House File 2492, section 1,
27 is amended by striking the subsection and inserting in
28 lieu thereof the following:

29 8. If a person with mental retardation has no
30 legal settlement or the legal settlement is unknown so
31 that the person is deemed to be a state case and
32 services associated with the mental retardation can be
33 covered under a medical assistance home and
34 community-based waiver or other medical assistance
35 program provision, the nonfederal share of the medical
36 assistance program costs for such coverage shall be
37 paid from the appropriation made for the medical
38 assistance program."

39 5. Page 9, line 1, by striking the word and
40 figures "July 1, 2007" and inserting the following:
41 "October 1, 2006".

42 6. Page 9, line 35, by striking the word and
43 figures "July 1, 2007" and inserting the following:
44 "October 1, 2006".

45 7. Page 10, by striking lines 16 through 30 and
46 inserting the following:

47 "1. a. The section of this division of this Act
48 that amends section 331.440, subsection 3, takes
49 effect July 1, 2007.

50 b. This section, being deemed of immediate

Page 3

1 importance, takes effect upon enactment, and the
2 department shall begin implementation upon enactment.

3 2. a. The department of human services and
4 counties, in consultation with the legislative
5 services agency, shall develop a methodology for
6 distributing the funding appropriated for the fiscal
7 year beginning July 1, 2006, for state case services
8 and other support, as defined in this division of this
9 Act, to counties for county residents who receive
10 state case services and other support, on and after
11 October 1, 2006. The methodology shall be based upon
12 historical usage, projected usage, and significant
13 increases anticipated in county costs. The department
14 and counties shall share with one another names and
15 necessary information concerning the individuals who
16 have been identified by the department or counties.
17 The methodology shall provide for quarterly
18 distributions.

19 b. The base funding amount used for the
20 distribution methodology to counties shall be 75
21 percent of the amount appropriated for state case
22 services and other support plus any reversions from
23 the previous fiscal year's appropriation, the amount
24 transferred from block grant funding, and any other
25 source designated by law. The base funding amount may
26 be adjusted for relevant purposes that may include but
27 are not limited to an adjustment to reflect the
28 expenditure savings realized from renegotiation of the
29 contract with the contractor providing managed care
30 for mental health services made pursuant to this
31 division of this Act.

32 c. Prior to September 1, 2006, the department
33 shall meet with each county to analyze the actual
34 numbers of individuals who are eligible for state
35 case services and other support and who as county
36 residents will be the financial and management
37 responsibility of the county effective October 1,
38 2006, the historical costs of state case services and
39 other support provided to such individuals by the
40 department, the projected increase in cost of
41 providing state case services and other support to
42 such individuals in accordance with the county
43 management plan, and the projected cost to provide
44 state case services and other support at county
45 reimbursement rates in lieu of the capped
46 reimbursement rates paid by the state. The purpose of
47 the analysis is for the department, in consultation
48 with each county, to determine by September 1, 2006,
49 an amount needed for the county to fund state case
50 services and other support for county residents for

Page 4

1 the period beginning October 1, 2006, and ending June
2 30, 2007. If a county disputes the department's
3 determination of the amount needed by the county, the
4 county may appeal the determination to the director of
5 human services. The county shall file the appeal
6 within 30 days of the issuance date of the
7 determination. The director's decision shall be
8 considered to be a final agency decision and may be
9 appealed as provided in chapter 17A. While an appeal
10 is pending, the department shall provide funding to
11 the county for state cases in the amount determined by
12 the department, subject to later adjustment based upon
13 the outcome of the appeal.

14 d. If the aggregate of the amounts determined for
15 each county, as provided in paragraph "c", exceeds the
16 base funding amount determined under paragraph "b",
17 notwithstanding section 331.440, subsection 3A, as
18 enacted by this division of this Act, the department
19 of human services shall retain responsibility for the
20 costs of state case services and other support for
21 persons deemed to be a state case through June 30,
22 2007. The department shall report to the governor and
23 general assembly on or before December 1, 2006,
24 recommendations to address the funding shortfall.

25 e. If the aggregate of the amounts determined for
26 each county, as provided in paragraph "c", is less
27 than the base funding amount determined under
28 paragraph "b", the amounts determined shall be
29 distributed to the counties and the excess amount
30 shall be reserved for distribution as provided in
31 paragraph "f".

32 f. (1) If a county becomes responsible for a new
33 individual state case whose costs were not included in
34 the amounts determined under paragraph "c", the county
35 shall supply the individual's application and service
36 and other support needs to the department for an
37 eligibility determination and identification of
38 funding availability. If the county disputes the
39 department's determination, the appeal provisions
40 under paragraph "c" shall apply.

41 (2) If an existing state case has a change in
42 condition that results in significant additional costs
43 that cannot be offset by savings from other state
44 cases or other means, the county may apply to the
45 department for relief to address the additional costs.
46 Relief payments approved by the department shall be
47 paid from the excess amount reserved under paragraph
48 "e" and are limited to that amount. In addition, if a
49 county has such additional costs and either did not
50 apply for relief or the application was denied in

Page 5

1 whole or in part because at the time of the
2 application the excess amount reserved under paragraph
3 "e" was projected to be insufficient, the county may
4 apply for any funds from any excess amount available
5 under paragraph "e" that would otherwise remain
6 unexpended or unobligated at the close of the fiscal
7 year. Otherwise, the state liability for the cost of
8 the state case services and other support authorized
9 by a county of residence is limited to the amount
10 distributed to the county.

11 g. The state's liability for state case services
12 and other support for the fiscal year beginning July
13 1, 2006, is limited to the amount appropriated.

14 h. The provisions of this subsection shall be
15 adopted in rule as necessary to implement the
16 provisions. The mental health, mental retardation,
17 commission may adopt administrative rules under
18 developmental disabilities, and brain injury
19 section 17A.4, subsection 2, and section 17A.5,
20 subsection 2, paragraph "b", to implement the
21 provisions and the rules shall become effective
22 immediately upon filing or on a later effective date
23 specified in the rules, unless the effective date is
24 delayed by the administrative rules review committee.
25 Any rules adopted in accordance with this subsection
26 shall not take effect before the rules are reviewed by
27 the administrative rules review committee. The delay
28 authority provided to the administrative rules review
29 committee under section 17A.4, subsection 5, and
30 section 17A.8, subsection 9, shall be applicable to a
31 delay imposed under this subsection, notwithstanding a
32 provision in those sections making them inapplicable
33 to section 17A.5, subsection 2, paragraph "b". Any
34 rules adopted in accordance with the provisions of
35 this subsection shall also be published as notice of
36 intended action as provided in section 17A.4."

37 8. Page 10, line 33, by inserting after the word
38 "Act" the following: "amending section 331.440,
39 subsection 3, to take effect".

40 9. Page 11, by striking lines 10 through 24 and
41 inserting the following:

42 "4. The department of human services shall
43 renegotiate the department's contract with the
44 contractor providing managed care for mental health
45 services under the medical assistance program so that
46 any responsibility for the contractor to manage state
47 case services and other support, as defined by this
48 division of this Act, will end on or before September
49 30, 2006. The expenditure savings realized from
50 making this change shall remain with the state case

Page 6

- 1 appropriation for distribution to counties of
- 2 residence.
- 3 5. The department of human services and counties
- 4 shall work with the department's consultant to develop
- 5 a proposal for a case rate system that may be used in
- 6 subsequent fiscal years for distributing funding to
- 7 counties for the state case services and other support
- 8 provided to county residents. The case rate system
- 9 proposal developed is subject to approval by the
- 10 mental health, mental retardation, developmental
- 11 disabilities, and brain injury commission, shall be
- 12 submitted to the governor and general assembly in
- 13 January 2007, and shall not be implemented unless a
- 14 statute specifically authorizing implementation of the
- 15 system is enacted."
- 16 10. Page 18, line 9, by inserting after the word
- 17 "centers" the following: "and providers of mental
- 18 health services to county residents pursuant to a
- 19 waiver approved under section 225C.7, subsection 3,".
- 20 11. By renumbering, relettering, or redesignating
- 21 and correcting internal references as necessary.

MAGGIE TINSMAN
AMANDA RAGAN

S-5262

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2743

- 1 Amend the Senate amendment, H-8617, to House File
- 2 2743, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by inserting after line 11, the
- 5 following:
- 6 "____. Page 4, by striking line 32, and inserting
- 7 the following: "established pursuant to section
- 8 135.26 and for not more than the following full-time
- 9 equivalent position:""
- 10 2. Page 1, line 15, by inserting after the figure
- 11 "5" the following: "and inserting the following:
- 12 FTEs 1.00"
- 13 3. Page 2, by striking line 1, and inserting the
- 14 following:
- 15 "____. Page 8, by striking line 16."
- 16 4. Page 4, line 21, by striking the figure
- 17 "10,925,000" and inserting the following:
- 18 "13,975,375".
- 19 5. By renumbering as necessary.

S-5263

- 1 Amend the House amendment, S-5257, to Senate File
 2 2272, as amended, passed, and reprinted by the Senate,
 3 as follows:
- 4 1. By striking page 3, line 24, through page 4,
 5 line 42, and inserting the following:
 6 "Sec. ____ Section 256F.3, subsection 6, Code
 7 2005, is amended to read as follows:
 8 6. Upon approval of an application for the
 9 proposed establishment of a charter school, the school
 10 board shall submit an application for approval to
 11 establish the charter school to the state board in
 12 accordance with section 256F.5. The application shall
 13 set forth the manner in".
- 14 2. By striking page 5, line 18, through page 9,
 15 line 5.
- 16 3. Page 12, by striking lines 36 through 39 and
 17 inserting the following:
 18 "Sec. ____ EFFECTIVE DATE. The section of this
 19 division of this Act amending section 256F.3,
 20 subsection 6, being deemed of immediate importance,
 21 takes effect upon enactment."
 22 4. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5264

- 1 Amend House File 2706, as amended, passed, and
 2 reprinted by the House, as follows:
- 3 1. Page 1, line 11, by striking the words
 4 "information about".
- 5 2. Page 1, line 14, by inserting after the word
 6 "a" the following: "donor or".
- 7 3. Page 1, by inserting after line 29, the
 8 following:
 9 "f. The confidential records described in
 10 paragraphs "a" through "e" shall not be construed to
 11 make confidential those portions of records disclosing
 12 any of the following:
 13 (1) The amount and date of the donation.
 14 (2) Any donor-designated use or purpose of the
 15 donation.
 16 (3) Any other donor-imposed restrictions on the
 17 use of the donation.
 18 (4) When a pledge or donation is made expressly
 19 conditioned on receipt by the donor, or any person
 20 related to the donor by blood or marriage within the
 21 third degree of consanguinity, of any privilege,
 22 benefit, employment, program admission, or other

23 special consideration from the government body, a
 24 description of any and all such consideration offered
 25 or given in exchange for the pledge or donation.
 26 g. Except as provided in paragraphs "a" through
 27 "f", portions of records relating to the receipt,
 28 holding, and disbursement of gifts made for the
 29 benefit of regents institutions and made through
 30 foundations established for support of regents
 31 institutions, including but not limited to written
 32 fund-raising policies and documents evidencing
 33 fund-raising practices, shall be subject to this
 34 chapter."
 35 4. By renumbering as necessary.

HERMAN C. QUIRMBACH
 LARRY McKIBBEN

S-5265

1 Amend House File 2782, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by striking lines 28 through 31.
 4 2. Page 2, by striking lines 2 through 5.
 5 3. Page 2, line 13, by inserting before the word
 6 "For" the following: "a."
 7 4. Page 2, by inserting after line 17 the
 8 following:
 9 "b. For historical site preservation grants to be
 10 used for the restoration, preservation, and
 11 development of historic sites:
 12 \$ 800,000
 13 In making grants pursuant to this lettered
 14 paragraph, the department shall consider the existence
 15 and amount of other funds available to an applicant
 16 for the designated project. A grant awarded from
 17 moneys appropriated in this lettered paragraph shall
 18 not exceed \$100,000 per project. Not more than two
 19 grants may be awarded in the same county.
 20 c. For providing a grant to the Grout museum
 21 district for establishing a veterans database and
 22 interpretive exhibits at the Sullivan brothers
 23 veterans museum in order to honor Iowa veterans and
 24 their many contributions, notwithstanding section
 25 8.57, subsection 6, paragraph "c":
 26 \$ 1,000,000
 27 d. For the American gothic visitors education
 28 center in Eldon, Iowa, for infrastructure purposes:
 29 \$ 250,000"
 30 5. Page 2, by striking lines 19 and 20 and
 31 inserting the following:
 32 "For costs associated with the construction,
 33 renovation, major repair, and site development of Iowa

34 port authorities pursuant to chapter 28J:"

35 6. Page 3, by inserting after line 1 the
36 following:

37 "Of the amount appropriated in this subsection,
38 \$200,000 shall be allocated to the state library and
39 \$50,000 shall be allocated equally to each library
40 service area.

41 . DEPARTMENT OF HUMAN SERVICES

42 To provide a matching grant for the planning,
43 design, renovation, and construction of a residential
44 treatment facility for youth with emotional and
45 behavioral disorders in a city with a population of
46 between 10,000 and 15,000 residents located in a
47 central Iowa county with a population of approximately
48 38,000 residents:

49 \$ 300,000

50 It is the intent of the general assembly that the

Page 2

1 matching grant awarded from the funds appropriated
2 under this subsection shall be awarded only to the
3 extent that the state moneys are matched from sources
4 other than the state on a dollar-for-dollar basis."

5 7. Page 3, line 7, by inserting before the word
6 "To" the following: "a."

7 8. Page 3, by inserting after line 10 the
8 following:

9 "b. For repair and maintenance of the four season
10 bathhouse shelter at Lake Darling:

11 \$ 250,000"

12 9. Page 3, line 12, by inserting before the word
13 "For" the following: "a."

14 10. Page 3, by inserting after line 14 the
15 following:

16 "b. For allocation to the homeland security and
17 emergency management division for the STARCOMM
18 project:

19 \$ 1,000,000

20 . DEPARTMENT OF PUBLIC HEALTH

21 For construction costs associated with the
22 planning, design, and construction of a regional
23 collaborative building to house environmental public
24 health and emergency and facility management:

25 \$ 100,000"

26 11. Page 3, by inserting before line 15 the
27 following:

28 . DEPARTMENT OF PUBLIC SAFETY

29 a. For the planning, design, and construction of a
30 law enforcement driving safety training facility in
31 the same location as the automobile racetrack facility
32 as defined in section 423.4, subsection 5:

33	\$	800,000
34 b. For allocation to the division of fire		
35 protection for the planning, design, and construction		
36 of regional emergency response training centers in the		
37 state:		
38	\$	2,300,000
39 Of the amount appropriated in this lettered		
40 paragraph, \$400,000 shall be allocated to Western Iowa		
41 technical community college.		
42 Of the amount appropriated in this lettered		
43 paragraph, \$500,000 shall be allocated to Iowa western		
44 community college.		
45 Of the amount appropriated in this lettered		
46 paragraph, \$150,000 shall be allocated to northeast		
47 Iowa community college.		
48 Of the amount appropriated in this lettered		
49 paragraph, \$150,000 shall be allocated to hawkeye		
50 community college.		

Page 3

1 Of the amount appropriated in this lettered
2 paragraph, \$400,000 shall be allocated to eastern Iowa
3 community college.

4 Of the amount appropriated in this lettered
5 paragraph, \$400,000 shall be allocated to Iowa lakes
6 community college.

7 Of the amount appropriated in this lettered
8 paragraph, an additional \$300,000 shall be available
9 to a lead public agency of any of the regional
10 emergency response training centers upon application
11 to the fire service training bureau. The state fire
12 marshal shall adopt rules that establish an
13 application procedure for a lead public agency of any
14 of the regional emergency response training centers
15 identified in section 100B.16. The highest priority
16 use for the moneys appropriated under this paragraph
17 shall be for regional emergency response training
18 centers comprised of two merged areas. Such moneys
19 shall be used for the same purposes for which the
20 previously identified allocations may be spent and
21 shall not be used for facilities related to providing
22 advanced training as specified in section 100B.16.”

23 12. Page 3, line 30, by inserting after the
24 figure “2005,” the following: “including projects
25 submitted for review to the technology and
26 commercialization resources organization created in
27 this Act, if enacted.”

28 13. Page 4, line 3, by inserting after the figure
29 “2005” the following: “, including projects submitted
30 for review to the technology and commercialization
31 resources organization created in this Act, if

32 enacted”.

33 14. Page 4, line 7, by striking the figure
 34 “10,000,000” and inserting the following:
 35 “8,350,000”.

36 15. Page 4, by striking line 21 and inserting the
 37 following:

38 “g. For endowments and salaries, notwithstanding
 39 section 8.57, subsection 6, paragraph “c.”

40 16. Page 5, by striking lines 14 through 16 and
 41 inserting the following:

42 “a. For deposit into the railroad revolving loan
 43 and grant fund created in section 327H.20A.”

44 17. Page 5, by striking lines 25 through 27.

45 18. Page 5, line 29, by inserting before the word
 46 “For” the following: “a.”

47 19. Page 5, by inserting after line 32 the
 48 following:

49 “b. For county fair infrastructure improvements
 50 for distribution in accordance with chapter 174 to

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1 qualified fairs which belong to the association of
 2 Iowa fairs:

3 \$ 1,060,000”

4 20. Page 5, line 34, by striking the words
 5 “department of public defense” and inserting the
 6 following: “following departments”.

7 21. Page 6, line 1, by striking the word “amount”
 8 and inserting the following: “amounts”.

9 22. Page 6, by striking lines 3 through 21 and
 10 inserting the following:

11 “1. DEPARTMENT OF ADMINISTRATIVE SERVICES

12 For construction of a new school and infirmary
 13 building at the Iowa juvenile home at Toledo and for
 14 the renovation of existing school buildings and the
 15 demolition of other buildings:

16 \$ 3,100,000

17 2. DEPARTMENT OF CULTURAL AFFAIRS

18 For deposit into the Iowa great places program fund
 19 created in section 303.3D as enacted in this Act:

20 \$ 3,000,000

21 3. DEPARTMENT OF PUBLIC DEFENSE

22 For allocation to the homeland security and
 23 emergency management division for the STARCOMM
 24 project:

25 \$ 2,000,000

26 4. DEPARTMENT OF TRANSPORTATION. For deposit into
 27 the public transit infrastructure grant fund created
 28 in section 324A.6A, if enacted in this Act:

29 \$ 2,200,000

30 Sec. ____ There is appropriated from the rebuild

31 Iowa infrastructure fund to the department of public
32 defense for the fiscal year beginning July 1, 2008,
33 and ending June 30, 2009, the following amount, or so
34 much thereof as is necessary, to be used for the
35 purposes designated:

36 For allocation to the homeland security and
37 emergency management division for the STARCOMM
38 project:

39 \$ 1,600,000"

40 23. Page 6, by striking lines 22 through 29 and
41 inserting the following:

42 "Sec. ____ REVERSION.

43 1. Notwithstanding section 8.33, moneys
44 appropriated for the fiscal year beginning July 1,
45 2006, in this division of this Act that remain
46 unencumbered or unobligated at the close of the fiscal
47 year shall not revert but shall remain available for
48 the purposes designated until the close of the fiscal
49 year that begins July 1, 2009, or until the project
50 for which the appropriation was made is completed,

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1 whichever is earlier.

2 2. Notwithstanding section 8.33, moneys
3 appropriated for the fiscal year beginning July 1,
4 2007, in this division of this Act that remain
5 unencumbered or unobligated at the close of the fiscal
6 year shall not revert but shall remain available for
7 the purposes designated until the close of the fiscal
8 year that begins July 1, 2010, or until the project
9 for which the appropriation was made is completed,
10 whichever is earlier.

11 3. Notwithstanding section 8.33, moneys
12 appropriated for the fiscal year beginning July 1,
13 2008, in this division of this Act that remain
14 unencumbered or unobligated at the close of the fiscal
15 year shall not revert but shall remain available for
16 the purposes designated until the close of the fiscal
17 year that begins July 1, 2011, or until the project
18 for which the appropriation was made is completed,
19 whichever is earlier."

20 24. Page 7, line 1, by inserting after the word
21 "new" the following: "approximately".

22 25. Page 7, line 5, by striking the figure
23 "14,600,000" and inserting the following:
24 "16,100,000".

25 26. Page 7, line 6, by striking the figure
26 "14,600,000" and inserting the following:
27 "16,800,000".

28 27. Page 7, line 21, by striking the figure
29 "14,000,000" and inserting the following:

30 "15,650,000".

31 28. Page 8, by inserting after line 14 the
32 following:

33 "Of the amount appropriated in this lettered
34 paragraph, \$150,000 is allocated to the department for
35 the purpose of funding a detailed project report by
36 the United States army corps of engineers to study
37 flood prevention improvements to a levee located in
38 the largest city in a county in this state with a
39 population between 190,000 and 200,000. To receive
40 funds pursuant to this paragraph, the city shall
41 provide local matching moneys on a dollar-for-dollar
42 basis and shall work to obtain any available federal
43 funding."

44 29. Page 8, by striking lines 30 and 31 and
45 inserting the following:

46 "d. For deposit in the agricultural drainage well
47 water quality assistance fund created in section
48 460.303 to be used for".

49 30. Page 11, by striking lines 26 through 30 and
50 inserting the following:

Page 6

1	"....."	\$	975,000
2	Of the amount appropriated for the dredging of		
3	lakes, \$225,000 shall be allocated for a lake with		
4	public access that has the support of a benefitted		
5	lake district located in a county with a population		
6	between 18,350 and 18,450.		
7	The department shall monitor private lake		
8	recipients with a department presence of the funds		
9	appropriated in this lettered paragraph and such		
10	recipients shall provide local matching moneys on a		
11	dollar-for-dollar basis."		
12	31. Page 12, by striking lines 8 through 13 and		
13	inserting the following:		
14	"i. For completion of the tire reclamation project		
15	near Rhodes:		
16	.....	\$	50,000
17	Sec. ____ There is appropriated from the		
18	environment first fund to the department of		
19	agriculture and land stewardship for the fiscal year		
20	beginning July 1, 2007, and ending June 30, 2008, the		
21	following amount, or so much thereof as is necessary,		
22	to be used for the purpose designated:		
23	For the purpose of funding a detailed project		
24	report by the United States army corps of engineers to		
25	study flood prevention improvements to a levee located		
26	in the largest city in a county in this state with a		
27	population between 190,000 and 200,000:		
28	.....	\$	150,000

29 To receive funds pursuant to this section, the city
 30 shall provide local matching moneys on a
 31 dollar-for-dollar basis and shall work to obtain any
 32 available federal funding.
 33 Notwithstanding section 8.33, moneys appropriated
 34 in this section that remain unencumbered or
 35 unobligated at the close of the fiscal year shall not
 36 revert but shall remain available for the purposes
 37 designated until the close of the fiscal year that
 38 begins July 1, 2010, or until the project for which
 39 the appropriation was made is completed, whichever is
 40 earlier.”

41 32. Page 12, line 26, by inserting after the word
 42 “appropriated” the following: “for the fiscal year
 43 beginning July 1, 2006.”.

44 33. Page 13, by striking line 20 and inserting
 45 the following: “fiscal year beginning July 1, 2005,
 46 and ending June 30, 2006”.

47 34. By striking page 13, line 27, through page
 48 14, line 11, and inserting the following:

49 “(2) For costs associated with the remodeling of
 50 the records and property center:

Page 7

1	\$	2,200,000
2 (3) For costs associated with the restoration of		
3 the west capitol terrace:		
4	\$	2,300,000
5 (4) For costs to repair parking lots on the		
6 capitol complex:		
7	\$	1,545,000
8 b. DEPARTMENT OF CORRECTIONS		
9 (1) For construction of a community-based		
10 correctional facility, including district offices, in		
11 Ft. Dodge:		
12	\$	1,400,000
13 (2) For the remodeling and renovation of the		
14 kitchen facilities at the Anamosa correctional		
15 facility:		
16	\$	1,840,000
17 (3) For the Oakdale expansion one-time equipment		
18 purchases and expenses:		
19	\$	3,376,519”

20 35. Page 14, by inserting after line 14 the
 21 following:
 22 “Of the amount appropriated in this lettered
 23 paragraph, \$25,000 shall be used for improvements to
 24 the stone wall at Backbone state park.”

25 36. By striking page 14, line 19, through page
 26 16, line 11, and inserting the following:

27 “(2) For upgrades to the Camp Dodge water

28 distribution system:
 29 \$ 750,000
 30 (3) For construction of a national guard aviation
 31 armory in Waterloo:
 32 \$ 399,000
 33 ____ DEPARTMENT OF PUBLIC SAFETY
 34 For construction of an Iowa state patrol post in
 35 district 8:
 36 \$ 2,400,000”
 37 37. Page 16, by striking lines 21 through 23 and
 38 inserting the following: “the close of the fiscal
 39 year that begins July 1, 2006.
 40 Sec. ____ EFFECTIVE DATE. This division of this
 41 Act, being deemed of immediate importance, takes
 42 effect upon enactment.”
 43 38. Page 17, line 2, by inserting after the
 44 figure “2005” the following: “, including projects
 45 submitted for review to the technology and
 46 commercialization resources organization created in
 47 this Act, if enacted.”
 48 39. Page 17, by striking lines 20 through 22.
 49 40. Page 17, by inserting after line 31 the
 50 following:

Page 8

1 “Of the amount appropriated in this lettered
 2 paragraph, funds shall be used for the maintenance of
 3 the exterior windows on the east side of the capitol
 4 building.”
 5 41. Page 17, line 33, by inserting after the word
 6 “new” the following: “approximately”.
 7 42. Page 17, line 35, by striking the figure
 8 “38,485,000” and inserting the following:
 9 “37,585,000”.
 10 43. Page 18, by striking lines 4 through 6.
 11 44. Page 18, line 14, by striking the figure
 12 “8,130,668” and inserting the following: “5,030,668”.
 13 45. Page 18, by inserting after line 14 the
 14 following:
 15 “____. For discretion by the director of the
 16 department of administrative services to be used to
 17 purchase property or enter into agreements to purchase
 18 property which would be appropriate or beneficial to
 19 the state:
 20 \$ 500,000”
 21 46. Page 18, line 25, by striking the figure
 22 “1,400,000” and inserting the following: “1,000,000”.
 23 47. Page 18, by striking lines 26 through 28 and
 24 inserting the following:
 25 “c. To the sixth judicial district department of
 26 correctional services for the design and construction

27 of a 20-bed residential facility for offenders under
 28 the supervision of the district department who have
 29 mental health or dual diagnosis needs:
 30 \$ 1,000,000"

31 48. By striking page 18, line 30, through page
 32 19, line 2, and inserting the following:
 33 "For deposit into the Iowa great places program
 34 fund created in section 303.3D, if enacted in this
 35 Act:
 36 \$ 3,000,000

37 Of the amount deposited into the Iowa great places
 38 program fund pursuant to this subsection, \$1,000,000
 39 is appropriated for and shall be allocated to each
 40 Iowa great place identified through the Iowa great
 41 places program in fiscal year 2005-2006.
 42 Notwithstanding section 8.33, the amounts appropriated
 43 and allocated pursuant to this paragraph that remain
 44 unencumbered at the close of the fiscal year shall not
 45 revert but shall remain available for expenditure by
 46 the department for the purposes designated in this
 47 paragraph until the close of the succeeding fiscal
 48 year.

49 . DEPARTMENT OF ECONOMIC DEVELOPMENT
 50 For accelerated career education program capital

Page 9

1 projects at community colleges that are authorized
 2 under chapter 260G and that meet the definition of
 3 "vertical infrastructure" in section 8.57B, subsection
 4 3:
 5 \$ 5,500,000

6 The moneys appropriated in this subsection shall be
 7 allocated equally among the community colleges in the
 8 state. If any portion of the equal allocation to a
 9 community college is not obligated or encumbered by
 10 April 1, 2007, the unobligated and unencumbered
 11 portions shall be available for use by other community
 12 colleges."

13 49. Page 19, line 22, by striking the figure
 14 "1,635,000" and inserting the following: "1,236,000".

15 50. Page 19, by striking lines 25 through 27, and
 16 inserting the following:
 17 "d. For allocation to the homeland security and
 18 emergency management division for the STARCOMM
 19 project:
 20 \$ 600,000"

21 51. Page 19, by striking lines 29 through 31 and
 22 inserting the following:
 23 "For allocation to the division of fire protection
 24 for the planning, design, and construction of regional
 25 emergency response training centers in the state:

26 \$ 2,000,000

27 Of the amount appropriated in this subsection,

28 \$400,000 shall be allocated to north Iowa area

29 community college.

30 Of the amount appropriated in this subsection,

31 \$400,000 shall be allocated to southeastern Iowa

32 community college.

33 Of the amount appropriated in this subsection,

34 \$400,000 shall be allocated to a public agency, as

35 defined in section 100B.15, located in merged area

36 eleven.

37 Of the amount appropriated in this subsection,

38 \$400,000 shall be allocated to Kirkwood community

39 college.

40 Of the amount appropriated in this subsection,

41 \$400,000 shall be allocated to Iowa central community

42 college.”

43 52. Page 20, by inserting after line 13 the

44 following:

45 “ . DEPARTMENT OF TRANSPORTATION

46 a. For infrastructure improvements at general

47 aviation airports within the state:

48 \$ 750,000

49 b. For vertical infrastructure improvements at the

50 commercial air service airports within the state:

Page 10

1 \$ 1,500,000

2 Fifty percent of the funds appropriated in this

3 lettered paragraph shall be allocated equally between

4 each commercial service airport, 40 percent of the

5 funds shall be allocated based on the percentage that

6 the number of enplaned passengers at each commercial

7 service airport bears to the total number of enplaned

8 passengers in the state during the previous fiscal

9 year, and 10 percent of the funds shall be allocated

10 based upon the percentage that the air cargo tonnage

11 at each commercial service airport bears to the total

12 air cargo tonnage in the state during the previous

13 fiscal year. In order for a commercial service

14 airport to receive funding under this lettered

15 paragraph, the airport shall be required to submit

16 applications for funding of specific projects to the

17 department for approval by the state transportation

18 commission.

19 c. For acquiring, constructing, and improving

20 recreational trails within the state:

21 \$ 2,000,000

22 Of the amount appropriated in this lettered

23 paragraph, \$200,000 shall be allocated for trail

24 projects in Wapello county.

25 d. For deposit into the public transit
 26 infrastructure grant fund created in section 324A.6A:
 27 \$ 2,200,000”
 28 53. Page 20, by striking lines 17 through 25.
 29 54. Page 21, by inserting after line 26 the
 30 following:
 31 “Sec. __. REPORT. Annually, on or before January
 32 1 of each year, a state agency that received an
 33 appropriation from the endowment for Iowa’s health
 34 restricted capitals fund for the preceding fiscal year
 35 shall report to the joint transportation,
 36 infrastructure, and capitals appropriation
 37 subcommittee, the legislative services agency, the
 38 department of management, and the legislative capital
 39 projects committee of the legislative council the
 40 status of all ongoing projects for which an
 41 appropriation from the fund has been made. The report
 42 shall include a description of the project, the
 43 progress of work completed, the total estimated cost
 44 of the project, a list of all revenue sources being
 45 used to fund the project, the amount of funds
 46 expended, the amount of funds obligated, and an
 47 estimated completion date of the project.”
 48 55. Page 24, by inserting after line 18 the
 49 following:
 50 “4. Annually, on or before January 1 of each year,

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1 a state agency that received an appropriation from
 2 this fund for the preceding fiscal year shall report
 3 to the joint transportation, infrastructure, and
 4 capitals appropriation subcommittee, the legislative
 5 services agency, the department of management, and the
 6 legislative capital projects committee of the
 7 legislative council the status of all ongoing projects
 8 for which an appropriation from this fund has been
 9 made. The report shall include a description of the
 10 project, the progress of work completed, the total
 11 estimated cost of the project, a list of all revenue
 12 sources being used to fund the project, the amount of
 13 funds expended, the amount of funds obligated, and an
 14 estimated completion date of the project.”
 15 56. Page 25, by inserting after line 15 the
 16 following:
 17 “d. For the purposes of contracting with qualified
 18 persons outside the department to conduct use
 19 attainability analyses in conformance with section
 20 455B.176A, as enacted in 2006 Iowa Acts, Senate File
 21 2363, if enacted, or in any other Act of the
 22 Eighty-first General Assembly, 2006 Session:
 23 \$ 750,000”

24 57. Page 31, by striking lines 6 through 23.
 25 58. Page 31, by inserting after line 25 the
 26 following:
 27 "Sec. ____ Section 8.57, subsection 6, Code 2005,
 28 is amended by adding the following new paragraph:
 29 NEW PARAGRAPH. h. Annually, on or before January
 30 1 of each year, a state agency that received an
 31 appropriation from the rebuild Iowa infrastructure
 32 fund for the preceding fiscal year shall report to the
 33 joint transportation, infrastructure, and capitals
 34 appropriation subcommittee, the legislative services
 35 agency, the department of management, and the
 36 legislative capital projects committee of the
 37 legislative council the status of all ongoing projects
 38 for which an appropriation from the fund has been
 39 made. The report shall include a description of the
 40 project, the progress of work completed, the total
 41 estimated cost of the project, a list of all revenue
 42 sources being used to fund the project, the amount of
 43 funds expended, the amount of funds obligated, and an
 44 estimated completion date of the project.
 45 Sec. ____ Section 8.57A, Code 2005, is amended by
 46 adding the following new subsection:
 47 NEW SUBSECTION. 5. Annually, on or before January
 48 1 of each year, a state agency that received an
 49 appropriation from the environment first fund for the
 50 preceding fiscal year shall report to the joint

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1 transportation, infrastructure, and capitals
 2 appropriation subcommittee, the legislative services
 3 agency, the department of management, and the
 4 legislative capital projects committee of the
 5 legislative council the status of all ongoing projects
 6 for which an appropriation from the fund has been
 7 made. The report shall include a description of the
 8 project, the progress of work completed, the total
 9 estimated cost of the project, a list of all revenue
 10 sources being used to fund the project, the amount of
 11 funds expended, the amount of funds obligated, and an
 12 estimated completion date of the project.
 13 Sec. ____ Section 8.57B, Code Supplement 2005, is
 14 amended by adding the following new subsection:
 15 NEW SUBSECTION. 5. Annually, on or before January
 16 1 of each year, a state agency that received an
 17 appropriation from the vertical infrastructure fund
 18 for the preceding fiscal year shall report to the
 19 joint transportation, infrastructure, and capitals
 20 appropriation subcommittee, the legislative services
 21 agency, the department of management, and the
 22 legislative capital projects committee of the

23 legislative council the status of all ongoing projects
 24 for which an appropriation from the fund has been
 25 made. The report shall include a description of the
 26 project, the progress of work completed, the total
 27 estimated cost of the project, a list of all revenue
 28 sources being used to fund the project, the amount of
 29 funds expended, the amount of funds obligated, and an
 30 estimated completion date of the project.

31 Sec. ____ Section 8A.321, subsection 10, Code
 32 Supplement 2005, is amended to read as follows:

33 10. Prepare annual status reports for all ongoing
 34 capital projects of ~~all state agencies, as defined in~~
 35 ~~section 8.3A the department,~~ and submit the status
 36 reports to the ~~legislative capital projects committee~~
 37 joint transportation, infrastructure, and capitals
 38 appropriation subcommittee."

39 59. Page 32, by inserting after line 21 the
 40 following:

41 "Sec. ____ Section 12E.12, Code 2005, is amended
 42 by adding the following new subsection:

43 NEW SUBSECTION. 9. Annually, on or before January
 44 1 of each year, a state agency that received an
 45 appropriation from the tobacco settlement trust fund
 46 for the preceding fiscal year shall report to the
 47 joint transportation, infrastructure, and capitals
 48 appropriation subcommittee, the legislative services
 49 agency, the department of management, and the
 50 legislative capital projects committee of the

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1 legislative council the status of all ongoing projects
 2 for which an appropriation from the fund has been
 3 made. The report shall include a description of the
 4 project, the progress of work completed, the total
 5 estimated cost of the project, a list of all revenue
 6 sources being used to fund the project, the amount of
 7 funds expended, the amount of funds obligated, and an
 8 estimated completion date of the project.

9 Sec. ____ Section 15I.1, subsection 2, paragraph
 10 a, Code Supplement 2005, is amended to read as
 11 follows:

12 a. Medical and dental insurance plans. If an
 13 employer offers medical insurance under both single
 14 and family coverage plans, the employer shall be given
 15 credit for providing medical insurance under family
 16 coverage plans to all new employees."

17 60. Page 32, by striking lines 22 through 26.

18 61. Page 32, by striking lines 30 and 31 and
 19 inserting the following:

20 "The state fire marshal, ~~subject to the approval of~~
 21 ~~the state fire service and emergency response council,~~

22 may shall".

23 62. Page 33, by striking lines 5 through 7 and
24 inserting the following:

25 "The state fire marshal may enter into written
26 agreements with other".

27 63. Page 33, by striking lines 17 through 19 and
28 inserting the following: "described in section 100B.6
29 shall not be greater than the fee schedule established
30 by rule by the state fire marshal."

31 64. By striking page 33, line 33, through page
32 34, line 4.

33 65. By striking page 34, line 26, through page
34 35, line 19, and inserting the following:

35 "1. Regional emergency response training centers
36 shall be established to provide training to fire
37 fighters and other emergency responders. The lead
38 public agency for the training centers shall be the
39 following community colleges for the following merged
40 areas:

41 a. Northeast Iowa community college for merged
42 area I in partnership with the Dubuque county
43 firemen's association and to provide advanced training
44 in agricultural emergency response as such advanced
45 training is funded by the homeland security and
46 emergency management division of the department of
47 public defense.

48 b. North Iowa area community college for merged
49 area II in partnership with the Mason City fire
50 department.

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1 c. Iowa lakes community college for merged area
2 III.

3 d. Iowa central community college for merged area
4 V and to provide advanced training in homeland
5 security as such advanced training is funded by the
6 homeland security and emergency management division of
7 the department of public defense.

8 e. Hawkeye community college for merged area VII
9 in partnership with the Waterloo regional hazardous
10 materials training center and to provide advanced
11 training in hazardous materials emergency response as
12 such advanced training is funded by the homeland
13 security and emergency management division of the
14 department of public defense.

15 f. Eastern Iowa community college for merged area
16 IX in partnership with the city of Davenport fire
17 department.

18 g. Kirkwood community college for merged area X in
19 partnership with the city of Coralville fire
20 department and the Iowa City fire department and to

21 provide advanced training in agricultural terrorism
22 response and mass casualty and fatality response as
23 such advanced training is funded by the homeland
24 security and emergency management division of the
25 department of public defense.

26 h. Western Iowa technical community college for
27 merged area XII in partnership with the Sioux City
28 fire department and to provide advanced training in
29 emergency responder communications as such advanced
30 training is funded by the homeland security and
31 emergency management division of the department of
32 public defense.

33 i. Iowa western community college for merged areas
34 XIII and XIV in partnership with southwestern
35 community college and the Council Bluffs fire
36 department.

37 j. Southeastern Iowa community college for merged
38 areas XV and XVI in partnership with Indian hills
39 community college and the city of Fort Madison fire
40 department.”

41 66. Page 35, by striking lines 24 through 34 and
42 inserting the following:

43 “2. a. A lead public agency listed in subsection
44 1, paragraphs “a” through “j”, shall submit an
45 application to the bureau in order to be eligible to
46 receive a state appropriation for the agency’s
47 training center. The bureau shall prescribe the form
48 of the application and, on or before August 15, 2006,
49 shall provide such application to each lead public
50 agency.

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1 b. An applicant lead public agency”.

2 67. Page 36, line 1, by inserting after the word
3 “center.” the following: “An applicant shall also
4 include on the application the location of any
5 existing facilities required in section 100B.17 and
6 located in the training region.”

7 68. Page 36, by striking lines 6 through 10 and
8 inserting the following:

9 “c. By January 10 of each year, the bureau shall
10 submit to the general assembly a list of applications
11 received and the action taken by the bureau on each
12 application. The bureau shall.”

13 69. Page 36, line 14, by inserting after the word
14 “applicant” the following: “lead”.

15 70. Page 36, by inserting after line 30 the
16 following:

17 “4. Applications must be submitted to the bureau
18 by September 15, 2006, in order for a training center
19 to be eligible to receive state funds in the fiscal

20 year beginning July 1, 2006, if funds are appropriated
 21 to that training center for that fiscal year. The
 22 bureau shall review and approve an application and, if
 23 approved, distribute funds appropriated for that
 24 training center within thirty days of receiving the
 25 application from the applicant. State funds that have
 26 been appropriated for use by a specified training
 27 center shall be distributed to that training center as
 28 soon as possible after the bureau approves such
 29 training center's application.

30 5. The application shall list the training
 31 facilities to be required in order for a training
 32 center to provide training to fire fighters and other
 33 emergency responders. If a lead agency or a partner
 34 of a lead agency already owns or utilizes a required
 35 training facility, that facility shall not be
 36 duplicated when constructing the required training
 37 facilities listed on the application."

38 71. Page 36, line 31, by striking the figure "4."
 39 and inserting the following: "6."

40 72. Page 36, line 34, by inserting after the word
 41 "system" the following: "as such advanced training is
 42 funded by the homeland security and emergency
 43 management division of the department of public
 44 defense".

45 73. Page 36, by inserting after line 34 the
 46 following:

47 "7. The state fire marshal may adopt
 48 administrative rules under section 17A.4, subsection
 49 2, and section 17A.5, subsection 2, paragraph "b", to
 50 administer this section."

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1 74. By striking page 36, line 35, through page
 2 37, line 17, and inserting the following:
 3 "Sec. . NEW SECTION. 100B.17 TRAINING CENTER
 4 FACILITIES — ADVANCED TRAINING — INSPECTIONS.
 5 1. Each training center is required to have the
 6 facilities listed on the application in section
 7 100B.16. In addition, each".

8 75. Page 37, line 25, by striking the figure "3."
 9 and inserting the following: "2."

10 76. Page 37, by striking lines 33 through 35 and
 11 inserting the following: "materials, curriculum,
 12 training aids, and training schedule."

13 77. Page 38, by inserting after line 23 the
 14 following:

15 "Sec. ____ NEW SECTION. 262B.21 RESEARCH AND
 16 DEVELOPMENT PLATFORMS.

17 1. For purposes of this section, and sections
 18 262B.22 and 262B.23, "core platform areas" means the

19 areas of advanced manufacturing, biosciences,
20 information solutions, and financial services.

21 2. The state board of regents shall do all of the
22 following:

23 a. Recruit employees, build capacity, and invest
24 moneys to ensure rapid scientific progress in the core
25 platform areas.

26 b. Create endowed chair positions and employ
27 persons with entrepreneurial expertise.

28 c. Invest in technology development infrastructure
29 to strengthen and accelerate the scientific and
30 commercialization work in the core platform areas.

31 d. Provide financial assistance in the form of
32 grants for purposes of accelerating the transformation
33 of new and ongoing research and development
34 initiatives in the core platform areas into commercial
35 opportunities.

36 e. Actively participate in advisory groups
37 dedicated to the areas of bioscience advanced
38 manufacturing, and information solutions.

39 Sec. __. NEW SECTION. 262B.22 TECHNOLOGY AND
40 COMMERCIALIZATION RESOURCE ORGANIZATION.

41 1. The general assembly finds and declares that
42 the public good requires that Iowa successfully
43 participate and compete in the emerging world economy.
44 A technology and commercialization resource
45 organization is established to formulate and implement
46 plans and programs for the core platform areas and to
47 facilitate their commercial application within the
48 state.

49 2. The technology and commercialization resource
50 organization shall receive recommendations for

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1 research projects which have commercialization
2 potential from institutions of higher learning under
3 the control of the state board of regents. In
4 cooperation with commercialization experts in the
5 private sector, the organization shall analyze
6 research project submissions and make recommendations
7 regarding which projects should receive funding and
8 how much funding such projects should receive. The
9 recommendations of the organization shall be forwarded
10 to the state board of regents. The state board of
11 regents shall review the recommendations and may
12 approve, deny, or modify the recommendations, but the
13 state board of regents shall not change the primary
14 focus of the proposal. The state board of regents may
15 award financial assistance to approved research
16 projects.

17 3. A technology and commercialization resource

18 organization shall be incorporated under chapter 504.
 19 The organization shall not be regarded as a state
 20 agency, except for purposes of chapter 17A. A member
 21 of the board of directors is not considered a state
 22 employee, except for purposes of chapter 669. A
 23 natural person employed by the organization is a state
 24 employee for purposes of the Iowa public employees'
 25 retirement system, state health and dental plans, and
 26 other state employee benefit plans and chapter 669.
 27 Chapters 8, 8A, and 20, and other provisions of law
 28 that relate to requirements or restrictions dealing
 29 with state personnel or state funds, do not apply to
 30 the organization or any employees of the board of
 31 directors or the organization except to the extent
 32 provided in this chapter.

33 4. The board of directors of the organization
 34 shall consist of eight voting members as follows:
 35 a. The president of the state board of regents.
 36 b. The three members of the economic development
 37 subcommittee of the state board of regents.
 38 c. The chief technology officer of the state.
 39 d. One member selected by a biosciences
 40 development organization designated by the department
 41 of economic development pursuant to section 15G.111,
 42 subsection 2.
 43 e. The chairperson of the advanced manufacturing
 44 steering group of the department of economic
 45 development.
 46 f. The chairperson of the information solutions
 47 steering group of the department of economic
 48 development.
 49 5. The members of the board of directors shall
 50 annually elect a president of the board from the board

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1 membership. A vacancy shall be filled by the
 2 appointing authority. Members are eligible for actual
 3 expense reimbursement while fulfilling duties of the
 4 board.
 5 Sec. ____ NEW SECTION. 262B.23 ENDOWED CHAIRS
 6 AND SALARIES.
 7 The state board of regents may use for salaries and
 8 may create endowed chair positions at each of the
 9 regents universities using, in part, moneys
 10 appropriated to the state board of regents for
 11 purposes of implementing recommendations provided in
 12 separate consultant reports on bioscience, advanced
 13 manufacturing, and information technology submitted to
 14 the department of economic development in the calendar
 15 years 2004 and 2005. Such moneys may only be used to
 16 partially fund an endowed chair position if

17 significant private contributions and contributions
 18 from governmental entities other than the state and
 19 political subdivisions of the state are used to fund
 20 the position. Not more than fifty percent of the cost
 21 of funding an endowed chair position shall be paid
 22 with such moneys. The endowed chair positions shall
 23 be used to attract scholars recruited nationally and
 24 internationally who can bring with them related
 25 start-up business ventures or a concept for near-term
 26 commercialization.

27 Sec. ____ Section 303.3C, subsection 1, paragraph
 28 c, Code Supplement 2005, is amended to read as
 29 follows:

30 c. Initially, three Iowa great places projects
 31 shall be identified by the Iowa great places board.
 32 ~~Two years after the third project is identified by the~~
 33 ~~board. Thereafter,~~ the board may identify up to six
 34 additional Iowa great places for participation under
 35 the program.

36 Sec. ____ Section 303.3C, subsection 1, Code
 37 Supplement 2005, is amended by adding the following
 38 new paragraphs:

39 NEW PARAGRAPH. d. The department of cultural
 40 affairs shall work in cooperation with the vision Iowa
 41 and community attraction and tourism programs for
 42 purposes of maximizing and leveraging moneys
 43 appropriated to identified Iowa great places.

44 NEW PARAGRAPH. e. As a condition of receiving
 45 state funds, an identified Iowa great place shall
 46 present information to the board concerning the
 47 proposed activities and total financial needs of the
 48 project.

49 NEW PARAGRAPH. f. The department of cultural
 50 affairs shall account for any funds appropriated from

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1 the endowment for Iowa health restricted capitals fund
 2 for an identified Iowa great place.

3 Sec. ____ Section 303.3C, subsection 3, paragraph
 4 b, Code Supplement 2005, is amended to read as
 5 follows:

6 b. Identify ~~three~~ Iowa great places for purposes
 7 of receiving a package of resources under the program.

8 Sec. ____ NEW SECTION. 303.3D IOWA GREAT PLACES
 9 PROGRAM FUND.

10 1. An Iowa great places program fund is created
 11 under the authority of the department of cultural
 12 affairs. The fund shall consist of appropriations
 13 made to the fund and transfers of interest, earnings,
 14 and moneys from other funds as provided by law.
 15 Notwithstanding section 12C.7, subsection 2, interest

16 or earnings on investments or time deposits of the
17 moneys in the Iowa great places program fund shall be
18 credited to the Iowa great places program fund.

19 2. Moneys appropriated for a fiscal year to the
20 fund shall be used by the general assembly to fund
21 capital infrastructure projects for identified Iowa
22 great places through the Iowa great places program
23 established in section 303.3C.

24 3. In awarding moneys the department of cultural
25 affairs shall give consideration to the particular
26 needs of each identified Iowa great place.

27 4. Notwithstanding section 8.33, moneys credited
28 to the great places program fund shall not revert to
29 the fund from which appropriated.

30 Sec. ____ NEW SECTION. 324A.6A PUBLIC TRANSIT
31 INFRASTRUCTURE GRANT FUND.

32 A public transit infrastructure grant fund is
33 established within the department. Moneys in the fund
34 shall be awarded to public transit systems within the
35 state for construction and infrastructure projects
36 that meet the definition of "vertical infrastructure"
37 in section 8.57, subsection 6, paragraph "c". The
38 fund shall consist of appropriations made to the fund
39 and transfers of interest, earnings, and moneys from
40 other funds as provided by law. In awarding grant
41 assistance, the office of public transit within the
42 department shall, by rule, specify certain criteria
43 that must be included in a grant application, which
44 shall include but not be limited to information on the
45 feasibility of completion of an individual
46 infrastructure project. Notwithstanding section 8.33,
47 moneys in the public transit infrastructure grant fund
48 shall not revert to the fund from which they are
49 appropriated but shall remain available indefinitely
50 for expenditure under this section.

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1 Sec. ____ NEW SECTION. 328.56 STATE AVIATION
2 FUND.

3 1. A state aviation fund is created under the
4 authority of the department. The fund shall consist
5 of moneys deposited in the fund pursuant to sections
6 328.21 and 452A.82 and other moneys appropriated to
7 the fund.

8 2. Moneys in the fund in a fiscal year shall be
9 used as appropriated by the general assembly for
10 airport engineering studies, construction or
11 improvements, and the windsock program for public
12 airports. In awarding moneys, the department shall
13 give preference to projects that demonstrate a
14 collaborative effort between airports.

15 Sec. ____ Section 422.34A, Code 2005, is amended
16 by adding the following new subsection:
17 **NEW SUBSECTION.** 8. Utilizing a distribution
18 facility within this state, owning or leasing property
19 at a distribution facility within this state that is
20 used at or distributed from the distribution facility,
21 or selling property shipped or distributed from a
22 distribution facility. For purposes of this
23 subsection, "distribution facility" means an
24 establishment where shipments of tangible personal
25 property are processed for delivery to customers.
26 "Distribution facility" does not include an
27 establishment where retail sales of tangible personal
28 property or returns of such property are undertaken
29 with respect to retail customers on more than twelve
30 days a year except for a distribution facility which
31 processes customer sales orders by mail, telephone, or
32 electronic means, if the distribution facility also
33 processes shipments of tangible personal property to
34 customers provided that not more than ten percent of
35 the dollar amount of goods are delivered and shipped
36 so as to be included in the gross sales of the
37 corporation within this state as provided in section
38 422.33, subsection 2, paragraph "b", subparagraph (6).
39 Sec. ____ Section 452A.79, Code Supplement 2005,
40 is amended by striking the section and inserting in
41 lieu thereof the following:
42 452A.79 USE OF REVENUE.
43 Except as provided in sections 452A.79A, 452A.82,
44 and 452A.84, the net proceeds of the excise tax on the
45 diesel special fuel and the excise tax on motor fuel
46 and other special fuel, and penalties collected under
47 the provision of this chapter, shall be credited to
48 the road use tax fund.
49 Sec. ____ **NEW SECTION.** 452A.79A MARINE FUEL TAX
50 FUND.

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- 1 1. A marine fuel tax fund is created under the
- 2 authority of the department of natural resources. The
- 3 fund shall consist of all revenues derived from the
- 4 excise tax on the sale of motor fuel used in
- 5 watercraft as provided in section 452A.84 and other
- 6 moneys appropriated to the fund.
- 7 2. Moneys in the fund in a fiscal year shall be
- 8 used as appropriated by the general assembly for use
- 9 by the department of natural resources in its
- 10 recreational boating program, which may include but is
- 11 not limited to:
 - 12 a. Dredging and renovation of lakes of this state.
 - 13 b. Acquisition, development, and maintenance of

14 access to public boating waters.
 15 c. Development and maintenance of boating
 16 facilities and navigation aids.
 17 d. Administration, operation, and maintenance of
 18 recreational boating activities of the department of
 19 natural resources.
 20 e. Acquisition, development, and maintenance of
 21 recreation facilities associated with recreational
 22 boating.

23 Sec. ____ Section 452A.82, Code 2005, is amended
 24 to read as follows:

25 452A.82 AVIATION FUEL TAX FUND.

26 The portion of the moneys collected under this
 27 chapter received on account of aviation gasoline and
 28 special fuel used in aircraft shall be deposited in a
 29 separate fund to be maintained by the treasurer. All
 30 moneys remaining in the separate fund after the cost
 31 of administering the fund has been paid shall be
 32 credited to the general fund of the state aviation
 33 fund created in section 328.56.

34 Sec. ____ Section 452A.84, Code 2005, is amended
 35 to read as follows:

36 452A.84 TRANSFER TO STATE GENERAL MARINE FUEL TAX
 37 FUND.

38 The treasurer of state shall transfer from the
 39 motor fuel tax fund to the general marine fuel tax
 40 fund of the state that portion of moneys collected
 41 under this chapter attributable to motor fuel used in
 42 watercraft computed as follows:

- 43 1. Determine monthly the total amount of motor
 44 fuel tax collected under this chapter and multiply the
 45 amount by nine-tenths of one percent.
- 46 2. Subtract from the figure computed pursuant to
 47 subsection 1 of this section three percent of the
 48 figure for administrative costs and further subtract
 49 from the figure the amounts refunded to commercial
 50 fishers pursuant to section 452A.17, subsection 1,

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1 paragraph "a", subparagraph (7). All moneys remaining
 2 after claims for refund and the cost of administration
 3 have been made shall be transferred to the general
 4 marine fuel tax fund of the state."

5 78. Page 41, by inserting after line 10 the
 6 following:

7 "Sec. ____ 2006 Iowa Acts, Senate File 2363,
 8 section 5, if enacted, is amended by striking the
 9 section and inserting in lieu thereof the following:

10 SEC. 5. NEW SECTION. 16.134 WASTEWATER TREATMENT
 11 FINANCIAL ASSISTANCE PROGRAM.

12 1. The Iowa finance authority shall establish and

13 administer a wastewater treatment financial assistance
14 program. The purpose of the program shall be to
15 provide grants to enhance water quality and to assist
16 communities to comply with water quality standards
17 adopted by the department of natural resources. The
18 program shall be administered in accordance with rules
19 adopted by the authority pursuant to chapter 17A.

20 2. A wastewater treatment financial assistance
21 fund is created under the authority of the Iowa
22 finance authority. The fund shall consist of
23 appropriations made to the fund and transfers of
24 interest, earnings, and moneys from other funds as
25 provided by law. Moneys in the fund are not subject
26 to section 8.33. Notwithstanding section 12C.7,
27 subsection 2, interest or earnings on moneys in the
28 fund shall be credited to the fund.

29 3. Financial assistance under the program shall be
30 used to install or upgrade wastewater treatment
31 facilities and systems, and for engineering or
32 technical assistance for facility planning and design.

33 4. The authority shall distribute financial
34 assistance in the fund in accordance with the
35 following:

36 a. Communities shall be eligible for financial
37 assistance by qualifying as a disadvantaged community
38 and seeking financial assistance for the installation
39 or upgrade of wastewater treatment facilities due to
40 regulatory activity in response to water quality
41 standards adopted by the department of natural
42 resources in calendar year 2006. For purposes of this
43 section, the term "disadvantaged community" means the
44 same as defined by the department of natural resources
45 for the drinking water facilities revolving loan fund
46 established in section 455B.295. Communities with a
47 population of three thousand or more do not qualify
48 for financial assistance under the program.

49 b. Priority shall be given to projects in which
50 the financial assistance is used to obtain financing

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1 under the Iowa water pollution control works and
2 drinking water facilities financing program pursuant
3 to section 16.131 or other federal or state financing.

4 c. Priority shall also be given to projects whose
5 completion will provide significant improvement to
6 water quality in the relevant watershed.

7 d. A community meeting the criteria of paragraph
8 "a" shall be required to provide matching moneys in
9 accordance with the following:

10 (1) Unsewered incorporated communities with a
11 population of less than five hundred and communities

12 with a population of less than five hundred shall be
13 required to provide a five percent match.

14 (2) Communities with a population of five hundred
15 or more but less than one thousand shall be required
16 to provide a ten percent match.

17 (3) Communities with a population of one thousand
18 or more but less than one thousand five hundred shall
19 be required to provide a twenty percent match.

20 (4) Communities with a population of one thousand
21 five hundred or more but less than two thousand shall
22 be required to provide a thirty percent match.

23 (5) Communities with a population of two thousand
24 or more but less than three thousand shall be required
25 to provide a forty percent match.

26 e. Financial assistance in the form of grants
27 shall be issued on a quarterly basis.

28 5. The authority in cooperation with the
29 department of natural resources shall share
30 information and resources when determining the
31 qualifications of a community for financial assistance
32 from the fund.

33 6. The authority may use an amount of not more
34 than four percent of any moneys appropriated for
35 deposit in the fund for administration purposes.

36 7. It is the intent of the general assembly that
37 for the fiscal period beginning July 1, 2007, and
38 ending June 30, 2016, a minimum of four million
39 dollars shall be appropriated each fiscal year to the
40 authority for deposit in the wastewater treatment
41 financial assistance fund.”

42 79. Page 41, by striking lines 11 through 29 and
43 inserting the following:

44 “Sec. __. STUDY OF EMERGENCY SERVICES IN THE
45 STATE. The legislative council is requested to
46 establish a committee to study emergency services in
47 the state during the 2006 legislative interim.

48 The interim committee is directed to receive input
49 from the department of public defense, division of
50 homeland security and emergency management,

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1 departments of human services, public health, and
2 public safety, including the state fire marshal, and
3 representatives of emergency services providers,
4 including but not limited to the Iowa firemen's
5 association, Iowa fire chiefs association, Iowa
6 association of professional fire chiefs, and Iowa
7 professional fire fighters, Iowa emergency medical
8 services association, and emergency room physicians.
9 The interim committee is directed to expeditiously
10 complete its study and issue findings and make

11 recommendations regarding the governance, structure,
12 and funding of the state's emergency services and the
13 training available in the state for emergency services
14 providers for consideration during the 2007
15 legislative session."

16 80. Page 41, by inserting before line 30 the
17 following:

18 "Sec. ____ AVIATION FUEL TAX FUND — GENERAL FUND
19 CREDIT. Notwithstanding section 452A.82, for the
20 fiscal year beginning July 1, 2007, 50 percent of the
21 moneys remaining after the cost of administering the
22 aviation fuel tax fund shall be credited to the
23 general fund.

24 Sec. ____ EFFECTIVE DATES AND RETROACTIVE
25 APPLICABILITY.

26 1. The section of this division of this Act
27 enacting section 422.34A, subsection 8, being deemed
28 of immediate importance, takes effect upon enactment
29 and applies retroactively to January 1, 2006, for tax
30 years beginning on or after that date.

31 2. The sections of this division of this Act
32 amending sections 328.36, 452A.79, 452A.82, and
33 452A.84 and enacting sections 328.56 and 452A.79A,
34 relating to a state aviation fund and a marine fuel
35 tax fund, take effect July 1, 2007."

36 81. Page 41, by inserting before line 30 the
37 following:

38 "Sec. ____ EFFECTIVE DATE. The sections of this
39 division of this Act amending sections 100B.3, 100B.4,
40 and 100B.7, and enacting sections 100B.15 through
41 100B.19, being deemed of immediate importance, take
42 effect upon enactment."

43 82. Page 41, by inserting before line 30 the
44 following:

45 "DIVISION ____
46 MISCELLANEOUS APPROPRIATIONS

47 Sec. ____ WASTEWATER TREATMENT FINANCIAL
48 ASSISTANCE FUND — IOWA FINANCE AUTHORITY. There is
49 appropriated from any interest or earnings on moneys
50 in the federal economic stimulus and jobs holding

Page 25

1 account to the Iowa finance authority for deposit in
2 the wastewater treatment financial assistance fund
3 created in section 16.134, the following amount:

4 \$ 4,000,000

5 Sec. ____ RESOURCE CONSERVATION AND DEVELOPMENT
6 PROJECTS — DEPARTMENT OF NATURAL RESOURCES. There is
7 appropriated from any interest or earnings on moneys
8 in the federal economic stimulus and jobs holding
9 account to the department of natural resources for the

10 development of projects relating to natural
11 resource-based business opportunities, the following
12 amount:

13 \$ 300,000

14 Local resource conservation and development groups
15 sponsored by county governments or sponsored by soil
16 and water conservation districts shall be eligible to
17 receive funding on the condition that such groups
18 receive dollar-for-dollar funding.

19 DIVISION ____

20 UTILITIES BOARD AND CONSUMER ADVOCATE BUILDING PROJECT

21 Sec. ____ NEW SECTION. 12.91 UTILITIES BOARD AND
22 CONSUMER ADVOCATE BUILDING PROJECT.

23 1. For purposes of this section:

24 a. "Bonds" means bonds, notes, or other evidences
25 of indebtedness issued under this section.

26 b. "Chargeable expenses" means expenses charged by
27 the utilities board and the consumer advocate division
28 of the department of justice under section 476.10.

29 c. "Chargeable expenses fund" means the fund
30 created in the state treasury under this section.

31 d. "Project" means a building and related
32 improvements and furnishings authorized under section
33 476.10B.

34 2. The treasurer of state may issue bonds and do
35 all things necessary in order to finance the costs of
36 the project. The treasurer of state shall have all of
37 the powers which are necessary to issue and secure
38 bonds to provide the financing for the project. The
39 treasurer of state may issue bonds in principal
40 amounts which, in the opinion of the treasurer, are
41 necessary to provide sufficient funds for the costs of
42 the project, the payment of interest on the bonds, the
43 establishment of reserves to secure the bonds, the
44 costs of issuance of the bonds, other expenditures of
45 the treasurer of state incident to and necessary or
46 convenient to carry out the bond issue, and all other
47 expenditures of the utilities board and the department
48 of administrative services in connection with the
49 construction of the project. The bonds are investment
50 securities and negotiable instruments within the

1 meaning of and for purposes of the Iowa uniform
2 commercial code, chapter 554.

3 3. Bonds issued under this section are payable
4 solely and only out of the moneys, assets, or revenues
5 of the chargeable expenses fund and any bond reserve
6 funds established pursuant to this section, all of
7 which may be held by the treasurer of state or
8 deposited with trustees or depositories in accordance

9 with bond or security documents and pledged by the
10 treasurer of state to the payment thereof. Bonds
11 issued under this section shall contain a statement
12 that the bonds do not constitute an indebtedness of
13 the state. The treasurer of state shall not pledge
14 the credit or taxing power of this state or any
15 political subdivision of this state or make bonds
16 issued pursuant to this section payable out of any
17 moneys except those in the chargeable expenses fund
18 and any bond reserve funds established pursuant to
19 this section.

20 4. The proceeds of bonds issued by the treasurer
21 of state and not required for immediate disbursement
22 may be deposited with a trustee or depository as
23 provided in the bond documents and invested or
24 reinvested in any investment as directed by the
25 treasurer of state and specified in the trust
26 indenture, resolution, or other instrument pursuant to
27 which the bonds are issued without regard to any
28 limitation otherwise provided by law.

29 5. The bonds shall be:

30 a. In a form, issued in denominations, executed in
31 a manner, and payable over terms and with rights of
32 redemption, and be subject to such other terms and
33 conditions as prescribed in the trust indenture,
34 resolution, or other instrument authorizing their
35 issuance.

36 b. Negotiable instruments under the laws of the
37 state and may be sold at prices, at public or private
38 sale, and in a manner, as prescribed by the treasurer
39 of state. Chapters 73A, 74, 74A, and 75 do not apply
40 to the sale or issuance of the bonds.

41 c. Subject to the terms, conditions, and covenants
42 providing for the payment of the principal, redemption
43 premiums, if any, interest, and other terms,
44 conditions, covenants, and protective provisions
45 safeguarding payment, not inconsistent with this
46 section and as determined by the trust indenture,
47 resolution, or other instrument authorizing their
48 issuance.

49 6. The bonds are securities in which public
50 officers and bodies of this state; political

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1 subdivisions of this state; insurance companies and
2 associations and other persons carrying on an
3 insurance business; banks, trust companies, savings
4 associations, savings and loan associations, and
5 investment companies; administrators, guardians,
6 executors, trustees, and other fiduciaries; and other
7 persons authorized to invest in bonds or other

8 obligations of the state, may properly and legally
9 invest funds, including capital, in their control or
10 belonging to them.

11 7. Bonds must be authorized by a trust indenture,
12 resolution, or other instrument of the treasurer of
13 state.

14 8. Neither the resolution, trust agreement, nor
15 any other instrument by which a pledge is created
16 needs to be recorded or filed under the Iowa uniform
17 commercial code, chapter 554, to be valid, binding, or
18 effective.

19 9. Bonds issued under the provisions of this
20 section are declared to be issued for a general public
21 and governmental purpose and all bonds issued under
22 this section shall be exempt from taxation by the
23 state of Iowa and the interest on the bonds shall be
24 exempt from the state income tax and the state
25 inheritance and estate tax.

26 10. Subject to the terms of any bond documents,
27 moneys in the chargeable expenses fund may be expended
28 for administration expenses of the treasurer of state
29 in connection with the bonds.

30 11. The treasurer of state may issue bonds for the
31 purpose of refunding any bonds issued pursuant to this
32 section then outstanding, including the payment of any
33 redemption premiums thereon and any interest accrued
34 or to accrue to the date of redemption of the
35 outstanding bonds. Until the proceeds of bonds issued
36 for the purpose of refunding outstanding bonds are
37 applied to the purchase or retirement of outstanding
38 bonds or the redemption of outstanding bonds, the
39 proceeds may be placed in escrow and be invested and
40 reinvested in accordance with the provisions of this
41 section. The interest, income, and profits earned or
42 realized on an investment may also be applied to the
43 payment of the outstanding bonds to be refunded by
44 purchase, retirement, or redemption. After the terms
45 of the escrow have been fully satisfied and carried
46 out, any balance of proceeds and interest earned or
47 realized on the investments may be returned to the
48 treasurer of state for deposit in the chargeable
49 expenses fund unless all bonds issued under the
50 provisions of this section have been retired in which

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1 case the proceeds shall be deposited in the general
2 fund of the state. All refunding bonds shall be
3 issued and secured and subject to the provisions of
4 this chapter in the same manner and to the same extent
5 as other bonds issued pursuant to this section.

6 12. A chargeable expenses fund is created and

7 established as a separate and distinct fund in the
8 state treasury. The moneys in the fund are
9 appropriated for payment of the principal of, premium,
10 and interest on any bonds issued under this section.
11 Moneys in the fund shall not be subject to
12 appropriation for any other purpose by the general
13 assembly, but shall be used only for the purposes of
14 the chargeable expenses fund. The treasurer of state
15 shall act as custodian of the fund and disburse moneys
16 contained in the fund for payment of the principal of,
17 premium, and interest on any bonds issued under this
18 section. Notwithstanding section 476.10, there shall
19 in each fiscal year be deposited in the chargeable
20 expenses fund from amounts collected by the utilities
21 board as chargeable expenses an amount equal to the
22 principal of, premium, if any, and interest on any
23 bonds issued under this section to become due, whether
24 at maturity, by call for optional redemption or by
25 sinking fund redemption, in such fiscal year. The
26 treasurer of state is authorized to pledge any amounts
27 in the chargeable expenses fund as security for the
28 payment of the principal of, premium, and interest on
29 any bonds issued under this section. The treasurer of
30 state may provide in the trust indenture, resolution,
31 or other instrument authorizing the issuance of bonds
32 for the transfer to the general fund of the state of
33 any amounts on deposit in the chargeable expenses fund
34 that are not necessary for the payment of the
35 principal of, premium, and interest on any bonds
36 issued under this section.

37 13. Moneys in the chargeable expenses fund are not
38 subject to section 8.33. Notwithstanding section
39 12C.7, subsection 2, interest or earnings on moneys in
40 the fund shall be credited to the fund.

41 14. a. The treasurer of state may create and
42 establish one or more special funds, to be known as
43 "bond reserve funds", to secure one or more issues of
44 bonds issued pursuant to this section. The treasurer
45 of state shall pay into each bond reserve fund any
46 moneys appropriated and made available by the state or
47 the treasurer of state for the purpose of the fund,
48 any proceeds of sale of bonds to the extent provided
49 in the resolutions authorizing their issuance, and any
50 other moneys which may be available to the treasurer

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1 of state for the purpose of the fund from any other
2 sources. All moneys held in a bond reserve fund,
3 except as otherwise provided in this chapter, shall be
4 used as required solely for the payment of the
5 principal of bonds secured in whole or in part by the

6 fund or of the sinking fund payments with respect to
7 the bonds, the purchase or redemption of the bonds,
8 the payment of interest on the bonds, or the payments
9 of any redemption premium required to be paid when the
10 bonds are redeemed prior to maturity.

11 b. Moneys in a bond reserve fund shall not be
12 withdrawn from it at any time in an amount that will
13 reduce the amount of the fund to less than the bond
14 reserve fund requirement established for the fund, as
15 provided in this subsection, except for the purpose of
16 making, with respect to bonds secured in whole or in
17 part by the fund, payment when due of principal,
18 interest, redemption premiums, and the sinking fund
19 payments with respect to the bonds for the payment of
20 which other moneys of the treasurer of state are not
21 available. Any income or interest earned by, or
22 incremental to, a bond reserve fund due to the
23 investment of it may be transferred by the treasurer
24 of state to other funds or accounts to the extent the
25 transfer does not reduce the amount of that bond
26 reserve fund below the bond reserve fund requirement
27 for that bond reserve fund. For the purposes of this
28 subsection, the term "bond reserve fund requirement"
29 means, as of any particular date of computation, an
30 amount of money, as provided in the resolutions
31 authorizing the bonds with respect to which the fund
32 is established.

33 c. The treasurer of state shall comply with the
34 provisions of section 476.10B in order to assure the
35 maintenance of any bond reserve funds established
36 under this section.

37 15. It is the intent of the general assembly that
38 a pledge made in respect of bonds issued under this
39 section shall be valid and binding from the time the
40 pledge is made, that the money or property so pledged
41 and received after the pledge by the treasurer of
42 state shall immediately be subject to the lien of the
43 pledge without physical delivery or further act, and
44 that the lien of the pledge shall be valid and binding
45 as against all parties having claims of any kind in
46 tort, contract, or otherwise against the treasurer of
47 state whether or not the parties have notice of the
48 lien.

49 16. Bonds issued pursuant to this section are not
50 debts of the state, or of any political subdivision of

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1 the state, and do not constitute a pledge of the faith
2 and credit of the state or a charge against the
3 general credit or general fund of the state. The
4 issuance of any bonds pursuant to this section by the

5 treasurer of state does not directly, indirectly, or
6 contingently obligate the state or a political
7 subdivision of the state to apply moneys from, or to
8 levy or pledge any form of taxation whatever, to the
9 payment of the bonds. Bonds issued under this section
10 are payable solely and only from the sources and
11 special fund provided in this section.

12 17. This section, being necessary for the welfare
13 of this state and its inhabitants, shall be liberally
14 construed to effect its purposes.

15 Sec. ____ Section 422.7, Code Supplement 2005, is
16 amended by adding the following new subsection:

17 NEW SUBSECTION. 45. Subtract, to the extent
18 included, income from interest and earnings received
19 from the bonds issued under section 12.91.

20 Sec. ____ FISCAL YEAR 2005-2006 EXPENDITURE
21 AUTHORITY — BUILDING PROJECT. Notwithstanding
22 sections 8.33 and 476.10 or any other provision to the
23 contrary, any balance of the operational appropriation
24 for the utilities board for the fiscal year beginning
25 July 1, 2005, that remains unused, unencumbered, or
26 unobligated at the close of the fiscal year shall not
27 revert but shall remain available to be used for
28 purposes of the energy-efficient building project
29 authorized under section 476.10B, as enacted by this
30 division of this Act, or for relocation costs in
31 succeeding fiscal years.

32 Sec. ____ NEW SECTION. 476.10B ENERGY-EFFICIENT
33 BUILDING.

34 1. For the purposes of this section, "building
35 project expenses" means expenses that have been
36 approved by the utilities board for the building and
37 related improvements and furnishings developed under
38 this section and that are considered part of the
39 regulatory expenses charged by the utilities board and
40 the consumer advocate division of the department of
41 justice for carrying out duties under section 476.10.

42 2. The department of administrative services, in
43 consultation with the board and the consumer advocate
44 division of the department of justice, shall provide
45 for the construction of a building to house the board
46 and the division. A building developed under this
47 subsection shall be a model energy-efficient building
48 that may be used as a public example for similar
49 efforts. The building shall comply with the life
50 cycle cost provisions developed pursuant to section

Page 31

1 72.5. The building shall be located on the capitol
2 complex grounds or at another convenient location in
3 the vicinity of the capitol complex grounds.

4 3. Building project expenses shall include but are
5 not limited to the costs associated with construction,
6 maintenance, and operation of the building that are
7 approved by the board and shall also include principal
8 of, premium, if any, and interest on indebtedness to
9 finance the building.

10 4. The department of administrative services'
11 costs associated with construction, maintenance, and
12 operation of the building as provided under chapter 8A
13 are building project expenses.

14 5. A cost-effective approach for financing
15 construction of the building shall be utilized, which
16 may include but is not limited to lease,
17 lease-purchase, bonding, or installment acquisition
18 arrangement, or a financing arrangement under section
19 12.28. If financing for the building is implemented
20 under section 12.28, the limitation on principal under
21 that section does not apply. This subsection is not a
22 qualification of any other powers which the board and
23 the division may possess and the authorizations and
24 powers granted under this subsection are not subject
25 to the terms, requirements, or limitations of any
26 other provisions of law. The department of
27 administrative services must comply with the
28 provisions of section 12.28 when entering into
29 financing agreements for the purchase of real or
30 personal property.

31 6. a. If financing for the building is
32 implemented through bonding, the provisions of section
33 12.91 shall apply. In order to assure maintenance of
34 the bond reserve funds established in connection with
35 the financing, the treasurer of state shall, on or
36 before January 1 of each calendar year, make and
37 deliver to the governor the treasurer's certificate
38 stating the sum, if any, required to restore each bond
39 reserve fund to the bond reserve fund requirement for
40 that fund.

41 b. Within thirty days after the beginning of the
42 session of the general assembly next following the
43 delivery of the certificate, the governor shall submit
44 to both houses of the general assembly printed copies
45 of a budget including the sum, if any, required to
46 restore each bond reserve fund to the bond reserve
47 fund requirement for that fund. Any sums appropriated
48 by the general assembly and paid to the treasurer of
49 state shall be deposited by the treasurer of state in
50 the applicable bond reserve fund.

1 7. The department of administrative services, in
2 consultation with the board and the division, shall

3 secure architectural services, contract for
 4 construction, engineering, and construction oversight
 5 and management, and control the funding associated
 6 with the building construction and the building's
 7 operation and maintenance. The department of
 8 administrative services may utilize consultants or
 9 other expert assistance to address feasibility,
 10 planning, or other considerations connected with
 11 construction of the building or decision making
 12 regarding the building. The department of
 13 administrative services, on behalf of the board and
 14 division, shall consult with the office of the
 15 governor, appropriate legislative bodies, and the
 16 capitol planning commission.

17 Sec. ____ EFFECTIVE DATE. The section of this
 18 division of this Act relating to the expenditure
 19 authority of the utilities board for the fiscal year
 20 beginning July 1, 2005, being deemed of immediate
 21 importance, takes effect upon enactment."

22 83. Title page, line 6, by inserting after the
 23 word "account," the following: "the public transit
 24 infrastructure grant fund, the Iowa great places
 25 program fund,".

26 84. Title page, by striking line 7 and inserting
 27 the following: "and providing immediate, retroactive,
 28 and future effective dates."

29 85. By renumbering, relettering, or redesignating
 30 and correcting internal references as necessary.

STEVE WARNSTADT
 STEVE KETTERING

S-5266

1 Amend House File 2797, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 45, by striking lines 2 through 34.

KEITH A. KREIMAN
 PAT WARD

S-5267

1 Amend House File 2459 as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 3, by striking lines 29 through 31.

4 2. Page 4, by striking lines 18 through 24 and
 5 inserting the following:

6 "..... \$ 400,000"

7 3. Page 6, by striking lines 34 and 35 and
 8 inserting the following: "funding small business

9 development centers. Iowa state”.

10 4. Page 10, by striking line 8 and inserting the
11 following:

12 “..... \$ 5,856,655”

13 5. Page 11, by inserting after line 7 the
14 following:

15 Sec. __. ACCOUNTABILITY — AUDIT.

16 1. The department of workforce development shall
17 establish accountability measures for all
18 subcontractors. By January 15, 2007, the department
19 shall submit a written report to the chairpersons and
20 ranking members of the joint appropriations
21 subcommittee on economic development which shall
22 include a list of contracts held by the department and
23 accountability measures in effect for each contract.

24 2. The auditor of state shall annually conduct an
25 audit of the department of workforce development and
26 shall report the findings of such annual audit,
27 including the accountability of programs of the
28 department, to the chairpersons and ranking members of
29 the joint appropriations subcommittee on economic
30 development. The department shall pay for the costs
31 associated with the audit.

32 3. The legislative services agency shall conduct
33 an annual review of salaries paid to employees of
34 entities organized under chapter 28E and salaries paid
35 under a contract with the department of workforce
36 development. The legislative services agency shall
37 report its findings to the chairpersons and ranking
38 members of the joint appropriations subcommittee on
39 economic development.”

40 6. Page 11, by inserting after line 19 the
41 following:

42 “Sec. __. UNEMPLOYMENT COMPENSATION RESERVE FUND.

43 Notwithstanding section 96.9, subsection 8, paragraph
44 “e”, there is appropriated from interest earned on the
45 unemployment compensation reserve fund to the
46 department of workforce development for the fiscal
47 year beginning July 1, 2006, and ending June 30, 2007,
48 the following amount for deposit in the field office
49 operating fund:

50 \$ 4,000,000”

Page 2

1 7. Page 12, line 26, by striking the word “ten”
2 and inserting the following: “two”.

3 8. Page 12, line 35, by striking the word “ten”

- 4 and inserting the following: "two".
5 9. By renumbering as necessary.

PAT WARD
WILLIAM A. DOTZLER, JR.

S-5268

- 1 Amend House File 2797, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 39, by inserting after line 26 the
4 following:
5 "Sec. ____ Section 232.116, subsection 1, Code
6 2005, is amended by adding the following new
7 paragraph:
8 NEW PARAGRAPH. o. The parent has been convicted
9 of a felony offense that is a criminal offense against
10 a minor as defined in section 692A.1, and the parent
11 is serving a minimum sentence of confinement of at
12 least five years."
13 2. Page 45, by inserting after line 1 the
14 following:
15 "Sec. ____ Section 600A.8, Code Supplement 2005,
16 is amended by adding the following new subsection:
17 NEW SUBSECTION. 10. The parent has been convicted
18 of a felony offense that is a criminal offense against
19 a minor as defined in section 692A.1, and the parent
20 is serving a minimum sentence of confinement of at
21 least five years."
22 3. By renumbering as necessary.

KEITH A. KREIMAN
PAT WARD
MICHAEL E. GRONSTAL

S-5269

- 1 Amend House File 2734, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 13, by inserting after the word
4 "elderly" the following: "only if the monthly cost
5 per client for case management for the frail elderly
6 services provided does not exceed an average of \$70".
7 2. Page 1, line 23, by striking the figure
8 "3,627,645" and inserting the following: "4,262,660".
9 3. Page 1, line 34, by striking the figure
10 "2,153,208" and inserting the following: "2,788,223".
11 4. Page 2, line 1, by striking the figure
12 "750,000" and inserting the following: "1,385,015".
13 5. Page 2, line 10, by inserting after the word
14 "exceed" the following: "an average of".

15 6. Page 2, line 14, by inserting after the word
 16 "individuals." the following: "Notwithstanding any
 17 provision to the contrary, any savings realized in
 18 case management for the frail elderly that is not
 19 provided under the medical assistance elderly waiver
 20 shall be used for services for the frail elderly which
 21 may include substitute decision-making services
 22 pursuant to chapter 231E."

23 7. Page 3, line 19, by striking the figure
 24 "2,341,264" and inserting the following: "2,361,264".

25 8. Page 3, line 20, by striking the figure "7.60"
 26 and inserting the following: "8.60".

27 9. Page 4, by inserting after line 6 the
 28 following:

29 "Of the funds appropriated in this subsection,
 30 \$20,000 shall be used to implement a pilot
 31 demonstration project, in cooperation with the
 32 department of human services and the department of
 33 elder affairs, that utilizes a web-based system to
 34 allow a common intake, case management, and referral
 35 system and provides linkages with existing software
 36 programs at minimal cost to the agencies involved."

37 10. Page 4, line 11, by striking the figure
 38 "1,792,840" and inserting the following: "1,742,840".

39 11. Page 4, line 12, by striking the figure
 40 "2.35" and inserting the following: "3.75".

41 12. Page 4, line 17, by striking the figure
 42 "170,000" and inserting the following: "120,000".

43 13. Page 4, line 33, by striking the figure
 44 "300,000" and inserting the following: "159,700".

45 14. Page 4, line 35, by inserting after the word
 46 "Iowa" the following: "and \$140,300 is allocated for
 47 an initiative at the state mental health institute at
 48 Cherokee".

49 15. Page 5, line 1, by striking the word
 50 "initiative" and inserting the following:

Page 2

1 "initiatives".

2 16. Page 5, line 6, by striking the word
 3 "initiative" and inserting the following:

4 "initiatives".

5 17. Page 5, line 8, by striking the word
 6 "initiative" and inserting the following:

7 "initiatives".

8 18. Page 5, by striking lines 21 through 24 and
 9 inserting the following: "for counties not receiving
 10 federal funding for this purpose, \$80,000 is allocated
 11 to implement blood lead testing pursuant to section
 12 135.105A, as enacted in this Act, \$50,000 is allocated
 13 to continue the".

14 19. Page 5, by striking lines 29 and 30 and
 15 inserting the following: "department shall select at
 16 least two local childhood lead poisoning programs to
 17 receive the amount allocated for lead hazard".
 18 20. Page 6, line 17, by striking the figure
 19 "7,891,473" and inserting the following: "7,941,473".
 20 21. Page 6, line 18, by striking the figure
 21 "112.80" and inserting the following: "113.80".
 22 22. Page 6, by striking lines 22 through 24 and
 23 inserting the following:
 24 "Of the funds appropriated in this subsection,
 25 \$50,000 is allocated for increased costs of the office
 26 of the state medical examiner laboratory."
 27 23. Page 10, line 15, by striking the figure
 28 "17,827,536" and inserting the following:
 29 "17,128,861".
 30 24. Page 10, by inserting after line 15 the
 31 following:
 32 "2A. To be used for the family development and
 33 self-sufficiency grant program as provided under
 34 section 217.12 and this division of this Act:
 35 \$ 2,698,675"
 36 25. Page 10, line 17, by striking the figure
 37 "17,557,495" and inserting the following:
 38 "17,707,495".
 39 26. Page 10, by striking lines 18 through 20.
 40 27. Page 12, by striking lines 20 through 22.
 41 28. Page 14, by inserting after line 20 the
 42 following:
 43 "d. For the JOBS program:
 44 \$ 23,968,620
 45 Of the funds allocated in this lettered paragraph,
 46 \$2,000,000 shall be used to maintain the mileage
 47 reimbursement rate for the JOBS program at the same
 48 rate used for the Medicaid program during the fiscal
 49 year."
 50 29. Page 14, line 32, by inserting after the word

Page 3

1 "investment," the following: "JOBS, family
 2 development and self-sufficiency grant,".
 3 30. Page 15, line 8, by striking the figure
 4 "42,874,885" and inserting the following:
 5 "42,599,885".
 6 31. Page 15, line 9, by striking the figure
 7 "9,274,134" and inserting the following: "6,839,767".
 8 32. Page 15, by inserting after line 10 the
 9 following:
 10 "1A. Of the funds appropriated in this section,
 11 \$2,584,367 is allocated for the family development and
 12 self-sufficiency grant program as provided under

13 section 217.12 and this division of this Act.”

14 33. Page 15, by striking lines 21 through 25.

15 34. Page 15, by striking line 26 and inserting
16 the following:

17 “4. Notwithstanding section 8.39, for the”.

18 35. Page 16, line 16, by inserting after the word
19 “purposes.” the following: “The department shall
20 report any transfers made pursuant to this subsection
21 to the legislative services agency.”

22 36. Page 17, line 18, by striking the figure
23 “708,121,610” and inserting the following:

24 “652,311,610”.

25 37. By striking page 19, line 35, through page
26 20, line 7, and inserting the following:

27 “___ The department shall apply to the centers
28 for Medicare and Medicaid services of the United
29 States department of health and human services to
30 participate in the Medicaid transformation grants
31 program as specified in section 6081 of the federal
32 Deficit Reduction Act of 2005, Pub. L. No. 109-171,
33 for adoption of innovative methods to improve the
34 effectiveness and efficiency in providing medical
35 assistance. The innovative methods may include but
36 are not limited to the use of electronic health
37 records and personal health records by health care
38 professionals and consumers to address the health
39 needs specific to populations including but not
40 limited to persons with brain injury, persons with
41 dual diagnoses of mental illness and mental
42 retardation or substance abuse and mental illness, and
43 children with chronic conditions; the use of
44 diagnostic techniques that promote the early diagnosis
45 and treatment of chronic disease in adults including
46 physical and mental health, hepatitis, behavioral
47 health, and cancer; and review of the physical and
48 mental health status of the medical assistance
49 population to more effectively integrate and determine
50 public health strategies and interventions to reduce

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1 the incidence of preventable diseases and chronic
2 conditions in the medical assistance population
3 including but not limited to those related to obesity
4 and nutrition, smoking, and diabetes. The department
5 shall submit a draft of the application to the medical
6 assistance projections and assessment council for
7 approval as expeditiously as possible, prior to
8 submission to the centers for Medicare and Medicaid
9 services of the United States department of health and
10 human services. Any grant for which application is
11 made under this subsection shall not require state

12 matching funds. Any federal funding received shall be
13 used in coordination with the purposes of the account
14 for health care transformation pursuant to section
15 252J.23 and shall be integrated with the IowaCare
16 program pursuant to chapter 252J.”

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

19 “___ The department shall submit a medical
20 assistance state plan amendment to the centers for
21 Medicare and Medicaid services of the United States
22 department of health and human services that is in
23 substantially the form of the draft submitted by
24 letter dated March 1, 2006, and published on the
25 department website. The department shall adopt
26 emergency rules effective July 1, 2006, to implement
27 the state plan amendment.

28 ___ The department shall review the impact of the
29 federal Deficit Reduction Act of 2005, Pub. L. No.
30 109-171, on the state's medical assistance program
31 reimbursement policy for multiple source prescription
32 drug products and the Act's impact on participating
33 pharmacies. The department shall submit a report,
34 including recommendations relating to adjustments to
35 the medical assistance program pharmacy dispensing
36 fee, to the governor and the general assembly no later
37 than January 1, 2007.”

38 39. Page 22, line 31, by inserting after the
39 figure “237A.26.” the following: “A list of the
40 registered and licensed child care facilities
41 operating in the area served by a child care resource
42 and referral service shall be made available to the
43 families receiving state child care assistance in that
44 area.”

45 40. Page 23, by striking lines 20 through 29 and
46 inserting the following: “is transferred to the Iowa
47 empowerment fund to be used for professional
48 development for the system of early care, health, and
49 education.”

50 41. Page 24, by striking lines 18 through 20 and

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1 inserting the following: “the study group shall be
2 provided by the department of human services. The
3 study group membership shall also include but is”.

4 42. Page 24, line 26, by inserting after the word
5 “services,” the following: “a representative of the
6 division of criminal and juvenile justice planning of
7 the department of human rights,”.

8 43. Page 24, line 35, by striking the figure
9 “10,623,148” and inserting the following:
10 “10,608,148”.

- 11 44. Page 25, line 3, by striking the figure
12 "40,000" and inserting the following: "25,000".
- 13 45. Page 25, line 18, by striking the figure
14 "80,715,373" and inserting the following:
15 "80,945,373".
- 16 46. Page 27, by striking lines 8 through 11 and
17 inserting the following:
18 "Notwithstanding section 234.35 or any other
19 provision of law to the contrary, for the fiscal year
20 beginning July 1, 2006, state funding for shelter care
21 shall be limited to the amount necessary to fund 273
22 beds that are guaranteed and seven beds that are not
23 guaranteed. The department shall submit an emergency
24 services plan by December 15, 2006, to the persons
25 designated by this division of this Act to receive
26 reports. The plan shall identify crisis intervention
27 and emergency services alternatives to shelter care
28 and shall specify the numbers of shelter beds that are
29 guaranteed and not guaranteed, as determined necessary
30 by the department."
- 31 47. Page 30, line 31, by inserting after the word
32 "'a'" the following: "and the juveniles' families".
- 33 48. Page 31, by inserting after line 22 the
34 following:
35 " _____. Of the funds appropriated in this section,
36 \$230,000 shall be used for a grant to a nonprofit
37 human services organization providing services to
38 individuals and families in multiple locations in
39 southwest Iowa and Nebraska for support of a project
40 providing immediate, sensitive support and forensic
41 interviews, medical exams, needs assessments and
42 referrals for victims of child abuse and their
43 nonoffending family members."
- 44 49. Page 32, line 32, by inserting after the
45 figure "196,000" the following: "in the latest
46 preceding certified federal census".
- 47 50. Page 34, line 34, by striking the figure
48 "5,979,344" and inserting the following: "6,179,344".
- 49 51. Page 35, line 16, by striking the figure
50 "1,071,074" and inserting the following: "1,046,074".

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- 1 52. Page 37, line 6, by striking the figure
2 "10,586,619" and inserting the following:
3 "12,286,619".
- 4 53. Page 37, line 28, by striking the figure
5 "17,757,890" and inserting the following:
6 "18,017,890".
- 7 54. Page 39, by inserting after line 3 the
8 following:
9 "6. Of the funds appropriated in this section,

10 \$260,000 is allocated to the department for
 11 development of an assessment process for use beginning
 12 in a subsequent fiscal year as authorized specifically
 13 by a statute to be enacted in a subsequent fiscal
 14 year, determining on a consistent basis the needs and
 15 capacities of persons seeking or receiving mental
 16 health, mental retardation, developmental
 17 disabilities, or brain injury services that are paid
 18 for in whole or in part by the state or a county. The
 19 assessment process shall be developed with the
 20 involvement of counties and supervision of the mental
 21 health, mental retardation, developmental
 22 disabilities, and brain injury commission.”

23 55. Page 40, line 15, by striking the figure
 24 “14,028,679” and inserting the following:
 25 “14,528,679”.

26 56. Page 40, line 16, by striking the figure
 27 “309.00” and inserting the following: “311.00”.

28 57. Page 40, by inserting after line 25 the
 29 following:

30 “3. Of the funds appropriated in this section,
 31 \$500,000 is allocated for salary and technical
 32 assistance expenses for the department to reestablish
 33 a separate division to which the appropriate
 34 departmental duties addressing mental health, mental
 35 retardation, developmental disabilities, and brain
 36 injury services shall be assigned.”

37 58. Page 41, line 34, by inserting after the word
 38 “The” the following: “skilled nursing facility market
 39 basket”.

40 59. Page 47, by inserting after line 22 the
 41 following:

42 “Sec. ____ LOW-INCOME HOME ENERGY ASSISTANCE
 43 PROGRAM — SUPPLEMENTAL APPROPRIATION.

44 1. There is appropriated from the general fund of
 45 the state to the division of community action agencies
 46 of the department of human rights for the fiscal year
 47 beginning July 1, 2005, and ending June 30, 2006, the
 48 following amount, or so much thereof as is necessary,
 49 to be used for the purpose designated:

50 For supplementation of the appropriation made for

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1	the low-income home energy assistance program made in	
2	2005 Iowa Acts, chapter 164, section 10:	
3	.....	\$ 3,000,000
4	2. Notwithstanding section 8.33, moneys	
5	appropriated in this section that remain unencumbered	
6	or unobligated at the close of the fiscal year shall	
7	not revert but shall remain available for expenditure	
8	for the purposes designated until the close of the	

9 succeeding fiscal year.

10 3. The legislative council is requested to
 11 authorize a review of the low-income home energy
 12 assistance program and weatherization program by the
 13 fiscal committee of the legislative council or other
 14 body during the 2006 legislative interim. The issues
 15 reviewed shall include but are not limited to
 16 financial assistance, the application and intake
 17 processes, and the community action agencies
 18 assessment and resolution proposal. The review shall
 19 also include involving the department of human
 20 services in the administration of the programs to
 21 enable low-income persons to access additional
 22 assistance programs through a single location.”

23 60. Page 47, by inserting before line 23 the
 24 following:

25 “Sec. ____ Section 16.183, subsections 1 and 3,
 26 Code 2005, are amended to read as follows:

27 1. A home and community-based services revolving
 28 loan program fund is created within the authority to
 29 further the goals specified in section 231.3, adult
 30 day services, respite services, ~~and~~ congregate meals,
 31 health and wellness, health screening, and nutritional
 32 assessments. The moneys in the home and
 33 community-based services revolving loan program fund
 34 shall be used by the authority for the development and
 35 operation of a revolving loan program to develop and
 36 expand facilities and infrastructure that provide
 37 adult day services, respite services, ~~and~~ congregate
 38 meals, and programming space for health and wellness,
 39 health screening, and nutritional assessments that
 40 address the needs of persons with low incomes.

41 3. The authority, in cooperation with the
 42 department of elder affairs, shall annually allocate
 43 moneys available in the home and community-based
 44 services revolving loan program fund to develop and
 45 expand facilities and infrastructure that provide
 46 adult day services, respite services, ~~and~~ congregate
 47 meals, and programming space for health and wellness,
 48 health screening, and nutritional assessments that
 49 address the needs of persons with low incomes.”

50 61. Page 48, by inserting after line 35 the

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1 following:

2 “Sec. ____ 2005 Iowa Acts, chapter 175, section 9,
 3 unnumbered paragraph 2, is amended to read as follows:

4 For medical assistance reimbursement and associated
 5 costs as specifically provided in the reimbursement
 6 methodologies in effect on June 30, 2005, except as
 7 otherwise expressly authorized by law, including

8 reimbursement for abortion services, which shall be
 9 available under the medical assistance program only
 10 for those abortions which are medically necessary:

11 \$ 519,040,317
 12 538,040,317

13 62. Page 50, by striking lines 23 through 32 and
 14 inserting the following:

15 "Sec. ____ 2005 Iowa Acts, chapter 175, section
 16 22, is amended by adding the following new subsection:

17 NEW SUBSECTION. 2A. a. Notwithstanding sections
 18 8.33 and 222.92, of the revenues available to the
 19 state resource centers that remain unencumbered or
 20 unobligated at the close of the fiscal year the
 21 indicated amounts shall not revert but shall remain
 22 available for expenditure for the purposes designated
 23 until the close of the succeeding fiscal year:

24 (1) For the state resource center at Glenwood,
 25 \$1,250,000.

26 (2) For the state resource center at Woodward,
 27 \$750,000.

28 b. Of the amounts designated in paragraph "a",
 29 \$250,000 at each resource center shall be used to
 30 continue the procurement and installation of the
 31 electronic medical records system initiated in the
 32 fiscal year beginning July 1, 2005."

33 63. Page 50, line 35, by striking the figure
 34 "200,000" and inserting the following: "400,000".

35 64. Page 51, line 19, by striking the figure
 36 "167,042,326" and inserting the following:
 37 "168,156,999".

38 65. Page 51, line 35, by inserting after the
 39 words "adjust the" the following: "skilled nursing
 40 facility market basket".

41 66. Page 52, by inserting after line 3 the
 42 following:

43 "Sec. ____ 2005 Iowa Acts, chapter 175, section
 44 29, subsection 1, paragraph a, is amended by adding
 45 the following new subparagraph:

46 NEW SUBPARAGRAPH. (4) For the period of April 1,
 47 2006, through June 30, 2006, the department shall
 48 apply one-third of the skilled nursing facility market
 49 basket index to the midpoint of the rate period
 50 beginning July 1, 2005. The department may adopt

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1 emergency rules to implement this subparagraph."

2 67. Page 52, by inserting before line 4 the
 3 following:

4 "Sec. ____ NONREVERSION — FY 2007–2008 BASE
 5 BUDGET. For purposes of the budget process under
 6 section 8.23 for the fiscal year beginning July 1,

7 2007, the base budget amounts for the appropriations
8 made to the department of human services for the
9 purposes designated in this division of this Act shall
10 be adjusted to include the amounts of the
11 appropriations made for the same purposes for the
12 fiscal year beginning July 1, 2005, that, pursuant to
13 this division of this Act, do not revert and remain
14 available for expenditure in the succeeding fiscal
15 year. However, this section does not apply to those
16 units that operate on the basis of a net general fund
17 appropriation.”

18 68. Page 52, by inserting after line 6 the
19 following:

20 “___ The provision under the appropriation for
21 medical assistance relating to the submission of a
22 medical assistance state plan amendment to the centers
23 for Medicare and Medicaid services of the United
24 States department of health and human services.

25 ___ The provision under the appropriation for
26 medical assistance relating to the directive to the
27 department of human services to apply for
28 participation in the Medicaid transformation grants
29 program as specified in the federal Deficit Reduction
30 Act of 2005.”

31 69. Page 52, by inserting after line 11 the
32 following:

33 “1A. The provision enacting a supplemental
34 appropriation to the department of human rights for
35 purposes of the low-income home energy assistance
36 program.”

37 70. Page 52, line 20, by striking the word
38 “provision” and inserting the following:
39 “provisions”.

40 71. Page 53, by inserting after line 4 the
41 following:

42 “Sec. ___ EFFECTIVE DATE — RETROACTIVE
43 APPLICABILITY. The provision of this division of this
44 Act amending 2005 Iowa Acts, chapter 175, section 29,
45 subsection 1, paragraph “a”, by enacting new
46 subparagraph (4), being deemed of immediate
47 importance, takes effect upon enactment and is
48 retroactively applicable to April 1, 2006.”

49 72. Page 53, by inserting after line 6 the
50 following:

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1 “ENDOWMENT FOR IOWA’S HEALTH ACCOUNT,”

2 73. Page 53, line 17, by inserting after the word
3 “including” the following: “case management only if
4 the monthly cost per client for case management for
5 the frail elderly services provided does not exceed an

6 average of \$70, and including”.

7 74. Page 53, line 31, by inserting after the word
8 “exceed” the following: “an average of”.

9 75. Page 54, line 33, by striking the figure
10 “40,000,000” and inserting the following:
11 “65,000,000”.

12 76. Page 55, by inserting after line 23 the
13 following:

14 “Sec. ____ ENDOWMENT FOR IOWA’S HEALTH ACCOUNT —
15 SENIOR LIVING TRUST FUND. There is appropriated from
16 the endowment for Iowa’s health account of the tobacco
17 settlement trust fund created in section 12E.12 to the
18 senior living trust fund created in section 249H.4 for
19 the fiscal year beginning July 1, 2006, and ending
20 June 30, 2007, the following amount:

21 \$ 25,000,000”

22 77. Page 57, line 25, by striking the figure
23 “37,000,000” and inserting the following:
24 “40,000,000”.

25 78. Page 57, by inserting after line 25 the
26 following:

27 “Notwithstanding any provision of law to the
28 contrary, of the amount appropriated in this
29 subsection, \$37,000,000 shall be allocated in twelve
30 equal monthly payments as provided in section 249J.24.
31 Any amount appropriated in this subsection in excess
32 of \$37,000,000 shall be allocated only if federal
33 funds are available to match the amount allocated.”

34 79. Page 59, by inserting after line 21 the
35 following:

36 “Notwithstanding section 8.39, subsection 1,
37 without the prior written consent and approval of the
38 governor and the director of the department of
39 management, the director of human services may
40 transfer funds among the appropriations made in this
41 section, as necessary to carry out the purposes of the
42 account for health care transformation. The
43 department shall report any transfers made pursuant to
44 this section to the legislative services agency.”

45 80. Page 60, by inserting after line 23 the
46 following:

47 “Sec. ____ 2006 Iowa Acts, House File 2347,
48 section 5, is amended to read as follows:

49 **SEC. 5. APPROPRIATION TRANSFER — HEALTH CARE**
50 **TRANSFORMATION ACCOUNT.** There is appropriated

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1 transferred from the account for health care
2 transformation created in section 249J.23, to the
3 department of human services IowaCare account created
4 in section 249J.24, \$2,000,000 for the fiscal year

5 beginning July 1, 2005, and ending June 30, 2006, the
6 following amount, or so much thereof as is necessary,
7 for the purposes designated:

8 For payments to the university of Iowa hospitals
9 and clinics for provision of services pursuant to and
10 for costs associated with chapter 249J:

11 \$ 2,000,000

12 Notwithstanding section 8.33, moneys appropriated
13 in this section that remain unencumbered or
14 unobligated at the close of the fiscal year shall not
15 revert, but shall remain available for expenditure for
16 the purposes designated until the close of the
17 succeeding fiscal year.

18 Sec. ____ 2005 Iowa Acts, chapter 167, section 63,
19 subsection 1, is amended to read as follows:

20 1. There is appropriated from the IowaCare
21 IowaCare account created in section 249J.23 to the
22 university of Iowa hospitals and clinics for the
23 fiscal year beginning July 1, 2005, and ending June
24 30, 2006, the following amount, or so much thereof as
25 is necessary, to be used for the purposes designated:

26 For salaries, support, maintenance, equipment, and
27 miscellaneous purposes, for the provision of medical
28 and surgical treatment of indigent patients, for
29 provision of services to members of the expansion
30 population pursuant to chapter 249J, as enacted in
31 this Act, and for medical education:

32 \$ 27,284,584
33 37,862,932

34 Notwithstanding any provision of this Act to the
35 contrary, of the amount appropriated in this
36 subsection, \$27,284,584 shall be allocated in twelve
37 equal monthly payments as provided in section 249J.23,
38 as enacted in this Act. Any amount appropriated in
39 this subsection in excess of \$27,284,584 shall be
40 allocated only if federal funds are available to match
41 the amount allocated. Notwithstanding section 8.33,
42 moneys appropriated in this subsection that remain
43 unencumbered or unobligated at the close of the fiscal
44 year shall not revert, but shall remain available for
45 expenditure for the purposes designated until the
46 close of the succeeding fiscal year.”

47 81. Page 61, by inserting after line 9 the
48 following:

49 “ ____ . The provision amending 2005 Iowa Acts,
50 chapter 167, section 63.”

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1 82. Page 61, by inserting after line 12 the
2 following:

3 “Sec. ____ . EFFECTIVE DATE — RETROACTIVE

4 APPLICABILITY. The section of this division of this
5 Act amending 2006 Iowa Acts, House File 2347, section
6 5, being deemed of immediate importance, takes effect
7 upon enactment and is retroactively applicable to
8 March 9, 2006.”

9 83. Page 61, by inserting after line 18 the
10 following:

11 “Sec. ____ 2005 Iowa Acts, chapter 179, section 1,
12 subsection 1, is amended to read as follows:

13 1. There is appropriated from the general fund of
14 the state to the department of human services for the
15 fiscal year beginning July 1, 2006, and ending June
16 30, 2007, the following amount, or so much thereof as
17 is necessary, to be used for the purpose designated:

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

24 \$ 35,788,041
25 38,888,041”

26 84. Page 61, by striking lines 25 through 33 and
27 inserting the following:

28 “Sec. ____ 2005 Iowa Acts, chapter 179, section 1,
29 subsection 2, paragraphs b and c, are amended to read
30 as follows:

31 b. For deposit in the per capita expenditure
32 target pool created in the property tax relief fund
33 and for distribution in accordance with section
34 426B.5, subsection 1:

35 \$ 19,361,148
36 24,461,148

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

40 \$ 2,000,000
41 0”

42 85. Page 62, line 14, by striking the figure
43 “25,925,724” and inserting the following:
44 “32,125,724”.

45 86. Page 62, line 34, by inserting after the word
46 “year.” the following: “If a county borrowed moneys
47 for purposes of providing services from the county’s
48 services fund on or before July 1, 2005, and the
49 county’s services fund ending balance for that fiscal
50 year includes the loan proceeds or an amount

1 designated in the county budget to service the loan
2 for the borrowed moneys, those amounts shall not be

3 considered to be part of the county's ending balance
 4 for purposes of calculating an ending balance
 5 percentage under this subsection."

6 87. Page 63, line 22, by striking the figure
 7 "4,564,576" and inserting the following: "7,664,576".

8 88. Page 64, by inserting after line 4 the
 9 following:

10 "Sec. ____ Section 135.2, Code 2005, is amended to
 11 read as follows:

12 135.2 APPOINTMENT OF DIRECTOR AND ACTING DIRECTOR.

13 1. a. The governor shall appoint the director of
 14 the department, subject to confirmation by the senate.
 15 The director shall serve at the pleasure of the
 16 governor. The director is exempt from the merit
 17 system provisions of chapter 8A, subchapter IV. The
 18 governor shall set the salary of the director within
 19 the range established by the general assembly.

20 b. The director shall possess education and
 21 experience in public health.

22 2. The director may appoint an employee of the
 23 department to be acting director, who shall have all
 24 the powers and duties possessed by the director. The
 25 director may appoint more than one acting director but
 26 only one acting director shall exercise the powers and
 27 duties of the director at any time.

28 Sec. ____ NEW SECTION. 135.12 OFFICE OF
 29 MULTICULTURAL HEALTH — ESTABLISHED — DUTIES.

30 The office of multicultural health is established
 31 within the department. The office shall be
 32 responsible for all of the following:

33 1. Providing comprehensive management strategies
 34 to address culturally and linguistically appropriate
 35 services, including strategic goals, plans, policies,
 36 and procedures, and designating staff responsible for
 37 implementation.

38 2. Requiring and arranging for ongoing education
 39 and training for administrative, clinical, and other
 40 appropriate staff in culturally and linguistically
 41 competent health care and service delivery.

42 3. Utilizing formal mechanisms for community and
 43 consumer involvement and coordinating with other state
 44 agencies to identify resources and programs that
 45 affect the health service delivery systems.

46 Sec. ____ Section 135.22A, subsection 3, Code
 47 Supplement 2005, is amended to read as follows:

48 3. The council shall be composed of a minimum of
 49 nine members appointed by the governor in addition to
 50 the ex officio members, and the governor may appoint

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1 additional members. Insofar as practicable, the
2 council shall include persons with brain injuries,
3 family members of persons with brain injuries,
4 representatives of industry, labor, business, and
5 agriculture, representatives of federal, state, and
6 local government, and representatives of religious,
7 charitable, fraternal, civic, educational, medical,
8 legal, veteran, welfare, and other professional groups
9 and organizations. Members shall be appointed
10 representing every geographic and employment area of
11 the state and shall include members of both sexes. A
12 simple majority of the members appointed by the
13 governor shall constitute a quorum.

14 Sec. ____ Section 135.63, subsection 2, paragraph
15 o, Code 2005, is amended to read as follows:

16 o. The change in ownership, licensure,
17 organizational structure, or designation of the type
18 of institutional health facility if the health
19 services offered by the successor institutional health
20 facility are unchanged. This exclusion is applicable
21 only if the institutional health facility consents to
22 the change in ownership, licensure, organizational
23 structure, or designation of the type of institutional
24 health facility and ceases offering the health
25 services simultaneously with the initiation of the
26 offering of health services by the successor
27 institutional health facility.

28 Sec. ____ **NEW SECTION.** 135.105D BLOOD LEAD
29 TESTING — PROVIDER EDUCATION — PAYOR OF LAST RESORT.

30 1. For purposes of this section:

31 a. "Blood lead testing" means taking a capillary
32 or venous sample of blood and sending it to a
33 laboratory to determine the level of lead in the
34 blood.

35 b. "Capillary" means a blood sample taken from the
36 finger or heel for lead analysis.

37 c. "Health care provider" means a physician who is
38 licensed under chapter 148, 150, or 150A, or a person
39 who is licensed as a physician assistant under chapter
40 148C, or as an advanced registered nurse practitioner.

41 d. "Venous" means a blood sample taken from a vein
42 in the arm for lead analysis.

43 2. The department shall work with health care
44 provider associations to educate health care providers
45 regarding requirements for testing children who are
46 enrolled in certain federally funded programs and
47 regarding department recommendations for testing other
48 children for lead poisoning.

49 3. The department shall implement blood lead
50 testing for children under six years of age who are

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1 not eligible for the testing services to be paid by a
2 third-party source. The department shall contract
3 with one or more public health laboratories to provide
4 blood lead analysis for such children. The department
5 shall establish by rule the procedures for health care
6 providers to submit samples to the contracted public
7 health laboratories for analysis. The department
8 shall also establish by rule a method to reimburse
9 health care providers for drawing blood samples from
10 such children and the dollar amount that the
11 department will reimburse health care providers for
12 the service. Payment for blood lead analysis and
13 drawing blood samples shall be limited to the amount
14 appropriated for the program in a fiscal year.

15 Sec. ____ Section 135.109, subsection 3, paragraph
16 b, Code 2005, is amended to read as follows:

17 b. A licensed physician or nurse who is
18 knowledgeable concerning domestic abuse injuries and
19 deaths, including suicides.

20 Sec. ____ Section 135.109, subsection 4, Code
21 2005, is amended by adding the following new
22 paragraph:

23 NEW PARAGRAPH. j. The director of the state law
24 enforcement academy.

25 Sec. ____ Section 135.110, subsection 1, paragraph
26 a, unnumbered paragraph 1, Code 2005, is amended to
27 read as follows:

28 Prepare ~~an annual~~ a biennial report for the
29 governor, supreme court, attorney general, and the
30 general assembly concerning the following subjects:

31 Sec. ____ Section 135.140, subsection 6, paragraph
32 a, Code Supplement 2005, is amended by adding the
33 following new subparagraphs:

34 NEW SUBPARAGRAPH. (6) A natural occurrence or
35 incident, including but not limited to fire, flood,
36 storm, drought, earthquake, tornado, or windstorm.

37 NEW SUBPARAGRAPH. (7) A man-made occurrence or
38 incident, including but not limited to an attack,
39 spill, or explosion.

40 Sec. ____ Section 137.6, subsection 2, paragraph
41 a, Code 2005, is amended to read as follows:

42 a. Rules of a county board shall become effective
43 upon approval by the county board of supervisors by a
44 motion or resolution as defined in section 331.101,
45 subsection 13, and publication in a newspaper having
46 general circulation in the county.

47 Sec. ____ NEW SECTION. 139A.13A ISOLATION OR
48 QUARANTINE — EMPLOYMENT PROTECTION.

49 1. An employer shall not discharge an employee, or
50 take or fail to take action regarding an employee's

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1 promotion or proposed promotion, or take action to
2 reduce an employee's wages or benefits for actual time
3 worked, due to the compliance of an employee with a
4 quarantine or isolation order issued by the department
5 or a local board.

6 2. An employee whose employer violates this
7 section may petition the court for imposition of a
8 cease and desist order against the person's employer
9 and for reinstatement to the person's previous
10 position of employment. This section does not create
11 a private cause of action for relief of money damages.

12 Sec. ____ Section 147.82, subsection 3, Code
13 Supplement 2005, is amended to read as follows:

14 3. The department may annually retain and expend
15 not more than one hundred thousand dollars for
16 reduction of the number of days necessary to process
17 medical license requests and for reduction of the
18 number of days needed for consideration of malpractice
19 cases from fees collected pursuant to section 147.80
20 by the board of medical examiners ~~in the fiscal year~~
21 ~~beginning July 1, 2005, and ending June 30, 2006.~~
22 Fees retained by the department pursuant to this
23 subsection shall be considered repayment receipts as
24 defined in section 8.2 and shall be used for the
25 purposes described in this subsection.

26 Sec. ____ Section 147.153, subsection 3, Code
27 2005, is amended to read as follows:

28 3. Pass an examination administered as determined
29 ~~by the board to assure the applicant's professional~~
30 ~~competence in speech pathology or audiology by rule.~~

31 Sec. ____ Section 147.155, Code 2005, is amended
32 to read as follows:

33 147.155 TEMPORARY CLINICAL LICENSE.

34 Any person who has fulfilled all of the
35 requirements for licensure under this division, except
36 for having completed the nine months clinical
37 experience requirement as provided in section 147.153,
38 subsection 1 or 2, and the examination as provided in
39 section 147.153, subsection 3, may apply to the board
40 for a temporary clinical license. The license shall
41 be designated "temporary clinical license in speech
42 pathology" or "temporary clinical license in
43 audiology" and shall authorize the licensee to
44 practice speech pathology or audiology under the
45 supervision of a licensed speech pathologist or
46 licensed audiologist, as appropriate. The license
47 shall be valid for one year and may be renewed once at
48 the discretion of the board. The fee for a temporary
49 clinical license shall be set by the board to cover
50 the administrative costs of issuing the license, and

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1 if renewed, a renewal fee as set by the board shall be
 2 required. A temporary clinical license shall be
 3 issued only upon evidence satisfactory to the board
 4 that the applicant will be supervised by a person
 5 licensed as a speech pathologist or audiologist, as
 6 appropriate. ~~The board shall revoke any temporary~~
 7 ~~clinical license at any time it determines either that~~
 8 ~~the work done by the temporary clinical licensee or~~
 9 ~~the supervision being given the temporary clinical~~
 10 ~~licensee does not conform to reasonable standards~~
 11 ~~established by the board.~~

12 Sec. ____ NEW SECTION. 147A.15 AUTOMATED
 13 EXTERNAL DEFIBRILLATOR EQUIPMENT — PENALTY.

14 Any person who damages, wrongfully takes or
 15 withholds, or removes any component of automated
 16 external defibrillator equipment located in a public
 17 or privately owned location, including batteries
 18 installed to operate the equipment, is guilty of a
 19 serious misdemeanor.

20 Sec. ____ Section 148.2, subsection 5, Code 2005,
 21 is amended to read as follows:

22 5. Physicians and surgeons of the United States
 23 army, navy, ~~or air force, marines,~~ public health
 24 service, ~~or other uniformed service~~ when acting in the
 25 line of duty in this state, ~~and holding a current,~~
 26 active permanent license in good standing in another
 27 state, district, or territory of the United States, or
 28 physicians and surgeons licensed in another state,
 29 when incidentally called into this state in
 30 consultation with a physician and surgeon licensed in
 31 this state.

32 Sec. ____ Section 149.3, Code 2005, is amended to
 33 read as follows:

34 149.3 LICENSE.

35 Every applicant for a license to practice podiatry
 36 shall:

- 37 1. Be a graduate of an accredited high school of
 38 podiatry.
- 39 2. Present a diploma an official transcript issued
 40 by a school of podiatry approved by the board of
 41 podiatry examiners.
- 42 3. Pass an examination in the subjects of anatomy,
 43 chemistry, dermatology, diagnosis, pharmacy and
 44 materia medica, pathology, physiology, histology,
 45 bacteriology, neurology, ~~practical and clinical~~
 46 podiatry, foot orthopedics, and others, as prescribed
 47 by the board of podiatry examiners as determined by
 48 the board by rule.
- 49 4. Have successfully completed a one-year
 50 residency or preceptorship approved by the board of

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1 podiatry examiners as determined by the board by rule.

2 This subsection applies to all applicants who graduate
3 from podiatric college on or after January 1, 1995.

4 Sec. ____ Section 149.7, unnumbered paragraph 2,
5 Code 2005, is amended to read as follows:

6 The temporary certificate shall be issued for one
7 year and may be renewed, but a person shall not be
8 entitled to practice podiatry in excess of three years
9 while holding a temporary certificate. The fee for
10 this certificate shall be set by the podiatry
11 examiners and if extended beyond one year a renewal
12 fee per year shall be set by the podiatry examiners.
13 The fees shall be based on the administrative costs of
14 issuing and renewing the certificates. ~~The podiatry
15 examiners may cancel a temporary certificate at any
16 time, without a hearing, for reasons deemed sufficient
17 to the podiatry examiners.~~

18 Sec. ____ Section 149.7, unnumbered paragraphs 3
19 and 4, Code 2005, are amended by striking the
20 unnumbered paragraphs.

21 Sec. ____ Section 151.12, Code 2005, is amended to
22 read as follows:

23 151.12 TEMPORARY CERTIFICATE.

24 The chiropractic examiners may, in their
25 discretion, issue a temporary certificate authorizing
26 the licensee to practice chiropractic if, in the
27 opinion of the chiropractic examiners, a need exists
28 and the person possesses the qualifications prescribed
29 by the chiropractic examiners for the license, which
30 shall be substantially equivalent to those required
31 for licensure under this chapter. The chiropractic
32 examiners shall determine in each instance those
33 eligible for this license, whether or not examinations
34 shall be given, and the type of examinations, and the
35 duration of the license. No requirements of the law
36 pertaining to regular permanent licensure are
37 mandatory for this temporary license except as
38 specifically designated by the chiropractic examiners.
39 The granting of a temporary license does not in any
40 way indicate that the person so licensed is eligible
41 for regular licensure, nor are the chiropractic
42 examiners in any way obligated to so license the
43 person.

44 The temporary certificate shall be issued for one
45 year and at the discretion of the chiropractic
46 examiners may be renewed, but a person shall not
47 practice chiropractic in excess of three years while
48 holding a temporary certificate. The fee for this
49 license shall be set by the chiropractic examiners and
50 if extended beyond one year a renewal fee per year

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1 shall be set by the chiropractic examiners. The fees
2 fee for the temporary license shall be based on the
3 administrative costs of issuing and renewing the
4 licenses. ~~The chiropractic examiners may cancel a~~
5 ~~temporary certificate at any time, without a hearing,~~
6 ~~for reasons deemed sufficient to the chiropractic~~
7 ~~examiners.~~
8 ~~When the chiropractic examiners cancel a temporary~~
9 ~~certificate they shall promptly notify the licensee by~~
10 ~~registered mail, at the licensee's last named address,~~
11 ~~as reflected by the files of the chiropractic~~
12 ~~examiners, and the temporary certificate is terminated~~
13 ~~and of no further force and effect three days after~~
14 ~~the mailing of the notice to the licensee.~~
15 Sec. __. Section 154.3, subsection 1, Code 2005,
16 is amended to read as follows:
17 1. Every applicant for a license to practice
18 optometry shall:
19 a. ~~Present satisfactory evidence of a preliminary~~
20 ~~education equivalent to at least four years study in~~
21 ~~an accredited high school or other secondary school.~~
22 Be a graduate of an accredited school of optometry.
23 b. ~~Present a diploma from an official transcript~~
24 issued by an accredited school of optometry.
25 c. Pass an examination ~~prescribed by the optometry~~
26 ~~examiners in the subjects of physiology of the eye,~~
27 ~~optical physics, anatomy of the eye, ophthalmology,~~
28 ~~and practical optometry as determined by the board by~~
29 rule.
30 Sec. __. Section 154B.6, subsection 3, Code 2005,
31 is amended to read as follows:
32 3. Have not failed the examination required in
33 subsection 2 within ~~the six months next sixty days~~
34 preceding the date of the subsequent examination.
35 The examinations required in this section may, at
36 the discretion of the board, be waived for holders by
37 examination of licenses or certificates from states
38 whose requirements are substantially equivalent to
39 those of this chapter, and for holders by examination
40 of specialty diplomas from the American board of
41 professional psychology.
42 ~~Any person who within one year after July 1, 1975,~~
43 ~~meets the requirements specified in subsection 1 shall~~
44 ~~receive licensure without having passed the~~
45 ~~examination required in subsection 2 if application~~
46 ~~for licensure is filed with the board of psychology~~
47 ~~examiners before July 1, 1977. Any person holding a~~
48 ~~certificate as a psychologist from the board of~~
49 ~~examiners of the Iowa psychological association on~~
50 ~~July 1, 1977, who applies for certification before~~

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1 ~~July 1, 1975, shall receive certification.~~

2 Sec. ____ Section 154D.2, subsection 2, paragraph
3 b, Code Supplement 2005, is amended to read as
4 follows:

5 b. Has at least two years of supervised clinical
6 experience or its equivalent in assessing mental
7 health needs and problems and in providing appropriate
8 mental health services as approved by the board.
9 Standards for supervision, including the required
10 qualifications for supervisors, shall be determined by
11 the board by rule.

12 Sec. ____ NEW SECTION. 154E.3A TEMPORARY
13 LICENSE.

14 Beginning July 1, 2007, an individual who does not
15 meet the requirements for licensure by examination
16 pursuant to section 154E.3 may apply for or renew a
17 temporary license. The temporary license shall
18 authorize the licensee to practice as a sign language
19 interpreter or transliterator under the direct
20 supervision of a sign language interpreter or
21 transliterator licensed pursuant to section 154E.3.
22 The temporary license shall be valid for two years and
23 may only be renewed one time in accordance with
24 standards established by rule. An individual shall
25 not practice for more than a total of four years under
26 a temporary license. The board may revoke a temporary
27 license if it determines that the temporary licensee
28 has violated standards established by rule. The board
29 may adopt requirements for temporary licensure to
30 implement this section.

31 Sec. ____ Section 154E.4, subsection 2, Code
32 Supplement 2005, is amended by adding the following
33 new paragraph:

34 NEW PARAGRAPH. e. Students enrolled in a school
35 of interpreting may interpret only under the direct
36 supervision of a permanently licensed interpreter as
37 part of the student's course of study.

38 Sec. ____ Section 157.2, subsection 1, paragraph
39 e, Code Supplement 2005, is amended to read as
40 follows:

41 e. Employees ~~and residents~~ of hospitals, health
42 care facilities, orphans' homes, juvenile homes, and
43 other similar facilities who ~~shampoo, arrange, dress,~~
44 ~~or curl the hair of~~ perform cosmetology services for
45 any resident without receiving direct compensation
46 from the person receiving the service.

47 Sec. ____ Section 157.2, subsection 1, Code
48 Supplement 2005, is amended by adding the following
49 new paragraph:

50 NEW PARAGRAPH. ee. Volunteers for and residents

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1 of health care facilities, orphans' homes, juvenile
2 homes, and other similar facilities who shampoo,
3 arrange, dress, or curl the hair, apply makeup, or
4 polish the nails of any resident without receiving
5 compensation from the person receiving the service.

6 Sec. ____ Section 157.10, subsection 1, Code 2005,
7 is amended to read as follows:

8 1. The course of study required for licensure for
9 the practice of cosmetology shall be two thousand one
10 hundred clock hours, or seventy semester credit hours
11 or the equivalent thereof as determined pursuant to
12 administrative rule and regulations promulgated by the
13 United States department of education. The clock
14 hours, and equivalent number of semester credit hours
15 or the equivalent thereof as determined pursuant to
16 administrative rule and regulations promulgated by the
17 United States department of education, of a course of
18 study required for licensure for the practices of
19 electrology, esthetics, and nail technology,
20 manicuring, and pedicuring shall be established by the
21 board. The board shall adopt rules to define the
22 course and content of study for each practice of
23 cosmetology arts and sciences.

24 Sec. ____ Section 157.13, subsection 1, Code
25 Supplement 2005, is amended by striking the subsection
26 and inserting in lieu thereof the following:

27 1. It is unlawful for a person to employ an
28 individual to practice cosmetology arts and sciences
29 unless that individual is licensed or has obtained a
30 temporary permit under this chapter. It is unlawful
31 for a licensee to practice with or without
32 compensation in any place other than a licensed salon,
33 a licensed school of cosmetology arts and sciences, or
34 a licensed barbershop as defined in section 158.1.
35 The following exceptions to this subsection shall
36 apply:

37 a. A licensee may practice at a location which is
38 not a licensed salon, school of cosmetology arts and
39 sciences, or licensed barbershop under extenuating
40 circumstances arising from physical or mental
41 disability or death of a customer.

42 b. Notwithstanding section 157.12, when the
43 licensee is employed by a physician and provides
44 cosmetology services at the place of practice of a
45 physician and is under the supervision of a physician
46 licensed to practice pursuant to chapter 148, 150, or
47 150A.

48 c. When the practice occurs in a facility licensed
49 pursuant to chapter 135B or 135C.

50 Sec. ____ Section 157.13, Code Supplement 2005, is

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1 amended by adding the following new subsection:
2 NEW SUBSECTION. 1A. It is unlawful for a licensee
3 to claim to be a licensed barber, however a licensed
4 cosmetologist may work in a licensed barbershop. It
5 is unlawful for a person to employ a licensed
6 cosmetologist, esthetician, or electrologist to
7 perform the services described in section 157.3A if
8 the licensee has not received the additional training
9 and met the other requirements specified in section
10 157.3A.”

11 89. Page 64, by inserting after line 34 the
12 following:

13 “Sec. ____ Section 237A.5, subsection 2, paragraph
14 a, subparagraph (1), Code 2005, is amended to read as
15 follows:

16 (1) “Person subject to ~~an evaluation~~” a record
17 check” means a person ~~who has committed a~~
18 ~~transgression and~~ who is described by any of the
19 following:

20 (a) The person is being considered for licensure
21 or registration or is registered or licensed under
22 this chapter.

23 (b) The person is being considered by a child care
24 facility for employment involving direct
25 responsibility for a child or with access to a child
26 when the child is alone or is employed with such
27 responsibilities.

28 (c) The person will reside or resides in a child
29 care facility.

30 (d) The person has applied for or receives public
31 funding for providing child care.

32 (e) The person will reside or resides in a child
33 care home that is not registered under this chapter
34 but that receives public funding for providing child
35 care.

36 Sec. ____ Section 237A.5, subsection 2, paragraph
37 a, Code 2005, is amended by adding the following new
38 subparagraph:

39 NEW SUBPARAGRAPH. (1A) “Person subject to an
40 evaluation” means a person subject to a record check
41 whose record indicates that the person has committed a
42 transgression.

43 Sec. ____ Section 237A.5, subsection 2, Code 2005,
44 is amended by adding the following new paragraph:

45 NEW PARAGRAPH. aa. If an individual person
46 subject to a record check is being considered for
47 employment by a child care facility or child care
48 home, in lieu of requesting a record check to be
49 conducted by the department under paragraph “b”, the
50 child care facility or child care home may access the

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1 single contact repository established pursuant to
2 section 135C.33 as necessary to conduct a criminal and
3 child abuse record check of the individual. A copy of
4 the results of the record check conducted through the
5 single contact repository shall also be provided to
6 the department. If the record check indicates the
7 individual is a person subject to an evaluation, the
8 child care facility or child care home may request
9 that the department perform an evaluation as provided
10 in this subsection. Otherwise, the individual shall
11 not be employed by the child care facility or child
12 care home.

13 Sec. ____ Section 237A.5, subsection 2, paragraph
14 b, Code 2005, is amended to read as follows:
15 b. The Unless a record check has already been
16 conducted in accordance with paragraph "aa", the
17 department shall conduct a criminal and child abuse
18 record checks check in this state for a person who is
19 subject to a record check and may conduct ~~these checks~~
20 such a check in other states. In addition, the
21 department may conduct a dependent adult abuse, sex
22 offender registry, ~~and or~~ other public or civil
23 offense record ~~checks check~~ in this state or in other
24 states for a person who is subject to a record check.
25 If the department a record check performed pursuant to
26 this paragraph identifies an individual as a person
27 subject to an evaluation, an evaluation shall be
28 performed to determine whether prohibition of the
29 person's involvement with child care is warranted.
30 The evaluation shall be performed in accordance with
31 procedures adopted for this purpose by the department.
32 Prior to performing an evaluation, the department
33 shall notify the affected person, licensee,
34 registrant, or child care home applying for or
35 receiving public funding for providing child care,
36 that an evaluation will be conducted to determine
37 whether prohibition of the person's involvement with
38 child care is warranted."

39 90. Page 64, by inserting before line 35 the
40 following:

41 "Sec. ____ Section 249J.5, Code Supplement 2005,
42 is amended by adding the following new subsection:
43 NEW SUBSECTION. 9. Following initial enrollment,
44 an expansion population member shall reenroll annually
45 by the last day of the month preceding the month in
46 which the expansion population member initially
47 enrolled. The department may provide a process for
48 automatic reenrollment of expansion population
49 members."

50 91. Page 65, by striking lines 2 through 17 and

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1 inserting the following:

2 "a. ~~Beginning no later than March 1, 2006, within~~
3 ~~ninety days of enrollment in the expansion population,~~
4 ~~each~~ Each expansion population member who enrolls or
5 reenrolls in the expansion population on or after
6 January 31, 2007, shall participate, in conjunction
7 with receiving a single comprehensive medical
8 examination and completing a personal health
9 improvement plan, in a health risk assessment
10 coordinated by a health consortium representing
11 providers, consumers, and medical education
12 institutions. ~~An expansion population member who~~
13 ~~enrolls in the expansion population prior to March 1,~~
14 ~~2006, shall participate in the health risk assessment,~~
15 ~~receive the single comprehensive medical examination,~~
16 ~~and complete the personal health improvement plan by~~
17 ~~June 1, 2006.~~ The criteria for the health risk
18 assessment, the comprehensive medical examination, and
19 the personal health improvement plan shall be
20 developed and applied in a manner that takes into
21 consideration cultural variations that may exist
22 within the expansion population."

23 92. Page 65, by inserting after line 24 the
24 following:

25 "Sec. ____ Section 249J.6, subsection 2, Code
26 Supplement 2005, is amended by adding the following
27 new paragraphs:

28 NEW PARAGRAPH. d. Following completion of an
29 initial health risk assessment, comprehensive medical
30 examination, and personal health improvement plan, an
31 expansion population member may complete subsequent
32 assessments, examinations, or plans with the
33 recommendation and approval of a provider specified in
34 paragraph "c".

35 NEW PARAGRAPH. e. Refusal of an expansion
36 population member to participate in a health risk
37 assessment, comprehensive medical examination, or
38 personal health improvement plan shall not be a basis
39 for ineligibility for or disenrollment from the
40 expansion population.

41 Sec. ____ Section 249J.8, subsections 1 and 2,
42 Code Supplement 2005, are amended to read as follows:

43 1. Beginning July 1, 2005, each expansion
44 population member whose family income equals or
45 exceeds one hundred percent of the federal poverty
46 level as defined by the most recently revised poverty
47 income guidelines published by the United States
48 department of health and human services shall pay a
49 monthly premium not to exceed one-twelfth of five
50 percent of the member's annual family income, and each

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1 expansion population member whose family income is
2 less than one hundred percent of the federal poverty
3 level as defined by the most recently revised poverty
4 income guidelines published by the United States
5 department of health and human services shall pay a
6 monthly premium not to exceed one-twelfth of two
7 percent of the member's annual family income. All
8 premiums shall be paid on the last day of the month of
9 coverage. The department shall deduct the amount of
10 any monthly premiums paid by an expansion population
11 member for benefits under the healthy and well kids in
12 Iowa program when computing the amount of monthly
13 premiums owed under this subsection. An expansion
14 population member shall pay the monthly premium during
15 the entire period of the member's enrollment.
16 ~~However, regardless~~ Regardless of the length of
17 enrollment, the member is subject to payment of the
18 premium for a minimum of four consecutive months.
19 However, an expansion population member who complies
20 with the requirement of payment of the premium for a
21 minimum of four consecutive months during a
22 consecutive twelve-month period of enrollment shall be
23 deemed to have complied with this requirement for the
24 subsequent consecutive twelve-month period of
25 enrollment and shall only be subject to payment of the
26 monthly premium on a month-by-month basis. Timely
27 payment of premiums, including any arrearages accrued
28 from prior enrollment, is a condition of receiving any
29 expansion population services. Premiums collected
30 under this subsection shall be deposited in the
31 premiums subaccount of the account for health care
32 transformation created pursuant to section 249J.23.
33 An expansion population member shall also pay the same
34 copayments required of other adult recipients of
35 medical assistance.

36 2. The department may reduce the required out-of-
37 pocket expenditures for an individual expansion
38 population member based upon the member's increased
39 wellness activities such as smoking cessation or
40 compliance with the personal health improvement plan
41 completed by the member. The department shall also
42 waive the required out-of-pocket expenditures for an
43 individual expansion population member based upon a
44 hardship that would accrue from imposing such required
45 expenditures. Information regarding the premium
46 payment obligation and the hardship exemption,
47 including the process by which a prospective enrollee
48 may apply for the hardship exemption, shall be
49 provided to a prospective enrollee at the time of
50 application. The prospective enrollee shall

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1 acknowledge, in writing, receipt and understanding of
2 the information provided."

3 93. Page 65, by inserting after line 35 the
4 following:

5 "Sec. ____ Section 249J.24, subsections 1 and 6,
6 Code Supplement 2005, are amended to read as follows:

7 1. An IowaCare account is created in the state
8 treasury under the authority of the department of
9 human services. Moneys appropriated from the general
10 fund of the state to the account, moneys received as
11 federal financial participation funds under the
12 expansion population provisions of this chapter and
13 credited to the account, moneys received for
14 disproportionate share hospitals and credited to the
15 account, moneys received for graduate medical
16 education and credited to the account, proceeds
17 ~~transferred distributed~~ from the county treasurer as
18 specified in subsection 6, and moneys from any other
19 source credited to the account shall be deposited in
20 the account. Moneys deposited in or credited to the
21 account shall be used only as provided in
22 appropriations or distributions from the account for
23 the purposes specified in the appropriation or
24 distribution. Moneys in the account shall be
25 appropriated to the university of Iowa hospitals and
26 clinics, to a publicly owned acute care teaching
27 hospital located in a county with a population over
28 three hundred fifty thousand, and to the state
29 hospitals for persons with mental illness designated
30 pursuant to section 226.1 for the purposes provided in
31 the federal law making the funds available or as
32 specified in the state appropriation and shall be
33 distributed as determined by the department.

34 6. a. Notwithstanding any provision to the
35 contrary, ~~from each semiannual for the~~ collection of
36 taxes levied under section 347.7 for which the
37 collection is performed after July 1, 2005, the county
38 treasurer of a county with a population over three
39 hundred fifty thousand in which a publicly owned acute
40 care teaching hospital is located shall ~~transfer~~
41 distribute the proceeds collected pursuant to section
42 347.7 in a total amount of thirty-four million dollars
43 annually, which would otherwise be distributed to the
44 county hospital, to the treasurer of state for deposit
45 in the IowaCare account under this section as follows:

46 (1) The first seventeen million dollars in
47 collections pursuant to section 347.7 between July 1
48 and December 31 annually shall be distributed to the
49 treasurer of state for deposit in the IowaCare account
50 and collections during this time period in excess of

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1 seventeen million dollars shall be distributed to the
2 acute care teaching hospital identified in this
3 subsection.

4 (2) The first seventeen million dollars in
5 collections pursuant to section 347.7 between January
6 1 and June 30 annually shall be distributed to the
7 treasurer of state for deposit in the IowaCare account
8 and collections during this time period in excess of
9 seventeen million dollars shall be distributed to the
10 acute care teaching hospital identified in this
11 subsection.

12 b. The board of trustees of the acute care
13 teaching hospital identified in this subsection and
14 the department shall execute an agreement under
15 chapter 28E by July 1, 2005, and annually by July 1,
16 thereafter, to specify the requirements relative to
17 ~~transfer distribution~~ of the proceeds and the
18 distribution of moneys to the hospital from the
19 IowaCare account. The agreement shall include
20 provisions relating to exceptions to the deadline for
21 submission of clean claims as required pursuant to
22 section 249J.7 and provisions relating to data
23 reporting requirements regarding the expansion
24 population. The agreement may also include a
25 provision allowing such hospital to limit access to
26 such hospital by expansion population members based on
27 residency of the member, if such provision reflects
28 the policy of such hospital regarding indigent
29 patients existing on April 1, 2005, as adopted by its
30 board of hospital trustees pursuant to section 347.14,
31 subsection 4.

32 c. Notwithstanding the specified amount of
33 proceeds to be ~~transferred distributed~~ under this
34 subsection, if the amount allocated that does not
35 require federal matching funds under an appropriation
36 in a subsequent fiscal year to such hospital for
37 medical and surgical treatment of indigent patients,
38 for provision of services to expansion population
39 members, and for medical education, is reduced from
40 the amount allocated that does not require federal
41 matching funds under the appropriation for the fiscal
42 year beginning July 1, 2005, the amount of proceeds
43 required to be ~~transferred distributed~~ under this
44 subsection in that subsequent fiscal year shall be
45 reduced in the same amount as the amount allocated
46 that does not require federal matching funds under
47 that appropriation.”

48 94. Page 66, by inserting after line 10 the
49 following:

50 “Sec. ____ Section 272C.1, subsection 6, Code

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1 Supplement 2005, is amended by adding the following
2 new paragraph:
3 NEW PARAGRAPH. ad. The director of public health
4 in certifying emergency medical care providers and
5 emergency medical care services pursuant to chapter
6 147A.

7 Sec. ____ Section 691.6, Code Supplement 2005, is
8 amended by adding the following new subsection:
9 NEW SUBSECTION. 8. To retain tissues, organs, and
10 bodily fluids as necessary to determine the cause and
11 manner of death or as deemed advisable by the state
12 medical examiner for medical or public health
13 investigation, teaching, or research. Tissues,
14 organs, and bodily fluids shall be properly disposed
15 of by following procedures and precautions for
16 handling biologic material and blood-borne pathogens
17 as established by rule.

18 Sec. ____ 2004 Iowa Acts, chapter 1175, section
19 432, subsection 3, is amended to read as follows:
20 3. Applicants issued a temporary license pursuant
21 to this section shall pass a licensure examination
22 approved by the board on or before July 1, 2007, in
23 order to ~~remain licensed as an interpreter~~ qualify to
24 be licensed by examination."

25 95. Page 66, line 33, by inserting after the
26 figure "500,000," the following: "shall be credited
27 to the general fund of the state, and the remainder".

28 96. Page 67, by inserting after line 21 the
29 following:

30 "Sec. ____ Section 157.5A, Code 2005, is
31 repealed."

32 97. Page 67, by striking lines 22 through 24 and
33 inserting the following:

34 "Sec. ____ EFFECTIVE DATE. The provisions of this
35 division of this Act amending sections 249J.5, 249J.8,
36 249J.20, and 249J.24, being deemed of immediate
37 importance, take effect upon enactment.

38 Sec. ____ EFFECTIVE DATE — RETROACTIVE
39 APPLICABILITY. The sections of this division of this
40 Act amending section 249J.6, being deemed of immediate
41 importance, take effect upon enactment and are
42 retroactively applicable to March 1, 2006."

43 98. Title page, line 4, by inserting after the
44 word "home," the following: "the department of human
45 rights,".

46 99. Title page, line 7, by striking the words
47 "providing effective dates" and inserting the
48 following: "including effective, applicability, and

49 retroactive applicability date provisions”.

50 100. By renumbering as necessary.

JACK HATCH
MAGGIE TINSMAN

S-5270

HOUSE AMENDMENT TO
SENATE FILE 2377

1 Amend Senate File 2377, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 17 the
4 following:

5 “Sec. ____ Section 459.312, subsection 4A, as
6 enacted in 2006 Iowa Acts, Senate File 2076, section
7 1, is amended to read as follows:

8 4A. The department shall provide for the receipt
9 and processing of manure management plans, including
10 updates to manure management plans, in an electronic
11 format pursuant to section 459.302, not later than
12 July 1, ~~2008~~ 2009. After that time, a person required
13 to submit a manure management plan under this section
14 ~~may~~ shall submit the manure management plan to the
15 department and to the county board of supervisors in
16 an electronic format.”

17 2. Page 2, line 12, by inserting after the word
18 “met.” the following: “However, the department may
19 send a letter of concern by certified mail to the
20 owner of the confinement feeding operation that
21 explicitly states the department’s concern that a
22 condition on the site where the confinement feeding
23 operation is or may be constructed, if not addressed,
24 may result in the pollution of the waters of the
25 state. The department’s letter shall provide the
26 reasons for its concern and a possible remedy to the
27 condition which could be implemented by the owner.
28 The letter shall also inform the owner of likely
29 administrative or judicial action if the condition
30 exists, is not remedied, and results in the pollution
31 of the waters of the state when the confinement
32 feeding operation commences operations.”

33 3. Page 3, line 5, by inserting after the word
34 “met.” the following: “However, the department may
35 send a letter of concern by certified mail to the
36 owner of the open feedlot operation that explicitly
37 states the department’s concern that a condition on
38 the site where the open feedlot operation is or may be
39 constructed, if not addressed, may result in the
40 pollution of the waters of the state. The
41 department’s letter shall provide the reasons for its

42 concern and a possible remedy to the condition which
43 could be implemented by the owner. The letter shall
44 also inform the owner of likely administrative or
45 judicial action if the condition exists, is not
46 remedied, and results in the pollution of the waters
47 of the state when the open feedlot operation commences
48 operations.”
49 4. By renumbering, relettering, or redesignating
50 and correcting internal references as necessary.

S-5271

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2332

1 Amend the Senate amendment, H-8607, to House File
2 2332, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by inserting after line 27 the
5 following:
6 “Sec. __. CHILD SUPPORT RECOVERY UNIT REPORT ON
7 EFFECTS OF NONSUPPORT PROVISION. The child support
8 recovery unit shall submit a report to the governor
9 and the general assembly by January 15, 2007,
10 regarding the effects of section 726.5, as amended in
11 this Act. The report shall include, for the period of
12 July 1, 2006, through January 1, 2007, the total
13 number of individuals who met the elements of
14 nonsupport under section 726.5 and could have been
15 charged with nonsupport, the number of individuals
16 actually charged and prosecuted under section 726.5,
17 and any increase in compliance with payment of support
18 attributable to section 726.5, as amended in this
19 Act.”
20 2. By renumbering as necessary.

S-5272

HOUSE AMENDMENT TO
SENATE FILE 2398

1 Amend Senate File 2398, as passed by the Senate, as
2 follows:
3 1. Page 1, lines 5 and 6, by striking the words
4 “capable of collecting and converting” and inserting
5 the following: “that is primarily used to collect and
6 convert”.
7 2. Page 1, line 7, by striking the word
8 “transforms” and inserting the following: “is
9 primarily used to transform”.

S-5273

1 Amend House File 2797, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 55, by inserting after line 15, the
4 following:

5 "DIVISION ___

6 ENERGY CONSERVATION

7 Sec. ___. NEW SECTION. 297A.1 STATE POLICY.

8 The general assembly finds that investment in
9 energy conservation measures by public facilities can
10 reduce the amount of energy consumed by the facilities
11 and produce both immediate and long-term cost savings.
12 It is the policy of this state to encourage school
13 districts, area education agencies, community
14 colleges, public universities, municipalities,
15 counties, and state institutions to invest in facility
16 technology infrastructure upgrades and energy
17 conservation measures that reduce energy consumption,
18 produce a cost savings, or improve the quality of
19 indoor air, or when economically feasible, to build,
20 operate, maintain, or renovate public facilities in a
21 manner which will minimize energy consumption or
22 maximize energy savings. It is additionally the
23 policy of this state to encourage reinvestment of
24 energy savings resulting from energy conservation
25 measures and facility technology infrastructure
26 upgrades into additional and continued energy
27 conservation efforts, including but not limited to
28 school instructional computer hardware, software, and
29 other technology equipment or training needs to
30 maintain or operate technology systems. The
31 department of natural resources, in consultation with
32 the department of education, shall adopt rules
33 pursuant to chapter 17A for the administration of this
34 chapter.

35 Sec. ___. NEW SECTION. 297A.2 DEFINITIONS.

36 As used in this chapter, unless the context
37 otherwise requires:

38 1. "Energy conservation measure or facility
39 technology infrastructure upgrade" means an employee
40 training program, facility alteration, or equipment to
41 be used in new construction, including an addition to
42 an existing facility, that reduces energy costs and
43 includes, but is not limited to, any of the following:

44 a. Insulation of the facility structure or systems
45 within the facility.

46 b. Storm windows or doors, caulking or weather
47 stripping, multiple-glazed windows or doors, heat-
48 absorbing or heat-reflective glazed and coated window
49 or door systems, additional glazing, reductions in
50 glass area, or other window and door system

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- 1 modifications that reduce energy consumption.
- 2 c. Automated or computerized energy control
3 systems including related software-required network
4 communication wiring, computer devices, wiring and
5 support services for building maintenance or delivery
6 of energy conservation services. Any cost for support
7 services that will continue beyond the length of the
8 contract shall be identified specifically in the
9 energy performance-based evaluation, including but not
10 limited to continuation of personnel costs. Energy
11 control system technology infrastructure may be used,
12 as applicable, for other public corporation technology
13 needs. Other technology infrastructure improvements
14 may be implemented if the cost is supported by the
15 energy savings generated by other energy conservation
16 measures or facility technology infrastructure
17 upgrades.
- 18 d. Heating, ventilating, or air conditioning
19 system modifications or replacements.
- 20 e. Replacement or modification of lighting
21 fixtures to increase the energy efficiency of the
22 lighting system which, at a minimum, shall conform to
23 the applicable state or local building code.
- 24 f. Energy recovery systems.
- 25 g. Renewable energy systems, such as solar,
26 biomass, and wind.
- 27 h. Devices that reduce water consumption or sewer
28 charges.
- 29 i. Any measure not otherwise defined that produces
30 energy cost savings or British thermal unit
31 reductions.
- 32 An energy conservation measure or facility
33 technology infrastructure upgrade as defined in this
34 subsection shall be outside the scope of routine
35 maintenance and installation of existing equipment.
- 36 2. "Energy cost savings" means a measured
37 reduction in fuel, energy, or operation and
38 maintenance cost savings created from the
39 implementation of one or more energy conservation
40 measures or facility technology infrastructure
41 upgrades when compared with an established baseline
42 for previous fuel, energy, or operation and
43 maintenance costs.
- 44 3. "Energy performance-based contract" means a
45 contract for the recommendation and implementation of
46 energy conservation measures or facility technology
47 infrastructure upgrades which includes, at a minimum,
48 all of the following:
- 49 a. The design and installation of equipment to
50 implement one or more energy conservation measures or

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1 facility technology infrastructure upgrades, and, if
2 applicable, operation and maintenance of such measures
3 or upgrades.

4 b. The amount of any actual annual energy and
5 operational cost savings. The amount shall be
6 guaranteed in the contract by the qualified provider
7 and verified by a professional engineer or registered
8 architect who is not employed or has contracted with
9 the qualified provider. The verification shall occur
10 using a process established by the department of
11 natural resources.

12 4. "Energy performance-based evaluation" means
13 performance of an energy audit, data collection, or
14 other related analyses preliminary to the undertaking
15 of energy conservation measures or facility technology
16 infrastructure upgrades, and maintenance of project
17 monitoring and data collection to verify
18 postinstallation energy consumption and energy-related
19 operating costs. The department of natural resources
20 shall establish performance guidelines that consider
21 federal energy management program guidelines. Any
22 cost for support services for building maintenance or
23 delivery of energy conservation services that will
24 continue beyond the length of an energy
25 performance-based contract shall be identified
26 specifically in the energy performance-based
27 evaluation.

28 5. "Maintenance cost savings" means auditable
29 operating expenses eliminated and future capital
30 replacement expenditures avoided as a result of new
31 equipment installed or services performed by the
32 qualified provider including, but not limited to,
33 savings which can be measured by an itemization of the
34 maintenance savings cost between operational savings
35 and personnel savings.

36 6. "Public corporation" means a school district as
37 described in chapter 274, an area education agency as
38 described in chapter 273, a community college as
39 defined in chapter 260C, a public university, city,
40 county, or state agency.

41 7. "Qualified provider" means a business or person
42 that has been qualified by the department of natural
43 resources. The department of natural resources shall
44 adopt rules pursuant to chapter 17A to establish a
45 qualifications process. The process shall consider
46 accreditation by the national association of energy
47 service companies, certification by the association of
48 energy engineers, or professional licensure as an
49 engineer or registered architect in Iowa. A business
50 or person accredited by the national association of

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1 energy service companies shall be qualified in Iowa.
2 Sec. ___ NEW SECTION. 297A.3 REQUESTS FOR
3 PROPOSALS EVALUATION.

4 1. Prior to entering into an energy
5 performance-based contract as provided in section
6 297A.4, a public corporation shall announce a request
7 for proposals. A request for proposals shall be
8 advertised for public bidding and let publicly. The
9 model request for proposals format developed by the
10 department of natural resources shall be made
11 available for use by public corporations. A public
12 corporation shall administer the public bidding and
13 letting, requesting innovative solutions and proposals
14 for energy conservation measures and facility
15 technology infrastructure upgrades. Proposals
16 submitted shall be sealed. If the model request for
17 proposals format is not used, the request for
18 proposals shall include, at a minimum, all of the
19 following:

20 a. Name and address of the public corporation.
21 b. Name, address, title, and telephone number of a
22 contact person for the public corporation.
23 c. Notice indicating that the public corporation
24 is requesting qualified providers to propose energy
25 conservation measures and facility technology
26 infrastructure upgrades to be provided pursuant to an
27 energy performance-based contract.
28 d. Date, time, and place where proposals must be
29 received.
30 e. Evaluation criteria for assessing the
31 proposals.
32 f. Any other stipulations and clarifications the
33 public corporation may require.

34 2. The public corporation shall evaluate any
35 sealed proposal from a qualified provider. Sealed
36 proposals shall be opened by a designated member or
37 employee of the governing body of the public
38 corporation at a public meeting during which the
39 contents of the proposals shall be announced. Each
40 person submitting a sealed proposal must receive at
41 least ten days' notice of the time and place of the
42 public meeting at which the public corporation
43 proposes to award an energy performance-based
44 contract. The public corporation shall analyze each
45 qualified provider's estimate of the cost of design,
46 engineering, installation, maintenance, repairs, debt
47 service, conversions to a different energy or fuel
48 source, and postinstallation project monitoring, data
49 collection, and reporting. The evaluation shall
50 include a detailed analysis of whether the energy

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1 consumed or the operating costs, or both, will be
2 reduced. Selection of the qualified provider shall,
3 through either a request for proposals process or
4 other purchasing method, constitute selection of the
5 best value based on life cycle cost analysis of the
6 component parts and systems to the public corporation.
7 Preference shall be given to proposals that utilize
8 local or Iowa-based financial institutions.
9 Preference may also be given to proposals that
10 minimize a negative impact on school staffing. The
11 public corporation may enter into an energy
12 performance-based contract.

13 Sec. ____ NEW SECTION. 297A.4 AWARD OF
14 GUARANTEED ENERGY COST SAVINGS CONTRACT.

15 1. A public corporation shall select a qualified
16 provider that best meets the needs of the public
17 corporation based on life cycle cost analysis. After
18 completing its evaluation of the proposals received
19 pursuant to section 297A.3, the public corporation
20 shall provide public notice of the public meeting at
21 which it proposes to award an energy performance-based
22 contract. The public notice shall contain the names
23 of the parties to the proposed contract and the
24 purpose of the contract. The public notice shall be
25 published at least ten days prior to the public
26 meeting. A public corporation may enter into an
27 energy performance-based contract with a qualified
28 provider if it finds, after evaluating the proposal
29 pursuant to section 297A.3, that the total amount the
30 public corporation would spend on the design,
31 implementation, financing, and performance management
32 of the energy conservation measures or facility
33 technology infrastructure upgrades and modernization
34 measures recommended in the proposal would not exceed
35 the amount to be saved in either energy or operational
36 costs, or both, within a twenty-year period from the
37 date of installation of such measures or upgrades,
38 based on life-cycle costing calculations, if the
39 recommendations in the proposal are followed. Each
40 individual improvement must pay for itself within the
41 useful life of the equipment, as determined by the
42 American society of heating, refrigeration, and air
43 conditioning engineers.

44 2. A public corporation may enter into a financing
45 agreement as provided in sections 473.19, 473.20, and
46 473.20A, for the purchase and installation of energy
47 conservation measures, or facility technology
48 infrastructure upgrades and modernization measures, or
49 may secure financing through a third party for the
50 purchase and installation of energy conservation

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1 measures, facility technology infrastructure upgrades,
2 or modernization measures. Energy performance-based
3 contracts may extend beyond the fiscal year in which
4 they become effective, and may be automatically
5 renewed annually for up to twenty years.

6 3. A qualified provider shall be responsible for
7 the measurement and verification of the savings
8 generated by the energy conservation measures or
9 facility technology infrastructure upgrades and
10 modernization measures. The process to be used for
11 the measurement and verification shall follow the
12 guidelines of the federal energy management program.
13 A public corporation shall have these savings verified
14 by a qualified independent third party on an annual
15 basis. The verification shall also include an annual
16 reconciliation of the guaranteed energy cost savings
17 for the life of any financing agreement obligations or
18 until the project is repaid from energy savings. The
19 cost of this verification shall be a part of the
20 contract with the qualified provider. The department
21 of natural resources shall establish the
22 qualifications necessary for a business or person to
23 become a qualified independent third party. A
24 business or person accredited by the national
25 association of energy service companies shall be
26 qualified in Iowa.

27 4. A selected qualified provider shall provide a
28 one hundred percent performance guarantee bond to the
29 public corporation for the installation and faithful
30 performance of the installed energy conservation
31 measures or facility technology infrastructure
32 upgrades as outlined in the energy performance-based
33 contract.

34 5. A public corporation has the right to terminate
35 an energy performance-based contract at any time
36 provided that written notice to the qualified provider
37 is provided at least thirty days prior to termination.
38 All qualified providers shall include clear statements
39 and requirements regarding contract termination as
40 part of the contract documentation. The documentation
41 shall clearly state the options of the public
42 corporation to satisfy the contract early and include
43 all associated costs. The documentation shall also
44 state the rights of a public corporation under a
45 contract for terminating the contract due to
46 nonperformance, for exercising rights pursuant to the
47 performance guarantee bond, and for listing all costs
48 and responsibilities for payment of any remaining debt
49 associated with energy and operational savings
50 projects already implemented. The information and

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1 associated costs described in this subsection shall be
 2 provided to a public corporation before an energy
 3 performance-based contract is approved.
 4 6. An energy performance-based contract shall
 5 include a written guarantee by a qualified provider
 6 that the amount of any actual energy and operational
 7 savings shall be guaranteed. The amount must also
 8 meet or exceed the total annual contract payments,
 9 including financing charges, made by the public
 10 corporation over the life of the contract. A
 11 qualified provider shall reimburse a public
 12 corporation for any shortfall of guaranteed energy
 13 cost savings projected in the contract. Actual
 14 savings documentation shall be reconciled on an annual
 15 basis as provided in the contract. Any savings
 16 shortfall shall be made whole by the qualified
 17 provider within sixty days. Excess documented and
 18 mutually agreed upon savings may be carried over to
 19 future years. A qualified provider shall provide the
 20 public corporation with a one hundred percent
 21 performance guarantee bond for installation and
 22 retrofit projects. A qualified provider shall
 23 guarantee the savings for the length of the contract
 24 and shall also provide the guaranteed performance
 25 bonds on an annual basis renewed each year for the
 26 term of the contract. An energy performance-based
 27 contract may provide for payments over a period of
 28 time, not to exceed twenty years.
 29 7. Nothing in this chapter shall be construed to
 30 prohibit public corporations, school corporations,
 31 community colleges, or institutions under the control
 32 of the state board of regents from utilizing savings
 33 resulting from energy conservation measures, in excess
 34 of the amount needed to pay for the measures, for
 35 discretionary budget operations including but not
 36 limited to school instructional computer hardware,
 37 software, technology training, upgrades, or other
 38 similar uses.”

DOUG SHULL

S-5274

1 Amend Senate File 2410 as follows:
 2 1. Page 19, by inserting after line 27 the
 3 following:
 4 “DIVISION ____
 5 HEALTH CARE WORKERS — DISCLOSURE OF INFORMATION
 6 Sec. ____ NEW SECTION. 147.105 PATIENT
 7 PROTECTION — HEALTH CARE WORKERS — REPORT OF ADVERSE

8 EVENTS.

9 1. DEFINITIONS. As used in this section, unless
10 the context otherwise requires:

11 a. "Health care worker" means any individual
12 employed by or under contract with a hospital, health
13 care provider, or health care agency to provide health
14 care services.

15 b. "Professional standards of care" means
16 authoritative statements that describe a level of care
17 or performance common to the profession by which the
18 quality of professional practice can be judged and
19 which reflect the values and priorities of the
20 profession.

21 2. A health care worker, who reasonably believes a
22 particular practice the health care worker has
23 observed occurring at the health care worker's place
24 of employment, based on the health care worker's
25 professional standards of care or professional code of
26 ethics, is a violation of health and safety laws or a
27 breach of public safety that may lead to harm to
28 patients, consumers, or citizens, may report the
29 information relating to the violation or breach within
30 fourteen days of its occurrence to the health care
31 worker's supervisor or employer, in order that
32 corrective action can be taken. The health care
33 worker shall be protected against reprisals or
34 retaliatory or punitive action by the individual or
35 institution receiving such a report.

36 3. If after a reasonable period of time for
37 correction of the violation or breach reported
38 pursuant to subsection 2, the health care worker
39 continues to see the particular practice occurring in
40 the workplace giving rise to the report, the health
41 care worker may disclose information to the licensing
42 board, the department, the division of insurance in
43 the department of commerce, a member or employee of
44 the general assembly, the attorney general, a
45 state-mandated health information collection agency,
46 any other public official or law enforcement agency,
47 federal government agency or program, the governing
48 board of the health care worker's employer or
49 institution, the health care worker's professional
50 association, or the media, and shall be protected

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1 against reprisals or retaliatory or punitive actions
2 by the individual or institution if disclosure of the
3 information is not otherwise prohibited by statute and
4 if the information meets any of the following
5 requirements:

6 a. Constitutes state-mandated health data required

7 to be submitted to state agencies.
8 b. Informs state agencies or entities of
9 violations of state health, safety, occupational
10 health, licensure, or insurance laws.
11 c. Is reasonably believed by the health care
12 worker to be a violation of health and safety laws or
13 a breach of public safety that may lead to harm to
14 patients, consumers, or citizens, based upon the
15 health care worker's professional standards of care or
16 professional code of ethics.
17 A health care worker making a disclosure which
18 violates any provision of the federal Health Insurance
19 Portability and Accountability Act, Pub. L. No.
20 104-191, shall not be entitled to protection pursuant
21 to this section nor entitled to civil remedies which
22 might otherwise be available pursuant to subsection 7.
23 4. A health care worker disclosing in good faith
24 the information described in subsections 2 and 3 shall
25 be presumed to have established a prima facie case
26 showing a violation of subsection 2 or 3 by the health
27 care worker's employer if the individual or
28 institution employing the health care worker knows or
29 has reason to know of the disclosure, and if
30 subsequent to and as a result of the disclosure, one
31 or more of the following actions were initiated by the
32 employer:
33 a. Discharge of the health care worker from
34 employment.
35 b. Failure by the employer to take action
36 regarding a health care worker's appointment to,
37 promotion or proposed promotion to, or receipt of any
38 advantage or benefit in the health care worker's
39 position of employment.
40 c. Any adverse change to the health care worker's
41 terms or conditions of employment or any
42 administrative, civil, or criminal action or other
43 effort that diminished the professional competence,
44 reputation, stature, or marketability of the health
45 care worker.
46 An employer shall have the burden of proof
47 regarding any attempt to show that actions taken
48 pursuant to this subsection were for a legitimate
49 business purpose.
50 5. If an individual or institution employing a

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1 health care worker is determined to have violated
2 state health, safety, or occupational health and
3 health licensure laws or regulations, or professional
4 standards of care or a professional code of ethics,
5 after a disclosure pursuant to subsection 2 or 3

6 results in an action as described in subsection 4,
7 such a determination shall create a presumption of
8 retaliation or reprisal against the health care worker
9 in violation of this section. Disclosure of a
10 reasonable belief that violations of health and safety
11 laws or breaches of public safety have occurred that
12 have caused or have a potential to cause harm to
13 patients, consumers, and citizens shall immediately
14 trigger the protection afforded by this section.

15 6. A person who violates this section commits a
16 simple misdemeanor and is subject to a civil action as
17 follows:

18 a. A person who violates this section is liable to
19 an aggrieved health care worker for affirmative
20 relief, including reinstatement with or without back
21 pay, or any other equitable relief the court deems
22 appropriate, including attorney fees and costs,
23 punitive or exemplary damages, and public notice of
24 the retaliation or reprisal undertaken against the
25 health care worker through publication in an official
26 newspaper in the city or county.

27 b. When a person commits, is committing, or
28 proposes to commit an act in violation of this
29 section, an injunction may be granted through an
30 action in district court to prohibit the person from
31 continuing such acts. The action for injunctive
32 relief may be brought by an aggrieved health care
33 worker or by the county attorney.

34 7. In addition to any other penalties applicable
35 to a person who violates this section, an individual,
36 institution, or organization employing a person who
37 violates this section shall be subject to a civil
38 penalty in the amount of one thousand dollars per
39 violation."

40 2. Title page, line 6, by inserting before the
41 words "and the" the following: "providing a
42 prohibition against reprisals related to health care
43 workers' disclosures of information,".

44 3. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5275

1 Amend House File 2769, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 6, line 24, by inserting after the word
4 "three." the following: "The programs funded under
5 this section shall have a home visitation component."

FRANK B. WOOD

S-5276

1 Amend Senate File 2410 as follows:

2 1. Page 1, line 34, by inserting after the word
3 "thereof," the following: "Intergovernmental entity"
4 does not include an organization established or
5 agreement made in accordance with chapter 28E between
6 state agencies."

7 2. Page 2, line 31, by striking the words
8 "transportation services" and inserting the following:
9 "services related to transportation".

10 3. Page 3, line 21, by inserting after the word
11 "services" the following: "provided by a person".

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

14 "(12) A contract with outside counsel or special
15 counsel executed by the executive council pursuant to
16 section 13.3 or 13.7.

17 (13) A contract that is subject to competitive
18 bidding for the construction, reconstruction,
19 improvement, or repair of a public building or public
20 improvement."

21 5. Page 4, line 17, by striking the figure
22 "501(c)(3)" and inserting the following: "501(c)".

23 6. Page 6, line 22, by striking the word "under".

24 7. Page 6, by striking lines 23 through 26 and
25 inserting the following: "and provides a copy of
26 the".

27 8. Page 7, line 23, by striking the word
28 "supplemental".

29 9. By striking page 8, line 14, through page 9,
30 line 1, and inserting the following:

31 "Sec. ____ Section 28E.6, Code 2005, is amended to
32 read as follows:

33 28E.6 ADDITIONAL PROVISIONS.

34 1. If the agreement does not establish a separate
35 legal entity to conduct the joint or co-operative
36 undertaking, the agreement shall also include:

37 ~~1. a.~~ Provision for an administrator or a joint
38 board responsible for administering the joint or
39 co-operative undertaking. In the case of a joint
40 board, public agencies party to the agreement shall be
41 represented.

42 ~~2. b.~~ The manner of acquiring, holding and
43 disposing of real and personal property used in the
44 joint or co-operative undertaking.

45 2. The entity created or the administrator or
46 joint board specified in the agreement shall be a
47 governmental body for purposes of chapter 21 and a
48 government body for purposes of chapter 22 unless the
49 entity created or agreement includes public agencies
50 from more than one state.

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1 3. All proceedings of each regular, adjourned, or
2 special meeting of the entity created or the
3 administrator or joint board specified in the
4 agreement, including the schedule of bills allowed,
5 shall be published after adjournment of the meeting in
6 a newspaper of general circulation within the
7 geographic area served by the entity created or the
8 administrator or joint board specified in the
9 agreement. The entity created or the administrator or
10 joint board specified in the agreement shall furnish a
11 copy of the proceedings to be published to the
12 newspaper within one week following adjournment of the
13 meeting. The publication of the schedule of bills
14 allowed shall include a list of all salaries paid for
15 services performed, showing the name of the person or
16 firm performing the service and the amount paid.
17 However, the names and gross salaries of persons
18 regularly employed by the entity created or the
19 administrator or joint board specified in the
20 agreement shall only be published annually. This
21 subsection shall not apply if the entity or the
22 administrator or joint board specified in the
23 agreement includes public agencies from more than one
24 state.

25 Sec. ____ ELECTRONIC SUBMISSION OF CONTRACTS —
26 REPORT. The department of administrative services
27 shall submit a report concerning steps necessary to
28 provide for the electronic submission and retention of
29 contracts by the department. The department shall
30 submit the report, with its findings and
31 recommendations, to the general assembly by December
32 1, 2006. The report shall identify any costs
33 associated with implementing the recommendations of
34 the report.”

35 10. Page 9, line 8, by striking the figure
36 “28E.5” and inserting the following: “28E.6”.

37 11. Page 9, line 15, by inserting after the word
38 “review” the following: “, during normal business
39 hours upon reasonable notice of at least twenty-four
40 hours.”.

41 12. Page 9, line 32, by striking the words ““b”,”
42 or “c”” and inserting the following: “or “b””.

43 13. Page 12, line 3, by inserting after the word
44 “DUTIES” the following: “— DISCLOSURES OF
45 INFORMATION”.

46 14. Page 12, by striking lines 4 through 26.

47 15. Page 12, line 35, by striking the word
48 “section” and inserting the following: “chapter”.

49 16. By striking page 13, line 4, through page 19,
50 line 19, and inserting the following:

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1 "Sec. ____ NEW SECTION. 2C.11A SUBJECTS FOR
2 INVESTIGATIONS — DISCLOSURES OF INFORMATION.

3 The office of citizens' aide shall investigate a
4 complaint filed by an employee who is not a merit
5 system employee or an employee covered by a collective
6 bargaining agreement and who alleges that adverse
7 employment action has been taken against the employee
8 in violation of section 70A.28, subsection 2. A
9 complaint filed pursuant to this section shall be made
10 within thirty calendar days following the effective
11 date of the adverse employment action. The citizens'
12 aide shall investigate the matter and shall issue
13 findings relative to the complaint in an expeditious
14 manner.

15 Sec. ____ Section 70A.28, subsection 2, Code 2005,
16 is amended to read as follows:

17 2. A person shall not discharge an employee from
18 or take or fail to take action regarding an employee's
19 appointment or proposed appointment to, promotion or
20 proposed promotion to, or any advantage in, a position
21 in a state employment system administered by, or
22 subject to approval of, a state agency as a reprisal
23 for a failure by that employee to inform the person
24 that the employee made a disclosure of information
25 permitted by this section, or for a disclosure of any
26 information by that employee to a member or employee
27 of the general assembly, a disclosure of information
28 to the office of citizens' aide, or a disclosure of
29 information to any other public official or law
30 enforcement agency if the employee reasonably believes
31 the information evidences a violation of law or rule,
32 mismanagement, a gross abuse of funds, an abuse of
33 authority, or a substantial and specific danger to
34 public health or safety. However, an employee may be
35 required to inform the person that the employee made a
36 disclosure of information permitted by this section if
37 the employee represented that the disclosure was the
38 official position of the employee's immediate
39 supervisor or employer.

40 Sec. ____ Section 70A.28, Code 2005, is amended by
41 adding the following new subsection:

42 NEW SUBSECTION. 5A. Subsection 2 may also be
43 enforced by an employee through an administrative
44 action pursuant to the requirements of this subsection
45 if the employee is not a merit system employee or an
46 employee covered by a collective bargaining agreement.
47 An employee eligible to pursue an administrative
48 action pursuant to this subsection who is discharged,
49 suspended, demoted, or otherwise reduced in pay and
50 who believes the adverse employment action was taken

Page 4

1 as a result of the employee's disclosure of
2 information that was authorized pursuant to subsection
3 2, may file an appeal of the adverse employment action
4 with the public employment relations board within
5 thirty calendar days following the later of the
6 effective date of the action or the date a finding is
7 issued to the employee by the office of the citizens'
8 aide pursuant to section 2C.11A. The findings issued
9 by the citizens' aide may be introduced as evidence
10 before the public employment relations board. The
11 employee has the right to a hearing closed to the
12 public, but may request a public hearing. The hearing
13 shall otherwise be conducted in accordance with the
14 rules of the public employment relations board and the
15 Iowa administrative procedure Act, chapter 17A. If
16 the public employment relations board finds that the
17 action taken by the person appointing the employee was
18 in violation of subsection 2, the employee may be
19 reinstated without loss of pay or benefits for the
20 elapsed period, or the public employment relations
21 board may provide other appropriate remedies.
22 Decisions by the public employment relations board
23 constitute final agency action."
24 17. Title page, line 6, by striking the words
25 "establishment of a whistleblower board" and inserting
26 the following: "employment rights of employees making
27 a disclosure of information".
28 18. By renumbering as necessary.

THOMAS G. COURTNEY

S-5277

1 Amend the amendment, S-5265, to House File 2782, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 20 through 25 and
5 inserting the following:
6 "c. For providing a grant to the Grout museum
7 district for costs associated with the construction
8 and site development at the Sullivan brothers veterans
9 museum in order to honor Iowa veterans and their many
10 contributions."
11 2. Page 1, line 48, by striking the figure
12 "38,000" and inserting the following: "375,000".
13 3. Page 2, by striking lines 21 through 24 and
14 inserting the following:
15 "To an established regional environmental public
16 health and emergency management program for costs
17 associated with the planning, design, and construction

18 of a building to house environmental public health and
19 emergency and facility management.”

20 4. By striking page 2, line 39, through page 3,
21 line 3, and inserting the following:

22 “Of the amount appropriated in this lettered
23 paragraph, \$400,000 shall be allocated to the Sioux
24 City fire department.

25 Of the amount appropriated in this lettered
26 paragraph, \$500,000 shall be allocated to the Council
27 Bluffs fire department.

28 Of the amount appropriated in this lettered
29 paragraph, \$150,000 shall be allocated to the Dubuque
30 county firemen’s association.

31 Of the amount appropriated in this lettered
32 paragraph, \$150,000 shall be allocated to the Waterloo
33 regional hazardous materials training center.

34 Of the amount appropriated in this lettered
35 paragraph, \$400,000 shall be allocated to eastern Iowa
36 community college.”

37 5. Page 7, by striking line 47 and inserting the
38 following: “this Act, if enacted.””

39 6. Page 9, by striking lines 27 through 42 and
40 inserting the following:

41 “Of the amount appropriated in this subsection,
42 \$400,000 shall be allocated to north Iowa area
43 community college.

44 Of the amount appropriated in this subsection,
45 \$400,000 shall be allocated to southeastern Iowa
46 community college.

47 Of the amount appropriated in this subsection,
48 \$400,000 shall be allocated to Des Moines area
49 community college to be used at the Ankeny campus
50 site.

Page 2

1 Of the amount appropriated in this subsection,
2 \$400,000 shall be allocated to the city of Coralville
3 fire department.

4 Of the amount appropriated in this subsection,
5 \$400,000 shall be allocated to Iowa central community
6 college.””

7 7. Page 14, by inserting after line 25 the
8 following:

9 “h. Des Moines area community college for merged
10 area XI and to provide advanced training in operations
11 integration in compliance with the national incident
12 management system as such advanced training is funded
13 by the homeland security and emergency management
14 division of the department of public defense.”

15 8. Page 14, line 26, by striking the word “h.”
16 and inserting the following: “i.”

17 9. Page 14, line 33, by striking the word "i."
 18 and inserting the following: "j."
 19 10. Page 14, line 37, by striking the word "j."
 20 and inserting the following: "k."
 21 11. Page 14, line 44, by striking the word "j."
 22 and inserting the following: "k."
 23 12. Page 15, by striking lines 38 through 47 and
 24 inserting the following:
 25 "____. Page 36, by striking lines 31 through 34
 26 and inserting the following:
 27 "6. The state fire marshal may adopt."
 28 13. Page 18, by striking lines 30 through 35 and
 29 inserting the following:
 30 "c. Initially, three Iowa great places projects
 31 shall be identified by the Iowa great places board.
 32 ~~Two years after the third project is identified by the~~
 33 ~~board, the~~ The board may identify up to six additional
 34 Iowa great places for participation under the
 35 program."
 36 14. Page 19, by inserting after line 50 the
 37 following:
 38 "Sec. ____ Section 328.36, Code 2005, is amended
 39 by striking the section and inserting in lieu thereof
 40 the following:
 41 328.36 DEPOSIT AND USE OF REVENUES.
 42 1. All moneys received by the department pursuant
 43 to section 328.21 shall be deposited into the state
 44 aviation fund in section 328.56.
 45 2. Notwithstanding subsection 1, for the fiscal
 46 year beginning July 1, 2007, and ending June 30, 2008,
 47 fifty percent of the moneys collected under section
 48 328.21 shall be deposited in the state aviation fund
 49 in section 328.56 and fifty percent shall be deposited
 50 in the general fund of the state."

Page 3

1 15. Page 22, by inserting after line 4 the
 2 following:
 3 "____. By striking page 38, line 24, through page
 4 41, line 10."
 5 16. By renumbering as necessary.

STEVE WARNSTADT
 STEVE KETTERING

S-5278

1 Amend House File 2792, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 25, by inserting after line 35 the
 4 following:

5 "Sec. ____ STATE EDUCATIONAL ASSISTANCE —
 6 CHILDREN OF DECEASED VETERANS. There is appropriated
 7 from the general fund of the state to the department
 8 of veterans affairs for the fiscal year beginning July
 9 1, 2006, and ending June 30, 2007, the following
 10 amount, or so much thereof as is necessary, for the
 11 purpose designated:

12 For educational assistance pursuant to section
 13 35.9:

14 \$ 27,000

15 Notwithstanding section 8.33, moneys appropriated
 16 under this section that remain unexpended at the close
 17 of the fiscal year shall not revert to any fund but
 18 shall remain available for the purpose designated
 19 until the close of the succeeding fiscal year.

20 Sec. ____ Section 35.8, Code Supplement 2005, is
 21 amended to read as follows:

22 35.8 WAR ORPHANS EDUCATIONAL AID ASSISTANCE FUND.

23 A war orphans educational aid assistance fund is
 24 created as a separate fund in the state treasury under
 25 the control of the department of veterans affairs.
 26 Any money appropriated for the purpose of aiding
 27 assisting in the education of orphaned children of
 28 veterans, as defined in section 35.1, or the education
 29 of a child as provided in section 35.9, subsection 2,
 30 shall be deposited in the war orphans educational aid
 31 assistance fund.

32 Sec. ____ Section 35.9, Code Supplement 2005, is
 33 amended to read as follows:

34 35.9 EXPENDITURE BY COMMISSION.

35 1. a. The department of ~~veterans affairs~~ may
 36 expend not more than six hundred dollars per year for
 37 any one child who has lived in the state of Iowa for
 38 two years preceding application for aid state
 39 educational assistance, and who is the child of a
 40 person who died prior to September 11, 2001, during
 41 active federal military service while serving in the
 42 armed forces or during active federal military service
 43 in the Iowa national guard or other military component
 44 of the United States, to defray the expenses of
 45 tuition, matriculation, laboratory and similar fees,
 46 books and supplies, board, lodging, and any other
 47 reasonably necessary expense for the child or children
 48 incident to attendance in this state at an educational
 49 or training institution of college grade, or in a
 50 business or vocational training school with standards

- 1 approved by the department of veterans affairs.
- 2 b. A child eligible to receive funds under this
- 3 section shall not receive more than three thousand

4 dollars under this ~~section~~ subsection during the
5 child's lifetime.
6 2. Upon application by a child who has lived in
7 the state of Iowa for two years preceding application
8 for state educational assistance, and who is the child
9 of a person who died on or after September 11, 2001,
10 during active federal military service while serving
11 in the armed forces or during active federal military
12 service in the Iowa national guard or other military
13 component of the United States, the department shall
14 provide state educational assistance in the amount of
15 five thousand five hundred dollars per year or the
16 amount of the child's established financial need,
17 whichever is less, to defray the expenses of tuition,
18 matriculation, laboratory and similar fees, books and
19 supplies, board, lodging, and any other reasonably
20 necessary expense for the child or children incident
21 to attendance in this state at a community college
22 established under chapter 260C or at an institution of
23 higher education governed by the state board of
24 regents. A child eligible to receive state
25 educational assistance under this subsection shall not
26 receive more than twenty-seven thousand five hundred
27 dollars under this subsection during the child's
28 lifetime. The college student aid commission may, if
29 requested, assist the department in administering this
30 subsection.

31 Sec. ____ Section 35.10, Code Supplement 2005, is
32 amended to read as follows:

33 35.10 ELIGIBILITY AND PAYMENT OF AID ASSISTANCE.

34 Eligibility for aid assistance shall be determined
35 upon application to the department of veterans
36 affairs, whose decision is final. The eligibility of
37 eligible applicants shall be certified by the
38 department of veterans affairs to the director of the
39 department of administrative services, and all amounts
40 that are or become due to an individual or a training
41 institution under this chapter shall be paid to the
42 individual or institution by the director of the
43 department of administrative services upon receipt by
44 the director of certification by the president or
45 governing board of the educational or training
46 institution as to accuracy of charges made, and as to
47 the attendance of the individual at the educational or
48 training institution. The department of veterans
49 affairs may pay over the annual sum of four hundred
50 dollars set forth in section 35.9 to the educational

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1 or training institution in a lump sum, or in
2 installments as the circumstances warrant, upon

- 3 receiving from the institution such written
 4 undertaking as the department may require to assure
 5 the use of funds for the child for the authorized
 6 purposes and for no other purpose. A person is not
 7 eligible for the benefits of this chapter until the
 8 person has graduated from a high school or educational
 9 institution offering a course of training equivalent
 10 to high school training.”
- 11 2. Title page, line 3, by inserting after the
 12 word “management,” the following: “the department of
 13 veterans affairs.”
- 14 3. By renumbering as necessary.

CHARLES W. LARSON, JR.
 JACK HATCH
 TOM RIELLY
 MICHAEL E. GRONSTAL
 STEVE WARNSTADT
 DARYL BEALL
 BRAD ZAUN
 DAVE MULDER
 MARK ZIEMAN
 JERRY BEHN
 E. THURMAN GASKILL
 HUBERT HOUSER
 JAMES F. HAHN
 DAVID JOHNSON
 WILLIAM A. DOTZLER, JR.
 DENNIS H. BLACK
 WALLY E. HORN
 ROGER STEWART
 DICK L. DEARDEN
 GENE FRAISE
 THOMAS G. COURTNEY
 JOE BOLKCOM
 MATT McCOY
 JOHN P. KIBBIE
 JEFF DANIELSON
 JOE M. SENG
 BRIAN SCHOENJAHN
 FRANK B. WOOD
 TOM HANCOCK
 HERMAN C. QUIRMBACH
 KEITH A. KREIMAN
 AMANDA RAGAN

S-5279

- 1 Amend the amendment, S-5269, to House File 2734, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 2, by inserting after line 40 the

5 following:

6 "____. Page 13, line 28, by striking the figure
7 "5,433,042" and inserting the following:
8 "5,283,042"."

9 2. Page 6, line 20, by striking the words
10 "supervision of".

11 3. Page 7, line 4, by inserting after the figure
12 "2." the following: "Of the moneys appropriated in
13 this section, \$150,000 shall not be expended in the
14 fiscal year for which appropriated, but shall be
15 transferred in the succeeding fiscal year to the
16 department of human services to be used for the family
17 development and self-sufficiency grant program."

18 4. Page 9, by striking lines 15 through 17 and
19 inserting the following: "year."

20 5. Page 28, by inserting after line 17 the
21 following:

22 "Sec. ____ CHILD SUPPORT RECOVERY UNIT REPORT —
23 LIMITATION. If 2006 Iowa Acts, House File 2332, is
24 enacted, the section of the Act relating to the child
25 support recovery unit submitting a report on the
26 effects of the nonsupport provision under section
27 726.5, as amended in that Act, shall be limited in
28 scope to cases in which the child support recovery
29 unit is providing services pursuant to chapter 252B."

30 6. By renumbering as necessary.

JACK HATCH
MAGGIE TINSMAN

S-5280

HOUSE AMENDMENT TO
SENATE FILE 2399

1 Amend Senate File 2399, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 24 the
4 following:

5 "Sec. ____ Section 476B.6, subsection 5, Code
6 Supplement 2005, is amended by striking the subsection
7 and inserting in lieu thereof the following:

8 5. A tax credit certificate may be filed pursuant
9 to any of the following, to the extent applicable:

10 a. If the tax credit application is filed by a
11 partnership, limited liability company, S corporation,
12 estate, trust, or other reporting entity all of the
13 income of which is taxed directly to its equity
14 holders or beneficiaries, for the taxes imposed under
15 chapter 422, division II or III, the tax credit
16 certificate shall be issued directly to equity holders
17 or beneficiaries of the applicant in proportion to

18 their pro rata share of the income of such entity.
19 The applicant shall, in the application made under
20 this section, identify its equity holders or
21 beneficiaries, and the percentage of such entity's
22 income that is allocable to each equity holder or
23 beneficiary.

24 b. If the tax credit applicant under this section
25 is eligible to receive renewable electricity
26 production credits authorized under section 45 of the
27 Internal Revenue Code, as amended, and the tax credit
28 applicant is a partnership, limited liability company,
29 S corporation, estate, trust, or other reporting
30 entity all of the income of which is taxed directly to
31 its equity holders or beneficiaries, for the taxes
32 imposed under chapter 422, division II or III, the tax
33 credit certificate may be issued to a partner if the
34 business is a partnership, a shareholder if the
35 business is an S corporation, or a member if the
36 business is a limited liability company in the amounts
37 designated by the eligible partnership, S corporation,
38 or limited liability company. In absence of such
39 designation, the credits under this section shall flow
40 through to the partners, shareholders, or members in
41 accordance with their pro rata share of the income of
42 the entity.

43 The applicant shall, in the application made under
44 this section, identify the holders or beneficiaries
45 that are to receive the tax credit certificates and
46 the percentage of the tax credit that is allocable to
47 each holder or beneficiary.

48 c. If an applicant under this section is eligible
49 to receive renewable electricity production credits
50 authorized under section 45 of the Internal Revenue

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1 Code, as amended, and the tax credit applicant is a
2 partnership, limited liability company, S corporation,
3 estate, trust, or other reporting entity all of the
4 income of which is taxed directly to its equity
5 holders or beneficiaries, for the taxes imposed under
6 chapter 422, division II or III, the tax credit
7 certificates and all future rights to the tax credit
8 in this section may be distributed to an equity holder
9 or beneficiary as a liquidating distribution or
10 portion thereof, of a holder or beneficiary's interest
11 in the applicant entity.

12 The applicant shall, in the application made under
13 this section, designate the percentage of the tax
14 credit allocable to the liquidating equity holder or
15 beneficiary that is to receive the current and future
16 tax credit certificates under this section.

17 d. If the tax credit application is filed by a
18 partnership, limited liability company, S corporation,
19 estate, trust, or other reporting entity, all of whose
20 income is taxed directly to its equity holders or
21 beneficiaries for the taxes imposed under chapter 422,
22 division V, or under chapter 432, the tax credit
23 certificate shall be issued directly to the
24 partnership, limited liability company, S corporation,
25 estate, trust, or other reporting entity.”

26 2. Page 4, by inserting after line 8 the
27 following:

28 “Sec. ____ Section 476C.4, subsection 4, Code
29 Supplement 2005, is amended by striking the subsection
30 and inserting in lieu thereof the following:

31 4. A tax credit certificate may be filed pursuant
32 to any of the following, to the extent applicable:

33 a. If the tax credit application is filed by a
34 partnership, limited liability company, S corporation,
35 estate, trust, or other reporting entity all of the
36 income of which is taxed directly to its equity
37 holders or beneficiaries, for the taxes imposed under
38 chapter 422, division II or III, the tax credit
39 certificate shall be issued directly to equity holders
40 or beneficiaries of the applicant in proportion to
41 their pro rata share of the income of such entity.
42 The applicant shall, in the application made under
43 this section, identify its equity holders or
44 beneficiaries, and the percentage of such entity’s
45 income that is allocable to each equity holder or
46 beneficiary.

47 b. If the tax credit applicant under this section
48 is eligible to receive renewable electricity
49 production credits authorized under section 45 of the
50 Internal Revenue Code, as amended, and the tax credit

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1 applicant is a partnership, limited liability company,
2 S corporation, estate, trust, or other reporting
3 entity all of the income of which is taxed directly to
4 its equity holders or beneficiaries, for the taxes
5 imposed under chapter 422, division II or III, the tax
6 credit certificate may be issued to a partner if the
7 business is a partnership, a shareholder if the
8 business is an S corporation, or a member if the
9 business is a limited liability company in the amounts
10 designated by the eligible partnership, S corporation,
11 or limited liability company. In absence of such
12 designation, the credits under this section shall flow
13 through to the partners, shareholders, or members in
14 accordance with their pro rata share of the income of
15 the entity.

16 The applicant shall, in the application made under
17 this section, identify the holders or beneficiaries
18 that are to receive the tax credit certificates and
19 the percentage of the tax credit that is allocable to
20 each holder or beneficiary.

21 c. If an applicant under this section is eligible
22 to receive renewable electricity production credits
23 authorized under section 45 of the Internal Revenue
24 Code, as amended, and the tax credit applicant is a
25 partnership, limited liability company, S corporation,
26 estate, trust, or other reporting entity all of the
27 income of which is taxed directly to its equity
28 holders or beneficiaries, for the taxes imposed under
29 chapter 422, division II or III, the tax credit
30 certificates and all future rights to the tax credit
31 in this section may be distributed to an equity holder
32 or beneficiary as a liquidating distribution or
33 portion thereof, of a holder or beneficiary's interest
34 in the applicant entity.

35 The applicant shall, in the application made under
36 this section, designate the percentage of the tax
37 credit allocable to the liquidating equity holder or
38 beneficiary that is to receive the current and future
39 tax credit certificates under this section.

40 d. If the tax credit application is filed by a
41 partnership, limited liability company, S corporation,
42 estate, trust, or other reporting entity, all of whose
43 income is taxed directly to its equity holders or
44 beneficiaries for the taxes imposed under chapter 422,
45 division V, or under chapter 423, 432, or 437A, the
46 tax credit certificate shall be issued directly to the
47 partnership, limited liability company, S corporation,
48 estate, trust, or other reporting entity."

49 3. Page 4, by striking lines 23 through 25 and
50 inserting the following:

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1 "Sec. ____ EFFECTIVE DATES.

2 1. The sections of this Act amending section
3 476B.6, subsection 5, and section 476C.4, subsection
4 4, being deemed of immediate importance, take effect
5 upon enactment.

6 2. The section of this Act relating to a proposal
7 for a study on the transmission of electricity takes
8 effect July 1, 2006.

9 3. Except as otherwise provided in this section,
10 this Act takes effect January 1, 2007."

11 4. Title page, line 3, by striking the words "an
12 effective date" and inserting the following:
13 "effective dates".

S-5281

1 Amend House File 2792, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 32, by inserting after line 2 the
4 following:

5 "DIVISION ____
6 STATE AND LOCAL GOVERNMENT OPERATIONS
7 Sec. ____ Section 8A.108, Code 2005, is amended to
8 read as follows:

9 8A.108 ACCEPTANCE OF FUNDS.

10 1. The department may receive and accept
11 donations, grants, gifts, and contributions in the
12 form of moneys, services, materials, or otherwise,
13 from the United States or any of its agencies, from
14 this state or any of its agencies, or from any other
15 person, and may use or expend such moneys, services,
16 materials, or other contributions, or issue grants, in
17 carrying out the operations of the department. All
18 federal grants to and the federal receipts of the
19 department are hereby appropriated for the purpose set
20 forth in such federal grants or receipts. The
21 department shall report annually to the general
22 assembly on or before September 1 the donations,
23 grants, gifts, and contributions with a monetary value
24 of one thousand dollars or more that were received
25 during the most recently concluded fiscal year.

26 2. a. The department may solicit donations,
27 grants, gifts, and contributions in the form of
28 moneys, services, materials, real property, or
29 otherwise from any person for specific projects and
30 improvements on or near the capitol complex. However,
31 no less than twenty days prior to commencing any such
32 solicitation, the department shall notify the
33 executive council, the department of management, and
34 the legislative council of the project for which the
35 solicitation is proposed. The department is only
36 required to provide one notification for each project
37 for which a solicitation is proposed.

38 b. The department shall not accept any donation,
39 grant, gift, or contribution in any form that includes
40 any condition other than a condition to use the
41 donation, grant, gift, or contribution for the project
42 for which it was solicited. The department shall not
43 confer any benefit upon or establish any permanent
44 acknowledgement of the donor of the donation, grant,
45 gift, or contribution unless specifically authorized
46 by a constitutional majority of each house of the
47 general assembly and approved by the governor or
48 unless otherwise specifically authorized by law.

49 Sec. ____ Section 8A.321, Code Supplement 2005, is
50 amended by adding the following new subsection:

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1 NEW SUBSECTION. 8A. With the approval of the
2 executive council pursuant to section 7D.29 or
3 pursuant to other authority granted by law, acquire
4 real property to be held by the department in the name
5 of the state as follows:
6 a. By purchase, lease, option, gift, grant,
7 bequest, devise, or otherwise.
8 b. By exchange of real property belonging to the
9 state for property belonging to another person.
10 Sec. ____ Section 68B.7, Code 2005, is amended by
11 adding the following new unnumbered paragraph:
12 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
13 provisions of this section, a person who has served as
14 the workers' compensation commissioner, or any deputy
15 thereof, may represent a claimant in a contested case
16 before the division of workers' compensation at any
17 point subsequent to termination of such service,
18 regardless of whether the person charges a contingent
19 fee for such representation, provided such case was
20 not pending before the division during the person's
21 tenure as commissioner or deputy.
22 Sec. ____ Section 100B.13, Code Supplement 2005,
23 is amended to read as follows:
24 100B.13 VOLUNTEER FIRE FIGHTER PREPAREDNESS FUND.
25 1. A volunteer fire fighter preparedness fund is
26 created as a separate and distinct fund in the state
27 treasury under the control of the division of state
28 fire marshal of the department of public safety.
29 2. Revenue for the volunteer fire fighter
30 preparedness fund shall include, but is not limited
31 to, the following:
32 a. Moneys credited to the fund pursuant to section
33 422.12F.
34 b. Moneys credited to the fund pursuant to section
35 422.12G.
36 ~~b. c.~~ Moneys in the form of a devise, gift,
37 bequest, donation, or federal or other grant intended
38 to be used for the purposes of the fund.
39 3. Moneys in the volunteer fire fighter
40 preparedness fund are not subject to section 8.33.
41 Notwithstanding section 12C.7, subsection 2, interest
42 or earnings on moneys in the fund shall be credited to
43 the fund.
44 4. Moneys in the volunteer fire fighter
45 preparedness fund are appropriated to the division of
46 state fire marshal of the department of public safety
47 to be used annually to pay the costs of providing
48 volunteer fire fighter training around the state and
49 to pay the costs of providing volunteer fire fighting
50 equipment.

Page 3

1 Sec. ____ Section 232.116, subsection 1, Code
2 2005, is amended by adding the following new
3 paragraph:

4 NEW PARAGRAPH. o. The parent has been convicted
5 of a felony offense that is a criminal offense against
6 a minor as defined in section 692A.1, the parent is
7 divorced from or was never married to the minor's
8 other parent, and the parent is serving a minimum
9 sentence of confinement of at least five years for
10 that offense.

11 Sec. ____ Section 314.28, Code 2005, is amended to
12 read as follows:

13 314.28 KEEP IOWA BEAUTIFUL FUND.

14 A keep Iowa beautiful fund is created in the office
15 of the treasurer of state. The fund is composed of
16 moneys appropriated or available to and obtained or
17 accepted by the treasurer of state for deposit in the
18 fund. The fund shall include moneys transferred to
19 the fund as provided in section 422.12A. The fund
20 shall also include moneys transferred to the fund as
21 provided in section 422.12G. All interest earned on
22 moneys in the fund shall be credited to and remain in
23 the fund. Section 8.33 does not apply to moneys in
24 the fund.

25 Moneys in the fund that are authorized by the
26 department for expenditure are appropriated, and shall
27 be used, to educate and encourage Iowans to take
28 greater responsibility for improving their community
29 environment and enhancing the beauty of the state
30 through litter prevention, improving waste management
31 and recycling efforts, and beautification projects.

32 The department may authorize payment of moneys from
33 the fund upon approval of an application from a
34 private or public organization. The applicant shall
35 submit a plan for litter prevention, improving waste
36 management and recycling efforts, or a beautification
37 project along with its application. The department
38 shall establish standards relating to the type of
39 projects available for assistance.

40 Sec. ____ NEW SECTION. 422.12G JOINT INCOME TAX
41 REFUND CHECKOFF FOR KEEP IOWA BEAUTIFUL FUND AND
42 VOLUNTEER FIRE FIGHTER PREPAREDNESS FUND.

43 1. A person who files an individual or a joint
44 income tax return with the department of revenue under
45 section 422.13 may designate one dollar or more to be
46 paid jointly to the keep Iowa beautiful fund created
47 in section 314.28 and to the volunteer fire fighter
48 preparedness fund created in section 100B.13. If the
49 refund due on the return or the payment remitted with
50 the return is insufficient to pay the additional

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1 amount designated by the taxpayer, the amount
2 designated shall be reduced to the remaining amount of
3 refund or the remaining amount remitted with the
4 return. The designation of a contribution under this
5 section is irrevocable.

6 2. The director of revenue shall draft the income
7 tax form to allow the designation of contributions to
8 the keep Iowa beautiful fund and to the volunteer fire
9 fighter preparedness fund as one checkoff on the tax
10 return. The department of revenue, on or before
11 January 31, shall transfer one-half of the total
12 amount designated on the tax return forms due in the
13 preceding calendar year to the keep Iowa beautiful
14 fund and the remaining one-half to the volunteer fire
15 fighter preparedness fund. However, before a checkoff
16 pursuant to this section shall be permitted, all
17 liabilities on the books of the department of
18 administrative services and accounts identified as
19 owing under section 8A.504 and the political
20 contribution allowed under section 68A.601 shall be
21 satisfied.

22 3. The department of revenue shall adopt rules to
23 administer this section.

24 4. This section is subject to repeal under section
25 422.12E.

26 Sec. ____ Section 427.1, subsection 21A, Code
27 Supplement 2005, as amended by 2006 Iowa Acts, House
28 File 2797, section 84, if enacted, is amended to read
29 as follows:

30 21A. DWELLING UNIT PROPERTY OWNED BY COMMUNITY
31 HOUSING DEVELOPMENT ORGANIZATION. Dwelling unit
32 property owned and managed by a community housing
33 development organization, as recognized by the state
34 of Iowa and the federal government pursuant to
35 criteria for community housing development
36 organization designation contained in the HOME program
37 of the federal National Affordable Housing Act of
38 1990, if the organization is also a nonprofit
39 organization exempt from federal income tax under
40 section 501(c)(3) of the Internal Revenue Code and
41 owns and manages more than one hundred and fifty
42 dwelling units that are located in a city with a
43 population of more than one hundred ten thousand. For
44 the 2005 and 2006 assessment years, an application is
45 not required to be filed to receive the exemption.
46 For the 2007 and subsequent assessment years, an
47 application for exemption must be filed with the
48 assessing authority not later than February 1 of the
49 assessment year for which the exemption is sought.
50 Upon the filing and allowance of the claim, the claim

Page 5

1 shall be allowed on the property for successive years
2 without further filing as long as the property
3 continues to qualify for the exemption.

4 Sec. ____ Section 600A.8, Code Supplement 2005, is
5 amended by adding the following new subsection:

6 NEW SUBSECTION. 10. The parent has been convicted
7 of a felony offense that is a criminal offense against
8 a minor as defined in section 692A.1, the parent is
9 divorced from or was never married to the minor's
10 other parent, and the parent is serving a minimum
11 sentence of confinement of at least five years for
12 that offense.

13 Sec. ____ Section 602.8108, subsection 8B, if
14 enacted by 2006 Iowa Acts, House File 2789, section 8,
15 is amended to read as follows:

16 8B. The state court administrator shall allocate
17 to the office of attorney general for the fiscal year
18 beginning July 1, 2006, and for each fiscal year
19 thereafter, ~~three~~ four hundred fifty thousand dollars
20 of the moneys received annually under subsection 2, to
21 be used for legal services for persons in poverty.
22 grants as provided in section 13.34.

23 Sec. ____ 2006 Iowa Acts, House File 2797, section
24 43, subsection 1, paragraph a, if enacted, is amended
25 by adding the following new subparagraphs:

26 NEW SUBPARAGRAPH. (11) Sierra club - Iowa
27 chapter.

28 NEW SUBPARAGRAPH. (12) Izaak Walton league of
29 Iowa.

30 NEW SUBPARAGRAPH. (13) State conservation
31 districts.

32 Sec. ____ 2006 Iowa Acts, House File 2794, section
33 58, if enacted, is repealed.

34 Sec. ____ RETROACTIVE APPLICABILITY. The section
35 of this Act enacting section 422.12G applies
36 retroactively to tax years beginning on or after
37 January 1, 2006."

38 2. Title page, line 1, by striking the word
39 "education" and inserting the following: "government
40 operations and".

MICHAEL E. GRONSTAL
MARY LUNDBY

S-5282

1 Amend House File 2792, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 12 through 14 and
4 inserting the following:

5	"FY 2006-2007....."	\$	104,343,894
6	FY 2007-2008....."	\$	139,343,894
7	FY 2008-2009....."	\$	174,343,894"
8	2. Page 1, lines 25 and 26, by striking the words		
9	"the individual leaves the employ of the school		
10	district" and inserting the following: "June 30,		
11	2011, if the individual is making annual progress		
12	toward meeting the requirements for a teacher		
13	librarian endorsement issued by the board of		
14	educational examiners under chapter 272. A school		
15	district that entered into a contract with an		
16	individual for employment as a media specialist or		
17	librarian who holds at least a master's degree in		
18	library and information studies shall be considered to		
19	be in compliance with this subsection until the		
20	individual leaves the employ of the school district."		
21	3. Page 18, line 21, by striking the words "must		
22	meet" and inserting the following: "should have".		
23	4. Page 18, line 29, by striking the words		
24	"engineers, who has" and inserting the following:		
25	"engineers. This individual should have".		
26	5. Page 20, line 24, by striking the word		
27	"Commencing".		
28	6. Page 20, by striking lines 25 and 26 and		
29	inserting the following: "The general assembly shall		
30	consider implementing the pay-for-performance program		
31	statewide for the 2009-2010 school year,".		
32	7. Page 24, line 8, by striking the word "three"		
33	and inserting the following: "five".		
34	8. Page 25, by striking lines 9 through 11 and		
35	inserting the following: "January 15, 2007."		
36	9. Page 26, by striking lines 1 through 8.		
37	10. Page 27, by inserting after line 35 the		
38	following:		
39	"Sec. ____ Section 261.1, subsection 5, Code 2005,		
40	is amended to read as follows:		
41	5. Eight <u>Nine</u> additional members to be appointed		
42	by the governor. One of the members shall be selected		
43	to represent private colleges, private universities		
44	and private junior colleges located in the state of		
45	Iowa. When appointing this member, the governor shall		
46	give careful consideration to any person or persons		
47	nominated or recommended by any organization or		
48	association of some or all private colleges, private		
49	universities and private junior colleges located in		
50	the state of Iowa. <u>One of the members shall be</u>		

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1 selected to represent institutions located in the
2 state of Iowa whose income is not exempt from taxation
3 under section 501(c) of the Internal Revenue Code.

4 One of the members shall be selected to represent
5 community colleges located in the state of Iowa. When
6 appointing this member, the governor shall give
7 careful consideration to any person or persons
8 nominated or recommended by any organization or
9 association of Iowa community colleges. One member
10 shall be enrolled as a student at a board of regents
11 institution, community college, or accredited private
12 institution. One member shall be a representative of
13 a lending institution located in this state. One
14 member shall be a representative of the Iowa student
15 loan liquidity corporation. The other three members,
16 none of whom shall be official board members or
17 trustees of an institution of higher learning or of an
18 association of institutions of higher learning, shall
19 be selected to represent the general public.

20 Sec. ____ Section 261.25, subsection 1A, as
21 enacted by 2006 Iowa Acts, House File 2527, if
22 enacted, is amended to read as follows:

23 1A. There is appropriated from the general fund of
24 the state to the commission for each fiscal year the
25 sum of five million one hundred sixty-seven thousand
26 three hundred fifty-eight dollars for ~~proprietary~~
27 tuition grants for students attending for-profit
28 accredited private institutions located in Iowa. A
29 for-profit institution which, effective March 9, 2005,
30 purchased an accredited private institution that was
31 exempt from taxation under section 501(c) of the
32 Internal Revenue Code, shall be an eligible
33 institution under the tuition grant program. In the
34 case of a qualified student who was enrolled in such
35 accredited private institution that was purchased by
36 the for-profit institution effective March 9, 2005,
37 and who continues to be enrolled in the eligible
38 institution in succeeding years, the amount the
39 student qualifies for under this subsection shall be
40 not less than the amount the student qualified for in
41 the fiscal year beginning July 1, 2004. For purposes
42 of the tuition grant program, "for-profit accredited
43 private institution" means an accredited private
44 institution which is not exempt from taxation under
45 section 501(c)(3) but which otherwise meets the
46 requirements of section 261.9, subsection 1, paragraph
47 "b", and whose students were eligible to receive
48 tuition grants in the fiscal year beginning July 1,
49 2003."

50 11. Page 29, by inserting after line 8 the

Page 3

1 following:

2 "Sec. ____ LIMITED ENGLISH PROFICIENT WEIGHTING

3 ADJUSTMENT. For the fiscal year beginning July 1,
 4 2006, and ending June 30, 2007, there shall be
 5 allocated to the department of education from the
 6 amount appropriated pursuant to section 257.16,
 7 subsection 1, based upon the increase from three to
 8 four years in the availability of supplementary
 9 weighting for instruction of limited English
 10 proficient students pursuant to section 280.4, an
 11 amount not to exceed three million, three hundred
 12 thousand dollars. The funds shall be used to adjust
 13 the weighted enrollment of a school district with
 14 students identified as limited English proficient on a
 15 prorated basis.”

16 12. Page 30, by inserting after line 6 the
 17 following:

18 “Sec. __. BOARD OF EDUCATIONAL EXAMINERS —
 19 TEACHER LIBRARIAN REVIEW. The board of educational
 20 examiners shall review the impact the enactment of
 21 section 256.11, subsection 9, if enacted, on school
 22 districts, media specialists, and librarians and shall
 23 submit its findings and recommendations in a report to
 24 the chairpersons and ranking members of the senate and
 25 house of representatives standing committees on
 26 education by January 1, 2007.”

27 13. Page 31, line 29, by inserting after the word
 28 “circumstances,” the following: “allocating funds for
 29 a limited English proficient weighting adjustment for
 30 the fiscal year beginning July 1, 2006, and ending
 31 June 30, 2007.”

32 14. By renumbering as necessary.

FRANK B. WOOD

S-5283

1 Amend House File 2792, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 32, by inserting after line 2 the
 4 following:

5 “DIVISION __
 6 MISCELLANEOUS PROVISIONS
 7 Sec. __. Section 8F.2, subsection 8, paragraph b,
 8 subparagraph (3), if enacted by 2006 Iowa Acts, Senate
 9 File 2410, is amended to read as follows:
 10 (3) A contract for services provided for the
 11 operation, construction, or maintenance of a public or
 12 city utility, combined public or city utility, or a
 13 city enterprise as defined by section 384.24.”

14 2. By renumbering as necessary.

RON WIECK
 THOMAS G. COURTNEY

RESOLUTIONS ADOPTED

EIGHTY-FIRST GENERAL ASSEMBLY 2006 REGULAR SESSION

SENATE JOINT RESOLUTION

SENATE JOINT RESOLUTION 2001: filed February 8, 2006; adopted by the Senate on February 14, 2006; adopted by the House on April 3, 2006; printed on Senate Journal page 253.

SENATE CONCURRENT RESOLUTIONS

SENATE CONCURRENT RESOLUTION 104: filed February 28, 2006; adopted by the Senate on March 8, 2006; adopted by the House on March 8, 2006.

1 SENATE CONCURRENT RESOLUTION 104
2 By: Tinsman and McCoy
3 A concurrent resolution designating March 2006 as Iowa
4 Women's History Month.
5 WHEREAS, Iowa women of every race, class, and
6 ethnic background have made historic contributions to
7 the growth and strength of our state and nation in
8 countless recorded and unrecorded ways, including
9 through the struggle for women's rights; and
10 WHEREAS, Iowa women have played and continue to
11 play a critical economic, cultural, and social role by
12 constituting a significant portion of the labor force
13 working inside and outside the home despite being
14 underpaid; and
15 WHEREAS, Iowa women were particularly important in
16 the establishment of early charitable, philanthropic,
17 and cultural institutions in our state and nation; and
18 WHEREAS, Iowa women and men amended the
19 Constitution of the State of Iowa to provide that "All
20 men and women are, by nature, free and equal, and have
21 certain inalienable rights. . ."; and
22 WHEREAS, Iowa women have been leaders in the
23 abolitionist movement, the emancipation movement, the
24 industrial labor movement, the civil rights movement,
25 the peace movement, and the women's suffrage movement,
26 which have created a more fair and just society for
27 all people; and
28 WHEREAS, despite these contributions, and those of
29 women throughout the world, the role of women has been
30 consistently overlooked and undervalued in the

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1 literature, teaching, and study of history; NOW
 2 THEREFORE,
 3 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 4 REPRESENTATIVES CONCURRING, That the General Assembly
 5 designates the month of March 2006 as Iowa Women's
 6 History Month and invites the citizens of Iowa to
 7 continue to uncover the roles women have played
 8 throughout history.

SENATE CONCURRENT RESOLUTION 105: filed March 8,
 2006; adopted by the Senate on March 28, 2006.

1 SENATE CONCURRENT RESOLUTION 105
 2 By: Hancock
 3 A concurrent resolution requesting the legislative
 4 council to establish an interim committee to study
 5 emergency services in the state.
 6 WHEREAS, emergency services are vital to the health
 7 and safety of Iowans; and
 8 WHEREAS, the organizational structure and
 9 governance of emergency services is complex, involving
 10 many units of state and local government; and
 11 WHEREAS, the funding streams available for
 12 emergency services are varied; NOW THEREFORE,
 13 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 14 REPRESENTATIVES CONCURRING, That the legislative
 15 council is requested to establish a committee to study
 16 emergency services in the state during the 2006
 17 legislative interim; and
 18 BE IT FURTHER RESOLVED, That the interim committee
 19 should be directed to receive input from the
 20 department of public defense, division of homeland
 21 security, departments of human services, public
 22 health, and public safety, including the state fire
 23 marshal, and representatives of emergency services
 24 providers, including but not limited to the Iowa
 25 Firemen's Association, Iowa Fire Chiefs Association,
 26 Iowa Association of Professional Fire Chiefs, and Iowa
 27 Professional Fire Fighters, Iowa Emergency Medical
 28 Services Association, and emergency room physicians;
 29 and
 30 BE IT FURTHER RESOLVED, That the interim committee

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1 should be directed to expeditiously complete its study
 2 and issue findings and make recommendations regarding
 3 the governance, structure, and funding of the state's

4 emergency services for consideration during the 2007
5 legislative session.

SENATE CONCURRENT RESOLUTION 106: filed May 3, 2006;
adopted by the Senate on May 3, 2006; adopted by the House on
May 3, 2006.

1 SENATE CONCURRENT RESOLUTION 106
2 By: Committee on Rules and Administration
3 A Senate concurrent resolution to provide for
4 adjournment sine die.
5 **BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,**
6 That when adjournment is had on Wednesday, May 3,
7 2006, it be the final adjournment of the 2006 Regular
8 Session of the Eighty-first General Assembly.

SENATE RESOLUTIONS

SENATE RESOLUTION 101: filed January 9, 2006; adopted by
the Senate on January 11, 2006.

1 SENATE RESOLUTION 101
2 By: Johnson
3 A resolution to recognize and honor photographer
4 Robert Nandell.
5 WHEREAS, Robert Nandell began his distinguished
6 career as a photojournalist at the University of
7 Iowa's college newspaper; and
8 WHEREAS, for 41 years Mr. Nandell has worked as a
9 professional photographer, first working for the Mason
10 City Globe Gazette and the Milwaukee Journal, and for
11 the last 28 years serving as a photographer for the
12 Des Moines Register; and
13 WHEREAS, during his career, Mr. Nandell has taken
14 tens of thousands of photographs, providing a vast
15 archive which chronicles people, places, and events
16 over the decades; and
17 WHEREAS, in 1979, a photograph taken by Mr.
18 Nandell, showing an enthusiastic Iowa crowd
19 surrounding Pope John Paul II, ran as a full page in
20 the Des Moines Register; and
21 WHEREAS, Mr. Nandell photographed not just
22 celebrities and events in the news, but also delighted
23 in capturing images of Iowa's people and places; and
24 WHEREAS, on December 1, 2005, Mr. Nandell retired,
25 leaving a 41-year legacy of excellence in
26 photojournalism; **NOW THEREFORE,**
27 **BE IT RESOLVED BY THE SENATE,** That the Senate
28 recognizes and honors Robert Nandell for his

29 distinguished career and thanks him for chronicling
30 Iowa and Iowans for these many decades in his

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1 photographs.

SENATE RESOLUTION 102: filed January 10, 2006; adopted by the Senate on February 2, 2006.

1 SENATE RESOLUTION 102
2 By: Johnson and Boettger
3 A resolution honoring the life and accomplishments of
4 Hugh Sidey.
5 WHEREAS, the profession of journalism has lost one
6 of its most accomplished members with the passing of
7 Hugh Sidey on November 21, 2005; and
8 WHEREAS, Mr. Sidey was born in Greenfield, Iowa, on
9 September 3, 1927, and attended Iowa State University;
10 and
11 WHEREAS, Mr. Sidey began his remarkable career in
12 journalism working in the family newspaper in
13 Greenfield after being turned down by the Meredith
14 Corporation and the Des Moines Register as
15 “unqualified”; and
16 WHEREAS, Mr. Sidey moved to the national scene in
17 1955, working for Life magazine and later rising to
18 become a veteran Time magazine correspondent covering
19 the United States presidency for more than 40 years,
20 from President Dwight Eisenhower to President George
21 H. W. Bush; and
22 WHEREAS, a few of the highlights of Mr. Sidey’s
23 career include covering President John F. Kennedy and
24 Soviet leader Nikita Khrushchev at the Vienna summit
25 meeting; covering the assassination of President
26 Kennedy in November 1963; writing Time magazine’s “The
27 Presidency” column in 1966; traveling with President
28 Richard Nixon on the President’s breakthrough visit to
29 China in 1972 and recording President Nixon’s exit
30 from Washington when the President resigned two years

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1 later; meeting regularly with President Ronald Reagan
2 during his eight years in office and covering the
3 president’s famous “Mr. Gorbachev, tear down this
4 wall” speech; being at the White House when President
5 Bill Clinton brought Israeli Prime Minister Yitzhak
6 Rabin and Palestine Liberation Organization Chairman
7 Yasser Arafat together for the famous 1993 handshake
8 that began peace talks between Israel and the

9 Palestine Liberation Organization; and serving as the
10 narrator and interviewer in the popular 2000 public
11 television series "The American President"; and
12 WHEREAS, Mr. Sidey never forgot his Iowa roots and
13 visited Iowa several times each year and frequently
14 attributed his success in life to his Iowa beginnings;
15 NOW THEREFORE,
16 BE IT RESOLVED BY THE SENATE, That the Senate
17 honors the memory of Iowa's native son Hugh Sidey and
18 celebrates both his life and his accomplishments.

SENATE RESOLUTION 103: filed January 12, 2006; adopted by
the Senate on January 18, 2006.

1 SENATE RESOLUTION 103
2 By: Warnstadt, Wieck, and Mulder
3 A resolution requesting that the United States Postal
4 Service retain the area mail processing center in
5 Sioux City, Iowa.
6 WHEREAS, the current area mail processing center in
7 Sioux City, Iowa, serves the fourth largest city in
8 Iowa and employs 150 people; and
9 WHEREAS, the United States Postal Service has
10 announced a study examining the feasibility of
11 centralizing Sioux City's mail processing in Sioux
12 Falls, South Dakota; and
13 WHEREAS, currently the mail service in Sioux City
14 and the surrounding area is very prompt, providing
15 one-day service locally and national service in two
16 days; and
17 WHEREAS, the people of the Siouxland area are
18 justifiably proud of their 150-year-old postmark; and
19 WHEREAS, loss of the Sioux City area mail
20 processing center would degrade service to two days
21 for the Siouxland area and to three days for other
22 parts of the country; NOW THEREFORE,
23 BE IT RESOLVED BY THE SENATE, That the Senate
24 requests that the United States Postal Service retain
25 the area mail processing center in Sioux City, Iowa;
26 and
27 BE IT FURTHER RESOLVED, That a copy of this
28 resolution be sent to the Postmaster General and the
29 Chief Executive Officer of the United States Postal
30 Service, to the Hawkeye District Manager of the United

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1 States Postal Service, and to the Vice President of
2 Operations of the United States Postal Service.

SENATE RESOLUTION 104: filed January 24, 2006; adopted by the Senate on January 25, 2006.

1 SENATE RESOLUTION 104
 2 By: Dotzler, Zieman, Lamberti, Stewart, Hahn,
 3 Zaun, Brunkhorst, Hancock, Wood, Schoenjahn,
 4 Johnson, Seng, Bolkcom, Miller, Dearden,
 5 Kettering, Ragan, Ward, Wieck, McKibben, Mulder,
 6 Shull, Behn, Gaskill, Quirmbach, Seymour, Fraise,
 7 Black, Courtney, Hatch, Gronstal, Beall,
 8 Horn, and Kibbie
 9 A resolution naming National Association for Stock Car
 10 Auto Racing great Rusty Wallace an honorary Iowan.
 11 WHEREAS, Rusty Wallace was born in Fenton,
 12 Missouri, in 1956, and now lives with his family in
 13 the Charlotte, North Carolina, area; and
 14 WHEREAS, as a young man Mr. Wallace debuted as a
 15 driver in 1973 at Lakehill Speedway in Missouri, and
 16 between 1974 and 1978 won an incredible 200 feature
 17 races; and
 18 WHEREAS, by 1979, Mr. Wallace was the United States
 19 Auto Club stock car circuit's rookie of the year, and
 20 by 1983 he was the American Speed Association series
 21 champion; and
 22 WHEREAS, Mr. Wallace joined the Winston Cup circuit
 23 in 1984, winning Rookie of the Year honors, and by
 24 1989 Mr. Wallace had won the National Association for
 25 Stock Car Auto Racing (NASCAR) Winston Cup
 26 Championship; and
 27 WHEREAS, after a racing career spanning over 30
 28 years with 55 career cup wins, Mr. Wallace has now
 29 retired from cup racing, while his son, Steven, now
 30 carries on the family tradition; and

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1 WHEREAS, in 2004, Mr. Wallace began a new career as
 2 the consultant and designer to the new Iowa Speedway
 3 in Newton, where he will combine ideas from the best
 4 race tracks in the world to establish a world-class
 5 facility in Iowa; and
 6 WHEREAS, Mr. Wallace has now embarked on an Iowa
 7 tour to promote the "Rusty Wallace Signature Series
 8 Track", visiting cities throughout this state,
 9 including Newton, Fort Dodge, the Quad Cities, Cedar
 10 Rapids, and Des Moines; NOW THEREFORE,
 11 BE IT RESOLVED BY THE SENATE, That the Senate
 12 honors Rusty Wallace for providing over 30 years of
 13 racing excitement and excellence; and
 14 BE IT FURTHER RESOLVED, That in recognition of his
 15 tireless efforts to construct a world-class speedway

16 in Iowa and his continuing efforts to ensure the
17 success of that speedway, the Senate declares Rusty
18 Wallace to be an honorary Iowan, and thanks him for
19 his service to Iowa and Iowa's future.

SENATE RESOLUTION 107: filed February 1, 2006; adopted by
the Senate on February 6, 2006.

1 SENATE RESOLUTION 107
2 By: Danielson, Dotzler, and Brunkhorst
3 A resolution honoring the University of Northern Iowa
4 Football Team.
5 WHEREAS, in 2005 the University of Northern Iowa
6 Football Team, led by Coach Mark Farley, achieved an
7 11-4 record and won the Gateway Football Conference
8 Title; and
9 WHEREAS, the Panthers have made 12 trips to
10 National Collegiate Athletic Association Division 1-AA
11 playoff games and six trips to the semifinal games;
12 and
13 WHEREAS, the Panthers football team in 2005
14 advanced to the National Collegiate Athletic
15 Association Division 1-AA championship game, played at
16 Max Finley Stadium and Davenport Field in Chattanooga,
17 Tennessee, before a record 20,236 fans; and
18 WHEREAS, in a hard-fought championship game the
19 Panthers football team was at last defeated by the
20 Appalachian State University Mountaineers Football
21 Team; and
22 WHEREAS, as a result of their performance five
23 players were named to Don Hansen's Football Gazette
24 All-region Team and Coach Mark Farley was named the
25 Northwest Region Coach of the Year; NOW THEREFORE,
26 BE IT RESOLVED BY THE SENATE, That the Senate
27 congratulates the members of the University of
28 Northern Iowa Panthers Football Team and Coach Mark
29 Farley for a great season of football and thanks them
30 for the honor and recognition they have brought to the

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1 University of Northern Iowa and to the State of Iowa;
2 and
3 BE IT FURTHER RESOLVED, That, upon adoption, an
4 official copy of this resolution be prepared for
5 presentation to Coach Farley and the members of the
6 University of Northern Iowa Panthers Football Team.

SENATE RESOLUTION 108: filed February 7, 2006; adopted by the Senate on April 12, 2006.

1 SENATE RESOLUTION 108

2 By: Black, Rielly, Dvorsky,
3 Putney, and McKibben

4 A resolution welcoming the Whirlpool Corporation to
5 the State of Iowa and offering support and
6 assistance for Whirlpool's success and future in
7 Iowa.

8 WHEREAS, in 1893 in Newton, Iowa, the entrepreneur
9 F.L. Maytag started the company that would become the
10 Maytag Corporation known worldwide for appliances of
11 the highest quality and innovation; and

12 WHEREAS, the city of Newton and the State of Iowa
13 have a rich, 113-year history with the Maytag
14 Corporation as an outstanding employer and corporate
15 citizen; and

16 WHEREAS, generations of a highly educated workforce
17 of loyal men and women dedicated themselves to
18 building a brand heritage for Maytag and its family of
19 brands that is unmatched in the marketplace; and

20 WHEREAS, the shareholders of the Maytag Corporation
21 have elected to accept the Whirlpool Corporation's
22 offer to purchase the Maytag Corporation, adding over
23 \$4.7 billion in annual sales to the Whirlpool
24 organization with the purchase; and

25 WHEREAS, the continued operations of the merged
26 organizations within the State of Iowa is of great
27 importance to the citizens of Iowa; NOW THEREFORE,

28 BE IT RESOLVED BY THE SENATE, That on behalf of the
29 people of the State of Iowa, the Senate does hereby
30 welcome to the cities of Amana, Newton, and North

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1 Liberty and to the State of Iowa, the Whirlpool
2 Corporation, and eagerly stands ready to assist the
3 Whirlpool Corporation in any way feasible to ensure
4 its success in the global market with operations in
5 Iowa.

SENATE RESOLUTION 109: filed February 8, 2006; adopted by the Senate on April 26, 2006.

1 SENATE RESOLUTION 109

2 By: Brunkhorst, Danielson, Putney, Lundby,
3 Mulder, Zaun, Ward, Miller, McKinley, Ziemann,
4 Seymour, Dotzler, Kettering, and Houser

5

6 A resolution honoring the Wartburg College women's
 7 track team.
 8 WHEREAS, Wartburg College was founded in 1852 and
 9 is a nationally recognized selective four-year liberal
 10 arts college of the Evangelical Lutheran Church in
 11 America, and
 12 WHEREAS, the 2005 National Collegiate Athletic
 13 Association Division III Outdoor Track and Field
 14 Championships were held in Waverly, Iowa, and hosted
 15 by Wartburg College; and
 16 WHEREAS, in the most competitive Division III
 17 Women's Outdoor Track and Field Championships ever, the
 18 Wartburg College women's track team won their first
 19 championship; and
 20 WHEREAS, team member Missy Buttry added to that
 21 victory by winning her third straight 5,000-meter run
 22 title and regaining the 1,500-meter run crown she won
 23 in 2002 and 2003; NOW THEREFORE,
 24 BE IT RESOLVED BY THE SENATE, That the Senate
 25 honors the members of the Wartburg College women's
 26 track team for their victory in the 2005 National
 27 Collegiate Athletic Association Division III Outdoor
 28 Track and Field Championships and on behalf of all
 29 Iowa congratulates them on a job well done.

SENATE RESOLUTION 110: filed February 9, 2006; adopted by
 the Senate on February 13, 2006.

1 SENATE RESOLUTION 110
 2 By: Larson, Zaun, Zieman, Mulder, Lundby, Ward,
 3 Brunkhorst, Johnson, Boettger, Angelo, Lamberti,
 4 Iverson, Behn, Gaskill, McKinley, Seymour, Putney,
 5 Tinsman, Wieck, Hahn, Kettering, Miller, McKibben,
 6 Warnstadt, Black, Dotzler, Horn, Rielly, Hancock,
 7 Wood, Schoenjahn, Kibbie, Gronstal, Quirnbach,
 8 Connolly, Stewart, Beall, Ragan, Hatch, Kreiman,
 9 Dvorsky, Danielson, Dearden, McCoy, and Fraise
 10 A resolution honoring Sergeant Major (Select) Brad Kasal
 11 for his rare courage and inspiring sacrifice in the
 12 Iraq war.
 13 WHEREAS, for over 200 years the Marines of the
 14 United States Marine Corps have been known for their
 15 bravery and devotion to duty; and
 16 WHEREAS, Sergeant Major Brad Kasal has proven his
 17 ability and displayed those qualities in serving our
 18 nation in Iraq; and
 19 WHEREAS, Sergeant Major Brad Kasal grew up on a
 20 farm near Afton, Iowa, hunted and fished as a kid,
 21 wrestled and played football in high school,
 22 detasseled corn and managed a restaurant to earn
 23 money; and

24 WHEREAS, Sergeant Major Brad Kasal knew he wanted
25 to be a Marine in the eighth grade, joined the Marine
26 Corps straight out of East Union High School and
27 excelled in marksmanship and physical fitness in boot
28 camp; and
29 WHEREAS, in his 20 years of military service,
30 Sergeant Major Kasal did tours of duty in nearly 50

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1 foreign lands, including Operation Desert Storm in
2 Kuwait, Operation Enduring Freedom in Afghanistan, and
3 Operation Iraqi Freedom; and
4 WHEREAS, during the early part of Operation Iraqi
5 Freedom, Sergeant Major Kasal earned a Purple Heart for
6 wounds he suffered from enemy action but in his own
7 words, he "gutted it out and kept going like a lot of
8 Marines do", and he returned to duty and even
9 volunteered for a second tour of duty because he was a
10 leader and he felt he belonged with his young Marines;
11 and
12 WHEREAS, on November 13, 2004, during fierce
13 fighting in Fallujah, Iraq, he vowed to leave no
14 Marine behind, returned to save three wounded soldiers
15 trapped in a house crawling with insurgents, received
16 seven serious wounds from an automatic rifle, received
17 40 shrapnel wounds from an exploding grenade when he
18 shielded another Marine with his body and neglected
19 his own injuries to treat his fellow soldier, lost 60
20 percent of his body's blood without losing
21 consciousness, and did all this while guarding the
22 door and without loosening the grip on his gun; and
23 WHEREAS, as a result of those wounds, Sergeant
24 Major Kasal spent 35 days over the holidays bedridden
25 and another 30 days at the Navy Hospital in Bethesda,
26 Maryland, endured 20 surgeries and expects a full
27 recovery because in his own words, "I'm a Kasal and
28 we're tough"; and
29 WHEREAS, in recognition for his heroism, sacrifice,
30 and devotion to duty, Sergeant Major Kasal is under

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1 consideration for the Congressional Medal of Honor,
2 America's highest award for bravery; and
3 WHEREAS, Iowa Families United for Our Troops and
4 Their Mission stands with steadfast support for
5 Sergeant Major Kasal and all men and women serving to
6 protect the freedom for all Americans, for the
7 families of our service men and women, and for the
8 families of our fallen heroes; NOW THEREFORE,
9 BE IT RESOLVED BY THE SENATE, That the Senate, on

10 behalf of all 3 million fellow Iowans and Iowa
 11 Families United for Our Troops and Their Mission,
 12 honors Sergeant Major Brad Kasal for his "Iowa
 13 Toughness and Tenacity", his patriotic service to
 14 America, his devotion to the highest principles of
 15 military service, and his undaunted courage under
 16 hostile fire; and
 17 **BE IT FURTHER RESOLVED**, That, upon adoption, an
 18 official copy of this resolution be prepared for
 19 presentation to Sergeant Kasal so that he knows
 20 without a doubt that Iowans are proud of him and his
 21 fellow troops and look forward to welcoming him back
 22 home when his military service is concluded.

SENATE RESOLUTION 112: filed February 15, 2006; adopted
 by the Senate on April 24, 2006.

1 **SENATE RESOLUTION 112**

2 By: Johnson
 3 A resolution honoring the Main Street Iowa Program on
 4 its 20th anniversary.
 5 WHEREAS, the Main Street Four Point Approach was
 6 conceived in 1977 by the National Trust for Historic
 7 Preservation in Washington, D.C., and in 1985, the
 8 Iowa General Assembly adopted the National Main Street
 9 Center's approach to downtown revitalization by
 10 approving the establishment of the Main Street Iowa
 11 Program within the Iowa Department of Economic
 12 Development; and
 13 WHEREAS, 48 Iowa Main Street communities have been
 14 active from 1986 to the present, and, currently, there
 15 are 34 active Main Street communities in Iowa; and
 16 WHEREAS, on April 28, 2006, the Main Street Iowa
 17 Program will celebrate its 20th anniversary at the
 18 Annual Main Street Awards ceremony, and recognize
 19 outstanding volunteers and the "best of the best" in
 20 design, organization, promotion, and economic
 21 restructuring; and
 22 WHEREAS, in addition to the award ceremony,
 23 preparations are underway for a variety of activities
 24 to recognize Iowa community downtown revitalization
 25 efforts that have taken place over the last two
 26 decades; **NOW THEREFORE**,
 27 **BE IT RESOLVED BY THE SENATE**, That the Senate
 28 congratulates the Main Street Iowa Program as it
 29 celebrates its 20th anniversary and thanks those who
 30 have worked countless hours to make this program a

SENATE RESOLUTION 114: filed February 16, 2006; adopted by the Senate on March 6, 2006.

1 SENATE RESOLUTION 114
 2 By: Beall, Boettger, Black, Fraise, Johnson,
 3 and Tinsman
 4 A resolution recognizing the 20th anniversary of
 5 Iowa Sister States.
 6 WHEREAS, Iowa Sister States was established in 1985
 7 to manage the official relationships established by
 8 the Governor of Iowa with foreign states; and
 9 WHEREAS, Iowa Sister States currently supports
 10 eight official relationships with Yamanashi
 11 Prefecture, Japan (1960); Yucatan, Mexico (1965);
 12 Hebei Province, China (1983); Terengganu, Malaysia
 13 (1987); Stavropol Krai, Russia (1988); Taiwan (1989);
 14 Cherkasy Oblast, Ukraine (1996); and Veneto Region,
 15 Italy (1997); and
 16 WHEREAS, Iowa Sister States is a volunteer
 17 organization dedicated to connecting Iowans with the
 18 global community through international programs that
 19 promote the interests of Iowa's citizens and support
 20 the state in attaining its international goals; and
 21 WHEREAS, Iowa Sister States' projects have involved
 22 the citizen-to-citizen diplomacy efforts of artists,
 23 medical professionals, environmental professionals,
 24 athletes, educators, chefs, emergency response
 25 professionals, state officials, and others; NOW
 26 THEREFORE,
 27 BE IT RESOLVED BY THE SENATE, That the Senate
 28 recognizes the great accomplishments of Iowa Sister
 29 States in bringing the world to Iowa and taking Iowa
 30 to the world by providing opportunities for exposure

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1 to people, ideas, and experiences that are of an
 2 international flair; and
 3 BE IT FURTHER RESOLVED, That the Senate
 4 congratulates Iowa Sister States on its 20 years of
 5 existence and looks forward to future opportunities to
 6 connect Iowa to the world.

SENATE RESOLUTION 116: filed February 22, 2006; adopted by the Senate on March 29, 2006.

1 SENATE RESOLUTION 116
 2 By: McCoy
 3 A resolution congratulating the Homesteaders Life
 4 Company on its centennial year.

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5 WHEREAS, in 1905 twenty-two people gathered at the
6 home of John E. Paul to discuss the formation of a
7 fraternal order, and in 1906 "The Homesteaders" was
8 founded as a fraternal insurance society; and
9 WHEREAS, in that year of 1906, the first policy was
10 issued to Supreme President Paul; and
11 WHEREAS, during its first century the company
12 evolved from a fraternal insurance society to an
13 insurance association in 1923 and finally, in 1948,
14 into the mutual insurance company that exists today;
15 and
16 WHEREAS, Homesteaders Life Company provides
17 insurance funding products and support for funeral
18 homes that offer advance funeral planning as an
19 extension of funeral service; and
20 WHEREAS, originally headquartered at the Securities
21 Building in downtown Des Moines, Homesteaders built
22 its own building in downtown Des Moines in 1951; and
23 WHEREAS, after many remodels and additions,
24 Homesteaders outgrew its home on Grand Avenue and
25 relocated to West Des Moines, where the company, and
26 135 employees, is now based; and
27 WHEREAS, Homesteaders has now served millions of
28 families in its 100-year history and, with 7,000
29 agents, the company is licensed to do business in
30 every state except New York; and

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1 WHEREAS, in 2004, Homesteaders reached \$1 billion
2 in assets and is one of two major national
3 organizations focused on preneed insurance funding;
4 and
5 WHEREAS, Homesteaders Life Company has a singular
6 commitment to the success of its funeral home
7 customers and to preserving the value of funeral
8 service; NOW THEREFORE,
9 BE IT RESOLVED BY THE SENATE, That the Senate
10 congratulates the Homesteaders Life Company on its
11 centennial year and for its role in the history and
12 the future of the state of Iowa.

SENATE RESOLUTION 117: filed February 27, 2006; adopted
by the Senate on March 6, 2006.

1 SENATE RESOLUTION 117
2 By: Gaskill and Beall
3 A resolution to designate the month of June 2006 as Prostate
4 Cancer Awareness Month and to encourage all health
5 benefit plan providers to include annual screening
6 for prostate cancer as part of their coverage.

7 WHEREAS, over 200,000 men in the United States will
8 be diagnosed with prostate cancer each year; and

9 WHEREAS, the purpose of screening for cancer is to
10 detect the cancer at its earliest stages, before any
11 symptoms have developed; and

12 WHEREAS, screening for prostate cancer can be
13 performed quickly and easily in a physician's office
14 using two tests: the prostate specific antigen blood
15 test and the digital rectal examination; and

16 WHEREAS, when caught and treated early, prostate
17 cancer has a cure rate of over 90 percent; and

18 WHEREAS, the American Cancer Society recommends
19 that both the test and the examination should be
20 offered annually, and depending on individual
21 circumstances this testing should begin as early as 40
22 years of age for certain high-risk men; NOW THEREFORE,

23 BE IT RESOLVED BY THE SENATE, That the Senate
24 designates the month of June 2006 as Prostate Cancer
25 Awareness Month and encourages all health benefit plan
26 providers to include annual screening for prostate
27 cancer for men over 40 years of age as part of their
28 coverage package, in accordance with the early
29 detection guidelines of the National Comprehensive
30 Cancer Network.

SENATE RESOLUTION 118: filed February 27, 2006; adopted
by the Senate on May 1, 2006.

1 SENATE RESOLUTION 118

2 By: Boettger

3 A resolution requesting that the legislative council
4 conduct a study of the feasibility of implementing
5 cooperative public and private development projects
6 around public and private lakes in the state.

7 WHEREAS, increased economic development,
8 recreational opportunities, and quality of life are
9 important goals to be achieved in the state; and

10 WHEREAS, public and private lakes in the state have
11 the capacity to serve as economic engines in the areas
12 where they are located; NOW THEREFORE,

13 BE IT RESOLVED BY THE SENATE, That the legislative
14 council is requested to commission a study and report
15 by an independent entity regarding the feasibility of
16 implementing public and private development projects
17 around public and private lakes in the state; and

18 BE IT FURTHER RESOLVED, That the independent entity
19 commissioned to conduct the study and report be
20 directed to seek input from interested individuals,
21 organizations, and public agencies; and

22 BE IT FURTHER RESOLVED, That the legislative
23 council shall submit a final report with

24 recommendations, which may include proposed
25 legislation, to the general assembly on or before
26 December 15, 2006.

SENATE RESOLUTION 119: filed February 28, 2006; adopted
by the Senate on March 20, 2006.

1 SENATE RESOLUTION 119

2 By: Connolly, Courtney, Gronstal, Kibbie, Dvorsky,
3 Bolkom, Ragan, Stewart, Beall, Danielson, Dotzler,
4 Warnstadt, Horn, Wood, Seng, Kreiman, Dearden, Rielly,
5 Hancock, Schoenjahn, Fraise, McKibben, Quirmbach,
6 Black, Lundby, Putney, Boettger, Behn, Johnson,
7 McKinley, Mulder, Wieck, Seymour, Shull, Zaun, Zieman,
8 Miller, Tinsman, and Angelo

9 A resolution honoring the life and work of Benjamin C.
10 Duehr.

11 WHEREAS, Benjamin C. Duehr was a statesman for the
12 cause of labor, a union man who devoted his life to
13 labor-related issues and politics; and

14 WHEREAS, Mr. Duehr began work at the John Deere
15 Dubuque Works in 1972, joining the United Auto Workers
16 Union, Local 94; and

17 WHEREAS, Mr. Duehr faithfully served the members of
18 Local 94 for over three decades; and

19 WHEREAS, during that time Mr. Duehr served Local 94
20 as a member of numerous committees and more
21 specifically as a trustee of Local 94, the recording
22 secretary, and, at the time of his death, vice
23 president; and

24 WHEREAS, Mr. Duehr also was active with the United
25 Auto Workers, serving as the community action program
26 vice president and serving as the United Auto Workers
27 lobbyist for five years; and

28 WHEREAS, Mr. Duehr also served the greater
29 community as well, serving as a Boy Scout liaison
30 officer, a member of the Region I Joint Partnership

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1 Training Act Board, and as a delegate to the National
2 Democratic Convention; and

3 WHEREAS, Benjamin C. Duehr died on December 31,
4 2005, after a lifetime of service, leaving behind his
5 wife Ann and three children: Sally, Cristi, and
6 Benjamin; NOW THEREFORE,

7 BE IT RESOLVED BY THE SENATE, That the Senate
8 honors the memory of Benjamin C. Duehr and his efforts
9 on behalf of the working people of Iowa.

SENATE RESOLUTION 120: filed February 28, 2006; adopted by the Senate on March 6, 2006.

1 SENATE RESOLUTION 120
 2 By: Zaun, McCoy, Ward, Lamberti, Hatch,
 3 Dearden, and Shull
 4 A resolution recognizing the Iowa premiere of Disney's The
 5 Lion King at the Civic Center of Greater Des Moines.
 6 WHEREAS, the Civic Center of Greater Des Moines, a
 7 nonprofit performing arts center, has served the
 8 people of Iowa for more than 25 years, engaging some 6
 9 million patrons in world-class entertainment,
 10 education, and cultural activities since 1979; and
 11 WHEREAS, on Friday, March 3, 2006, the Civic Center
 12 welcomed its most historic production yet to Des
 13 Moines, Disney's The Lion King, making its Iowa
 14 premiere as part of the Civic Center's 2005-2006 Betts
 15 Broadway Series; and
 16 WHEREAS, this theatrical epic, winner of six Tony
 17 Awards in 1998, will become the longest-running
 18 Broadway production in Iowa history with a record six-
 19 week run of 45 performances from March 3 through April
 20 9, 2006; and
 21 WHEREAS, Disney's The Lion King will play to a
 22 record audience of 120,000 across its entire run,
 23 drawing visitors from every corner of Iowa and from
 24 throughout the Midwest to Des Moines, creating an
 25 economic impact in the millions of dollars; and
 26 WHEREAS, Des Moines represents the second-smallest
 27 market in the world to host the show, and is currently
 28 one of just eight places on the globe to see Disney's
 29 The Lion King; NOW THEREFORE,
 30 BE IT RESOLVED BY THE SENATE, That the Senate

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1 congratulates the Civic Center of Greater Des Moines
 2 on making Iowa theatrical history and welcomes the
 3 cast and crew of Disney's The Lion King to Iowa and
 4 their new home in Des Moines; and
 5 BE IT FURTHER RESOLVED, That, upon adoption, an
 6 official copy of this resolution be prepared for
 7 presentation to the Civic Center President and Chief
 8 Executive Officer Jeff Chelesvig, staff members, and
 9 the touring company of Disney's The Lion King.

SENATE RESOLUTION 121: filed March 1, 2006; adopted by the Senate on April 24, 2006.

1 SENATE RESOLUTION 121

2 By: Dvorsky and Bolkcom

3 A resolution honoring David J. Skorton for his service
4 to Iowa as an educator and administrator and as
5 President of the University of Iowa.

6 WHEREAS, David Skorton has had a long and
7 remarkable career at the University of Iowa; and

8 WHEREAS, President Skorton has been a faculty
9 member at the University of Iowa since 1980, holding
10 joint appointments at the rank of professor in the
11 departments of internal medicine, electrical and

12 computer engineering, and biomedical engineering; and

13 WHEREAS, President Skorton was appointed vice
14 president for research in 1992, served as interim vice
15 president for external relations in 2000, and served
16 as vice president for research and external relations

17 from March 2002 until he assumed the presidency; and

18 WHEREAS, on March 1, 2003, David J. Skorton was
19 appointed the 19th president of the University of
20 Iowa; and

21 WHEREAS, a small sample of President Skorton's
22 activities includes the cofounding and codirecting of
23 the University of Iowa Adolescent and Adult Congenital
24 Heart Disease Clinic at the University of Iowa

25 Hospitals and Clinics, serving as president of the

26 Association for the Accreditation of Human Research

27 Protection Programs, Inc., chairing the Iowa City Area

28 Development Group, serving on the Iowa Department of

29 Economic Development Board, and serving on the boards

30 and committees of many local, state, and national

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1 organizations; and

2 WHEREAS, after over a quarter century of dedicated
3 service to the university and to all of Iowa,

4 President Skorton will now take up a new challenge as

5 the 12th president of Cornell University, New York

6 state's land-grant university and a world-renowned

7 research institution; NOW THEREFORE,

8 BE IT RESOLVED BY THE SENATE, That the Senate pays

9 tribute to David J. Skorton for over twenty-five years

10 of service to the people of Iowa and for his enormous

11 contribution to higher education and the University of

12 Iowa during his service as professor, administrator,

13 and President and congratulates him for the many

14 beneficial improvements to that institution during his

15 tenure; and

16 BE IT FURTHER RESOLVED, That a copy of this
 17 resolution be presented to University of Iowa
 18 President David J. Skorton.

SENATE RESOLUTION 122: filed March 7, 2006; adopted by
 the Senate on March 13, 2006.

1 SENATE RESOLUTION 122
 2 By: Johnson and Fraise
 3 A resolution supporting the proposal of Iowa State
 4 University to pursue the location of the national
 5 bio and agro-defense facility at the site of the
 6 current National Center for Animal Health in Ames,
 7 Iowa.
 8 WHEREAS, the security of Iowa and the United States
 9 depends on an integrated national bio and agro-defense
 10 strategy; and
 11 WHEREAS, the federal Department of Homeland
 12 Security has determined an urgent need exists for a
 13 new integrated research infrastructure to provide
 14 research, development, testing, and evaluation that
 15 will enhance agricultural and public health; and
 16 WHEREAS, the Department of Homeland Security has
 17 proposed construction of a national bio and agro-
 18 defense facility which will be an integrated human,
 19 foreign animal, and zoonotic disease research and
 20 testing facility to support the complementary missions
 21 of the Department of Homeland Security, the United
 22 States Department of Health and Human Services, and
 23 the United States Department of Agriculture; and
 24 WHEREAS, the state of Iowa is a leading state in
 25 livestock production, a multibillion dollar industry
 26 of critical importance to the state's economy; and
 27 WHEREAS, the state of Iowa is already the location
 28 of several research assets of great importance to this
 29 new national effort, including the National Center for
 30 Animal Health, the National Animal Disease Center, the

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1 National Veterinary Services Laboratory, the Center
 2 for Veterinary Biologics, Iowa State University
 3 College of Agriculture, Iowa State University College
 4 of Veterinary Medicine, the University of Iowa College
 5 of Medicine, the University of Iowa College of Public
 6 Health, the Iowa Hygienic Laboratory, and University
 7 of Iowa Hospitals and Clinics; and
 8 WHEREAS, these assets include state-of-the-art
 9 facilities and laboratories which could greatly
 10 enhance the efficiency and effectiveness of a national
 11 bio and agro-defense facility; and

12 WHEREAS, the current site of the National Center
13 for Animal Health in Ames, Iowa, is undergoing a \$460
14 million remodernization and has a large number of
15 scientists and support staff for potential
16 collaborations, making the Ames location an ideal
17 choice for effective and efficient implementation of
18 an integrated bio and agro-defense facility; and
19 WHEREAS, Iowa State University of Science and
20 Technology intends to submit a proposal to the
21 Department of Homeland Security for the construction
22 and operation of the national bio and agro-defense
23 facility in Ames; and
24 WHEREAS, the Iowa State University proposal will
25 consist of a consortium of academic institutions and
26 industry, commodity, and professional organizations
27 from across the nation that brings together the
28 necessary research and development expertise to
29 address these high-consequence human, foreign animal,
30 and zoonotic pathogens; NOW THEREFORE,

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1 BE IT RESOLVED BY THE SENATE, That the Senate
2 supports the proposal of Iowa State University to
3 pursue the location of the national bio and agro-
4 defense facility at the site of the current National
5 Center for Animal Health in Ames.

SENATE RESOLUTION 123: filed March 7, 2006; adopted by
the Senate on March 13, 2006.

1 SENATE RESOLUTION 123
2 By: Danielson
3 A resolution designating a Technology and Science Day
4 in Iowa.
5 WHEREAS, in the 21st century, growth and
6 development in Iowa will increasingly depend on a
7 technologically sophisticated workforce; and
8 WHEREAS, information technology is a highly
9 innovative industry in Iowa that is increasingly
10 becoming the backbone of commerce, as scientists,
11 engineers, and programmers develop new, faster, and
12 more proficient methods of transferring and processing
13 data and have become driving forces for promoting
14 growth in Iowa's economy; and
15 WHEREAS, information technology is an important
16 sector for Iowa's economic future, providing well-
17 paying jobs and the fundamental technological
18 underpinning for advancement in a broad range of other
19 sectors, from finance and insurance to manufacturing
20 and the biosciences; and

21 WHEREAS, Iowa's information technology sector shows
 22 significant promise for growth and has proven itself
 23 to be more robust than the national information
 24 technology sector in weathering downturns and
 25 challenges; and
 26 WHEREAS, a thriving technology sector relies on a
 27 skilled and productive workforce, and the availability
 28 of human capital will be a key factor in the success
 29 of the industry; and
 30 WHEREAS, future demand for computer specialists and

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1 engineers in Iowa will far outstrip supply, and
 2 production will move where these professionals are
 3 located; and
 4 WHEREAS, interest among students in becoming
 5 scientists or engineers has steadily declined, and the
 6 proportion of college students earning science and
 7 engineering degrees in the United States is lower than
 8 in almost all of its major trading partners; and
 9 WHEREAS, Iowa's middle and high school students
 10 will comprise the bulk of the future workforce and
 11 must be highly educated in the areas of science and
 12 technology, and aware of career opportunities in those
 13 areas; NOW THEREFORE,
 14 BE IT RESOLVED BY THE SENATE, That the Senate
 15 declares Friday, May 19, 2006, as Technology and
 16 Science Day in Iowa and urges all schools, educators,
 17 and guidance counselors to use this day to offer a
 18 competition, activity, or initiative to build student
 19 awareness and interest in science and technology and
 20 in the varied careers these fields offer students who
 21 will be tomorrow's workforce leaders.

SENATE RESOLUTION 124: filed March 9, 2006; adopted by
 the Senate on March 30, 2006.

1 SENATE RESOLUTION 124
 2 By: Iverson and Gronstal
 3 A resolution honoring Tom Griffiths for over three
 4 decades of service to Iowa's credit unions.
 5 WHEREAS, Tom Griffiths began his affiliation with
 6 credit unions at a young age, joining a United States
 7 Navy-affiliated credit union to borrow \$300 in order
 8 to get married; and
 9 WHEREAS, since 1973, Mr. Griffiths has worked for
 10 the Iowa Credit Union League, becoming president in
 11 1985; and
 12 WHEREAS, during his tenure as president, the
 13 state's credit union code has provided Iowa's state-

14 chartered credit unions with one of the most
15 progressive statutory frameworks for state chartering
16 in the nation; and
17 WHEREAS, Mr. Griffiths' professional colleagues
18 awarded him the Roy F. Berengren Award, a prestigious
19 accolade in the credit union movement; and
20 WHEREAS, Mr. Griffiths has been honored many other
21 times during his long credit union career, including
22 being awarded the 2004 Eugene H. Farley League
23 Leadership Award and the Eagle Award from the American
24 Association of Credit Union Leagues; and
25 WHEREAS, after over three decades of service to the
26 Iowa Credit Union League, Mr. Griffiths is now
27 retiring, leaving behind a rock solid foundation for
28 the continued growth and leadership of the credit
29 union community; NOW THEREFORE,
30 BE IT RESOLVED BY THE SENATE, That the Senate

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1 honors Tom Griffiths for his tireless and visionary
2 leadership of the credit union community for over
3 three decades of dedicated service; and
4 BE IT FURTHER RESOLVED, That a copy of this
5 resolution be presented to Tom Griffiths.

SENATE RESOLUTION 125: filed March 14, 2006; adopted by
the Senate on April 10, 2006.

1 SENATE RESOLUTION 125

2 By: Zaun
3 A resolution to congratulate the Urbandale Senior League
4 All-Star Team for winning the 2005 Senior League
5 Baseball World Series Championship.
6 WHEREAS, the 12 players on the Urbandale Senior
7 League All-Star Team are athletes who participated in
8 the Urbandale Little League Senior League regular
9 season program; and
10 WHEREAS, players on the 2005 team include Darin
11 Davis, Matt Coffey, Alex Conlon, Stephen Englund, Mike
12 Hoberg, Tyler Miles, Jared Norris, Sean Raisch, Jeremy
13 Schuck, Brad Watson, Kelly Waddell, and Andrew Weeks;
14 and
15 WHEREAS, the 2005 Senior League Baseball World
16 Series took place from August 14 through August 20,
17 2005, at Mansfield Stadium in Bangor, Maine, featuring
18 athletes in the 14 through 16 age-bracket; and
19 WHEREAS, on August 20, 2005, Urbandale won its
20 fifth consecutive World Series game, seven to two over
21 Pearl City, Hawaii, to win the 2005 World Series
22 title; and

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1 disadvantaged citizens of the state; NOW THEREFORE,
2 BE IT RESOLVED BY THE SENATE, That the Senate
3 declares March 15, 2006, as a day to recognize and
4 honor the 15 community colleges in Iowa on the 40th
5 anniversary of their founding.

SENATE RESOLUTION 127: filed March 15, 2006; adopted by
the Senate on March 29, 2006.

1 SENATE RESOLUTION 127

2 By: Ragan

3 A resolution to recognize the sesquicentennial of the
4 city of Osage, Iowa.

5 WHEREAS, the city of Osage, the county seat of
6 Mitchell County, was founded 150 years ago and is
7 located in north central Iowa on Highway 9 and Highway
8 218, with a population of approximately 3,464; and

9 WHEREAS, the city of Osage is named after Orrin
10 Sage, who donated land to the city for the purpose of
11 a library; and

12 WHEREAS, the public and parochial schools located
13 in Osage have always been a source of pride to the
14 community, each having a faculty and student body
15 dedicated to the pursuit of academic and athletic
16 excellence; and

17 WHEREAS, the needs of the area are served by a
18 medical clinic, multiple pharmacies and dental
19 offices, and an up-to-date hospital providing the best
20 in emergency room services, inpatient and outpatient
21 care, and a variety of specialty clinics; and

22 WHEREAS, Osage serves as the commercial hub of
23 Mitchell County, with a pro-business attitude that
24 encourages the growth and development of retail,
25 industrial, and service-oriented enterprises; and

26 WHEREAS, the city government of Osage is served by
27 dedicated and exceptional civic leaders who have been
28 instrumental in maintaining the community as a vibrant
29 part of rural Iowa; and

30 WHEREAS, Osage's municipal utility provides

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1 excellent electric, natural gas, and

2 telecommunications services to the community; and

3 WHEREAS, the ideal of civic responsibility remains
4 strong in Osage, with more than 50 service

5 organizations working to maintain and improve the
6 quality of life, to ensure a bright future for the

7 entire community, and to provide citizens with

8 opportunities offered by a diverse ecumenical
 9 community; and
 10 WHEREAS, famous citizens of Osage include American
 11 author Hamlin Garland and United States Secretary of
 12 Agriculture Mike Johanns; and
 13 WHEREAS, the city of Osage is commemorating its
 14 150th anniversary with celebrations scheduled from
 15 June 30 through July 8, 2006; NOW THEREFORE,
 16 BE IT RESOLVED BY THE SENATE, That the Senate
 17 recognizes and extends its congratulations to the city
 18 of Osage on its sesquicentennial and invites all
 19 Iowans to make a visit to the Osage celebrations a
 20 part of their summer plans.

SENATE RESOLUTION 128: filed March 15, 2006; adopted by
 the Senate on March 16, 2006; printed on Senate Journal page 540.

SENATE RESOLUTION 129: filed March 16, 2006; adopted by
 the Senate on March 29, 2006.

1 SENATE RESOLUTION 129
 2 By: Seymour and Ragan
 3 A resolution to recognize the month of May 2006 as
 4 Heart Health Month.
 5 WHEREAS, cholesterol is an important part of a
 6 healthy body because it is used to form cell
 7 membranes, some hormones, and is needed for other
 8 functions; and
 9 WHEREAS, the American Heart Association has
 10 concluded that a high level of cholesterol in the
 11 blood is a major risk factor for coronary heart
 12 disease, which can lead to a heart attack; and
 13 WHEREAS, an expert panel on the detection,
 14 evaluation, and treatment of high blood cholesterol in
 15 adults recommends that a fasting lipoprotein profile
 16 be completed every five years for everyone age 20 and
 17 older; and
 18 WHEREAS, this test gives information about total
 19 cholesterol, low-density lipoprotein (LDL) or "bad"
 20 cholesterol, high-density lipoprotein (HDL) or "good"
 21 cholesterol, and triglycerides (blood fats); and
 22 WHEREAS, because there are no symptoms to high
 23 cholesterol, it can only be detected by a cholesterol
 24 test; and
 25 WHEREAS, treatment goals have been recommended by
 26 the National Cholesterol Education Program; and
 27 WHEREAS, there are three main ways to fight high
 28 cholesterol or to "get to goal" — diet, exercise, and
 29 when appropriate, medication; and
 30 WHEREAS, the only way to manage cholesterol is to

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1 know the goal and to track progress; NOW THEREFORE,
2 BE IT RESOLVED BY THE SENATE, That the Senate
3 hereby recognizes May 2006 as Iowa Heart Health Month
4 and encourages Iowa's citizens to have their
5 cholesterol tested and to "get to goal".

SENATE RESOLUTION 130: filed on March 16, 2006; adopted
by the Senate on April 11, 2006.

1 SENATE RESOLUTION 130

2 By: Quirnbach and Behn
3 A resolution honoring The Madrid Homes on its
4 centennial year.
5 WHEREAS, The Madrid Homes is a 175-bed award-
6 winning health care facility in Madrid, Iowa, that
7 provides both long- and short-term care for all ages;
8 and
9 WHEREAS, The Madrid Homes also maintains The Cedars
10 assisted living facility in Madrid, Iowa, and the
11 Ballard Creek Community assisted living facility in
12 Huxley, Iowa; and
13 WHEREAS, The Madrid Homes will celebrate its
14 centennial year in 2006; and
15 WHEREAS, throughout 2006, special events will
16 recognize residents of the home, volunteers,
17 employees, and community helpers, concluding with the
18 100th anniversary service of celebration on Labor Day,
19 September 4, 2006, at 2:00 p.m. in the Sanborn Chapel
20 in Madrid, Iowa; NOW THEREFORE,
21 BE IT RESOLVED BY THE SENATE, That the Senate
22 extends its congratulations to The Madrid Homes on its
23 centennial anniversary year and for its 100 years of
24 service to the citizens of Iowa and its devotion to
25 meeting the needs of older Iowans.

SENATE RESOLUTION 131: filed March 20, 2006; adopted by
the Senate on May 1, 2006.

1 SENATE RESOLUTION 131

2 By: Angelo
3 A resolution congratulating the Matilda J. Gibson
4 Memorial Library in Creston, Iowa, on its 75th
5 anniversary.
6 WHEREAS, in April 2006 the Matilda J. Gibson
7 Memorial Library in Creston, Iowa, will celebrate its
8 75th anniversary; and
9 WHEREAS, for all those years the Gibson Memorial
10 Library has provided access to global information for

11 the residents of Creston, Union County, and the
 12 surrounding communities; and
 13 WHEREAS, the library provides a vital community
 14 service 51 hours per week, six days a week; and
 15 WHEREAS, the library is supported by the Friends of
 16 Creston Public Library, a volunteer group dedicated to
 17 the support and promotion of the library, with money
 18 raised by the Friends used to fund and support
 19 numerous library services and activities; and
 20 WHEREAS, those services and activities include
 21 adult programming, children's programming, free fax
 22 and copier service, and public use computers; and
 23 WHEREAS, collections in the Gibson Memorial Library
 24 include large print books, books on tape, videos,
 25 genealogy resources, local history resources, the PACE
 26 collection, microfilm collection, newspapers,
 27 magazines, art prints, and more; NOW THEREFORE,
 28 BE IT RESOLVED BY THE SENATE, That the Senate
 29 congratulates the Matilda J. Gibson Memorial Library,
 30 the director, Marilyn Ralls, and the library staff for

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1 75 years of service to the people of southwest Iowa.

SENATE RESOLUTION 132: filed March 20, 2006; adopted by
 the Senate on May 1, 2006.

1 SENATE RESOLUTION 132
 2 By: Angelo
 3 A resolution congratulating the Creston, Iowa, radio
 4 station KSIB for 60 years of broadcasting excellence.
 5 WHEREAS, in December 1946, Creston, Iowa, radio
 6 station KSIB first went on the air; and
 7 WHEREAS, KSIB has been located at 1520 on the AM
 8 radio dial for 60 years, adding 101.3 FM in 1967; and
 9 WHEREAS, KSIB continues to be the source for music,
 10 news, community service, and sports in an eight-county
 11 area of southwest Iowa; and
 12 WHEREAS, community participation plays a key role
 13 in KSIB programming, with local residents contributing
 14 on-air programs and information; and
 15 WHEREAS, KSIB has even hosted an on-air wedding for
 16 a local couple when Betty and Gary Crill married in
 17 1953; and
 18 WHEREAS, in this age of consolidation and
 19 conglomeration, KSIB remains an independent and
 20 locally-owned station; NOW THEREFORE,
 21 BE IT RESOLVED BY THE SENATE, That the Senate
 22 honors radio station KSIB for six decades of dedicated
 23 service to the good people of southwestern Iowa.

SENATE RESOLUTION 135: filed March 20, 2006; adopted by the Senate on April 5, 2006.

1 SENATE RESOLUTION 135
2 By: Beall, Black, Kibbie, McCoy, Gronstal, Behn,
3 Boettger, Bolkcom, Connolly, and Iverson
4 A resolution supporting a proposal to invite the
5 Republic of China (Taiwan) to participate in the
6 upcoming meeting of the World Health Assembly as an
7 observer.
8 WHEREAS, the next World Health Assembly meeting is
9 scheduled to take place on May 18, 2006, in Geneva,
10 Switzerland; and
11 WHEREAS, the Republic of China, commonly known as
12 Taiwan, was a founding member of the World Health
13 Organization and participated for 24 years as a full
14 member contributing to the achievement of the
15 organization's objectives; and
16 WHEREAS, in 1972, in the wake of the admission of
17 the People's Republic of China to the United Nations,
18 Taiwan's membership in the World Health Organization
19 was discontinued; and
20 WHEREAS, Taiwanese health officials and medical
21 professionals have been unable to participate in World
22 Health Organization forums and workshops regarding
23 technological advances in the diagnosis, monitoring,
24 and control of diseases since 1972, and have been
25 denied the right to maintain contact and coordination
26 with the World Health Organization in emergency
27 situations involving the containment and cure of
28 existing and newly emerging infectious diseases; and
29 WHEREAS, Taiwan's location at the juncture of
30 important maritime routes between northeast and

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1 southeast Asia has resulted in extensive world trade
2 with Taiwan, a thriving Taiwanese tourism industry,
3 and a large foreign migrant worker population in
4 Taiwan; and
5 WHEREAS, Taiwan's absence from the World Health
6 Organization system has become a missing link in the
7 global framework of providing health care; and
8 WHEREAS, the granting of observer status to Taiwan
9 would not constitute a challenge to participation by
10 the People's Republic of China in the World Health
11 Organization and would demonstrate that the
12 organization is inclusive with regard to Taiwan's 23
13 million inhabitants; and
14 WHEREAS, as a democratically elected government,
15 the government of Taiwan has a duty and responsibility

16 to ensure that the people of Taiwan are represented by
17 an organization which establishes and oversees an
18 international framework for the control of disease and
19 the promotion of universal health; and
20 WHEREAS, Taiwan has made substantial progress in
21 the health field, has one of the highest life
22 expectancy rates in Asia, has maternal and infant
23 mortality rates comparable to those in western
24 countries, has eradicated infectious diseases such as
25 cholera, smallpox, and the plague, and has been the
26 first country in the region to eradicate polio and
27 provide children with hepatitis B vaccinations; and
28 WHEREAS, Taiwan has expressed a willingness in
29 recent years to provide financial and technological
30 assistance in international aid and health activities

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1 supported by the World Health Organization; NOW
2 THEREFORE,
3 BE IT RESOLVED BY THE SENATE, That the Senate
4 supports the granting of observer status to Taiwan
5 during the World Health Assembly to be held in May
6 2006; and
7 BE IT FURTHER RESOLVED, That an official copy of
8 this resolution be prepared and forwarded by the
9 Secretary of the Senate to the President of the United
10 States, the government of Taiwan, the Taipei economic
11 and cultural office, located in Chicago, Illinois, and
12 the governing authority of the World Health
13 Organization.

SENATE RESOLUTION 136: filed March 20, 2006; adopted by
the Senate on April 5, 2006.

1 SENATE RESOLUTION 136
2 By: Beall, Black, Kibbie, McCoy, Boettger,
3 Behn, Bolkom, Connolly, and Iverson
4 A resolution supporting a free trade agreement between
5 the Republic of China on Taiwan and the United States.
6 WHEREAS, the Republic of China on Taiwan and the
7 United States enjoy one of the most important economic
8 and strategic international relationships that exists
9 today; and
10 WHEREAS, together, Taiwan and the United States
11 promote a shared belief in freedom, democracy, and
12 market principles; and
13 WHEREAS, the level of mutual investment between
14 Taiwan and the United States is substantial; and
15 WHEREAS, streamlined foreign investment procedures
16 developed under a free trade agreement between Taiwan

17 and the United States would create new business
18 opportunities and new jobs; and
19 WHEREAS, a free trade agreement between Taiwan and
20 the United States would encourage greater innovations
21 and manufacturing efficiencies by stimulating joint
22 technological development, practical applications, and
23 new cooperative ventures; and
24 WHEREAS, a recent study by the United States
25 International Trade Commission supports the
26 negotiation of a free trade agreement between Taiwan
27 and the United States; and
28 WHEREAS, a free trade agreement between Taiwan and
29 the United States would build on the existing strong
30 relations between Taiwan and the United States to

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1 simultaneously boost Taiwan's security and democracy
2 and serve the broader interests of the United States
3 in the Asia-Pacific region; NOW THEREFORE,
4 BE IT RESOLVED BY THE SENATE, That the Senate
5 supports the negotiation of a free trade agreement
6 between the Republic of China on Taiwan and the United
7 States of America; and
8 BE IT FURTHER RESOLVED, That upon adoption, an
9 official copy of this resolution be prepared and
10 presented to the Taipei Economic and Cultural Office
11 located in Chicago, Illinois.

SENATE RESOLUTION 137: filed March 20, 2006; adopted by
the Senate on April 5, 2006.

1 SENATE RESOLUTION 137
2 By: Beall, Kibbie, Black, McCoy, Gronstal, Behn,
3 Boettger, Bolkcom, Connolly, and Iverson
4 A resolution requesting the Congress of the United
5 States to give due consideration to the readiness
6 of the Republic of China on Taiwan for membership
7 in the United Nations.
8 WHEREAS, the Republic of China on Taiwan has
9 established a democratic, multiparty political system,
10 its diplomacy aimed at national unification
11 demonstrates its progressive spirit as a government
12 and a people, and its inclusion in the United Nations
13 would only further the universality of this essential
14 global forum; and
15 WHEREAS, already having provided many developing
16 nations with financial assistance, as well as overseas
17 aid, training, and disaster relief, Taiwan has amply
18 illustrated its concern for the welfare of the world;
19 and

20 WHEREAS, the government of Taiwan has accepted the
21 obligations contained in the United Nations Charter
22 and agrees to promote international peace and
23 security; and
24 WHEREAS, the fundamental right of the 21 million
25 citizens of Taiwan to be partners in the community of
26 nations should no longer be denied; NOW THEREFORE,
27 BE IT RESOLVED BY THE SENATE, That the Senate
28 supports the membership of the Republic of China on
29 Taiwan in the United Nations and urges due
30 consideration by the Congress of the United States;

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1 and
2 BE IT FURTHER RESOLVED, That upon adoption, an
3 official copy of this resolution be prepared and
4 presented to the President of the United States
5 Senate, the Secretary of the United States Senate, the
6 Speaker of the United States House of Representatives,
7 the Clerk of the United States House of
8 Representatives, the members of Iowa's congressional
9 delegation, and the Secretary General of the United
10 Nations.

SENATE RESOLUTION 138: filed March 21, 2006; adopted by
the Senate on March 28, 2006.

1 SENATE RESOLUTION 138
2 By: Hatch, McCoy, Zaun, and Dearden
3 A resolution honoring the Des Moines Roosevelt High
4 School Girls' Basketball Team.
5 WHEREAS, the Des Moines Roosevelt High School
6 Girls' Basketball Team, the "Roughriders", completed
7 the 2005-2006 season with a record of 17 wins and four
8 losses and a postseason record of five wins and no
9 losses, for a final record of 22 wins and four losses;
10 and
11 WHEREAS, the Roosevelt Roughriders were ranked
12 fifth in the class 4-A division by the Iowa Girls High
13 School Athletic Union; and
14 WHEREAS, on Saturday, March 11, 2006, in front of
15 almost 12,000 fans at Wells Fargo Arena, the Roosevelt
16 Roughriders won the class 4-A championship at the 2006
17 Iowa Girls' State Basketball Tournament; and
18 WHEREAS, that championship was clinched with a 53-
19 28 victory over Cedar Rapids Washington; and
20 WHEREAS, the Roosevelt Roughriders girls' state
21 championship is the first for a Des Moines school
22 since 1979, when an East High School team won a six-
23 player title in Veterans Memorial Auditorium; and

24 WHEREAS, Roughrider Charmaine Bell, a junior
 25 forward who scored 15 points in the championship game
 26 and was tournament leader in both points and assists,
 27 was named captain of the all-tournament team and was
 28 chosen for the Des Moines Register's Girls' Class 4-A
 29 All-State Basketball Team; and
 30 WHEREAS, MyKenya Johnson, scoring a game-high 18

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1 points, was also named to the all-tournament team; and
 2 WHEREAS, both the freshman and junior varsity teams
 3 contributed to this victory, assisting in practices
 4 and providing material and emotional support to their
 5 varsity teammates; and
 6 WHEREAS, the Roosevelt community was also honored,
 7 as principal Anita Micich accepted the class 4-A
 8 sportsmanship award; NOW THEREFORE,
 9 BE IT RESOLVED BY THE SENATE, That the Senate
 10 congratulates the members of the Des Moines Roosevelt
 11 High School Girls' Basketball Team: Steph
 12 Fleckenstein, Emily Warford, Whitney Brewer, Charmaine
 13 Bell, Leigh Hotchkiss, Sacha Tyson, Ashley Tindrell,
 14 Samantha Tapscott, Megan Pederson, Quinnetta Claytor,
 15 Taylor Gray, Emma Van Winkle, Morgan Hamner, and
 16 MyKenya Johnson; their coach, Tig Johnson; assistant
 17 coaches, James McNear, Shawn McCurtain, Kevin Reed,
 18 and Mike Anderson; and the team managers, Megan Ashley
 19 and Peri Baldwin, for winning the class 4-A
 20 championship at the 2006 Iowa Girls' State Basketball
 21 Tournament and for the honor they have brought to
 22 their school and the residents of Des Moines; and
 23 BE IT FURTHER RESOLVED, That, upon adoption, an
 24 official copy of this resolution be prepared for
 25 presentation to Coach Johnson and the members of the
 26 Roosevelt Roughriders High School Girls' Basketball
 27 Team.

SENATE RESOLUTION 139: filed March 22, 2006; adopted by
 the Senate on March 28, 2006.

1 SENATE RESOLUTION 139
 2 By: Shull
 3 A resolution honoring the Norwalk High School Girls'
 4 Basketball Team.
 5 WHEREAS, the Norwalk High School Girls' Basketball
 6 Team, the "Warriors", completed the 2005-2006 season
 7 with a record of 26 wins and two losses, ranking
 8 second in the class 3-A division by the Iowa Girls
 9 High School Athletic Union; and
 10 WHEREAS, on Saturday, March 11, 2006, in front of

11 almost 12,000 fans at the Wells Fargo Arena, the
 12 Norwalk High School Girls' Basketball Team won the
 13 class 3-A championship at the 2006 Iowa Girls' State
 14 Basketball Tournament; and
 15 WHEREAS, that championship was won in a
 16 breathtaking, come-from-behind, 54-43 upset victory
 17 over top-ranked Ballard Community High School of
 18 Huxley, Iowa; and
 19 WHEREAS, sophomore guard Hannah Noel made five out
 20 of six three-pointers in the second half and finished
 21 with a game-best 19 points; and
 22 WHEREAS, Miss Noel was named captain of the all-
 23 state class 3-A second team and Kelsey Cermak was
 24 named a member of the first team; NOW THEREFORE,
 25 BE IT RESOLVED BY THE SENATE, That the Senate
 26 congratulates the members of the Norwalk High School
 27 Girls' Basketball Team and their coach, Brent Walker,
 28 for winning the class 3-A championship at the 2006
 29 Iowa Girls' State Basketball Tournament and for the
 30 honor they have brought to their school and the

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1 residents of Norwalk; and
 2 BE IT FURTHER RESOLVED, That, upon adoption, an
 3 official copy of this resolution be prepared for
 4 presentation to Coach Walker and the members of the
 5 Norwalk Warriors High School Girls' Basketball Team.

SENATE RESOLUTION 140: filed March 22, 2006; adopted by
 the Senate on March 30, 2006.

1 SENATE RESOLUTION 140

2 By: McKibben
 3 A resolution designating May 2006 as Huntington's
 4 Disease Awareness Month.
 5 WHEREAS, our nation has had a long-standing
 6 commitment to the development of techniques and
 7 methods of conquering disease; and
 8 WHEREAS, Huntington's Disease is a devastating,
 9 degenerative brain disorder which afflicts many
 10 citizens of this country in a relentless and, at
 11 present, incurable way; and
 12 WHEREAS, Huntington's Disease was once regarded as
 13 a rare disorder but is now recognized as one of the
 14 most common hereditary diseases; and
 15 WHEREAS, the existence of this dreaded disease
 16 presents a challenge to the love and humanitarianism
 17 of the American people; and
 18 WHEREAS, since the discovery of the genetic basis
 19 for the disease in 1993, the pace of research into the

20 cause and nature of the disease has increased
21 dramatically; and
22 WHEREAS, the Huntington's Disease Society of
23 America, Inc., has supported this research, bringing
24 new hope to those who bear the burden of this tragic
25 affliction; NOW THEREFORE,
26 BE IT RESOLVED BY THE SENATE, That the Senate
27 designates the month of May as Huntington's Disease
28 Awareness Month in Iowa, and urges the citizens of
29 this state to lend their support to efforts to control
30 this disease so that the suffering it induces may be

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1 eliminated.

SENATE RESOLUTION 141: filed March 23, 2006; adopted by
the Senate on March 30, 2006.

1 SENATE RESOLUTION 141

2 By: Ragan
3 A resolution honoring the City of Stacyville on its
4 sesquicentennial year.
5 WHEREAS, in 1851 the Sioux tribe signed over the
6 area that would become Stacyville to the United States
7 government pursuant to the last treaty in which Native
8 Americans surrendered what would become Iowa soil to
9 the United States; and
10 WHEREAS, the Dakota, Sioux, Sauk, and Fox tribes
11 camped along the Cedar River near the early Stacyville
12 settlers; and
13 WHEREAS, by 1855 the state of Iowa was only nine
14 years old and hardy entrepreneurs from McHenry,
15 Illinois, were looking westward toward opportunities
16 in the northern part of Iowa; and
17 WHEREAS, in that same year Adam Blake and Nicholas
18 Hemann arrived in the area that became Stacyville,
19 laying the foundation for a community that has
20 survived 150 years; and
21 WHEREAS, Stacyville Township was formed in 1856 and
22 in February of that year Homer and Amelia (Donaldson)
23 Stacy, with their family, built a house and store and
24 platted the village of Stacyville; and
25 WHEREAS, by August 1856 a post office and sawmill
26 had been established and by 1857 there were over 20
27 frame buildings in the village; and
28 WHEREAS, when the Stacy family donated a plot of
29 land to be used as a park, the settlers decided to
30 name the town after them; and

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1 WHEREAS, a school district was organized and the
 2 first schoolhouse was completed by fall of 1856, with
 3 a public high school built in 1867 and a Catholic
 4 school building completed in 1877; and
 5 WHEREAS, there were three Christian denominations
 6 active in Stacyville in the latter half of the
 7 nineteenth century: Catholic, Congregationalist, and
 8 Methodist; and
 9 WHEREAS, in 1893 Henry W. Schultz's catalogue
 10 business preceded the Sears & Roebuck catalogue; and
 11 WHEREAS, Stacyville provided homes for children who
 12 rode the orphan trains between 1853 and the early
 13 1900s; and
 14 WHEREAS, Stacyville's newspapers have included The
 15 Stacyville Sentinel, The Herald, The Stacyville
 16 Monitor, and The Monitor Review; and
 17 WHEREAS, after most of the east side of the
 18 business district on Broad Street was destroyed by a
 19 fire in 1935, the town pulled together to rebuild and
 20 survive; and
 21 WHEREAS, in the beginning, agriculture predominated
 22 in the Stacyville area and 4-H is still strong today;
 23 and
 24 WHEREAS, Stacyville, located along the Little Cedar
 25 River in northeast Iowa, will officially celebrate its
 26 150th year of German heritage on July 28, 29, and 30,
 27 2006, during its annual Bratwurst Daze, with this
 28 year's motto: "We're looking back, but moving
 29 forward."; NOW THEREFORE,
 30 BE IT RESOLVED BY THE SENATE, That the Senate

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1 recognizes and extends its congratulations to the City
 2 of Stacyville on its sesquicentennial and for its 150
 3 years of service to its citizens and to the State of
 4 Iowa; and
 5 BE IT FURTHER RESOLVED, That an official copy of
 6 this resolution be prepared and presented to Mayor
 7 Harold Isaac on behalf of the City of Stacyville.

SENATE RESOLUTION 142: filed March 27, 2006; adopted by
 the Senate on March 28, 2006.

1 SENATE RESOLUTION 142
 2 By: Zaun, Hatch, McCoy, and Dearden
 3 A resolution congratulating the Des Moines Hoover High
 4 School Boys' Basketball Team on winning the class 4-A
 5 championship at the 2006 Iowa Boys' State Basketball

6 Tournament.
7 WHEREAS, the "Huskies", the Des Moines Hoover High
8 School Boys' Basketball Team, ended the 2005-2006
9 season with no losses and entered the 2006 State
10 Basketball Tournament as the top-ranked class 4-A
11 team; and
12 WHEREAS, on Saturday, March 18, 2006, at the first
13 boys' tournament held in the Wells Fargo Arena, the
14 Huskies won the class 4-A championship at the 2006
15 Iowa Boys' State Basketball Tournament before a crowd
16 of more than 9,000 fans; and
17 WHEREAS, that victory gave the Huskies a phenomenal
18 2005-2006 record of 26 wins and no losses; and
19 WHEREAS, that championship came after a ferocious
20 defensive battle with number three-ranked Pleasant
21 Valley, resulting in a win by the Huskies; and
22 WHEREAS, the Hoover Huskies state championship is
23 the first boys' championship for Hoover High School
24 and for a Des Moines school since a 1978 Roosevelt
25 High School championship; and
26 WHEREAS, Husky senior Ray Miller, a forward who
27 scored a game-high 14 points, was named to the Des
28 Moines Register's Boys' All-State Basketball First
29 Team and senior guard DeAnthony Zanders, scoring four
30 points, was named to the all-state third team; and

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1 WHEREAS, both team members Mr. Miller and Mr.
2 Zanders were also named to the 2006 class 4-A All-
3 Tournament Team; and
4 WHEREAS, the Hoover High School cheerleaders,
5 coached by Andrea Eustice, were presented, on behalf
6 of the school, the class 4-A sportsmanship award; NOW
7 THEREFORE,
8 BE IT RESOLVED BY THE SENATE, That the Senate
9 congratulates the members of the Des Moines Hoover
10 High School Boys' Basketball Team: Chad Boston,
11 Stefon Brown, DeAnthony Zanders, Dylan Imhoff, James
12 Wiggins, Jake Levine, John Maahs, Tremaine Brown,
13 Sasha Francic, David Gross, Ray Miller, Joe Muldoon,
14 Damir Dzafic, Robert Patton, Robert Rockwell, coach
15 Charles Zanders, Sr., assistant coaches Jamel
16 Crawford, Chris McMahon, Pat McMahon, Jason Karaidos,
17 Pat Lawler, Troy Floyd, practice players LeRay
18 Shabazz, James Wilkerson, Dantaze Richardson, Evan
19 Eastman, and Ryan Parrish, and varsity managers Kelsey
20 Jones, Breanna Glenn, Montique Hernandez, and Toiane
21 Johnson for winning the class 4-A championship at the
22 2006 Iowa State Boys' Basketball Tournament and for
23 the honor they have brought to Des Moines and Hoover
24 High School; and

- 25 BE IT FURTHER RESOLVED, That, upon adoption, an
 26 official copy of this resolution be prepared for
 27 presentation to Coach Zanders and the members of the
 28 Hoover Huskies High School Boys' Basketball Team.

SENATE RESOLUTION 143: filed March 28, 2006; adopted by the Senate on April 24, 2006.

- 1 SENATE RESOLUTION 143
 2 By: Bolkcom, Johnson, Ragan,
 3 Seymour, Tinsman, and Hatch
 4 A resolution requesting the legislative council to
 5 establish an interim committee to conduct a study
 6 of issues related to home visiting for families
 7 with a newborn child.
 8 WHEREAS, newborn support and home visiting programs
 9 and services are pillars of the early childhood Iowa
 10 strategic plan and important elements for integrating
 11 the state's early care, health, and education systems;
 12 and
 13 WHEREAS, it is recognized that there are existing
 14 newborn support and home visiting programs in the
 15 state that vary greatly in delivery methods, content
 16 of visits, staffing, and target populations, and that
 17 parents of newborn children often do not know how to
 18 access available community resources; and
 19 WHEREAS, there is research and outcome data from
 20 other states' models that prove newborn support and
 21 home visiting programs reduce child abuse rates; NOW
 22 THEREFORE,
 23 BE IT RESOLVED BY THE SENATE, That the legislative
 24 council is requested to establish an interim committee
 25 for the 2006 Legislative Interim to conduct a study of
 26 issues related to home visiting for families with a
 27 newborn child; and
 28 BE IT FURTHER RESOLVED, That the interim committee
 29 should be charged to provide the governor and the
 30 general assembly with recommendations for providing a

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- 1 one-time universal home visit for families with a
 2 newborn child; and
 3 BE IT FURTHER RESOLVED, That the interim committee
 4 should be charged to consider any of the following
 5 information and issues: statewide prevalence of
 6 newborn home visits and support programs, content of
 7 home visits, linkages and coordination between
 8 programs, competencies for home visitor staffing,
 9 professional development, strengths and limitations of
 10 programs, gaps and barriers, data collection, and

11 evaluation and outcome measures; and
 12 BE IT FURTHER RESOLVED, That the legislative
 13 council is requested to appoint the representatives of
 14 the following interests as nonvoting members in
 15 addition to legislators appointed to serve as voting
 16 members: the Iowa department of public health, the
 17 department of human services, the department of human
 18 rights, the department of education, the Iowa hospital
 19 association, the Iowa empowerment board, the community
 20 empowerment office of the department of management,
 21 the state board of health, family support and home
 22 visiting program providers, the business community,
 23 consumers, early education providers, and other
 24 parties or experts as deemed appropriate by the
 25 legislative council; and
 26 BE IT FURTHER RESOLVED, That the interim committee
 27 should be directed to submit a report to the general
 28 assembly for consideration during the 2007 Legislative
 29 Session regarding the committee's findings and
 30 recommendations on issues related to home visiting,

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1 including proposed legislation to provide a universal
 2 one-time home visit and support for all families in
 3 the state with a newborn child.

SENATE RESOLUTION 144: filed March 28, 2006; adopted by
 the Senate on March 28, 2006.

1 SENATE RESOLUTION 144
 2 By: Mulder
 3 A resolution honoring Iowa basketball great Deb Remmerde.
 4 WHEREAS, Deb Remmerde grew up in Rock Valley, Iowa,
 5 and while in high school was named to the Iowa
 6 Newspaper Association All-State first team her
 7 sophomore through senior years; and
 8 WHEREAS, Miss Remmerde was Iowa's Miss Basketball
 9 her senior year and Class-1A State Tournament Most
 10 Valuable Player; and
 11 WHEREAS, as a college sophomore Miss Remmerde has
 12 been named an All-American for the past two years both
 13 academically and athletically; and
 14 WHEREAS, Miss Remmerde is a two-time All-Great
 15 Plains Athletic Conference performer, leading the
 16 league in scoring, with 32 points per game, and in
 17 three-point goals; and
 18 WHEREAS, Miss Remmerde has paced her team, the
 19 Northwestern College Red Raiders to a national
 20 tournament final four appearance; and
 21 WHEREAS, Miss Remmerde has been named the National

22 Association of Intercollegiate Athletics National
23 Player of the Year for 2005 and 2006; and
24 WHEREAS, Miss Remmerde set a national competitive
25 record for all divisions of basketball, both male and
26 female, amateur and professional, by making 133
27 consecutive free-throw shots; NOW THEREFORE,
28 BE IT RESOLVED BY THE SENATE, That the Senate
29 honors Deb Remmerde for her achievements in combining
30 academic excellence and basketball prowess in her

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1 truly remarkable career.

SENATE RESOLUTION 145: filed March 28, 2006; adopted by
the Senate on April 5, 2006.

1 SENATE RESOLUTION 145

2 By: Ward
3 A resolution honoring the Valley High School mock
4 trial program and congratulating its mock trial
5 team on winning the Iowa High School Mock Trial
6 State Tournament.
7 WHEREAS, the Iowa State Bar Association's high
8 school mock trial program is designed to introduce
9 students to the American legal system by providing a
10 challenging, academic competition; and
11 WHEREAS, lawyers and judges from communities
12 throughout Iowa contribute their time and talents as
13 coaches and judges at the tournaments; and
14 WHEREAS, the 24th annual Iowa High School Mock
15 Trial State Tournament was held March 16, 17, and 18
16 in Des Moines, with 32 teams from across Iowa emerging
17 from district competitions to earn the right to
18 compete at the state tournament; and
19 WHEREAS, four of these teams came from West Des
20 Moines, with three teams from West Des Moines Valley
21 High School and the fourth from Valley Southwoods
22 Freshman High School; and
23 WHEREAS, on Saturday, March 18, 2006, the West Des
24 Moines Valley team, which won the 2005 state
25 tournament, advanced to the finals, defeating a team
26 from Carroll High School; and
27 WHEREAS, two members of that team, Van Everett and
28 Elyse Lyons received outstanding attorney awards,
29 while a third member, Alex Salem, received an
30 outstanding witness award; and

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1 WHEREAS, the team will now represent Iowa in the
2 National High School Mock Trial Championship in
3 Oklahoma City, Oklahoma, May 11 through 14, 2006; NOW
4 THEREFORE,
5 BE IT RESOLVED BY THE SENATE, That the Senate
6 congratulates team members Elizabeth Barrent, Ella
7 Doerge, Van Everett, Elyse Lyons, Amy Paul, Alex
8 Salem, Philip Sandager, Tracey Shi, and Nora Tobin
9 (currently a Senate Page), coaches Gordy Allen, Jim
10 Holcomb, Kathy Paul, and Maureen Tobin, along with
11 educator coordinator Karen Downing for their
12 championship in the 24th annual Iowa High School Mock
13 Trial State Tournament; and
14 BE IT FURTHER RESOLVED, That, upon adoption, an
15 official copy of this resolution be prepared for
16 presentation to the members of the 2006 Iowa High
17 School Mock Trial State Tournament team.

SENATE RESOLUTION 146: filed March 28, 2006; adopted by
the Senate on April 24, 2006.

1 SENATE RESOLUTION 146
2 By: Johnson
3 A resolution honoring the city of Peterson, Iowa, on
4 its sesquicentennial.
5 WHEREAS, the 150-year-old city of Peterson, Iowa,
6 located on Iowa Highway 10 in the beautiful valley of
7 the Little Sioux River was first seen and settled by
8 the family of Christian Kirchner in April 1856 and
9 subsequently settled by the Ambrose Mead family and
10 the James Bicknell family in late summer of 1856; and
11 WHEREAS, the city of Peterson was the first Clay
12 county entity to establish a settlement, a post
13 office, the first frame building, first school, first
14 religious services, the first and only fort in the
15 area, the river dam, saw mill and grist mill, first
16 hotel, first retail stores, first newspaper, first
17 polling place, and first county seat and courthouse
18 (1860-1871); and
19 WHEREAS, after the Chicago Northwestern railroad
20 came in 1882, the Peterson area grew rapidly and was
21 the business mecca of the surrounding area; and
22 WHEREAS, the city of Peterson continues to exist as
23 a cooperative and active community with numerous
24 business organizations and four churches and is
25 located on one of Iowa's scenic byways; and
26 WHEREAS, Peterson is proud of its many museums,
27 including two homes of the Kirchner founding fathers,
28 a horse-drawn machinery museum, a restored one room

29 boxcar school house, the restored blockhouse of Fort
 30 Peterson, a log cabin on its original site, and two

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1 private museums, Jim Hass's History Barn and the
 2 French Memorial Museum; and
 3 WHEREAS, the community of Peterson boasts more new
 4 homes than any of the small towns in Clay County; and
 5 WHEREAS, the city of Peterson is celebrating its
 6 150th anniversary with events scheduled before and on
 7 August 4-6, 2006; NOW THEREFORE,
 8 BE IT RESOLVED BY THE SENATE, That the Senate
 9 recognizes and extends its congratulations to the city
 10 of Peterson on the city's sesquicentennial and invites
 11 all Iowans to make the August celebration in Peterson
 12 part of their summer vacation plans.

SENATE RESOLUTION 147: filed March 28, 2006; adopted by
 the Senate on March 30, 2006.

1 SENATE RESOLUTION 147
 2 By: Johnson
 3 A resolution recognizing and honoring the work of
 4 Easter Seals and its efforts to help persons with
 5 disabilities.
 6 WHEREAS, in 1919, Edgar Allen founded what became
 7 known as the National Society for Crippled Children,
 8 and in 1934 the organization launched its first Easter
 9 "seals" campaign to raise money for its services. In
 10 1967 the organization formally adopted the name
 11 "Easter Seals"; and
 12 WHEREAS, today, 54 million Americans live with a
 13 disability, and Easter Seals has been helping those
 14 individuals and their families live better lives for
 15 more than 80 years; and
 16 WHEREAS, Easter Seals Iowa helps children and
 17 adults with disabilities across Iowa by providing
 18 child care, medical equipment loans, job training and
 19 employment services, and camping, recreation, and
 20 respite care; and
 21 WHEREAS, Easter Seals Iowa runs a program called
 22 Rural Solutions, a program for farmers who are
 23 disabled and want to remain farming their land; and
 24 WHEREAS, the work of Easter Seals Iowa and Rural
 25 Solutions can be seen in the success story of Ryan
 26 Odens of Little Rock, Iowa, who operates his family
 27 farm even though he is a quadriplegic; and
 28 WHEREAS, Mr. Odens was injured in a rollover
 29 accident in the summer of 2000, but after intensive
 30 therapy he returned to his farm in less than one year,

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1 and through the assistance of Easter Seals Rural
2 Solutions and Iowa Vocational Rehabilitation Services,
3 Mr. Odens' tractors and combines were retrofitted with
4 platform lifts to raise him up to the cab, his home
5 was remodeled so that he can continue to live
6 independently, and he now uses a specially designed,
7 all-terrain vehicle to move around the farm, check
8 crops, and inspect livestock; and
9 WHEREAS, Mr. Odens now serves as the Easter Seals
10 National Adult Ambassador for the United States; NOW
11 THEREFORE,
12 BE IT RESOLVED BY THE SENATE, That the Senate, with
13 great respect, honors Easter Seals for more than eight
14 decades of service to the disabled; and
15 BE IT FURTHER RESOLVED, That the Senate thanks Ryan
16 Odens for sharing his story of hope and recovery with
17 Iowa and the nation.

SENATE RESOLUTION 148: filed March 28, 2006; adopted by
the Senate on April 4, 2006.

1 SENATE RESOLUTION 148
2 By: Quirmbach, Mulder, Johnson, Shull, Houser,
3 Kibbie, Dvorsky, Gronstal, Courtney, Fraise,
4 Schoenjahn, Wood, Bolkcom, Dearden, Rielly,
5 Hancock, Seng, Horn, Warnstadt, Dotzler,
6 Danielson, Ragan, Kreiman, Beall, Stewart,
7 Connolly, McCoy, Black, Hatch, Brunkhorst, Hahn,
8 Behn, Miller, Kettering, Seymour, Angelo, McKinley,
9 Ward, Wieck, Tinsman, Gaskill, Lamberti, Putney,
10 Iverson, Lundby, Boettger, Zieman,
11 McKibben, Zaun, and Larson
12 A resolution to welcome the 2006 Special Olympics USA
13 National Games to Iowa.
14 WHEREAS, the 2006 Special Olympics USA National
15 Games, the first-ever United States national games,
16 will be held July 2 through July 7, 2006, at Iowa
17 State University in Ames, Iowa; and
18 WHEREAS, this major sports event will bring 3,000
19 Special Olympics athletes from across the United
20 States, 2,000 coaches and official delegates, 10,000
21 family members and friends, 8,000 volunteers, and
22 30,000 spectators; and
23 WHEREAS, the festivities begin July 2, 2006, with
24 the opening ceremonies to be held in Hilton Coliseum,
25 including star-studded entertainment, the Parade of
26 Athletes, and the lighting of the torch; and
27 WHEREAS, a list of events for the 2006 USA National
28 Games includes aquatics, basketball, bocce, bowling,

29 golf, gymnastics, power-lifting, soccer, softball,
 30 tennis, track and field, volleyball, and a motor

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1 activity training program; and
 2 WHEREAS, major sponsors and area businesses will
 3 host the "festival village", where attendees can
 4 gather information and participate in a variety of
 5 activities; and
 6 WHEREAS, Iowa has long shown its commitment to the
 7 Special Olympics, first by the ongoing and unstinting
 8 support of Iowans and Iowa businesses and also by
 9 legislative appropriations of over \$1,000,000; NOW
 10 THEREFORE,
 11 BE IT RESOLVED BY THE SENATE, That the Senate takes
 12 great pleasure in welcoming the 2006 Special Olympics
 13 USA National Games to the campus of Iowa State
 14 University in Ames, Iowa; and
 15 BE IT FURTHER RESOLVED, That the Senate offers its
 16 thanks to those people and organizations that have
 17 donated their time, money, and energies toward
 18 bringing the first-ever United States national games
 19 to Iowa.

SENATE RESOLUTION 149: filed March 29, 2006; adopted by
 the Senate on April 10, 2006.

1 SENATE RESOLUTION 149
 2 By: Seng, Tinsman, and Wood
 3 A resolution to honor the Scott County Medical Society on its
 4 sesquicentennial anniversary.
 5 WHEREAS, on October 28, 1856, 13 physicians in
 6 Scott County, Iowa, voted to accept a constitution,
 7 code of ethics, and fee bill, forming the Scott County
 8 Medical Society; and
 9 WHEREAS, for 150 years, the Scott County Medical
 10 Society has served the physicians of Scott County; and
 11 WHEREAS, for 150 years, the Scott County Medical
 12 Society has facilitated collegiality among physicians;
 13 and
 14 WHEREAS, for 150 years, the Scott County Medical
 15 Society has been a source of information on public
 16 health problems; and
 17 WHEREAS, for 150 years, the Scott County Medical
 18 Society has been dedicated to providing the best
 19 quality of care to patients and to protecting the
 20 health of the community; and
 21 WHEREAS, for 150 years, the Scott County Medical
 22 Society has been a referral service for the community;
 23 and
 24 WHEREAS, for 150 years, the Scott County Medical

25 Society has been committed to promoting good patient
 26 outcomes and assisting those with serious quality of
 27 care concerns; and
 28 WHEREAS, for 150 years, the Scott County Medical
 29 Society has promoted the efforts of organized medicine
 30 at the local level; NOW THEREFORE,

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1 BE IT RESOLVED BY THE SENATE, That the Senate
 2 recognizes the Scott County Medical Society for its
 3 150 years of service to its physicians and community.

SENATE RESOLUTION 150: filed April 3, 2006; adopted by the
 Senate on April 11, 2006.

1 SENATE RESOLUTION 150

2 By: Beall, Warnstadt, Connolly, Ragan, Hatch,
 3 Danielson, Dotzler, Dvorsky, Horn, Wood, Seng,
 4 Kreiman, Dearden, Rielly, Hancock, Schoenjah,
 5 Fraise, Courtney, Quirmbach, Kibbie, Bolkcom,
 6 Stewart, Johnson, Mulder, Behn, Zaun, Ward,
 7 and Putney
 8 A resolution requesting that the United States Postal
 9 Service issue a commemorative stamp honoring Iowa
 10 composer Karl L. King.
 11 WHEREAS, famed composer Karl Lawrence King started
 12 playing in circus bands as a boy and was later the
 13 director of the Barnum and Bailey Circus band; and
 14 WHEREAS, Mr. King moved to Fort Dodge, Iowa, in
 15 1920 and put down deep Iowa roots; and
 16 WHEREAS, in Fort Dodge Mr. King directed the
 17 municipal band for over 50 years and started his own
 18 music publishing company, while his wife, Ruth, ran an
 19 adjoining company that sold musical instruments; and
 20 WHEREAS, every year from 1921 to 1959, Mr. King led
 21 the band at the Iowa State Fair; and
 22 WHEREAS, in his long career Mr. King reached fame
 23 as a composer of band music and in many ways was the
 24 successor to John Philip Sousa, and actually wrote
 25 more marches; and
 26 WHEREAS, Mr. King wrote hundreds of marches,
 27 waltzes, overtures, and serenades which are still
 28 played around the world; and
 29 WHEREAS, Mr. King was a tireless supporter of music
 30 education, playing a key role in the enactment of the

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1 Iowa Band Law which enabled local communities to levy
 2 a small tax to support a local municipal band, and Mr.

3 King wrote The Iowa Band Law March to commemorate that
4 event; and

5 WHEREAS, the Iowa Band Law led directly to the
6 birth of the school band movement; and

7 WHEREAS, before his death in 1971, Mr. King had
8 received medals and honors from all over the country,
9 including the Iowa Award, making him only the sixth
10 person so honored and the only musician; NOW

11 THEREFORE,

12 BE IT RESOLVED BY THE SENATE, That in recognition
13 of his lifetime of achievements the Senate requests
14 that the United States Postal Service issue a
15 commemorative stamp honoring Iowa composer Karl
16 Lawrence King.

SENATE RESOLUTION 151: filed April 3, 2006; adopted by the
Senate on April 24, 2006.

1 SENATE RESOLUTION 151

2 By: Ragan and Seymour

3 A resolution designating April 2006 as Kidney Cancer
4 Awareness Month.

5 WHEREAS, each year more than 36,000 people in the
6 United States are diagnosed with kidney cancer, and
7 more than 100,000 kidney cancer survivors are
8 currently living in the United States; and
9 WHEREAS, the exact cause of kidney cancer is
10 unknown; and

11 WHEREAS, kidney cancer occurs nearly twice as often
12 in men as in women and most frequently in men over 40
13 years of age; and

14 WHEREAS, the American Cancer Society estimates that
15 in 2006 there will be 38,890 new cases of kidney
16 cancer diagnosed in the United States, with 24,650 of
17 those cases diagnosed in men and 14,240 of those cases
18 diagnosed in women; and

19 WHEREAS, other than surgery, the most commonly used
20 treatments for kidney cancer are immunotherapy,
21 radiation, and chemotherapy; and

22 WHEREAS, breakthroughs in research during the past
23 year have given renewed hope to patients who
24 previously had few treatment options; NOW THEREFORE,

25 BE IT RESOLVED BY THE SENATE, That the Senate
26 designates the month of April as Kidney Cancer
27 Awareness Month in Iowa, and urges the citizens of
28 this state to lend their support to efforts to develop
29 new and more effective treatments for controlling and
30 curing kidney cancer; and

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1 BE IT FURTHER RESOLVED, That an official copy of
2 this resolution be prepared and forwarded by the
3 Secretary of the Senate to the National Kidney Cancer
4 Association located in Evanston, Illinois.

SENATE RESOLUTION 153: filed April 5, 2006; adopted by the
Senate on April 5, 2006.

1 SENATE RESOLUTION 153

2 By: Danielson, Dotzler, Brunkhorst, and Kibbie
3 A resolution honoring Robert Koob, President of the
4 University of Northern Iowa.
5 WHEREAS, Robert Koob was born in Graettinger, Iowa,
6 graduated from Hawarden High School in 1959 and from
7 the University of Northern Iowa in 1962, and in 1967
8 received a doctorate in chemistry from the University
9 of Kansas; and
10 WHEREAS, Dr. Koob has always been a devoted
11 educator, holding positions as a teaching assistant at
12 the University of Kansas, a high school math and
13 science teacher in Merville, Iowa, and a researcher at
14 the University of Kansas; and
15 WHEREAS, in 1967 he began teaching chemistry at
16 North Dakota State University as an assistant
17 professor, achieving the rank of professor by 1972,
18 and thereafter serving in several different positions
19 including vice president for academic affairs and
20 interim president; and
21 WHEREAS, from 1990 to 1995, Dr. Koob was senior
22 vice president and vice president for academic affairs
23 at California Polytechnic State University at San Luis
24 Obispo, California; and
25 WHEREAS, in 1995, Dr. Koob returned home to Iowa,
26 taking his place as the eighth president of the
27 University of Northern Iowa and the first alumnus to
28 assume the presidency; and
29 WHEREAS, under his leadership, the University of
30 Northern Iowa experienced a phenomenal level of

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1 institutional development, including construction of
2 the Gallagher-Bluedorn Performing Arts Center, the
3 Freeburg Early Childhood Program, and the Center for
4 Multicultural Education, the expansion of McCollum
5 Science Hall, Lang Hall, and Maucker Union, and
6 groundbreaking on the McLeod Center and the Business
7 and Community Services building; and
8 WHEREAS, President Koob has always been involved in

9 the larger community, currently serving as a co-chair
10 of the Institute for Tomorrow's Workforce and also
11 serving on the Iowa Empowerment Board, Iowa Education
12 Roundtable, Iowa Business Council, Governor's
13 Strategic Planning Council, Iowa Commission on
14 Volunteer Services, Iowa Coordinating Council for Post
15 High School Education, Iowa Association of College
16 Presidents, and Des Moines Higher Education Center
17 Board of Directors, and participating on a national
18 level with various educational organizations; and
19 WHEREAS, President Koob has garnered numerous
20 personal awards, including the 2002 Cedar Valley
21 Business Hall of Fame award, the 2003 Cedar Falls
22 Representative Citizen of the Year award, and, in
23 2004, the Benjamin Franklin Award from the Eastern
24 Iowa Chapter of the Association of Fundraising
25 Professionals for outstanding charitable service; and
26 WHEREAS, President Koob has led with the core value
27 of quality as his touchstone and has placed a high
28 priority on the quality of the learning environment
29 for students, working collaboratively with students
30 and the entire campus community to continuously

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1 improve the university and its relationships with all
2 sectors of education; and
3 WHEREAS, after four decades of public service and a
4 dedication to excellence, President Koob announced his
5 intention to retire from the presidency at the end of
6 the 2005-2006 academic year; NOW THEREFORE,
7 BE IT RESOLVED BY THE SENATE, That the Senate
8 honors University of Northern Iowa's President Robert
9 Koob for a lifetime of service and remarkable
10 achievements and for his tenure as President of the
11 University of Northern Iowa, where he guided his alma
12 mater into the 21st century; and
13 BE IT FURTHER RESOLVED, That, upon adoption, an
14 official copy of this resolution be prepared for
15 presentation to President Koob.

SENATE RESOLUTION 154: filed April 5, 2006; adopted by the
Senate on April 24, 2006.

1 SENATE RESOLUTION 154
2 By: Iverson and Gronstal
3 A resolution urging the Iowa department of education
4 to integrate the principles of basic personal finance
5 into the public school curricula in Iowa.
6 WHEREAS, basic personal financial management,
7 including the principles of saving, spending, credit,

8 investment, taxes, and insurance, is an essential life
9 skill necessary to the well-being of all Iowans; and
10 WHEREAS, an October 2002 white paper prepared by
11 the United States department of the treasury's office
12 of financial education titled Integrating Financial
13 Education into School Curricula (the "white paper")
14 states that the average American was able to answer
15 only 42 percent of the questions on a personal
16 financial quiz correctly, that four out of 10
17 Americans admitted that they are living beyond their
18 means because of their misuse and misunderstanding of
19 credit, and that personal bankruptcy filings more than
20 doubled between 1990 and 2000; and
21 WHEREAS, the 2004 fourth biennial survey of
22 financial literacy by the Jumpstart Coalition for
23 Personal Financial Literacy found 65.5 percent of high
24 school seniors with failing scores, representing an
25 increase from the 44.2 percent of high school seniors
26 with failing scores in 1998; and
27 WHEREAS, according to the department of treasury's
28 white paper, it is estimated that America's youth
29 spend approximately \$150 billion annually; and
30 WHEREAS, like other complex and destabilizing

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1 social phenomena confronting today's youth, personal
2 finance presents more difficult choices and pitfalls
3 than experienced by previous generations, yet public
4 education in this critical life skill has not
5 increased to meet the challenge; and
6 WHEREAS, a high school financial education course,
7 including an instructor's manual, student workbook,
8 and supplemental materials, has been developed by the
9 National Endowment for Financial Education and is
10 available at no cost to schools; and
11 WHEREAS, experience has shown that students will
12 respond to well-executed life skills programs that
13 have direct, practical application to their daily
14 lives; and
15 WHEREAS, the personal financial responsibility and
16 well-being of the emerging generation will be
17 essential to the overall health and well-being of
18 Iowa's future economic and social condition; and
19 WHEREAS, the general assembly recognizes that Iowa
20 law invests the Iowa department of education with the
21 primary responsibility for supervising public
22 education at the primary and secondary levels, which
23 responsibility includes the authority to adopt
24 accreditation standards for public schools; NOW
25 THEREFORE,
26 BE IT RESOLVED BY THE SENATE, That the Senate urges

27 the Iowa department of education, in cooperation with
 28 school administrators, teachers, parents, business
 29 leaders, concerned citizens, and business-oriented
 30 educational programs such as Junior Achievement, to

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1 immediately begin:
 2 1. Exploring ways to include in the public school
 3 curricula a financial literacy program that includes
 4 such topics as budgeting, consumer economics,
 5 insurance, investing principles, managing credit,
 6 monetary policy, financial planning, retirement
 7 savings, consumer loans, and mortgages; and
 8 2. Reviewing existing financial literacy programs
 9 and materials that are available, with the aim of
 10 formalizing a personal financial management course;
 11 and
 12 BE IT FURTHER RESOLVED, That the department of
 13 education is encouraged to submit a full report
 14 concerning the inclusion of elements relating to
 15 personal finance as part of the essential knowledge
 16 and skills in the required public school curricula to
 17 the general assembly by January 1, 2007.

SENATE RESOLUTION 156: filed April 10, 2006; adopted by the
 Senate on April 26, 2006.

1 SENATE RESOLUTION 156
 2 By: Brunkhorst
 3 A resolution honoring the Wartburg College wrestling
 4 team.
 5 WHEREAS, the Wartburg College "Knights" wrestling
 6 team finished the 2005–2006 season ranked first in the
 7 nation and won the 2006 National Collegiate Athletic
 8 Association (NCAA) Division III National Championship;
 9 and
 10 WHEREAS, at the 2006 NCAA Division III Wrestling
 11 Championships, held March 3 and 4, 2006, at The
 12 College of New Jersey's Athletic Recreation Center,
 13 the Wartburg Knights claimed the wrestling program's
 14 fifth team national title since 1996, with a 145.5–106
 15 win over the University of Wisconsin-La Crosse; and
 16 WHEREAS, seniors Tyler Hubbard and Dustin
 17 Hinschberger added the program's 22nd and 23rd
 18 individual crowns during the finals round; and
 19 WHEREAS, seniors Scott Kauffman and Akeem Carter
 20 and junior Blake Gillis each received national runner-
 21 up honors; and
 22 WHEREAS, in conjunction with the 2006 championship,
 23 the National Wrestling Coaches Association Division

24 III Hall of Fame inducted Jamal Fox of Wartburg
 25 College; and
 26 WHEREAS, the 2006 championship is the latest in a
 27 long string of accomplishments for the team that
 28 includes being the 14-time defending Iowa
 29 Intercollegiate Athletic Conference champions, the
 30 National Collegiate Athletic Association Division III

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1 champions for 1996, 1999, 2003, 2004, and 2006, and
 2 the National Wrestling Coaches Association/Cliff Keen
 3 Division III 2003, 2004, and 2006 National Duals
 4 champions, and having three consecutive 20-win dual
 5 seasons in 2003-04, 2004-05, 2005-06; NOW THEREFORE,
 6 BE IT RESOLVED BY THE SENATE, That the Senate
 7 honors the members of the Wartburg College wrestling
 8 team and their coach, Jim Miller, for their 2006 NCAA
 9 Division III Wrestling Championship and on behalf of
 10 all Iowa congratulates them on a job well done.

SENATE RESOLUTION 157: filed April 10, 2006; adopted by the
 Senate on May 1, 2006.

1 SENATE RESOLUTION 157
 2 By: Lamberti
 3 A resolution recognizing the Make-A-Wish Foundation of Iowa.
 4 WHEREAS, a child's wish most often begins with one
 5 of the following phrases: "I wish to be", "I wish to
 6 have", "I wish to meet", or "I wish to go" and the
 7 Make-A-Wish Foundation exists to make these wishes
 8 come true for children with severe medical conditions;
 9 and
 10 WHEREAS, the national Make-A-Wish Foundation was
 11 created in 1980, and has now granted wishes to more
 12 than 127,000 children around the world; and
 13 WHEREAS, the Make-A-Wish Foundation granted its
 14 first wish in Iowa in late 1985 and formally created
 15 the Make-A-Wish Foundation of Iowa in 1987; and
 16 WHEREAS, through the tireless efforts of over 400
 17 volunteers, the Make-A-Wish Foundation of Iowa has now
 18 granted wishes to over 1,500 Iowa children with life-
 19 threatening medical conditions in all of Iowa's 99
 20 counties; and
 21 WHEREAS, the fundamental mission of the Make-a-Wish
 22 Foundation is to grant the wishes of children with
 23 life-threatening medical conditions to enrich the
 24 human experience with hope, strength, and joy; NOW
 25 THEREFORE,
 26 BE IT RESOLVED BY THE SENATE, That the Senate
 27 recognizes and honors the work of the Make-A-Wish

28 Foundation of Iowa and thanks those volunteers and
 29 donors who give so generously of their time and their
 30 money to make a child's wish come true.

SENATE RESOLUTION 158: filed April 12, 2006; adopted by the
 Senate on April 12, 2006.

1 SENATE RESOLUTION 158
 2 By: Committee on Rules and Administration
 3 A resolution deferring action on the
 4 confirmation of appointments submitted by the
 5 Governor.
 6 BE IT RESOLVED BY THE SENATE, That the Senate
 7 defers consideration of the following appointments
 8 submitted by the Governor under the provisions of
 9 section 2.32, subsection 3:
 10 Executive Director of the Commission
 11 of Veterans Affairs Patrick J. Palmersheim
 12 (Term beginning May 1, 2006)
 13 Administrator of the Division on the
 14 Status of African Americans Abraham Funchess, Jr.
 15 (Term beginning February 10, 2006)

SENATE RESOLUTION 159: filed April 25, 2006; adopted by the
 Senate on April 26, 2006.

1 SENATE RESOLUTION 159
 2 By: Warnstadt, Larson, Lambert, Gronstal,
 3 Miller, and Kreiman
 4 A resolution urging the General Assembly to continue
 5 the work begun during the 2006 Legislative Session
 6 in determining the proper manner for the Iowa court
 7 system to recognize civil judgments, decrees, and
 8 orders issued by the Meskwaki Tribal Court.
 9 WHEREAS, the Meskwaki Settlement has existed within
 10 the borders of the state of Iowa near Tama since 1857,
 11 and the Sac and Fox tribe of the Mississippi in Iowa
 12 is a federally recognized tribe; and
 13 WHEREAS, the Meskwaki Nation and the state of Iowa
 14 have an established government-to-government
 15 relationship that is based on mutual respect which has
 16 resulted in cooperative efforts, including legislation
 17 creating landmark laws such as the Iowa Indian Child
 18 Welfare Act and the reestablishment of the tribe's
 19 right to control the taking of game on its own land;
 20 and
 21 WHEREAS, the Meskwaki Nation previously operated a
 22 tribal court in the 1930s and, after several years of
 23 study by past councils and input from tribal members,
 24 the present tribal council has recently established a

25 tribal court to handle civil matters between and
 26 concerning tribal members; and
 27 WHEREAS, the Meskwaki Nation is in the process of
 28 amending its Constitution to incorporate the creation
 29 of the tribal court into the Constitution, along with
 30 other progressive reforms initiated by the current

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1 tribal council; and
 2 WHEREAS, while nearly 300 tribal courts exist in
 3 the United States, the Meskwaki Tribal Court is the
 4 first tribal court established within Iowa's borders;
 5 and
 6 WHEREAS, the Meskwaki Tribal Court, while giving
 7 consideration to tribal customs and traditions,
 8 operates under rules of procedure that are similar to
 9 the rules of procedure used by state and federal
 10 courts, including rules that address a party's
 11 appropriate notice and opportunity to be heard; and
 12 WHEREAS, the tribal council is in the process of
 13 adopting laws granting reciprocal full faith and
 14 credit to orders from state courts, and the tribal
 15 court has already given full faith and credit to
 16 orders from Iowa district courts; and
 17 WHEREAS, in recruiting judges to hear cases in the
 18 Meskwaki Tribal Court, the tribal council sought some
 19 of the nation's leading judges familiar with tribal
 20 court caseloads, including two judges who serve on the
 21 board of directors for the National American Indian
 22 Court Judges Association; and
 23 WHEREAS, the Chief Judge of the 6th Judicial
 24 District supported the creation of the Meskwaki Tribal
 25 Court, and the United States Supreme Court and the
 26 United States Congress have taken steps to support the
 27 creation and operation of tribal courts across the
 28 country; and
 29 WHEREAS, the General Assembly adopted legislation
 30 during the 2005 Legislative Session asking the Iowa

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1 Supreme Court to study whether a court rule should be
 2 created to recognize civil judgments, orders, and
 3 decrees issued by the Meskwaki Tribal Court, and the
 4 General Assembly, during the 2006 Legislative Session
 5 dedicated a significant amount of time to determining
 6 the proper manner in which to recognize civil
 7 judgments, orders, and decrees issued by the Meskwaki
 8 Tribal Court; NOW THEREFORE,
 9 BE IT RESOLVED BY THE SENATE, That the Senate
 10 firmly supports the cross-education of state, local,

11 and tribal officials concerning state, local, and
 12 tribal systems of law and jurisdictional authority;
 13 and
 14 BE IT FURTHER RESOLVED, That the Senate recognizes
 15 the right of the Sac and Fox tribe of the Mississippi
 16 in Iowa to form a tribal court with the ability to
 17 resolve disputes emanating from the tribe, and
 18 believes that a tribal court can bring a special
 19 perspective and unique insight to issues involving the
 20 Meskwaki Nation and tribal members; and
 21 BE IT FURTHER RESOLVED, That the Senate also
 22 believes that the Meskwaki Tribal Court will not only
 23 benefit members of the tribe, but may benefit the
 24 state of Iowa and all of its citizens; and
 25 BE IT FURTHER RESOLVED, That the Senate urges
 26 members of the judicial branch of state government,
 27 members of the Iowa legal community, members of law
 28 enforcement, and all affected Iowa citizens to
 29 establish a working relationship with the Sac and Fox
 30 tribe of the Mississippi in Iowa, and in particular,

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1 the Meskwaki Tribal Court, to maximize understanding
 2 of the tribe's legal system, including but not limited
 3 to due process considerations, and to ensure strong
 4 communication between the tribal legal system and the
 5 legal system for the state of Iowa; and
 6 BE IT FURTHER RESOLVED, That the Senate urges the
 7 next General Assembly to continue the work begun by
 8 this General Assembly in determining the proper
 9 reciprocal manner for the Iowa court system and the
 10 Meskwaki Tribal Court system to recognize civil
 11 judgments, decrees, and orders issued by the
 12 respective courts.

SENATE RESOLUTION 160: filed April 25, 2006; adopted by the
 Senate on April 26, 2006.

1 SENATE RESOLUTION 160
 2 By: Putney and McCoy
 3 A resolution honoring Dwayne McAninch for his pioneering
 4 work in revolutionizing the construction industry.
 5 WHEREAS, Dwayne McAninch grew up on an Iowa farm,
 6 started his own earthmoving business in 1954 at age
 7 17, and founded the McAninch Corporation in 1967,
 8 constructing farm ponds with one D7 bulldozer; and
 9 WHEREAS, after almost four decades of dedicated
 10 work, the McAninch Corporation has earned a reputation
 11 as one of America's leading contractors, specializing
 12 in high production, quality earthmoving and sanitary,

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13 storm, and water main installation; and
14 WHEREAS, at a time when most people think of
15 retirement, Dwayne McAninch is busy taking the
16 earthmoving industry into the 21st century, pioneering
17 efforts to combine global positioning satellites and
18 other sophisticated project controls with traditional
19 earthmoving techniques; and
20 WHEREAS, Mr. McAninch recognized the potential for
21 global positioning satellites while visiting
22 Caterpillar's research facility in Mossville,
23 Illinois; and
24 WHEREAS, Dwayne McAninch served as a catalyst,
25 encouraging Caterpillar and Trimble Navigation to form
26 Caterpillar Trimble Control Technologies, L.L.C., a
27 Dayton, Ohio-based joint venture, with Dwayne McAninch
28 serving on its advisory board; and
29 WHEREAS, Mr. McAninch's subsequent field tests and
30 enthusiastic promotion helped turn machine control

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1 into a global phenomenon; and
2 WHEREAS, Dwayne McAninch is responsible for putting
3 a new generation of global positioning satellite-
4 guided equipment to work in the field and
5 demonstrated, with real-world results, that the
6 melding of computer technology and earthmoving
7 equipment can generate enormous productivity and
8 savings; and
9 WHEREAS, for pioneering the use of cutting-edge
10 technology, popularizing its use, and pushing the
11 earthmoving business to innovate, the editors of
12 Engineering News-Record named Dwayne McAninch one of
13 the top 25 newsmakers of 2005, a list which recognizes
14 25 individuals for their accomplishments in the
15 industry; and
16 WHEREAS, on April 6, 2006, the editors awarded Mr.
17 McAninch its 2005 Award of Excellence at a dinner for
18 1,400 industry leaders in New York City; NOW
19 THEREFORE,
20 BE IT RESOLVED BY THE SENATE, That the Senate
21 recognizes the dedicated and forward-thinking efforts
22 of Dwayne McAninch in bringing the construction
23 industry into the 21st century and congratulates him
24 for being awarded the Engineering News-Record's 2005
25 Award of Excellence; and
26 BE IT FURTHER RESOLVED, That upon adoption an
27 official copy of this resolution be prepared for
28 presentation to Dwayne McAninch.

SENATE RESOLUTION 161: filed April 26, 2006; adopted by the Senate on May 2, 2006.

1 SENATE RESOLUTION 161
 2 By: Dvorsky
 3 A resolution to recognize the centennial of the city
 4 of Tiffin, Iowa.
 5 WHEREAS, the city of Tiffin, located in the rolling
 6 hills of Johnson County, Iowa, was founded in the dawn
 7 of the 20th century; and
 8 WHEREAS, Tiffin's main street is U.S. Highway 6,
 9 and the old general store on the main street of town
 10 remains intact, a historic reminder of another day;
 11 and
 12 WHEREAS, Tiffin has moved into the 21st century,
 13 with a proposed \$200 million "Villages of Tiffin"
 14 project in the works and six other projects slated for
 15 a variety of residential, commercial, and industrial
 16 developments; and
 17 WHEREAS, pursuant to the 2004 census, Tiffin's
 18 population was 1,417, a jump from 975 in 2000, and in
 19 2006 the population is now between 1,700 and 1,800;
 20 and
 21 WHEREAS, on July 1, 2006, Tiffin will celebrate its
 22 centennial with a day-long community celebration,
 23 including a car/tractor show, parade, mayor's
 24 breakfast, ball tournaments, and a community lunch
 25 followed by entertainment, food provided by the Tiffin
 26 Volunteer Fire Department, and fireworks; and
 27 WHEREAS, as part of that celebration the community
 28 will dedicate a memorial to area veterans, organized
 29 by local residents; NOW THEREFORE,
 30 BE IT RESOLVED BY THE SENATE, That the Senate

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1 recognizes and extends its congratulations to the city
 2 of Tiffin on its centennial and invites all Iowans to
 3 make a visit to the July 1st celebration in Tiffin
 4 part of their summer plans.

SENATE RESOLUTION 162: filed May 1, 2006; adopted by the Senate on May 1, 2006.

1 SENATE RESOLUTION 162
 2 By: Tinsman, Ward, Dearden, Hatch,
 3 McCoy, Zaun, and Lamberti
 4 A resolution to recognize the new Des Moines Public
 5 Library.
 6 WHEREAS, the Gateway West Park is an ambitious

7 effort to transform the face of downtown Des Moines
8 and a key component of that effort is now complete:
9 the new two-story, \$32.3 million central library; and
10 WHEREAS, this imaginative 110,000-square-foot
11 meandering structure was officially opened on April 8,
12 2006, incorporating a library within a park; and
13 WHEREAS, the new building features a popular
14 library with more books, more media, and more space
15 for special collections, expanded access to new and
16 existing library services, a teen center and study
17 rooms, an expanded children's area, and a separate
18 story hour and crafts room; and
19 WHEREAS, London architect David Chipperfield's 21st
20 century design for the two-story library consists of
21 three wings, each offering different elements to the
22 public, all sheathed in a shimmering copper mesh; and
23 WHEREAS, architect Chipperfield is no stranger to
24 Iowa, having recently completed the Figge Art Museum
25 in Davenport; and
26 WHEREAS, credit for the project also goes to the
27 library's director, Kay Runge, the former director of
28 the Davenport Public Library who came to Des Moines in
29 2001 to oversee the construction of the city's new
30 central library; and

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1 WHEREAS, Director Runge's vision for this
2 remarkable new library can best be summed up in her
3 own words: "The public library has been the center of
4 lifelong learning for all who live in this republic:
5 A place where the doors are open to persons of any
6 race, educational level, age, social standing,
7 economic status, or political persuasion."; NOW
8 THEREFORE,
9 BE IT RESOLVED BY THE SENATE, That the Senate
10 recognizes and extends its congratulations to the city
11 of Des Moines and Director Runge for their bold
12 efforts to put a new face on Iowa's capital city with
13 this remarkable new public library.

SENATE RESOLUTION 163: filed May 1, 2006; adopted by the Senate on May 2, 2006; printed on Senate Journal page 1021.

SENATE RESOLUTION 164: filed May 1, 2006; adopted by the Senate on May 1, 2006; printed on Senate Journal page 1005.

SENATE RESOLUTION 165: filed May 1, 2006; adopted by the Senate on May 2, 2006; printed on Senate Journal page 1020.

SENATE RESOLUTION 166: filed May 1, 2006; adopted by the Senate on May 1, 2006; printed on Senate Journal page 1006.

SENATE RESOLUTION 167: filed May 1, 2006; adopted by the Senate on May 1, 2006; printed on Senate Journal page 1010.

SENATE RESOLUTION 168: filed May 1, 2006; adopted by the Senate on May 1, 2006; printed on Senate Journal page 1010.

SENATE RESOLUTION 169: filed May 1, 2006; adopted by the Senate on May 1, 2006; printed on Senate Journal page 1011.

SENATE RESOLUTION 170: filed May 2, 2006; adopted by the Senate on May 3, 2006.

1 **SENATE RESOLUTION 170**

2 By: Committee on Government Oversight

3 A resolution conferring authority upon the standing

4 Committee on Government Oversight to conduct an

5 investigation into the compensation levels, use of

6 public moneys, personnel, operations, funding, and

7 oversight of the Central Iowa Employment and Training

8 Consortium, the Iowa Department of Workforce

9 Development, and all matters reasonably related

10 thereto.

11 WHEREAS, the Auditor of State conducted a special

12 investigation of programs administered by the Central

13 Iowa Employment and Training Consortium and the Iowa

14 Department of Workforce Development and in a report

15 issued March 31, 2006, identified unallowable uses of

16 federal funds, including excessive compensation for

17 Central Iowa Employment and Training Consortium

18 executive employees, improper allocation of salaries

19 and supplemental payments to federal grants, and an

20 indication of less-than-arm's-length transactions

21 between the Central Iowa Employment and Training

22 Consortium and the Iowa Department of Workforce

23 Development; and

24 WHEREAS, the Auditor of State further reported

25 concerns with operations at the Iowa Department of

26 Workforce Development, relating to and including use

27 of excess federal funds, monitoring of providers, the

28 provision of additional funds to the Central Iowa

29 Employment and Training Consortium through the

30 amendment process, and reporting requirements

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1 established for providers; and
2 WHEREAS, the serious concerns raised by the Auditor
3 of State regarding the misuse of public funds,
4 improper relationships linked to questionable
5 transactions, and failure to provide necessary
6 monitoring and oversight violate the public trust and
7 demand further investigation by the General Assembly,
8 as well as by other state and federal agencies; and
9 WHEREAS, the standing Committee on Government
10 Oversight is empowered, pursuant to Iowa Code sections
11 2.15 and 2.23, to require information of state
12 agencies with full cooperation of their personnel, to
13 review the operations of state agencies and
14 departments, and to conduct investigations, with
15 authority to call witnesses, administer oaths, issue
16 subpoenas, and cite for contempt; NOW THEREFORE,
17 BE IT RESOLVED BY THE SENATE, That the standing
18 Committee on Government Oversight is authorized to
19 conduct an investigation into compensation levels, use
20 of public moneys, personnel, operations, funding, and
21 oversight of the Central Iowa Employment and Training
22 Consortium, its Board of Directors, affiliated boards,
23 agencies, and organizations, and all matters
24 reasonably related thereto, including but not limited
25 to oversight of the Central Iowa Employment and
26 Training Consortium by the Iowa Department of
27 Workforce Development and its affiliated agencies and
28 boards; and
29 BE IT FURTHER RESOLVED, That the investigation
30 shall be conducted in accordance with the full

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1 authority granted the standing Committee on Government
2 Oversight by law including but not limited to the
3 authority to conduct the investigation, call
4 witnesses, administer oaths, issue subpoenas, cite and
5 impose punishment for contempt, and otherwise enforce
6 these investigative powers as authorized by and in
7 accordance with law, subject to the following:
8 1. A subpoena may be issued by mutual agreement of
9 the Co-chairpersons of the standing Committee on
10 Government Oversight.
11 2. Subpoena authority conferred by this resolution
12 shall exist for a ninety-day period following the date
13 of passage of this resolution.
14 3. A citation and punishment for contempt may be
15 issued and imposed according to the following
16 schedule:
17 a. An initial citation may be issued by the

18 standing Committee on Government Oversight by a
 19 majority vote of the members of the Committee and is
 20 punishable by a fine of \$500.

21 b. A second or subsequent citation may be issued
 22 by the standing Committee on Government Oversight by a
 23 majority vote of the members of the Committee and is
 24 punishable by a fine of \$1,000.

25 c. In addition to the fines authorized pursuant to
 26 paragraphs "a" and "b", the Senate may by resolution
 27 impose a punishment of imprisonment for a period of up
 28 to six months.

29 4. Subpoenas and citations for contempt shall be
 30 signed by the Co-chairpersons of the standing

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1 Committee on Government Oversight, the presiding Co-
 2 President of the Senate for constitutional duties
 3 pursuant to Senate Resolution 1, and the Secretary of
 4 the Senate. Warrants for contempt shall be signed by
 5 the presiding Co-President of the Senate for
 6 constitutional duties pursuant to Senate Resolution 1,
 7 and the Secretary of the Senate; and

8 BE IT FURTHER RESOLVED, That the standing Committee
 9 on Government Oversight is authorized to retain
 10 outside special legal counsel to coordinate, direct,
 11 and conduct the investigation, and in furtherance of
 12 this authority to retain two outside special legal
 13 counsel, one to be selected by Republican members, and
 14 one to be selected by Democratic members,
 15 respectively, to serve jointly regarding the
 16 coordination, direction, and conduct of the
 17 investigation, and including authorization to
 18 compensate such outside special legal counsel at a
 19 reasonable rate of compensation for all work
 20 undertaken, including compensation or reimbursement of
 21 such reasonable expenses as may be necessary to carry
 22 out the investigation authorized hereunder; and

23 BE IT FURTHER RESOLVED, That outside special legal
 24 counsel conducting the investigation hereunder shall
 25 advise and report to the standing Committee on
 26 Government Oversight in such manner and at such times
 27 as shall be directed by the Committee; and

28 BE IT FURTHER RESOLVED, That the standing Committee
 29 on Government Oversight may meet at such times and at
 30 such places as the Co-chairpersons of the Committee

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1 deems necessary and may coordinate its investigation
 2 with a standing committee of the House of
 3 Representatives conducting a similar investigation;

4 and
5 BE IT FURTHER RESOLVED, That the investigation and
6 retention of outside special legal counsel shall
7 continue until the investigation is completed, or
8 until such time as the investigation is terminated by
9 the standing Committee on Government Oversight by
10 majority vote of the members of the Committee.

**EIGHTY-FIRST GENERAL ASSEMBLY
2006 EXTRAORDINARY SESSION**

SENATE CONCURRENT RESOLUTION

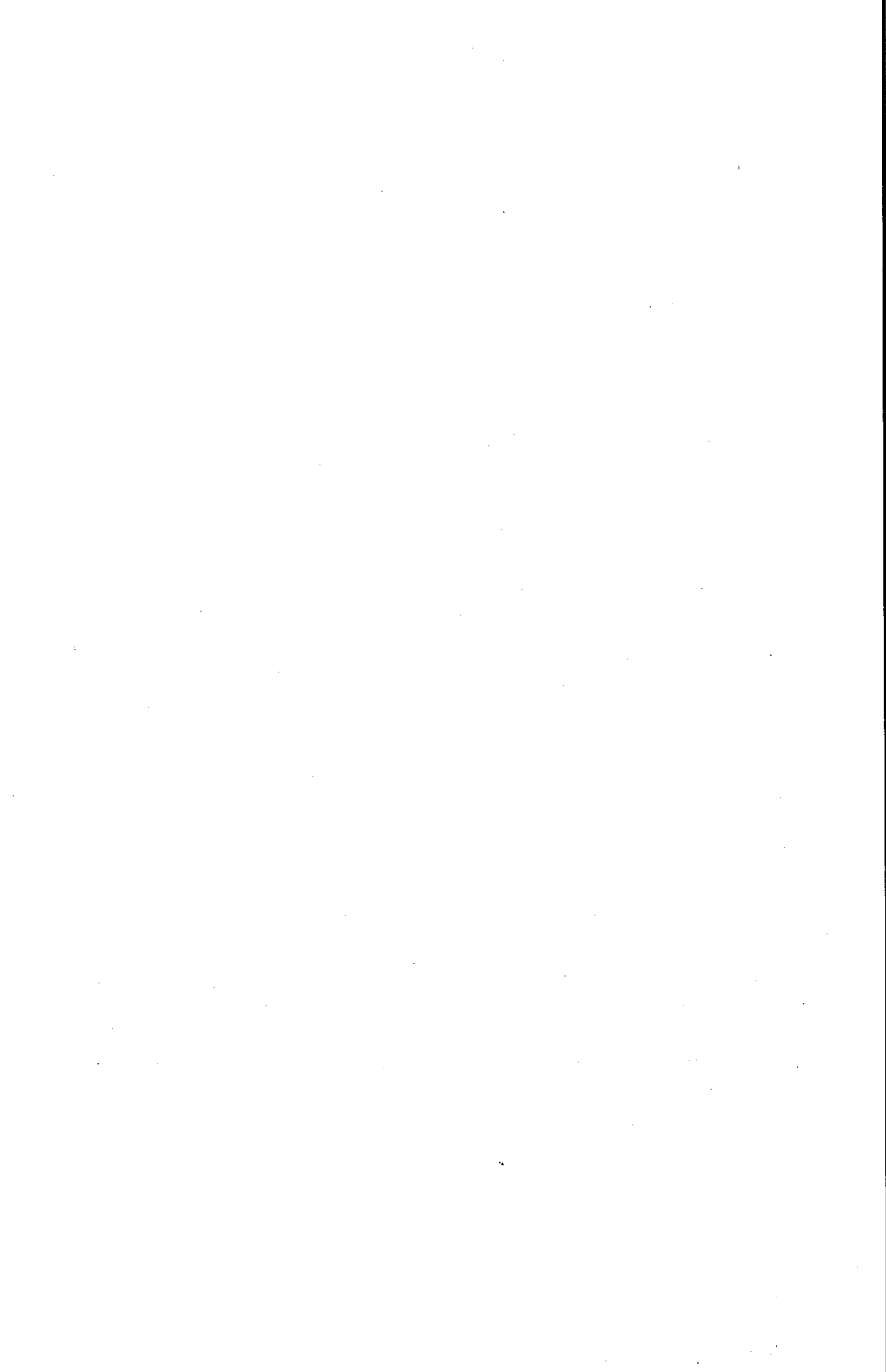
SENATE CONCURRENT RESOLUTION 107: filed July 14, 2006; adopted by the Senate on July 14, 2006; adopted by the House on July 14, 2006.

1 SENATE CONCURRENT RESOLUTION 107
2 By: Committee on Rules and Administration
3 A Senate concurrent resolution to provide for
4 adjournment sine die.
5 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
6 REPRESENTATIVES CONCURRING, That when adjournment is
7 had on Friday, July 14, 2006, it be the final
8 adjournment of the 2006 Extraordinary Session of the
9 Eighty-first General Assembly.

SENATE RESOLUTIONS

SENATE RESOLUTION 171: filed July 14, 2006; adopted by the Senate on July 14, 2006; printed on Senate Journal page 1108.

SENATE RESOLUTION 172: filed July 14, 2006; adopted by the Senate on July 14, 2006; printed on Senate Journal page 1107.



MEMORIALS

IN MEMORIAM

Senators

Leigh R. Curran	May 28, 1906 – January 8, 2004
Minnette F. Doderer	May 16, 1923 – August 12, 2005
Warren J. “Bud” Kruck.....	June 10, 1921 – June 7, 2005
David G. Lord.....	December 4, 1934 – July 26, 2005
Robert P. Munger.....	November 2, 1909 – October 23, 2001
Barton L. Schwieger	September 4, 1941 – March 25, 2006
George L. Shawver.....	December 29, 1916 – June 6, 2001



LEIGH R. CURRAN

Leigh R. Curran was born on May 28, 1906, in Cambridge, Illinois, to John L. and Almeda Nordstrom Curran. He passed away on January 8, 2004, at the age of 97. He is survived by his wife Dorothy of Mason City; three daughters, Kaye McDonald of Moraga, California, Jane Burley of Eden Prairie, Minnesota, and Gail Curran of Alexandria, Virginia; granddaughter Michelle Smith and husband, A.J., of Alabaster, Alabama; grandson Curtis McDonald and wife, Mary, of Pleasant Hill, California; and five great-grandchildren.

The Curran family moved to Mason City in 1911. Leigh Curran attended the Mason City public schools, Hamilton's Business College, and Iowa State University. In 1937, he married Dorothy Foster at the Little Brown Church in Nashua, Iowa.

Curran farmed southeast of Mason City for many years. He owned and operated the Curran Stock Farm and was a longtime producer of purebred Polled Hereford cattle. He served as secretary-treasurer and sale manager of the Iowa Polled Hereford Association and was a director of the National Polled Hereford Association. He served as vice-president of the Iowa Beef Producers. Curran was named a Master Farmer in 1947 and the Iowa Cattleman of the Year in 1970.

Curran was active in his community. He was a member of the First United Methodist Church, Chamber of Commerce, Mason City Foundation Board, YMCA, Rotary Club, Farm Bureau, Masonic Lodge, El Kahir Shrine, and Iowa Consistory. He was on the First National Bank of Mason City board of directors and served as president of the North Iowa Production Credit Association. He served on the North Iowa Medical Center board of directors and was a county Red Cross chairperson. He was one of the original 4-H youth leaders for Cerro Gordo County and was on the North Iowa Fair Board for 66 years.

Curran was a Cerro Gordo County Republican. He served in the Iowa Senate in 1961 and 1963 during the 59th and 60th General Assemblies. He was in the Iowa House in 1967 and 1968, representing Cerro Gordo County during the 62nd General Assembly. He was re-elected to the Iowa Senate in 1968 and served for four years from 1969 until 1972 during the 63rd and 64th General Assemblies.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTY-FIRST GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Leigh R. Curran, the State has lost an honored citizen and faithful and useful public servant, and that the Senate by this resolution expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

E. THURMAN GASKILL
STEWART E. IVERSON, JR.
AMANDA RAGAN
Committee

MINNETTE F. DODERER

Minnette F. Doderer was born on May 16, 1923, in Holland, Iowa, to John and Sophie Frerichs. She passed away on August 12, 2005, at the age of 82. She is survived by her son Dennis of Iowa City, Iowa; daughter Kay Lynn and her husband Frank Tiberio of Dania Beach, Florida; sister Kay DuFrene and her husband Donald of Hollywood, Florida; brother Al Frerichs of Tucson, Arizona; grandson Thomas Tiberio and his wife Christine; and great-grandchildren Gabriella Giavianna Tiberio and Thomas Vincent Tiberio, Jr.

Doderer graduated from East High School in Waterloo. She attended the University of Iowa and received a bachelor of arts degree in economics. She married Fred H. Doderer on August 5, 1944. She was a visiting professor at Stephens College in Columbia, Missouri, and at Iowa State University in Ames and served on the Iowa Health Facilities Council.

Doderer was elected to the Iowa House in a 1964 special election. She had a 36-year career in the legislature, retiring in 2000. As a state legislator, she was recognized in Iowa and in the nation as a lawmaker advocating women's rights, equal rights amendments, juvenile justice, child care, and many other issues. She served as President Pro Tempore of the Senate in 1976-1977 and twice ran for the position of lieutenant governor. She received many awards during her career and in retirement, including the Distinguished Legislative Service award, the Friend of Education award, the Friend of Nursing award, Feminist of the Year award, and the ERA Tribute. Doderer was inducted into the Iowa Women's Hall of Fame in 1979.

Doderer was an active member of the community, participating in many organizations including the United Nations Association, the League of Women Voters, the Board of Fellows at the University of Iowa's School of Religion, the Waterloo East High School Hall of Fame, Delta Kappa Gamma, and the First Methodist Church.

Minnette Doderer was a Johnson County Democrat. She served in the House for 12 terms, from 1964-1968 and from 1981-2000. She served in the Senate for two and a half terms from 1969-1979.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTY-FIRST GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Minnette F. Doderer, the State has lost an honored citizen and faithful and useful public servant, and that the Senate by this resolution expresses its appreciation of her service to the State and tenders its sympathy and kindest regards to the members of her family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

JOE BOLKCOM
ROBERT E. DVORSKY
DAVID MILLER
Committee

WARREN J. "BUD" KRUCK

Warren J. "Bud" Kruck was born on June 10, 1921, in Sioux City, Iowa, to Albert and Zita Plunkett Kruck. He passed away on June 7, 2005, at the age of 83. He is survived by a son Steve and his wife, Connie, of Boone; two daughters, Karen DeVore and her husband, Jim, of Knoxville, and Deb Harris and her husband, Al, of Boone; six grandchildren; and three great-grandchildren.

Kruck graduated from Boone High School in 1939 and attended Boone Junior College. He served in the United States Navy as a pilot for 10 years. He was a veteran of World War II and received the Navy Cross, the Distinguished Flying Cross, and other awards.

Kruck married Kathryn Ann Smith in Boone on November 10, 1946. In the early 1950s, he returned to Boone where he joined his father in business at Kruck Plumbing and Heating Company. He owned and operated this business until his retirement.

Kruck was active in his community, serving on numerous boards and commissions including the YMCA-YWCA, the Boone Industrial Development Commission, the Boone County Civil Defense, the Boone Golf and Country Club, and the Iowa Law Enforcement Academy. He was a member of the Kiwanis Club, the American Legion, the Veterans of Foreign Wars, and the National Association of Mechanical Contractors.

Kruck was a Boone County Democrat. He was elected to the Iowa Senate in 1964, representing Boone and Greene counties. He served one term in the Iowa Senate from 1965 to 1968 during the 61st and 62nd General Assemblies.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTY-FIRST GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Warren J. "Bud" Kruck, the State has lost an honored citizen and faithful and useful public servant, and that the Senate by this resolution expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

DARYL BEALL
JERRY BEHN
HERMAN C. QUIRMBACH
Committee

DAVID G. LORD

David G. Lord was born on December 4, 1934, on a farm near Lorimor in Madison County, Iowa, to Colin Wilfred and Vera Robinett Lord. He passed away on July 26, 2005, at the age of 70. He is survived by his wife Maizie; four sons, David Philip of Clemons, Iowa, Timothy of Bloomington, Illinois, Colin and his wife, Dianne of Ukarumpa, Papua New Guinea, and Daniel of Perry, Iowa; seven grandchildren; and a sister Emily De Ford and her husband, Lyle, of Perry.

Lord attended the Kasson one-room school near his family's home in Lorimor through the eighth grade. He graduated from Winterset High School in 1953. He attended Iowa State University, receiving a bachelor of science degree in education in 1957. He married Maizie Holmes on September 8, 1957. He served 21 years in the Iowa National Guard.

Lord was a business owner and operated Lord's Men and Boys Clothing Store in Perry for 25 years and the Four-Seasons Car Wash and Mini-Storage for 26 years. He was an active member of his community, serving on many boards including the Perry Community School Board, the Perry Industrial Development Board, the Brenton Bank Board, the Dallas County Hospital Foundation Board, and the Iowa Retail Clothiers Board. He was a member of the Perry Chamber of Commerce, the Rotary Club, the Dallas County Farm Bureau, and the Grimes Maranatha Baptist Church.

Lord was a Dallas County Republican. He served in the Iowa House of Representatives for three terms from 1995 to 2000 during the 76th, 77th, and 78th General Assemblies, and in the Iowa Senate for one year in 2002 during the second half of the 79th General Assembly.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTY-FIRST GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable David G. Lord, the State has lost an honored citizen and faithful and useful public servant, and that the Senate by this resolution expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

DARYL BEALL
JERRY BEHN
NANCY BOETTGER
Committee

ROBERT P. MUNGER

Robert P. Munger was born on November 2, 1909, in Sioux City, Iowa, to Robert H. and Kathryn Belle Prentis Munger. He passed away on October 23, 2001, at the age of 91. He is survived by three sons, Robert G. and his wife Alice of New Orleans, Louisiana, Clark W. of Tucson, Arizona, and John F. and his wife Roseann of Tucson, Arizona; seven grandchildren; seven great-grandchildren; a brother, Stanley Prentis Munger of Vermillion, South Dakota, who passed away in 2005; and a cousin, Mrs. E. H. Sibley of Sioux City, Iowa.

Munger attended the Sioux City public schools and graduated from Sioux City Central High School. He received a bachelor of arts degree from Morningside College in 1931 and a law degree from the University of South Dakota in 1933. He was engaged in business and in the practice of law from 1933 until 1941. He first married Kathryn Bryce Gantt, who passed away in 1940 after the birth of their son. In 1941, he married Charlotte Watkin, with whom he shared life for 58 years.

Munger was elected to the Iowa Senate in 1940. He resigned from the Senate in 1942 to go on active duty with the United States Army Air Corps. In 1945 after serving his country during World War II, he resumed his law practice and was engaged in several business enterprises. He was elected to the Iowa House in 1948. He served as vice-chair of the Governmental Reorganization Commission and was appointed to the Board of Regents.

Munger was an active businessman and entrepreneur throughout his life, as well as a lifelong participant in Republican politics. He was a member of the Lions Club, Masonic Lodge, Elks Club, Delta Tau Delta fraternity, Phi Delta Phi legal fraternity, and the First Congregational Church. Munger was an avid reader and a student of economics. He was an accomplished water colorist. He enjoyed fishing and sailing on Lake Okoboji, and in later years, in the coastal waters off Washington and British Columbia. He and his wife moved to Tucson in 1965 where he resided until his death in 2001.

Munger was a Woodbury County Republican. He served in the Senate in 1941 and 1942 during the 49th General Assembly and in the House from 1949-1952 during the 53rd and 54th General Assemblies.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTY-FIRST GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Robert P. Munger, the State has lost an honored citizen and faithful and useful public servant, and that the Senate by this resolution expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

DAVE MULDER
STEVE WARNSTADT
RON WIECK
Committee

BARTON L. SCHWIEGER

Barton L. Schwieger was born on September 4, 1941, in Hampton, Iowa, to Howard and Yvonne Kempthorne Schwieger. He passed away on March 25, 2006, at the age of 64. He is survived by his wife Susan; son Matthew Schwieger of Stanford, California; daughter Anne Schwieger of Ithaca, New York; brother Carlyn Schwieger of Dows; and a brother-in-law William F. McIntee of Richmond, Illinois.

Schwieger attended elementary and high school in Dows, Iowa. He received his bachelor of arts degree from Iowa State University in 1963 and his law degree from the University of Iowa in 1966. He served as a staff attorney for the Black Hawk County Legal Aid Society. He then entered the practice of law with the Waterloo firm of Wolf, Schwieger, and Parrish. He was a practicing attorney in Waterloo for 33 years, retiring in 1999. He was married to Susan McIntee on November 21, 1981, in Waterloo.

Schwieger was a member of many community organizations including the Black Hawk County Bar Association, the Iowa State Bar Association, the National Society of State Legislators, the Board of Governors, the Elks, and the Jaycees.

Schwieger was a Black Hawk County Republican. He was elected to the Iowa House of Representatives in 1970. He served one term from 1971-1972 during the 64th General Assembly. He was elected to the Senate and served from 1973-1974 during the 65th General Assembly.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTY-FIRST GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Barton L. Schwieger, the State has lost an honored citizen and faithful and useful public servant, and that the Senate by this resolution expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

BOB BRUNKHORST
WILLIAM A. DOTZLER, JR.
JOHN PUTNEY
Committee

GEORGE L. SHAWVER

George L. Shawver was born on December 29, 1916, in Kirkville, Iowa, to Cyrus Jesse and Carrie Thomas Shawver. He passed away on June 6, 2001, at the age of 84. He is survived by his wife Helen of Waterloo, Iowa; son Marvin and his wife, Evelyn, of Le Claire, Iowa; daughter Jan Rowe and her husband, Tom, of Freeport, Illinois; son Gary and his wife, Pam, of Waterloo; ten grandchildren; and one great-grandchild.

Shawver graduated from Kirkville High School in 1934. He founded Midwest Drilling Company in Ottumwa, Iowa, in 1936 and did test drilling for coal until the late 1930s, at which time he went into the water well drilling business and renamed his business the Shawver Well Company. In 1937, he married Helen Wilson in Lancaster, Missouri. Shawver served in the United States Army from 1942–1946. He then returned to his business, moving Shawver Well Company to Fredericksburg, Iowa, in 1950. Shawver operated his company until his retirement in 1980.

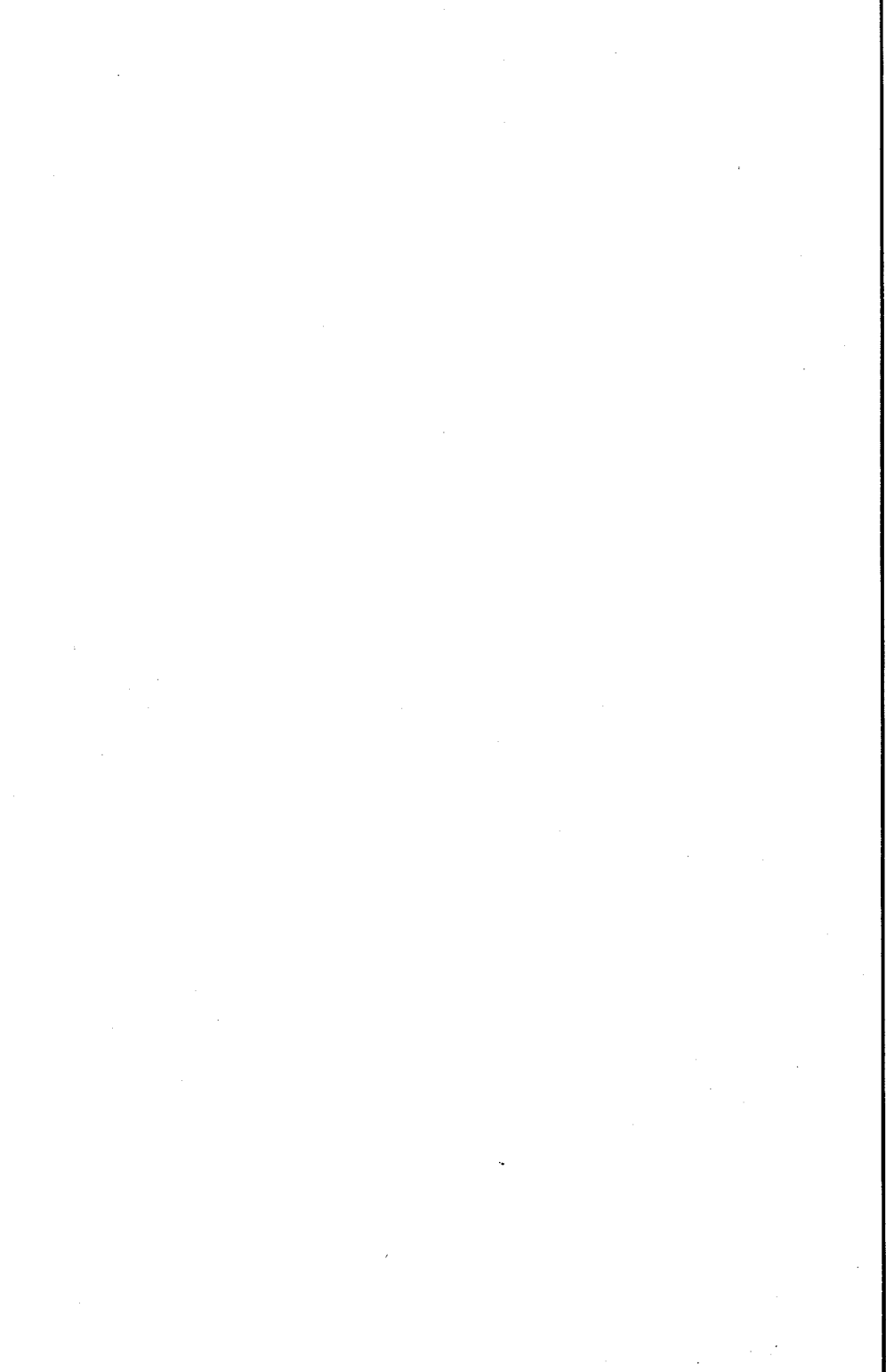
Shawver was active in his community of Fredericksburg and was a charter member of both the Lions Club and Plum Creek Golf Course. He was also a member of the Methodist Church, Chamber of Commerce, Masonic Lodge, Shrine Consistory, American Legion, AMVETS, Farm Bureau, and the Chickasaw County American Cancer Society. He served on the Fredericksburg City Council and was on the Iowa Water Well Association Board of Directors, serving as president of the association for two terms. He also belonged to the National Water Well Association. He enjoyed boating, fishing, and traveling.

Shawver was a Chickasaw County Republican. He was elected to the Senate on November 3, 1970, representing Bremer, Chickasaw, Howard, and part of Winneshiek counties. He served in the Senate in 1971 and 1972 during the 64th General Assembly.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTY-FIRST GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable George L. Shawver, the State has lost an honored citizen and faithful and useful public servant, and that the Senate by this resolution expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

**BOB BRUNKHORST
AMANDA RAGAN
MARK ZIEMAN**
Committee



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ADJOURNMENT SINE DIE

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- Bruner, Nancy — 569, 608, 631, 755, 796
- Johnson, Richard — 569, 608, 631, 755, 796
- Lodden, Telford — 569, 608, 631, 755, 796

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- Funchess, Abraham — 569, 608, 631, 754, 908

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- Blackwell, Michael — 569, 608, 631, 755, 796
- Campbell, John — 569, 608, 631, 755, 796
- Clayton, Charles — 569, 608, 631, 755, 796
- Jessop, Marlene — 569, 608, 631, 755, 796
- Jones, Redmond — 569, 608, 631, 755, 796
- Madlock, Krystal — 569, 608, 631, 755, 796

Agricultural Development Authority:

- Carroll, Frank — 569, 604, 625, 669, 796
- Galm, Timothy — 569, 604, 625, 669, 796
- Lundt, Fred — 569, 604, 625, 669, 796

Alcoholic Beverages Commission:

- Hunsaker, Richard — 570, 608, 632, 755, 796

Alcoholic Beverages Division, Administrator of the:

- Walding, Lynn — 570, 608, 632, 754, 882

Architectural Examining Board:

- Green, Martha — 570, 608, 632, 755, 796
- Morgan, Jeffrey — 570, 608, 632, 755, 796

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- Arora, Rita — 573, 606, 629, 717, 800
- Baccam, Thomas — 573, 606, 629, 717, 800
- Chen, Cyndi — 573, 606, 629, 717, 800
- Ly, Lin — 573, 606, 629, 717, 800

Athletic Trainer Advisory Board:

- Craft, Terri — 570, 605, 627, 716, 797
- McGuire, Daniel — 570, 605, 627, 670, 797

Barber Examiners, Board of:

Lusk, Kristina — 55, 57, 66, 126, 166, 570, 608, 632, 755, 838

Martin, Barbara — 570, 608, 632, 755, 797

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Freeland, John — 570, 605, 628, 717, 797

O'Rourke, Barbara — 570, 605, 628, 670, 797

Ruppert, Timothy — 570, 605, 628, 670, 797

Blind, Commission for the:

Soulati, Behnaz — 570, 605, 628, 717, 797

Boiler and Pressure Vessel Board:

Kruzic, James — 570, 608, 632, 755, 838

Rodenkirk, Joseph — 570, 608, 632, 755, 838

Rush, Lynne — 570, 608, 632, 755, 797

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Neumann, Gordon — 570, 604, 626, 754, 797

Rogers, Daniel — 570, 604, 626, 754, 797

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Michaelson, Brian — 570, 605, 628, 670, 797

Richards, Camella — 570, 605, 628, 717, 797

Stephenson, Heather — 570, 605, 628, 717, 797

Ziese, NancyLee — 570, 605, 628, 717, 797

Chiropractic Examiners, Board of:

Calisesi, John — 570, 608, 632, 755, 797

Powell, Michael — 570, 608, 632, 755, 797

Puthoff, Diane — 570, 608, 632, 755, 797

City Development Board:

Halverson, James — 570, 607, 630, 743, 822, 881

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Lindeen, Marc — 571, 606, 628, 670, 797

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Talbott, Jerry — 571, 608, 632, 755, 797

Weatherwax, David Lyn — 55, 57, 66, 126, 166

Credit Union Review Board:

Harvey, Michael — 571, 604, 626, 743, 798

Reiser, Roger — 571, 604, 626, 743, 798

Steffes, Kathleen — 571, 604, 626, 743, 798

Criminal & Juvenile Justice Planning Advisory Council:

Armstrong, Elaine — 571, 607, 630, 691, 798

Ferguson, Thomas — 571, 607, 630, 691, 798

- APPOINTEES, *subhead* Criminal & Juvenile Justice Planning Advisory Council — continued
- Fitzgerald, Paul — 571, 607, 630, 691, 798
 - Hoeger, Daniel — 571, 607, 630, 691, 798
 - Moskowitz, David — 571, 607, 630, 691, 798
 - Nelson, Susan — 571, 607, 630, 691, 798
 - Reaman-Gerdes, Catherine — 571, 607, 630, 691, 798
- Cultural Trust, Board of Trustees of the Iowa:
- Boyd, Willard — 571, 609, 632, 755, 798
 - DeLathouder, Ellen — 571, 609, 632, 755, 798
 - Logan, Kim Poam — 571, 609, 632, 755, 798
- Deaf, Commission on the:
- Cordero, August — 571, 606, 628, 670, 798
 - Wernimont, Brenda — 571, 606, 628, 717, 868
- Deaf Services, Administrator of the Division of:
- Baumann-Reese, Kathryn — 571, 606, 628, 716, 881
- Dental Examiners, Board of:
- Brennan, Elizabeth — 571, 609, 632, 755, 798
 - Cacioppo, Eileen — 571, 609, 632, 755, 798
 - Roth, Gary — 571, 609, 632, 755, 798
- Dietetic Examiners, Board of:
- Killmer, Michael — 571, 609, 632, 755, 798
 - Pederson, Rachel — 571, 609, 632, 755, 798
- Disabilities, Administrator of the Division of Persons with:
- Avery, Jill — 572, 606, 628, 716, 880
- Drug Policy Advisory Council:
- Barnes, Stewart — 571, 607, 630, 671, 798
 - Hughes, Jeffrey — 571, 607, 630, 691, 798
 - Vos, Brian — 571, 607, 630, 671, 798
- Economic Development Board, Iowa:
- Armstrong-Gustafson, Peggy — 572, 605, 626, 754, 798
 - Barney, Bonnie — 572, 605, 626, 754, 798
 - Baugh, George — 572, 605, 626, 754, 798
 - Bloodsworth, Linda — 572, 605, 626, 754, 798
 - Bocken, Robert — 572, 605, 626, 754, 798
 - Carroll, Joni — 572, 605, 626, 754, 799
 - Courtney, Jerry — 572, 605, 626, 754, 799
 - Dandekar, Arvind — 572, 605, 626, 754, 799
 - Dunkel, Nancy — 572, 605, 627, 754, 799
 - Gerhard, William — 572, 605, 627, 754, 799
 - Keithley, Cynthia — 572, 605, 627, 754, 799
 - Lang, Craig — 572, 605, 627, 754, 799
 - Lisle, John — 572, 605, 627, 754, 799
 - Rogers, Marcia — 572, 605, 627, 754, 799
 - Shine, Toby — 572, 605, 627, 754, 799

Economic Development, Director of the Department of:

Lawyer, Mary — 572, 604, 626, 753, 878

Educational Examiners, Board of:

Duehr, Tammy — 572, 605, 627, 670, 799

Education, State Board of:

Dout, Anne — 572, 605, 627, 670, 799

Edwards, Charles — 572, 605, 627, 671, 799

Gentry, Brian — 572, 605, 627, 716, 799

Phillips, Max — 55, 57, 65, 144, 166

Elevator Safety Board:

Conner, Rita — 572, 609, 633, 755, 868

Fromm, Peter — 572, 609, 633, 755, 838

Olney, Robert — 55, 57, 66, 126, 166, 572, 609, 633, 755, 799

Emergency Response Commission, Iowa:

Bell, Julie — 572, 609, 633, 755, 799

Coppess, David — 572, 609, 633, 755, 799

Employment Appeal Board:

Seiser, Elizabeth — 572, 604, 625, 716, 799

Empowerment Board, Iowa:

Bergan, Michael — 572, 606, 628, 670, 799

Burgart, Rebecca — 572, 606, 628, 717, 799

Cameron, Mary — 572, 606, 628, 670, 799

Carman, Christopher — 572, 606, 628, 717, 799

Davis, Judy McCoy — 572, 606, 628, 670, 799

Dotson, John — 572, 606, 628, 717, 799

Honkamp, Arnold — 572, 606, 628, 670, 799

Peters, Douglas — 573, 606, 628, 670, 799

Winter, Floyd — 573, 606, 628, 670, 799

Engineering and Land Surveying Examining Board:

Holly, Forrest — 573, 609, 633, 755, 799

VanBuskirk, Christy — 573, 609, 633, 755, 799

Grape and Wine Development Commission:

Jung, Benjamin — 578, 604, 625, 670, 868

Great Places Advisory Board, Iowa:

Anderson, Robin — 791, 792, 868

Bernstein, David — 791, 792, 839

Celsi, Claire — 791, 792, 800

Erickson, Samantha — 791, 792, 868

Ginsburg, Mark — 791, 792, 839

Greenwood, Sara — 866, 900, 868

Hanafan, Thomas — 791, 792, 868

Hart, Quentin — 791, 792, 868

Lynch, Theresa — 791, 792, 800

Menner, William — 791, 792, 839

Spence, Gil — 791, 792, 868

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- Styron, Amanda — 791, 792, 866
 - Vargas, Rita — 791, 792, 868
- Healthy and Well Kids in Iowa (hawk-i) Board:
- Baker, John — 573, 606, 629, 717, 799
 - Ramirez, Angelita — 573, 606, 629, 717, 799
- Hearing Aid Dispensers, Board of Examiners for Licensing & Regulation of:
- Ricketts, Mary — 55, 57, 66, 126, 166
 - Whippen, Leslie — 573, 609, 633, 756, 838
- Higher Education Loan Authority, Iowa:
- Houlihan, Dennis — 573, 605, 627, 670, 800
- Inspections and Appeals, Director of the Department of:
- Young, Steven — 573, 609, 633, 753, 879
- Interior Design Examining Board:
- Alread, Jason — 573, 609, 633, 756, 800
 - Flack, Kathleen — 573, 609, 633, 756, 800
 - Kenworthy, David — 573, 609, 633, 756, 800
 - Malven, Frederic — 573, 609, 633, 756, 800
 - Rosenboom, Michele — 573, 609, 633, 756, 800
 - Stavneak, Kathy — 573, 609, 633, 756, 800
 - Voorhees, Jennifer — 573, 609, 633, 756, 800
- Interpreters for Hearing Impaired Examiners, Board of:
- Gallant, Philippe — 573, 606, 629, 717, 797
 - Kautzky, Diana — 573, 606, 629, 717, 797
 - Smith-Byer, Cynthia — 573, 606, 629, 717, 797
- IOWAccess Advisory Council:
- Ainger, Dawn — 573, 609, 633, 756, 800
 - Corson, Barbara — 573, 609, 633, 756, 800
 - Lentz, Lawrence — 55, 57, 66, 126, 166, 573, 609, 633, 756, 800
 - Selberg, Teresa — 573, 609, 633, 756, 800
 - Ubben, Miriam — 573, 609, 633, 756, 839
- Judicial Qualifications, Commission on:
- Huffman, Robert — 55, 57, 66, 212, 370
- Landscape Architectural Examining Board:
- Adams, Tim — 574, 609, 633, 756, 800
 - Biehl, David — 574, 609, 633, 756, 800
 - Ripplinger, Mark — 55, 58, 66, 126, 166
- Latino Affairs, Administrator of the Division of:
- Villareal, Armando — 574, 609, 633, 754, 883
- Law Enforcement Academy Council, Iowa:
- Gustafson, Thomas — 574, 611, 636, 671, 800
 - Guy, Brian — 574, 611, 636, 671, 800
- Lewis and Clark Bicentennial Commission:
- Monson, Mark — 574, 607, 630, 743, 800
 - Morris, Wynema — 574, 607, 630, 743, 800
 - Walker, Michele — 574, 607, 630, 743, 800

Lottery Authority Board of Directors:

Junge, Mary — 574, 609, 634, 756, 800

Klappholz, Michael — 574, 609, 634, 756, 800

Massage Therapy, Board of Examiners for:

Carlson, Doug — 55, 58, 67, 126, 166

Dallenbach, Larry — 574, 609, 634, 756, 800

Landmesser, Aaron — 55, 58, 67, 126, 177

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Frier, Carole — 574, 610, 634, 756, 801

Shirazi, Siroos — 574, 610, 634, 756, 801

Valentine, Janece — 574, 610, 634, 756, 801

Mental Health, Mental Retardation, Developmental Disabilities, and
Brain Injury Commission:

Ferrell, Lynn — 574, 606, 629, 670, 801

Gorman, William — 574, 606, 629, 670, 801

Halliburton, Jane — 574, 606, 629, 670, 801

Hecht, Rick — 55, 57, 65, 114, 166

Heikes, Janice — 55, 57, 65, 159, 166, 574, 606, 629, 717, 801

Heitmann, Richard — 574, 606, 629, 670, 801

Kaestner, Cindy — 574, 606, 629, 717, 801

Koch-Seehase, Susan — 574, 606, 629, 670, 801

Mental Health Risk Pool Board:

Gorman, William — 574, 607, 631, 743, 801

Kremer, Ralph — 574, 607, 631, 743, 801

Nielsen, Andrew — 574, 608, 631, 743, 801

Young-Streit, Linda — 574, 608, 631, 743, 801

Mortuary Science Examiners, Board of:

Johnson, Paul — 574, 610, 634, 756, 801

Ohde, Ruth — 574, 610, 634, 756, 801

Orr, Tyrone — 55, 58, 67, 126, 166

Nursing Examiners, Board of:

Aulwes-Allison, Ann — 575, 610, 634, 756, 801

Nursing Home Administrators, State Board of Examiners for:

Frey, Susan — 575, 610, 634, 756, 801

Larmore, Daniel — 575, 610, 634, 756, 801

Nielsen, Mary Ann — 575, 610, 634, 756, 801

Svejda, Michael — 575, 610, 634, 756, 801

Zoeckler, Audrae — 575, 610, 634, 756, 801

Optometry Examiners, Board of:

Washburn, Barbara — 575, 610, 634, 756, 802

Weiland, Robert — 575, 610, 634, 756, 802

Parole, Board of:

Muelhaupt, Karen — 575, 607, 630, 691, 802

Robinson, Elizabeth — 575, 607, 630, 691, 822, 877

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- Peace Officers' Retirement, Accident, and Disability System Trustees:
 - Lillis, Terrance — 575, 610, 634, 756, 802
- Persons with Disabilities, Administrator of the Division of:
 - Avery, Jill — 572, 606, 628, 716, 880
- Pharmacy Examiners, Board of:
 - Frey, Susan — 575, 610, 634, 756, 802
 - Olson, Leman — 575, 610, 634, 756, 802
- Physical & Occupational Therapy Examiners, Board of:
 - McNurlen, Helen — 575, 610, 634, 756, 802
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 - Klitgaard, Donald — 56, 57, 65, 105, 167
 - Olson, John — 575, 607, 629, 670, 802
 - Swanson, Mara — 575, 607, 629, 717, 802
 - Weishaar, Patricia — 575, 607, 629, 670, 802
- Podiatry Examiners, Board of:
 - Campbell, Ethel — 575, 610, 635, 757, 802
 - Kadel, Kelly — 575, 610, 635, 757, 802
- Prevention of Disabilities Policy Council:
 - Atchison, Christopher — 575, 607, 629, 717, 802
 - Fein, Laurie — 575, 607, 629, 670, 802
 - Nehus, Marianne — 56, 57, 66, 159, 167
 - Schroeder, Diane — 575, 607, 629, 717, 802
 - Strong, Frank — 575, 607, 629, 670, 802
- Professional Licensing and Regulation, Administrator of:
 - Schroeder, Bill — 575, 610, 635, 754, 884
- Property Assessment Appeal Board:
 - Burggraaf, Kevin — 576, 608, 631, 743, 802
 - Rypma, Jacqueline — 576, 608, 631, 743, 802
 - Stradley, Richard — 576, 608, 631, 743, 802
- Psychology Examiners, Board of:
 - Jorgensen, Gerald — 576, 610, 635, 757, 802
 - Lonning, Philip — 576, 610, 635, 757, 802
 - Tedesco, John — 576, 610, 635, 757, 802
- Public Employment Relations Board:
 - Riordan, James — 576, 604, 625, 716, 802
- Public Safety, Commissioner of:
 - Techau, Kevin — 576, 611, 636, 671, 822, 876
- Racing and Gaming Commission, Administrator of the State:
 - Ketterer, Jack — 578, 610, 635, 754, 874
- Racing and Gaming Commission, State:
 - Hamilton, Diane — 576, 610, 635, 757, 802
 - Seyfer, Gregory — 56, 58, 67, 144, 167
 - Urban, Toni — 576, 610, 635, 757, 802

Railway Finance Authority, Iowa:

Bormann, Harold — 576, 611, 636, 671, 803

Carlson, Wanda — 56, 58, 67, 126, 167, 576, 611, 636, 671, 803

Darold, Dianna — 56, 58, 67, 87, 167

Real Estate Appraiser Examining Board:

Floyd, Debra — 576, 610, 635, 757, 803

Larson, John — 576, 610, 635, 757, 803

Zwanziger, Judith — 576, 610, 635, 757, 803

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Berry, Daniel — 576, 610, 635, 757, 803

Dawley, Laurie — 576, 610, 635, 757, 803

Diehl, Laurel — 56, 58, 67, 144, 167

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Furlong, William — 576, 608, 631, 671, 803

Hayes, Greg — 576, 608, 631, 743, 839

Ryan, John — 576, 608, 631, 671, 803

Respiratory Care, State Board for:

Lee, Arlene — 576, 610, 635, 757, 803

Zeman, Robert — 576, 610, 635, 757, 803

Revenue and Finance, Director of:

Schuling, Mark, — 576, 611, 637, 744, 822, 874

School Budget Review Committee:

Babcock, Jane — 577, 605, 627, 670, 803

Hansen, Don — 577, 605, 627, 670, 803

Small Business Advisory Council:

Cullen, John — 577, 605, 627, 754, 803

Davis, James — 577, 605, 627, 754, 803

Severson, Joan — 577, 605, 627, 754, 803

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Tasler, Mary — 577, 611, 635, 757, 803

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Vilda, Rebecca — 577, 611, 635, 757, 803

Walter, Douglas — 577, 611, 635, 757, 803

Webb, Kent — 577, 611, 635, 757, 803

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Milligan, Michael — 577, 611, 637, 744, 803

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Cowie, Sandra — 56, 57, 65, 126, 167

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- Telecommunications and Technology Commission, Iowa:
 - Brandsgard, Betsy — 577, 604, 626, 743, 803, 804
 - Mahaffey, Michael — 56, 57, 65, 159, 167
- Tobacco Use Prevention and Control, Commission on:
 - Coziah, Andrea — 56, 57, 66, 159, 167, 577, 607, 629, 717, 804
 - Lillehoj, Catherine — 577, 607, 629, 717, 804
 - Russell, Bobby — 577, 607, 629, 671, 804
- Transportation Commission, State:
 - Cleaveland, Barry — 577, 611, 636, 671, 804
 - Sawtelle, Wayne — 56, 58, 67, 212, 229, 875
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- Transportation, Director of:
 - Richardson, Nancy — 577, 611, 636, 671, 822, 873
- Utilities Board:
 - Stamp, Curtis — 56, 57, 65, 159, 167
- Veterans Affairs, Commission of:
 - Overton, Suellen — 577, 611, 636, 757, 804
 - Phipps, Laurel — 577, 611, 636, 757, 804
 - Rehbein, David — 577, 611, 636, 757, 804
- Veterans Affairs, Executive Director of the Commission of:
 - Palmersheim, Patrick — 577, 611, 636, 754, 909
- Veterinary Medicine, Iowa Board of:
 - Duffy, Anne — 578, 611, 636, 757, 804
 - Hemmingson, Leslie — 578, 611, 636, 757, 804
- Vision Iowa Board:
 - Anderson, Andrew — 578, 611, 636, 757, 804
 - Bailey, Regenia — 578, 611, 636, 757, 804
 - Kueck, Lynn — 578, 611, 636, 757, 804
 - Rants, Carolyn — 578, 611, 636, 757, 804
 - Reece, Cathy — 578, 611, 636, 757, 804
- Women, Commission on the Status of:
 - Carnahan, Thomas — 578, 607, 630, 717, 804
 - Espinoza, Carla — 56, 57, 66, 159, 167, 578, 607, 630, 717, 804
 - Mullins, Sue — 578, 607, 630, 717, 804
 - Olsen, Jill — 578, 607, 630, 671, 804
 - Wissing, Matthew — 578, 607, 630, 717, 804
- Workers' Compensation Commissioner:
 - Godfrey, Christopher — 578, 604, 626, 716, 900
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- Workforce Development Board, Iowa:
 - Amos, Jerome — 578, 604, 626, 716, 804
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HOUSER, HUBERT — Senator, 49th District

- Amendments filed — 537, 551, 823, 1088
- Amendments offered — 558
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- Amendments filed — 648, 689
- Appointees, investigation of — 57, 65, 66, 105, 114, 159, 605-607, 627-630, 670, 671, 716, 717
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JOHNSON, DAVID — Senator, 3rd District; Assistant Republican Leader

Amendments filed — 468, 474, 823, 855, 859, 978, 1047, 1088

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KIBBIE, JOHN P. — Senator, 4th District; Democratic President of Senate

- Address to Senate — 1
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- Amendments offered — 250, 776
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KREIMAN, KEITH A. — Senator, 47th District

- Amendments filed — 269, 281, 447, 499, 504, 551, 584, 706, 718, 744, 792, 823, 841, 866, 871, 956, 958, 981, 1019, 1065, 1088
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McCOY, MATT — Senator, 31st District

Amendments filed — 269, 468, 495, 496, 556, 1088

Amendments offered — 556

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McKIBBEN, LARRY — Senator, 22nd District; Republican President Pro Tem

Amendments filed — 447, 497, 524, 562, 584, 918, 1015, 1053

Amendments offered — 507, 562, 586

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McKINLEY, PAUL — Senator, 36th District

Amendments filed — 823, 973, 1015

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MULDER, DAVID — Senator, 2nd District

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- Amendments offered — 598, 706
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PUTNEY, JOHN — Senator, 20th District; Assistant Republican Leader

Amendments filed — 468, 474, 498, 551, 556, 918, 935, 956

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Amendments offered — 587, 593, 1053

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RAGAN, AMANDA — Senator, 7th District; Assistant Democratic Leader

Amendments filed — 249, 269, 281, 337, 584, 1043, 1047, 1088

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Amendments filed — 269, 281, 706, 855, 859, 978, 1088

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SCHOENJAHN, BRIAN H. — Senator, 12th District

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SENG, JOE M. — Senator, 43rd District

Amendments filed — 269, 584, 597, 978, 1088

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SHULL, DOUG — Senator, 37th District

Amendments filed — 586, 706, 792, 956, 1019, 1065

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Amendments filed — 269, 420, 436, 437, 718, 1015, 1068, 1088

Amendments offered — 436, 437, 1068

Bills introduced — 61, 76, 77, 92, 94, 111, 112, 134, 141, 152, 153, 164, 181, 182, 202, 203, 218, 219, 234–236, 260, 261, 275, 320, 341

Certificates of recognition — 257, 787, 966, 1030

Conference committee appointments & reports — 941, 960

Presiding at session of Senate — 794

Resolutions introduced — 60, 233, 350, 714, 762, 967

WAYS AND MEANS, COMMITTEE ON

Amendments filed — 1040

Appointees, investigation of — 58, 67, 87, 126, 611, 636, 637, 671, 744

Bills and resolutions introduced by — 330, 331, 659, 660, 688, 751, 862, 896, 1013, 1031

Bills referred to — 10, 23, 61, 76, 77, 92, 101, 111, 121, 122, 133, 134, 152, 160, 164, 182, 202, 203, 217–219, 234, 245, 261, 275, 320, 380, 396, 423, 449, 451, 472, 475, 506, 525, 581, 656, 746, 760, 767, 768, 786, 787, 795, 829, 862, 955, 1018

Committee meeting reports — 59, 83, 118, 215, 272, 319, 466, 532, 644, 740, 862, 895, 967, 998, 1045

Committee reports — 125, 336, 337, 669, 690, 752, 753, 863, 864, 899, 971, 972, 1015, 1032, 1035, 1040

Study bills — 123, 192, 221, 287, 293, 321, 374, 445, 467, 536, 582, 688, 714, 763, 821, 968, 1013, 1014

Subcommittee assignments — 37, 52, 53, 72, 96, 103, 113, 125, 136, 194, 224–226, 238, 266, 278, 288, 289, 294, 322, 355, 375, 446, 467, 468, 473, 474, 501, 502, 522, 537, 551, 583, 614, 688, 714, 763, 789, 821, 822, 826, 863, 934, 969, 970, 1014, 1031

WIECK, RON — Senator, 27th District

Amendments filed — 495, 620, 946, 1088

Amendments offered — 1088

Bills introduced — 24, 84, 92, 132, 134, 151–154, 191, 203, 234–236, 261, 262, 275, 320

Certificates of recognition — 579, 895

Resolutions introduced — 60, 111, 233, 350, 714

WITHDRAWN BILLS — (*See* BILLS)**WOOD, FRANK B.** — Senator, 42nd District

Amendments filed — 269, 281, 447, 468, 516, 537, 543, 559, 584, 962, 1062, 1088

Amendments offered — 543, 962, 1062, 1088

Amendments withdrawn — 541, 543

Bills introduced — 92, 94, 111, 112, 121, 134, 140, 141, 155, 163, 181, 191, 202, 218, 234, 235, 275, 301

Certificates of recognition — 903, 955, 1029–1031

Conference committee appointments & reports — 925, 979

Explanations of votes — 1112

Resolutions introduced — 111, 233, 350, 714, 741, 762

“WRITE WOMEN BACK INTO HISTORY” CONTEST

Winners introduced — 450, 451

ZAUN, BRAD — Senator, 32nd District

Amendments filed — 282, 447, 551, 706, 871, 950, 1015, 1088

Amendments offered — 397, 457, 565, 950

Amendments withdrawn — 1038

Bills introduced — 120, 134, 140, 141, 154, 181, 191, 203, 234, 235, 260, 262, 275

Presentations — 396, 829

Resolutions introduced — 111, 217, 233, 350, 522, 613, 673, 714, 762, 999

ZIEMAN, MARK — Senator, 8th District; Assistant Republican Leader

Amendments filed — 495, 497, 503, 559, 598, 859, 1088

Amendments offered — 559, 598, 859

Bills introduced — 34, 60, 77, 84, 132–134, 151, 154, 191, 203, 262, 275, 320

Certificates of recognition — 89, 329, 348, 825

Presentations — 116

Resolutions introduced — 111, 217, 233, 350, 714