

**EIGHTY-FIRST GENERAL ASSEMBLY**  
**2006 EXTRAORDINARY SESSION**

**Convened July 14, 2006**

**Adjourned July 14, 2006**





# JOURNAL OF THE SENATE

## EXTRAORDINARY SESSION

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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

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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 73<sup>rd</sup>  
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

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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

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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

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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  
JEFF DANIELSON  
WILLIAM A. DOTZLER, JR.  
ROBERT E. DVORSKY  
KEITH A. KREIMAN  
DICK L. DEARDEN  
TOM RIELLY  
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 ~~3. 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.

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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 defraud 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 defraud 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: ""Iowa 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, ~~46A~~, 175, 257C, 261A, 327I, or 463C,  
22 which has the power to issue obligations, except that  
23 "authority" does not include the state board of  
24 regents or the Iowa finance authority to the extent it  
25 acts pursuant to chapter 260C. "Authority" also  
26 includes a port authority created under chapter 28J."
- 27 8. Page 6, line 23, by inserting after the word  
28 "Code" the following: "Supplement".
- 29 9. Page 7, by striking lines 18 through 30.
- 30 10. Page 8, line 10, by inserting after the word  
31 "Code" the following: "Supplement".
- 32 11. By striking page 11, line 25, through page  
33 13, line 1, and inserting the following:  
34 "Sec. \_\_\_\_ Section 249A.4B, subsection 2,  
35 paragraph g, unnumbered paragraph 1, Code Supplement  
36 2005, is amended to read as follows:  
37 The following members of the general assembly, each  
38 for a term of two years as provided in section  
39 69.16B:"
- 40 12. Page 13, by inserting before line 2, the  
41 following:  
42 "Sec. \_\_\_\_ Section 249J.20, Code Supplement 2005,  
43 is amended by adding the following new subsection:  
44 NEW SUBSECTION. 1A. The members of the council  
45 shall serve terms as provided in section 69.16B and  
46 are eligible for per diem and expenses as provided in  
47 section 2.10."
- 48 13. Page 14, by inserting after line 28, the  
49 following:  
50 "Sec. \_\_\_\_ Section 261D.3, subsection 3, Code

Page 2

- 1 Supplement 2005, is amended to read as follows:  
2 3. The Nonlegislative members shall serve two-year  
3 terms except as otherwise provided under the terms of  
4 the compact. Legislative members shall serve two-year  
5 terms as provided in section 69.16B. Nonlegislative  
6 members shall serve without compensation, but shall  
7 receive their actual and necessary expenses and  
8 travel. Legislative members shall receive actual and  
9 necessary expenses pursuant to sections 2.10 and 2.12.  
10 Vacancies on the commission shall be filled for the

11 unexpired portion of the term in the same manner as  
12 the original appointments. If a member ceases to be a  
13 member of the general assembly, the member shall no  
14 longer serve as a member of the commission."

15 14. Page 15, by inserting after line 15, the  
16 following:

17 "Sec. \_\_\_\_ Section 280A.2, subsection 8, Code  
18 Supplement 2005, is amended to read as follows:

19 8. TERMS OF MEMBERS. The members shall be  
20 appointed to three-year staggered terms and the terms  
21 shall commence and end as provided by section 69.19,  
22 except that the appointment and terms of legislators  
23 shall be as provided in section 69.16B. If a vacancy  
24 occurs, a successor shall be appointed to serve the  
25 unexpired term. A successor shall be appointed in the  
26 same manner and subject to the same qualifications as  
27 the original appointment to serve the unexpired term."

28 15. Page 16, by striking lines 1 through 19, and  
29 inserting the following:

30 "1. The Brushy creek recreation trails advisory  
31 board shall be organized within the department and  
32 shall be composed of ten members including but not  
33 limited to the following: the director of the  
34 department or the director's designee who shall serve  
35 as a nonvoting ex officio member, the park ranger  
36 responsible for the Brushy creek recreation area, a  
37 member of the state advisory board for preserves  
38 established under chapter 465C, and a person appointed  
39 by the governor, ~~and six persons appointed by the~~  
40 ~~legislative council.~~ Each The person appointed by the  
41 governor ~~or legislative council~~ must actively  
42 participate in recreational trail activities such as  
43 hiking, an equestrian sport, or a winter sport at the  
44 Brushy creek recreation area. The voting members  
45 shall elect a chairperson at the board's first meeting  
46 each year."

47 16. Page 16, by inserting before line 20, the  
48 following:

49 "Sec. \_\_\_\_ Section 466A.3, subsection 2, paragraph  
50 a, Code Supplement 2005, is amended to read as

Page 3

1 follows:

2 a. The nonlegislator voting members of the board  
3 shall serve three-year staggered terms commencing and  
4 ending as provided in section 69.19. Legislator  
5 voting members of the board shall serve two-year terms  
6 as provided in section 69.16B. If a vacancy occurs, a  
7 successor shall be appointed in the same manner and  
8 subject to the same qualifications as the original  
9 appointment, to serve the remainder of the term."

- 10 17. Page 16, line 20, by inserting after the word
- 11 "Code" the following: "Supplement".
- 12 18. By renumbering as necessary.

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

Page 2

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,

Page 2

- 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,

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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

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- 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

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



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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 15  
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,

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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. 357L.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. 357L.4 TIME OF HEARING.  
46 The public hearing required in section 357L.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. 357L.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. 357L.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 357L.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

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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. 357L.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. 357L.11 DISSOLUTION OF

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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. 357L.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

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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



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- 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



Page 2

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

Page 4

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

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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:

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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

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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:

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- 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

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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".

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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

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- 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

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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

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- 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:

## "DIVISION \_\_\_\_

## 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

7 f. Application for renewal of registered name  
 8 ..... \$

20  
No fee

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

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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

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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,

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1 compliance with this division shall not exempt a  
2 person from compliance with any other law.

3 Sec. 7. NEW SECTION. 455B.806 REGULATIONS.

4 The commission shall adopt rules pursuant to  
5 chapter 17A as necessary to implement the provisions  
6 of this division.

7 Sec. 8. NEW SECTION. 455B.807 PUBLIC  
8 NOTIFICATION.

9 1. The department shall make available to the  
10 general public in an electronic format the plan of a  
11 manufacturer for a system to remove, collect, and  
12 recover mercury-added switches from end-of-life  
13 vehicles and any report required under section  
14 455B.808.

15 2. Publication of all required plans, information,  
16 reports, and educational materials under this division  
17 shall be through no less than two types of media  
18 available to the general public. One medium must be  
19 available twenty-four hours per day, seven days per  
20 week, and maintained with current information.  
21 Acceptable types of media include but are not limited  
22 to internet websites, periodicals, journals, and other  
23 publicly available media in the state.

24 Sec. 9. NEW SECTION. 455B.808 REPORTING.

25 One year after the implementation of a removal,  
26 collection, and recovery system, and annually  
27 thereafter, a manufacturer subject to section 455B.803  
28 shall report to the department concerning the  
29 performance under the manufacturer's plan. The report  
30 shall include statistical information received under  
31 section 455B.803. The report shall also include but  
32 not be limited to all of the following:

33 1. The number of mercury-added switches collected.

34 2. An estimate of the amount of mercury contained  
35 in the collected switches.

36 3. The capture rate as defined in section  
37 455B.802.

38 4. The estimated number of vehicles manufactured  
39 by the manufacturer containing mercury-added switches.

40 5. The estimated number of vehicles manufactured  
41 by the manufacturer that have been processed for  
42 recycling by vehicle recyclers.

43 Sec. 10. NEW SECTION. 455B.809 STATE  
44 PROCUREMENT.

45 Notwithstanding other policies and guidelines for  
46 the procurement of vehicles, the state shall, within  
47 one year of the effective date of this Act, revise its  
48 policies, rules, and procedures to give priority and  
49 preference to the purchase of vehicles free of  
50 mercury-added components taking into consideration

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1 competition, price, availability, and performance.

2 DIVISION II

3 SALVAGE VEHICLE TITLES"

4 2. Title page, line 1, by inserting after the  
5 word "Act" the following: "relating to end-of-life  
6 and salvage vehicles by providing for the removal,  
7 replacement, collection, and recovery of mercury-added  
8 vehicle components and".

9 3. By renumbering as necessary.

WILLIAM A. DOTZLER, JR.  
JAMES F. HAHN

S-5155

1 Amend Senate File 2300 as follows:

2 1. Page 3, line 8, by striking the word  
3 "accounts" and inserting the following: "property".

4 2. Page 4, by striking lines 5 and 6 and  
5 inserting the following: "revocable trust ~~subject to~~  
6 ~~the settlor's power of revocation at the time of death~~  
7 is subject to the ~~claims~~ debts of the".

8 3. Page 7, line 8, by striking the words "the  
9 creditor's" and inserting the following: "its".

10 4. Page 8, by striking line 17 and inserting the  
11 following: "of the claim, if ascertainable, and  
12 accompanied by an".

13 5. Page 11, by inserting after line 14 the  
14 following:

15 "Sec. \_\_\_\_ APPLICABILITY DATES.

16 1. The section of this Act amending section  
17 633A.3109 shall apply to trusts of settlors who die on  
18 or after July 1, 2006.

19 2. The sections of this Act amending section  
20 633A.4213 shall apply to trust accounting periods  
21 ending on or after July 1, 2006.

22 3. The section of this Act creating section  
23 633A.4707 shall apply to property, benefit, or other  
24 trust interests distributed on or after July 1, 2006.

25 4. The section of this Act amending section  
26 633A.6301 shall apply to trust terminations or  
27 modifications completed on or after July 1, 2006."

28 6. Title page, line 1, by inserting after the  
29 word "codes" the following: "and providing  
30 applicability date provisions".

31 7. By renumbering as necessary.

GENE FRAISE

**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

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."

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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:

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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

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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

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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 ~~condemner~~ acquiring agency seeks to dispose of the  
21 real property, the ~~condemner~~ 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~~condemner  
37 acquiring agency”.  
38 38. Page 16, line 18, by striking the word  
39 “condemner’s” and inserting the following:  
40 “~~e~~condemner’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

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1 “condemner” and inserting the following: “~~e~~condemner  
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~~condemner acquiring  
11 agency in writing of this intention and file a copy of  
12 this notice with the office of the recorder in the  
13 county in which the real property is located.”  
14 42. Page 16, by inserting after line 28 the  
15 following:  
16 “For purposes of this subsection, “cleanup costs”  
17 means costs incurred to abate a nuisance or a public  
18 nuisance as those terms are defined in chapters 657  
19 and 657A and costs incurred to recycle and remediate  
20 land pursuant to chapter 455H.”  
21 43. By striking page 16, line 29, through page  
22 17, line 18.  
23 44. Page 17, by inserting before line 19 the  
24 following:  
25 “Sec. \_\_\_\_ **NEW SECTION. 6B.56A DISPOSITION OF**  
26 **CONDEMNED PROPERTY — FIVE-YEAR TIME PERIOD.**  
27 1. When five years have elapsed since property was  
28 condemned and the property has not been used for the  
29 purpose stated in the application filed pursuant to  
30 section 6B.3, and the acquiring agency has not taken

31 action to dispose of the property pursuant to section  
32 6B.56, the acquiring agency shall, within sixty days,  
33 adopt a resolution reaffirming the purpose for which  
34 the property will be used or offering the property for  
35 sale to the prior owner at a price as provided in  
36 section 6B.56. If the resolution adopted approves an  
37 offer of sale to the prior owner, the offer shall be  
38 made in writing and mailed by certified mail to the  
39 prior owner. The prior owner has one hundred eighty  
40 days after the offer is mailed to purchase the  
41 property from the acquiring agency.  
42 2. If the acquiring agency has not adopted a  
43 resolution described in subsection 1 within the sixty-  
44 day time period, the prior owner may, in writing,  
45 petition the acquiring agency to offer the property  
46 for sale to the prior owner at a price as provided in  
47 section 6B.56. Within sixty days after receipt of  
48 such a petition, the acquiring agency shall adopt a  
49 resolution described in subsection 1. If the  
50 acquiring agency does not adopt such a resolution

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1 within sixty days after receipt of the petition, the  
2 acquiring agency is deemed to have offered the  
3 property for sale to the prior owner.  
4 3. The acquiring agency shall give written notice  
5 to the owner of the right to purchase the property  
6 under this section at the time damages are paid to the  
7 owner.  
8 4. This section does not apply to property  
9 acquired for street and highway projects undertaken by  
10 the state, a county, or a city.”  
11 45. Page 17, by inserting before line 19, the  
12 following:  
13 “Sec. \_\_\_\_ Section 6B.57, Code 2005, is amended to  
14 read as follows:  
15 6B.57 PROCEDURAL COMPLIANCE.  
16 If an acquiring agency makes a good faith effort to  
17 serve, send, or provide the notices or documents  
18 required under this chapter to the owner and any  
19 contract purchaser of private property that is or may  
20 be the subject of condemnation, or to any tenant known  
21 to be occupying such property if notices or documents  
22 are required to be served, sent, or provided to such a  
23 person, but fails to provide the notice or documents  
24 to the owner and any contract purchaser, or to any  
25 tenant known to be occupying the property if  
26 applicable, such failure shall not constitute grounds  
27 for invalidation of the condemnation proceeding if the  
28 chief judge of the judicial district determines that  
29 such failure can be corrected by delaying the

30 condemnation proceedings to allow compliance with the  
31 requirement or such failure does not unreasonably  
32 prejudice the owner or any contract purchaser.”

33 46. Page 17, by inserting before line 19 the  
34 following:

35 “Sec. \_\_\_\_ Section 6B.58, Code 2005, is amended to  
36 read as follows:

37 6B.58 ACQUIRING AGENCY — DEFINITION.

38 For purposes of this chapter, an “acquiring agency”  
39 means the state of Iowa or any person or entity  
40 conferred the right by statute to condemn private  
41 property or to otherwise exercise the power of eminent  
42 domain. In the exercise of eminent domain power, the  
43 words “applicant” and “condemner” mean acquiring  
44 agency as defined in this section, unless the context  
45 clearly requires otherwise.”

46 47. Page 17, by striking lines 20 through 24 and  
47 inserting the following:

48 “Rent shall not be charged to a person in  
49 possession of the property and shall not accrue  
50 against the property owner until all or a portion of

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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

Page 2

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.

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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 ~~state. 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:

(7) Economics or alternative and renewable energy including the alternative and renewable energy sectors listed in section 476.42, subsection 1, paragraph "a".

Sec. 13. Section 15E.61, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The general assembly finds the following:

Fundamental changes have occurred in national and international financial markets and in the financial markets of this state. A critical shortage of seed and venture capital resources exists in the state, and such shortage is impairing the growth of commerce in the state. A need exists to increase the availability of venture equity capital for emerging, expanding, and restructuring enterprises in Iowa, including, without limitation, enterprises in the life sciences, advanced manufacturing, information technology, alternative and renewable energy including the alternative and renewable energy sectors listed in section 476.42, subsection 1, paragraph "a", and value-added agriculture areas. Such investments will create jobs for Iowans and will help to diversify the state's economic base.

Sec. 14. Section 15E.223, subsection 4, Code 2005, is amended to read as follows:

4. "Targeted industry business" means an existing or proposed business entity, including an emerging small business or qualified business which is operated for profit and which has a primary business purpose of doing business in at least one of the targeted industries designated by the department which include life sciences, software and information technology, advanced manufacturing, value-added agriculture, alternative and renewable energy including the alternative and renewable energy sectors listed in section 476.42, subsection 1, paragraph "a", and any other industry designated as a targeted industry by

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the department.

Sec. 15. Section 15E.231, subsection 1, Code Supplement 2005, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. Development of the alternative and renewable energy sector.

Sec. 16. Section 15E.351, subsection 1, Code Supplement 2005, is amended to read as follows:

1. The department shall establish and administer a business accelerator program to provide financial assistance for the establishment and operation of a business accelerator for technology-based, value-added 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.

## DIVISION III

## RENEWABLE FUEL INFRASTRUCTURE PROGRAMS

## SUBCHAPTER II

## RENEWABLE FUEL INFRASTRUCTURE

Sec. 24. NEW SECTION. 15G.114 DEFINITIONS.

As used in this subchapter, unless the context otherwise requires:

1. "Biodiesel", "biodiesel blended fuel", "E-85 gasoline", "gasoline", "motor fuel", "motor fuel pump", "retail dealer", and "retail motor fuel site" mean the same as defined in section 214A.1.

2. "Infrastructure board" means the renewable fuel infrastructure board as created in section 15G.115.

3. "Motor fuel storage and dispensing infrastructure" or "infrastructure" means a tank and motor fuel pumps necessary to keep and dispense motor fuel at a retail motor fuel site, including but not limited to all associated equipment, dispensers, pumps, pipes, hoses, tubes, lines, fittings, valves, filters, seals, and covers.

4. "Terminal" means a storage and distribution facility for motor fuel or a blend stock such as ethanol or biodiesel that is supplied to a motor vehicle, pipeline, or a marine vessel and from which the motor fuel or blend stock may be removed at a rack. "Terminal" does not include any of the following:

a. A retail motor fuel site.

b. A facility at which motor fuel or special fuel, or blend stocks are used in the manufacture of products other than motor fuel and from which no motor fuel or special fuel is removed.

5. "Terminal operator" means a person who has responsibility for, or physical control over, the operation of a terminal, including by ownership, contractual agreement, or appointment.

Sec. 25. NEW SECTION. 15G.115 RENEWABLE FUEL INFRASTRUCTURE BOARD.

A renewable fuel infrastructure board is established within the department.

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

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 ~~159A.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~~

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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 amendeded 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

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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

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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

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- 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

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- 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

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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

Page 7

- 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.”

Page 2

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.

Page 2

1 The agreement must be in writing.

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

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

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

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

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

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

31 8. A taxpayer shall not claim a tax credit under  
32 this section unless a tax credit certificate issued by  
33 the authority is attached to the taxpayer's tax return  
34 for the tax year for which the tax credit is claimed.  
35 The authority must review and approve an application  
36 for a tax credit as provided by rules adopted by the  
37 authority. The application must include a copy of the  
38 agricultural assets transfer agreement. The authority  
39 may approve an application and issue a tax credit  
40 certificate to a taxpayer who has previously been  
41 allowed a tax credit under this section. The  
42 authority may require that the parties to an  
43 agricultural assets transfer agreement provide  
44 additional information as determined relevant by the  
45 authority. The authority shall review an application  
46 for a tax credit which includes the renewal of an

47 agricultural assets transfer agreement to determine  
48 that the parties to the renewed agreement meet the  
49 same qualifications as required for an original  
50 application. However, the authority shall not approve

Page 3

1 an application or issue a certificate to a taxpayer if  
2 any of the following applies:  
3 a. The taxpayer is at fault for terminating a  
4 prior agricultural assets transfer agreement as  
5 determined by the authority.  
6 b. The taxpayer is any of the following:  
7 (1) A party to a pending administrative or  
8 judicial action, including a contested case proceeding  
9 under chapter 17A, relating to an alleged violation  
10 involving an animal feeding operation as regulated by  
11 the department of natural resources, regardless of  
12 whether the pending action is brought by the  
13 department or the attorney general.  
14 (2) Classified as a habitual violator for a  
15 violation of state law involving an animal feeding  
16 operation as regulated by the department of natural  
17 resources.  
18 c. The beginning farmer is responsible for  
19 managing or maintaining agricultural land and other  
20 agricultural assets that are greater than necessary to  
21 adequately support a beginning farmer as determined by  
22 the authority according to rules which shall be  
23 adopted by the authority.  
24 d. The agricultural assets are being leased or  
25 rented at a rate which is substantially higher or  
26 lower than the market rate for similar agricultural  
27 assets leased or rented within the same community, as  
28 determined by the authority.  
29 9. A taxpayer or the beginning farmer may  
30 terminate an agricultural assets transfer agreement as  
31 provided in the agreement or by law. The taxpayer  
32 must immediately notify the authority of the  
33 termination.  
34 a. If the authority determines that the taxpayer  
35 is not at fault for the termination, the authority  
36 shall not issue a tax certificate to the taxpayer for  
37 a subsequent tax year based on the approved  
38 application. Any prior tax credit is allowed as  
39 provided in this section. The taxpayer may apply for  
40 and be issued another tax credit certificate for the  
41 same agricultural assets as provided in this section  
42 for any remaining tax years for which a certificate  
43 was not issued.  
44 b. If the authority determines that the taxpayer  
45 is at fault for the termination, any prior tax credit



46 allowed under this section is disallowed. The tax  
 47 credit shall be recaptured and the amount of the tax  
 48 credit shall be immediately due and payable to the  
 49 department of revenue. If a taxpayer does not  
 50 immediately notify the authority of the termination,

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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: ..... \$ 77,057  
 19 b. For payment to the governor-elect expense fund  
 20 in lieu of the appropriation from the general fund of  
 21 the state under section 7.13 to the governor-elect  
 22 expense fund: ..... \$ 100,000"  
 23 4. Page 14, by striking line 2 and inserting the  
 24 following:  
 25 "..... \$ 119,435"  
 26 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-5204****HOUSE 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:

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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"

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

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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

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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,

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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 violin 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 Iowans 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

## ELECTRONIC HEALTH RECORDS

Sec. \_\_\_\_ NEW SECTION. 217.41A ELECTRONIC HEALTH RECORDS SYSTEM TASK FORCE.

1. The department of human services shall establish an electronic health records system task force to provide a structure that enables the state to act in a leadership role in the development of state and federal standards for and in the implementation and use of an electronic health records system.

2. The task force shall consist of no more than nine voting members, selected by the director of human services, who represent entities with expertise in developing or implementing electronic health records, including but not limited to the United States veterans administration facilities in the state, multifacility hospital systems in the state, Des Moines university, the university of Iowa hospitals and clinics, and the Iowa healthcare collaborative. In addition, two members of the senate appointed by the president of the senate after consultation with the majority leader and the minority leader of the senate, two members of the house of representatives appointed by the speaker of the house after consultation with the majority leader and the minority leader of the house of representatives, and the commissioner of insurance shall serve as ex officio, nonvoting members of the task force.

3. The task force shall do all of the following:

a. Develop an electronic health records system that provides linkages between multiple settings that utilize health records and that is consistent with requirements for community health records and electronic prescribing.

b. Evaluate the economic model and the anticipated benefits of electronic health records.

c. Provide quarterly updates to the governor and the general assembly regarding progress in the development of national standards and the work of the task force."

5. Page 1, by inserting after line 20 the following:

## "DIVISION IV

## FOSTER PARENT TRAINING

Sec. \_\_\_\_ Section 237.5A, unnumbered paragraph 1, Code 2005, is amended to read as follows:

As a condition for initial licensure, each individual licensee shall complete thirty hours of 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

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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 or 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

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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

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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~~ 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

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1 Acts, House File 2754, section 39, are amended to read  
2 as follows:  
3 (1) If a retail dealer has not claimed a tax  
4 credit in the retail dealer's previous tax year, the  
5 retail dealer may claim the tax credit in the retail  
6 dealer's current tax year for that period beginning on  
7 January 1 of the retail dealer's previous tax year to  
8 the last day of the retail dealer's previous tax year.  
9 For that period the retail dealer shall calculate the  
10 tax credit in the same manner as a retail dealer who  
11 will calculate the tax credit on December 31 of that  
12 calendar year as provided in paragraph "a".  
13 (2) (a) For the period beginning on the first day  
14 of the retail dealer's tax year until December 31, the  
15 retail dealer shall calculate the tax credit in the  
16 same manner as a retail dealer who calculates the tax  
17 credit on that same December 31 as provided in  
18 paragraph "a".  
19 (2) (b) For the period beginning on January 1 to

20 the end of the retail dealer's tax year, the retail  
21 dealer shall calculate the tax credit in the same  
22 manner as a retail dealer who will calculate the tax  
23 credit on the following December 31 as provided in  
24 paragraph "a".

25 Sec. \_\_\_\_ Section 422.11N, subsection 9, as  
26 enacted by 2006 Iowa Acts, House File 2754, section  
27 39, is amended to read as follows:

28 9. This section is repealed on January 1, ~~2026~~  
29 2021.

30 Sec. \_\_\_\_ Section 422.11O, subsection 4,  
31 paragraphs a and b, as enacted by 2006 Iowa Acts,  
32 House File 2754, section 40, are amended to read as  
33 follows:

34 a. If a retail dealer has not claimed a tax credit  
35 in the retail dealer's previous tax year, the retail  
36 dealer may claim the tax credit in the retail dealer's  
37 current tax year for that period beginning on January  
38 1 of the retail dealer's previous tax year to the last  
39 day of the retail dealer's previous tax year. For  
40 that period the retail dealer shall calculate the tax  
41 credit in the same manner as a retail dealer who will  
42 calculate the tax credit on December 31 of that  
43 calendar year as provided in subsection 3.

44 b. (1) For the period beginning on the first day  
45 of the retail dealer's tax year until December 31, the  
46 retail dealer shall calculate the tax credit in the  
47 same manner as a retail dealer who calculates the tax  
48 credit on that same December 31 as provided in  
49 subsection 3.

50 b. (2) For the period beginning on January 1 to

Page 5

1 the end of the retail dealer's tax year, the retail  
2 dealer shall calculate the tax credit in the same  
3 manner as a retail dealer who will calculate the tax  
4 credit on the following December 31 as provided in  
5 subsection 3.

6 Sec. \_\_\_\_ Section 422.33, subsection 11A,  
7 paragraph c, as enacted by 2006 Iowa Acts, House File  
8 2754, section 46, is amended to read as follows:

9 c. This subsection is repealed on January 1, ~~2026~~  
10 2021.

11 Sec. \_\_\_\_ 2006 Iowa Acts, House File 2754, section  
12 49, subsection 2, is amended to read as follows:

13 2. For a retail dealer who may claim an ethanol  
14 promotion tax credit under section 422.11N or 422.33,  
15 subsection 11A, as enacted in this Act, in calendar  
16 year ~~2025~~ 2020 and whose tax year ends prior to  
17 December 31, ~~2025~~ 2020, the retail dealer may continue  
18 to claim the tax credit in the retail dealer's

19 following tax year. In that case, the tax credit  
20 shall be calculated in the same manner as provided in  
21 section 422.11N or 422.33, subsection 11A, as enacted  
22 in this Act, for the remaining period beginning on the  
23 first day of the retail dealer's new tax year until  
24 December 31, ~~2025~~ 2020. For that remaining period,  
25 the tax credit shall be calculated in the same manner  
26 as a retail dealer whose tax year began on the  
27 previous January 1 and who is calculating the tax  
28 credit on December 31, ~~2025~~ 2020.

29 Sec. \_\_\_\_ 2006 Iowa Acts, House File 2754, section  
30 83, subsection 4, is amended to read as follows:

31 4. Sections 214A.1, 214A.4, ~~214A.5, 214A.7,~~  
32 214A.8, and 214A.10, Code 2005, are amended by  
33 striking from the provisions the words "oxygenate  
34 octane enhancer" and inserting the following:  
35 "oxygenate".

36 Sec. \_\_\_\_ **NEW SECTION. 455G.3A SPECIAL**  
37 **APPROPRIATION — RENEWABLE FUEL INFRASTRUCTURE FUND.**

38 1. Notwithstanding section 455G.3, for the fiscal  
39 period beginning July 1, 2006, and ending June 30,  
40 2008, there is appropriated each fiscal year from the  
41 Iowa comprehensive petroleum underground storage tank  
42 fund created in section 455G.3, to the renewable fuel  
43 infrastructure fund, created in section 15G.119, three  
44 million five hundred thousand dollars.

45 2. This section is repealed on July 1, 2008.

46 Sec. \_\_\_\_ Section 15.401, Code Supplement 2005, is  
47 repealed.

48 Sec. \_\_\_\_ **TRANSFER OF MONEYS.** Moneys appropriated  
49 to the Iowa department of economic development for the  
50 purposes provided in section 15.401 shall be

Page 6

1 transferred to the renewable fuel infrastructure fund  
2 created in section 15G.119, as enacted by this Act, to  
3 be expended as provided in sections 15G.116 and  
4 15G.117, as enacted by 2006 Iowa Acts, House File  
5 2754, sections 30 and 31.

6 Sec. \_\_\_\_ **MOTOR FUEL INSPECTION.** There is  
7 appropriated from the renewable fuel infrastructure  
8 fund as created in section 15G.119, as enacted in this  
9 Act, to the department of agriculture and land  
10 stewardship for each fiscal year of the fiscal period  
11 beginning July 1, 2006, and ending June 30, 2008, the  
12 following amount, or so much thereof as is necessary,  
13 to be used for the purposes designated:

14 For purposes of the inspection of motor fuel,  
15 including salaries, support, maintenance,  
16 miscellaneous purposes, and for not more than the  
17 following full-time equivalent positions:

18 ..... \$ 300,000  
 19 ..... FTEs 3.00  
 20 The department shall establish and administer  
 21 programs for the auditing of motor fuel including  
 22 biofuel processing and production plants, for  
 23 screening and testing motor fuel, including renewable  
 24 fuel, and for the inspection of motor fuel sold by  
 25 dealers including retail dealers who sell and dispense  
 26 motor fuel from motor fuel pumps.”  
 27 2. Page 2, line 14, by striking the words “This  
 28 Act is” and inserting the following: “The sections of  
 29 this Act, other than the section of this Act enacting  
 30 section 214A.1A, are”.  
 31 3. Page 2, by inserting after line 15 the  
 32 following:  
 33 “Sec. \_\_\_\_ SPECIAL EFFECTIVE DATE. The section of  
 34 this Act enacting section 214A.1A, being deemed of  
 35 immediate importance, takes effect upon enactment.”  
 36 4. Title page, line 1, by inserting before the  
 37 word “providing” the following: “relating to  
 38 renewable fuel, by”.  
 39 5. Title page, line 2, by inserting after the  
 40 word “infrastructure,” the following: “providing for  
 41 tax credits.”.  
 42 6. Title page, lines 2 and 3, by striking the  
 43 words “a contingent effective date” and inserting the  
 44 following: “contingent and other effective dates”.  
 45 7. By renumbering as necessary.

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

Page 4

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

Page 2

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

Page 3

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

Page 4

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

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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
----------	----	-----------

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
----------	----	-----------

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-



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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.

44 **DIVISION III**

45 **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

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1 year. In order for a commercial service airport to receive funding under this subparagraph, the airport shall be required to submit applications for funding of specific projects to the department for approval by the state transportation commission.

h. OFFICE OF TREASURER OF STATE

For county fair infrastructure improvements for distribution in accordance with chapter 174 to qualified fairs which belong to the association of Iowa fairs:

..... \$ 1,060,000

2. TAX-EXEMPT STATUS — USE OF APPROPRIATIONS.

Payment of moneys from the appropriations in this section shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the tobacco settlement authority.

3. REVERSION. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2009, or until the project for which the appropriation was made is completed, whichever is earlier.

DIVISION IV

VERTICAL INFRASTRUCTURE FUND

Sec. 12. There is appropriated from the vertical infrastructure fund to the state board of regents for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

STATE BOARD OF REGENTS

For vertical infrastructure-related improvements associated with the implementation of the recommendations provided in separate consultant reports on bioscience, advanced manufacturing, and information technology submitted to the department of economic development in the calendar years 2004 and 2005:

..... \$ 5,000,000

Sec. 13. REVERSION. Notwithstanding section 8.33, moneys appropriated in this division of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2009, or until the project for which the appropriation was made is completed, whichever is earlier.

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## DIVISION V

## ENDOWMENT FOR IOWA'S HEALTH RESTRICTED CAPITALS FUND

Sec. 14. There is appropriated from the endowment for Iowa's health restricted capitals fund to the following departments and agencies for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

## 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

a. For costs to repair parking lots on the capitol complex:

..... \$ 1,545,000

b. For capitol interior and exterior restoration and for major renovation and major repair needs, including health, life, and fire safety needs, and for compliance with the federal Americans With Disabilities Act, for state buildings and facilities under the purview of the department:

..... \$ 6,830,000

Of the amount appropriated in this paragraph, up to \$500,000 shall be used to establish areas of rescue assistance in emergency evacuation situations.

c. For planning, design, and construction costs associated with the construction of a new 350,000-gross-square-foot state office building:

..... \$ 38,485,000

d. For upgrades to the Woodward state resource center wastewater treatment system:

..... \$ 2,443,000

e. For costs associated with the remodeling of the records and property center:

..... \$ 2,200,000

f. For costs associated with the replacement of the powerhouse facilities at the Iowa juvenile home at Toledo:

..... \$ 1,521,045

g. For construction of a new school and infirmary building at the Iowa juvenile home at Toledo and for the renovation of existing school buildings and the demolition of other buildings:

..... \$ 8,130,668

## 2. DEPARTMENT FOR THE BLIND

For costs associated with department for the blind building renovations:

..... \$ 4,000,000

## 3. DEPARTMENT OF CORRECTIONS

a. For construction of a community-based correctional facility, including district offices, in Davenport:

..... \$ 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

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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.

#### 28 DIVISION VI

#### 29 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

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1 year that begins July 1, 2005 2006, or until the project for which the appropriation was made is completed, whichever is earlier.

4 Sec. 26. 2002 Iowa Acts, chapter 1173, section 1, subsection 3, paragraph b, is amended to read as follows:

7 b. To provide a grant for construction of, and purchasing of equipment for, a facility to be used exclusively for processing novel proteins from agricultural products for pharmaceutical, nutraceutical, or chemical applications:

12 FY 2002-2003 .....	\$	3,268,696
13		0
14 FY 2003-2004 .....	\$	0
15 FY 2004-2005 .....	\$	0
16 FY 2005-2006 .....	\$	0

17 The moneys appropriated in this paragraph "b" shall comprise no more than 15 percent of the total costs of construction of, and purchasing equipment for, the facility.

21 Sec. 27. 2004 Iowa Acts, chapter 1175, section 288, subsection 4, paragraph b, is amended to read as follows:

24 b. For construction of a community-based correctional facility, including district offices, in Davenport:

27 FY 2004-2005 .....	\$	3,000,000
28 FY 2005-2006 .....	\$	3,750,000
29 FY 2006-2007 .....	\$	3,750,000
30		0

31 ~~It is the intent of the general assembly that the department of management allocate the entire appropriation for the fiscal year beginning July 1, 2006, to the department of corrections by July 31, 2006.~~

36 Sec. 28. 2004 Iowa Acts, chapter 1175, section 288, subsection 7, paragraph d, is amended to read as follows:

39 d. For allocation to the public broadcasting division for costs of installation of digital and analog television for Iowa public television facilities, notwithstanding section 8.57, subsection 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		0

48 Sec. 29. 2005 Iowa Acts, chapter 178, section 4, 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

39  
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 capitol 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:

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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 ~~fifty~~ 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 fifty 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 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:

### "SUBCHAPTER I

### 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,

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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

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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.

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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

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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.

THOMAS G. COURTNEY

**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."

## Page 2

1 19. Page 8, by striking lines 3 through 18.  
 2 20. By striking page 9, line 17, through page 10,  
 3 line 15, and inserting the following:  
 4 "Sec. \_\_\_\_ DEPARTMENT OF EDUCATION. There is  
 5 appropriated from the healthy Iowans tobacco trust  
 6 created in section 12.65, to the department of  
 7 education for the fiscal year beginning July 1, 2006,  
 8 and ending June 30, 2007, the following amount, or so  
 9 much thereof as is necessary, to be used for the  
 10 purpose designated:  
 11 To establish a competitive grants program to expand  
 12 the availability of before and after school programs:  
 13 ..... \$ 150,000  
 14 School districts and other public and private  
 15 organizations shall be eligible to apply for a grant  
 16 from the program. Grant applications shall be  
 17 assessed by the department based on the targeted  
 18 student population and whether the application  
 19 demonstrates partnerships and collaboration with  
 20 not-for-profit community organizations, if  
 21 appropriate; indicates that the school district or  
 22 organization has access to training for the program;  
 23 provides for a safe and engaging environment; combines

24 academic, enrichment, cultural, and recreational  
 25 activities; provides for no less than a 20 percent  
 26 match; and demonstrates that the school district or  
 27 organization is able to sustain the program after the  
 28 grant is exhausted. The types of activities supported  
 29 by an applicant may include but are not limited to  
 30 tutoring and supplementing instruction in basic  
 31 skills, such as reading, math, and science; drug and  
 32 violence prevention curricula and counseling; youth  
 33 leadership activities; volunteer and service learning  
 34 opportunities; career and vocational awareness  
 35 preparation; courses and enrichment in arts and  
 36 culture; computer instruction; character development  
 37 and civic participation; language instruction,  
 38 including English as a second language; mentoring;  
 39 positive interaction with law enforcement; supervised  
 40 recreation programs; or health and nutrition programs.  
 41 The department shall make every attempt to leverage  
 42 additional funding from other public and private  
 43 sources to support the program provided under this  
 44 section.”

45 21. Page 10, by inserting after line 15 the  
 46 following:  
 47 “Sec. \_\_\_\_ FARMERS WITH DISABILITIES — FEDERAL  
 48 REPLACEMENT FUNDS. There is appropriated from the  
 49 general fund of the state to the division of  
 50 vocational rehabilitation services of the department

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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:

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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:

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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

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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:

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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

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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

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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

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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

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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

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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

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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.		

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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:

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1 "....."	\$	975,000
2 Of the amount appropriated for the dredging of		
3 lakes, \$225,000 shall be allocated for a lake with		
4 public access that has the support of a benefitted		
5 lake district located in a county with a population		
6 between 18,350 and 18,450.		
7 The department shall monitor private lake		
8 recipients with a department presence of the funds		
9 appropriated in this lettered paragraph and such		
10 recipients shall provide local matching moneys on a		
11 dollar-for-dollar basis."		
12 31. Page 12, by striking lines 8 through 13 and		
13 inserting the following:		
14 "i. For completion of the tire reclamation project		
15 near Rhodes:		
16 "....."	\$	50,000
17 Sec. ____ There is appropriated from the		
18 environment first fund to the department of		
19 agriculture and land stewardship for the fiscal year		
20 beginning July 1, 2007, and ending June 30, 2008, the		
21 following amount, or so much thereof as is necessary,		
22 to be used for the purpose designated:		
23 For the purpose of funding a detailed project		
24 report by the United States army corps of engineers to		
25 study flood prevention improvements to a levee located		
26 in the largest city in a county in this state with a		
27 population between 190,000 and 200,000:		
28 "....."	\$	150,000

29 To receive funds pursuant to this section, the city  
 30 shall provide local matching moneys on a  
 31 dollar-for-dollar basis and shall work to obtain any  
 32 available federal funding.  
 33 Notwithstanding section 8.33, moneys appropriated  
 34 in this section that remain unencumbered or  
 35 unobligated at the close of the fiscal year shall not  
 36 revert but shall remain available for the purposes  
 37 designated until the close of the fiscal year that  
 38 begins July 1, 2010, or until the project for which  
 39 the appropriation was made is completed, whichever is  
 40 earlier."

41 32. Page 12, line 26, by inserting after the word  
 42 "appropriated" the following: "for the fiscal year  
 43 beginning July 1, 2006,".

44 33. Page 13, by striking line 20 and inserting  
 45 the following: "fiscal year beginning July 1, 2005,  
 46 and ending June 30, 2006".

47 34. By striking page 13, line 27, through page  
 48 14, line 11, and inserting the following:

49 "(2) For costs associated with the remodeling of  
 50 the records and property center:

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1 .....	\$	2,200,000
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:

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1 "Of the amount appropriated in this lettered  
 2 paragraph, funds shall be used for the maintenance of  
 3 the exterior windows on the east side of the capitol  
 4 building."  
 5 41. Page 17, line 33, by inserting after the word  
 6 "new" the following: "approximately".  
 7 42. Page 17, line 35, by striking the figure  
 8 "38,485,000" and inserting the following:  
 9 "37,585,000".  
 10 43. Page 18, by striking lines 4 through 6.  
 11 44. Page 18, line 14, by striking the figure  
 12 "8,130,668" and inserting the following: "5,030,668".  
 13 45. Page 18, by inserting after line 14 the  
 14 following:  
 15 "\_\_\_\_ For discretion by the director of the  
 16 department of administrative services to be used to  
 17 purchase property or enter into agreements to purchase  
 18 property which would be appropriate or beneficial to  
 19 the state:  
 20 ..... \$ 500,000"  
 21 46. Page 18, line 25, by striking the figure  
 22 "1,400,000" and inserting the following: "1,000,000".  
 23 47. Page 18, by striking lines 26 through 28 and  
 24 inserting the following:  
 25 "c. To the sixth judicial district department of  
 26 correctional services for the design and construction



27 of a 20-bed residential facility for offenders under  
 28 the supervision of the district department who have  
 29 mental health or dual diagnosis needs:  
 30 ..... \$ 1,000,000"  
 31 48. By striking page 18, line 30, through page  
 32 19, line 2, and inserting the following:  
 33 "For deposit into the Iowa great places program  
 34 fund created in section 303.3D, if enacted in this  
 35 Act:  
 36 ..... \$ 3,000,000  
 37 Of the amount deposited into the Iowa great places  
 38 program fund pursuant to this subsection, \$1,000,000  
 39 is appropriated for and shall be allocated to each  
 40 Iowa great place identified through the Iowa great  
 41 places program in fiscal year 2005–2006.  
 42 Notwithstanding section 8.33, the amounts appropriated  
 43 and allocated pursuant to this paragraph that remain  
 44 unencumbered at the close of the fiscal year shall not  
 45 revert but shall remain available for expenditure by  
 46 the department for the purposes designated in this  
 47 paragraph until the close of the succeeding fiscal  
 48 year.  
 49 \_\_\_\_ DEPARTMENT OF ECONOMIC DEVELOPMENT  
 50 For accelerated career education program capital

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1 projects at community colleges that are authorized  
 2 under chapter 260G and that meet the definition of  
 3 "vertical infrastructure" in section 8.57B, subsection  
 4 3:  
 5 ..... \$ 5,500,000  
 6 The moneys appropriated in this subsection shall be  
 7 allocated equally among the community colleges in the  
 8 state. If any portion of the equal allocation to a  
 9 community college is not obligated or encumbered by  
 10 April 1, 2007, the unobligated and unencumbered  
 11 portions shall be available for use by other community  
 12 colleges."  
 13 49. Page 19, line 22, by striking the figure  
 14 "1,635,000" and inserting the following: "1,236,000".  
 15 50. Page 19, by striking lines 25 through 27, and  
 16 inserting the following:  
 17 "d. For allocation to the homeland security and  
 18 emergency management division for the STARCOMM  
 19 project:  
 20 ..... \$ 600,000"  
 21 51. Page 19, by striking lines 29 through 31 and  
 22 inserting the following:  
 23 "For allocation to the division of fire protection  
 24 for the planning, design, and construction of regional  
 25 emergency response training centers in the state:

26 ..... \$ 2,000,000  
 27 Of the amount appropriated in this subsection,  
 28 \$400,000 shall be allocated to north Iowa area  
 29 community college.  
 30 Of the amount appropriated in this subsection,  
 31 \$400,000 shall be allocated to southeastern Iowa  
 32 community college.  
 33 Of the amount appropriated in this subsection,  
 34 \$400,000 shall be allocated to 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:

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1 ..... \$ 1,500,000  
 2 Fifty percent of the funds appropriated in this  
 3 lettered paragraph shall be allocated equally between  
 4 each commercial service airport, 40 percent of the  
 5 funds shall be allocated based on the percentage that  
 6 the number of enplaned passengers at each commercial  
 7 service airport bears to the total number of enplaned  
 8 passengers in the state during the previous fiscal  
 9 year, and 10 percent of the funds shall be allocated  
 10 based upon the percentage that the air cargo tonnage  
 11 at each commercial service airport bears to the total  
 12 air cargo tonnage in the state during the previous  
 13 fiscal year. In order for a commercial service  
 14 airport to receive funding under this lettered  
 15 paragraph, the airport shall be required to submit  
 16 applications for funding of specific projects to the  
 17 department for approval by the state transportation  
 18 commission.  
 19 c. For acquiring, constructing, and improving  
 20 recreational trails within the state:  
 21 ..... \$ 2,000,000  
 22 Of the amount appropriated in this lettered  
 23 paragraph, \$200,000 shall be allocated for trail  
 24 projects in Wapello county.

25 d. For deposit into the public transit  
 26 infrastructure grant fund created in section 324A.6A:  
 27 ..... \$ 2,200,000"  
 28 53. Page 20, by striking lines 17 through 25.  
 29 54. Page 21, by inserting after line 26 the  
 30 following:  
 31 "Sec. \_\_\_\_ REPORT. Annually, on or before January  
 32 1 of each year, a state agency that received an  
 33 appropriation from the endowment for Iowa's health  
 34 restricted capitals fund for the preceding fiscal year  
 35 shall report to the joint transportation,  
 36 infrastructure, and capitals appropriation  
 37 subcommittee, the legislative services agency, the  
 38 department of management, and the legislative capital  
 39 projects committee of the legislative council the  
 40 status of all ongoing projects for which an  
 41 appropriation from the fund has been made. The report  
 42 shall include a description of the project, the  
 43 progress of work completed, the total estimated cost  
 44 of the project, a list of all revenue sources being  
 45 used to fund the project, the amount of funds  
 46 expended, the amount of funds obligated, and an  
 47 estimated completion date of the project."  
 48 55. Page 24, by inserting after line 18 the  
 49 following:  
 50 "4. Annually, on or before January 1 of each year,

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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

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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

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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

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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”

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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 .....		<u>38,888,041”</u>

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 .....		<u>24,461,148</u>

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 .....		<u>0”</u>

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

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 electrolysis, 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

Page 28

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.

Page 2

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

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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

- 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

Page 3

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:

Page 4

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.~~ 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.

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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

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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. <del>Eight</del> <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.

SENATE RESOLUTION 104

By: Dotzler, Ziemann, Lamberti, Stewart, Hahn,  
Zaun, Brunkhorst, Hancock, Wood, Schoenjahn,  
Johnson, Seng, Bolckcom, Miller, Dearden,  
Kettering, Ragan, Ward, Wieck, McKibben, Mulder,  
Shull, Behn, Gaskill, Quirmbach, Seymour, Fraise,  
Black, Courtney, Hatch, Gronstal, Beall,  
Horn, and Kibbie  
A resolution naming National Association for Stock Car  
Auto Racing great Rusty Wallace an honorary Iowan.  
WHEREAS, Rusty Wallace was born in Fenton,  
Missouri, in 1956, and now lives with his family in  
the Charlotte, North Carolina, area; and  
WHEREAS, as a young man Mr. Wallace debuted as a  
driver in 1973 at Lakehill Speedway in Missouri, and  
between 1974 and 1978 won an incredible 200 feature  
races; and  
WHEREAS, by 1979, Mr. Wallace was the United States  
Auto Club stock car circuit's rookie of the year, and  
by 1983 he was the American Speed Association series  
champion; and  
WHEREAS, Mr. Wallace joined the Winston Cup circuit  
in 1984, winning Rookie of the Year honors, and by  
1989 Mr. Wallace had won the National Association for  
Stock Car Auto Racing (NASCAR) Winston Cup  
Championship; and  
WHEREAS, after a racing career spanning over 30  
years with 55 career cup wins, Mr. Wallace has now  
retired from cup racing, while his son, Steven, now  
carries on the family tradition; and

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WHEREAS, in 2004, Mr. Wallace began a new career as  
the consultant and designer to the new Iowa Speedway  
in Newton, where he will combine ideas from the best  
race tracks in the world to establish a world-class  
facility in Iowa; and  
WHEREAS, Mr. Wallace has now embarked on an Iowa  
tour to promote the "Rusty Wallace Signature Series  
Track", visiting cities throughout this state,  
including Newton, Fort Dodge, the Quad Cities, Cedar  
Rapids, and Des Moines; NOW THEREFORE,  
BE IT RESOLVED BY THE SENATE, That the Senate  
honors Rusty Wallace for providing over 30 years of  
racing excitement and excellence; and  
BE IT FURTHER RESOLVED, That in recognition of his  
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, Quirmbach,  
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.

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.

SENATE RESOLUTION 119

By: Connolly, Courtney, Gronstal, Kibbie, Dvorsky,  
Bolkcom, Ragan, Stewart, Beall, Danielson, Dotzler,  
Warnstadt, Horn, Wood, Seng, Kreiman, Dearden, Rielly,  
Hancock, Schoenjahn, Fraise, McKibben, Quirmbach,  
Black, Lundby, Putney, Boettger, Behn, Johnson,  
McKinley, Mulder, Wieck, Seymour, Shull, Zaun, Zieman,  
Miller, Tinsman, and Angelo

A resolution honoring the life and work of Benjamin C.  
Duehr.

WHEREAS, Benjamin C. Duehr was a statesman for the  
cause of labor, a union man who devoted his life to  
labor-related issues and politics; and

WHEREAS, Mr. Duehr began work at the John Deere  
Dubuque Works in 1972, joining the United Auto Workers  
Union, Local 94; and

WHEREAS, Mr. Duehr faithfully served the members of  
Local 94 for over three decades; and

WHEREAS, during that time Mr. Duehr served Local 94  
as a member of numerous committees and more  
specifically as a trustee of Local 94, the recording  
secretary, and, at the time of his death, vice  
president; and

WHEREAS, Mr. Duehr also was active with the United  
Auto Workers, serving as the community action program  
vice president and serving as the United Auto Workers  
lobbyist for five years; and

WHEREAS, Mr. Duehr also served the greater  
community as well, serving as a Boy Scout liaison  
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

WHEREAS, Benjamin C. Duehr died on December 31,  
2005, after a lifetime of service, leaving behind his  
wife Ann and three children: Sally, Cristi, and  
Benjamin; NOW THEREFORE,

BE IT RESOLVED BY THE SENATE, That the Senate  
honors the memory of Benjamin C. Duehr and his efforts  
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.

SENATE RESOLUTION 121

By: Dvorsky and Bolkcom  
A resolution honoring David J. Skorton for his service to Iowa as an educator and administrator and as President of the University of Iowa.  
WHEREAS, David Skorton has had a long and remarkable career at the University of Iowa; and  
WHEREAS, President Skorton has been a faculty member at the University of Iowa since 1980, holding joint appointments at the rank of professor in the departments of internal medicine, electrical and computer engineering, and biomedical engineering; and  
WHEREAS, President Skorton was appointed vice president for research in 1992, served as interim vice president for external relations in 2000, and served as vice president for research and external relations from March 2002 until he assumed the presidency; and  
WHEREAS, on March 1, 2003, David J. Skorton was appointed the 19th president of the University of Iowa; and  
WHEREAS, a small sample of President Skorton's activities includes the cofounding and codirecting of the University of Iowa Adolescent and Adult Congenital Heart Disease Clinic at the University of Iowa Hospitals and Clinics, serving as president of the Association for the Accreditation of Human Research Protection Programs, Inc., chairing the Iowa City Area Development Group, serving on the Iowa Department of Economic Development Board, and serving on the boards and committees of many local, state, and national

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organizations; and  
WHEREAS, after over a quarter century of dedicated service to the university and to all of Iowa, President Skorton will now take up a new challenge as the 12th president of Cornell University, New York state's land-grant university and a world-renowned research institution; NOW THEREFORE,  
BE IT RESOLVED BY THE SENATE, That the Senate pays tribute to David J. Skorton for over twenty-five years of service to the people of Iowa and for his enormous contribution to higher education and the University of Iowa during his service as professor, administrator, and President and congratulates him for the many beneficial improvements to that institution during his 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

23 WHEREAS, in the final game the Urbandale team made  
24 a 14-hit attack, while left-hander Jared Norris  
25 pitched Urbandale's second three-hitter in as many  
26 days for the complete game win; and  
27 WHEREAS, Urbandale's championship was the first for  
28 a United States Central team since Athens, Ohio, won  
29 the series in 1987; NOW THEREFORE,  
30 BE IT RESOLVED BY THE SENATE, That the Senate

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1 congratulates the players on the Urbandale Senior  
2 League All-Star Team, coaches Don Davis, Dan Schuck,  
3 and Shannon Waddell, and team manager John Hoberg for  
4 winning the 2005 Senior League Baseball World Series  
5 Championship.

**SENATE RESOLUTION 126:** filed March 14, 2006; adopted by  
the Senate on March 15, 2006.

1                   SENATE RESOLUTION 126  
2 By: Committee on Education  
3 (Successor to SSB 3255)  
4 A resolution declaring March 15, 2006, as a day to  
5 recognize and honor Iowa's community colleges  
6 on their 40th anniversary.  
7 WHEREAS, 2006 marks the 40th anniversary of the  
8 designation by the state board of education of the  
9 first of 15 merged area schools, now called community  
10 colleges, resulting from Senate File 550, floor  
11 managed by Senator Jack Kibbie during the Sixty-First  
12 General Assembly, passed by the Senate by a vote of  
13 47-11 and by the House of Representatives by a vote of  
14 80-24, and signed into law by Governor Harold Hughes  
15 on June 7, 1965; and  
16 WHEREAS, Iowa's community colleges enroll one of  
17 every four citizens of the state of Iowa in credit and  
18 noncredit educational offerings; and  
19 WHEREAS, Iowa's community colleges have provided  
20 easy access to thousands of Iowans who seek higher  
21 education, including many who transfer credits to  
22 senior institutions and thousands more who seek high-  
23 quality vocational-technical programs; and  
24 WHEREAS, adult and continuing education courses and  
25 job training programs have trained thousands of Iowa's  
26 citizens, who have improved their skills, benefiting  
27 businesses, the workforce, and the overall economy of  
28 the state; and  
29 WHEREAS, community colleges are the port of entry  
30 for many of the poorest, most challenged, and most

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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: Quirmbach 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.

SENATE RESOLUTION 135

By: Beall, Black, Kibbie, McCoy, Gronstal, Behn,  
Boettger, Bolkcom, Connolly, and Iverson  
A resolution supporting a proposal to invite the  
Republic of China (Taiwan) to participate in the  
upcoming meeting of the World Health Assembly as an  
observer.  
WHEREAS, the next World Health Assembly meeting is  
scheduled to take place on May 18, 2006, in Geneva,  
Switzerland; and  
WHEREAS, the Republic of China, commonly known as  
Taiwan, was a founding member of the World Health  
Organization and participated for 24 years as a full  
member contributing to the achievement of the  
organization's objectives; and  
WHEREAS, in 1972, in the wake of the admission of  
the People's Republic of China to the United Nations,  
Taiwan's membership in the World Health Organization  
was discontinued; and  
WHEREAS, Taiwanese health officials and medical  
professionals have been unable to participate in World  
Health Organization forums and workshops regarding  
technological advances in the diagnosis, monitoring,  
and control of diseases since 1972, and have been  
denied the right to maintain contact and coordination  
with the World Health Organization in emergency  
situations involving the containment and cure of  
existing and newly emerging infectious diseases; and  
WHEREAS, Taiwan's location at the juncture of  
important maritime routes between northeast and

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southeast Asia has resulted in extensive world trade  
with Taiwan, a thriving Taiwanese tourism industry,  
and a large foreign migrant worker population in  
Taiwan; and  
WHEREAS, Taiwan's absence from the World Health  
Organization system has become a missing link in the  
global framework of providing health care; and  
WHEREAS, the granting of observer status to Taiwan  
would not constitute a challenge to participation by  
the People's Republic of China in the World Health  
Organization and would demonstrate that the  
organization is inclusive with regard to Taiwan's 23  
million inhabitants; and  
WHEREAS, as a democratically elected government,  
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, Bolkcom, 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, Vañ 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, Ziemann,  
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, Schoenjahn,  
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, Lamberti, 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,

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  
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Martinez, Frank — 55, 57, 66, 228, 370

## Cosmetology Arts and Sciences Examiners, Board of:

Talbot, 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 &amp; 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

APPOINTEES, *subhead* Great Places Advisory Board — continued

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 &amp; 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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## Medical Examiners, Board of:

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

Kastner, Cindy — 574, 606, 629, 717, 801

Koch-Seechase, 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

## APPOINTEES — continued

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

Physician Assistant Examiners, Board of:

Charlton, Mary — 56, 57, 65, 105, 167

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

## Real Estate Commission:

- Berry, Daniel — 576, 610, 635, 757, 803
- Dawley, Laurie — 576, 610, 635, 757, 803
- Diehl, Laurel — 56, 58, 67, 144, 167
- Hughes, James — 576, 610, 635, 757, 803
- Reichert, Karl — 56, 58, 67, 127, 229
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## Renewable Fuels and Coproducts Advisory Committee:

- Andersen-Schank, Karen — 576, 608, 631, 671, 803
- 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

## Social Work Examiners, Board of:

- Keith, Katinka — 56, 58, 67, 144, 167
- Stout, David — 577, 611, 635, 757, 803
- Tasler, Mary — 577, 611, 635, 757, 803

## Speech Pathology &amp; Audiology Examiners, Board of:

- Vilda, Rebecca — 577, 611, 635, 757, 803
- Walter, Douglas — 577, 611, 635, 757, 803
- Webb, Kent — 577, 611, 635, 757, 803

## Tax Review, State Board of:

- Milligan, Michael — 577, 611, 637, 744, 803

## Technology Governance Board:

- Cowie, Sandra — 56, 57, 65, 126, 167
- Ramundt, Randall — 56, 57, 65, 126, 167, 577, 605, 627, 670, 803

## APPOINTEES — continued

## 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:

Coziahr, 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

Wiley, Donald — 577, 611, 636, 671, 804

## 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

*deferral* — 901

## Workforce Development Board, Iowa:

Amos, Jerome — 578, 604, 626, 716, 804

Anderson, Kenneth — 578, 604, 626, 716, 804

Duchene, Vicki — 578, 604, 626, 716, 868

Owen, David — 56, 57, 65, 196, 370, 578, 604, 626, 716, 804

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## ASSISTANT DEMOCRATIC LEADERS

Bolkcom, Joe — Senator, 39th District  
Connolly, Mike — Senator, 14th District  
Courtney, Thomas — Senator, 44th District  
Dotzler, William — Senator, 11th District  
Ragan, Amanda — Senator, 7th District

## ASSISTANT REPUBLICAN LEADERS

Behn, Jerry — Senator, 24th District  
Gaskill, Thurman — Senator, 6th District  
Johnson, David — Senator, 3rd District  
Putney, John — Senator, 20th District  
Zieman, Mark — Senator, 8th District

## BEALL, DARYL — Senator, 25th District

Amendments filed — 269, 281, 490, 597, 706, 866, 1088  
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## BEHN, JERRY — Senator, 24th District; Assistant Republican Leader

Amendments filed — 718, 859, 1088  
Amendments offered — 837  
Bills introduced — 24, 61, 77, 84, 132–134, 141, 151, 153, 154, 191, 203,  
234, 262  
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Resolutions introduced — 111, 233, 350, 550, 580, 581, 714, 762

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**BLACK, DENNIS H.** — Senator, 21st District

Amendments filed — 269, 282, 823, 1088  
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**BOETTGER, NANCY** — Senator, 29th District

Amendments filed — 324, 346, 542, 744, 792, 817, 905, 992, 1037, 1046  
Amendments offered — 542, 817, 1037  
Amendments withdrawn — 542, 785, 1079  
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**BOLKCOM, JOE** — Senator, 39th District; Assistant Democratic Leader

Amendments filed — 269, 282, 524, 534, 563, 855, 931, 973, 1023, 1033, 1088  
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Presiding at session — 911  
Resolutions introduced — 111, 350, 373, 580, 581, 713, 714, 762

**BRUNKHORST, BOB** — Senator, 9th District

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Amendments offered — 564, 590, 591

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**KETTERING, STEVE** — Senator, 26th District

Amendments filed — 495, 859, 1015, 1068

Amendments offered — 1067

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Certificates of recognition — 452, 686, 739

Resolutions introduced — 111, 217, 233, 714

## KIBBIE, JOHN P. — Senator, 4th District; Democratic President of Senate

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Amendments filed — 269, 282, 379, 537, 1088

Amendments offered — 250, 776

Bills introduced — 34, 35, 92-94, 111, 112, 121, 133, 134, 140, 141, 155, 163, 164, 181, 191, 202, 217-219, 234, 235, 274-276, 286, 301

Certificates of recognition — 521, 686

Presentations — 7, 435, 505, 506, 540

Resolutions introduced — 111, 233, 350, 580, 581, 714, 762, 794

## 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

Amendments offered — 499, 528, 565, 602, 817, 840, 841, 844, 871, 887, 981

Amendments withdrawn — 602, 870, 1065

Bills introduced — 23, 24, 61, 92, 94, 111, 112, 121, 134, 140, 155, 181, 204, 218, 219, 234-236, 274, 275, 300

Conference committee appointments & reports — 925, 979

Explanations of votes — 637

Resolutions introduced — 233, 350, 714, 762, 967

## LAMBERTI, JEFF — Senator, 35th District; Republican President of Senate

Address to the Senate — 3

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Resolutions introduced — 111, 233, 350, 714, 851, 967, 999

## LARSON, CHARLES W., JR. — Senator, 19th District

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Amendments offered — 1088

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## LUNDBY, MARY — Senator, 18th District; Republican Floor Leader

Amendments filed — 495, 496, 584, 598, 706, 823, 1047, 1088

Amendments offered — 496

Amendments withdrawn — 495

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Resolutions introduced — 217, 233, 350, 714

## McCOY, MATT — Senator, 31st District

Amendments filed — 269, 468, 495, 496, 556, 1088

Amendments offered — 556

Bills introduced — 60, 92, 94, 111, 112, 134, 164, 181, 202, 218, 219, 274, 301, 319, 320

Explanations of votes — 637

Presentations — 450

Presiding at session of Senate — 812

Resolutions introduced — 163, 233, 291, 319, 350, 580, 581, 613, 673, 714, 968, 999

## McKIBBEN, LARRY — Senator, 22nd District; Republican President Pro Tem

Amendments filed — 447, 497, 524, 562, 584, 918, 1015, 1053

Amendments offered — 507, 562, 586

Amendments withdrawn — 586, 700

Bills introduced — 24, 77, 132-134, 151, 153, 154, 191, 203, 262, 331, 342

Certificates of recognition — 82, 739, 942, 987

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Resolutions introduced — 111, 202, 233, 350, 644, 714

## McKINLEY, PAUL — Senator, 36th District

Amendments filed — 823, 973, 1015

Amendments withdrawn — 1038

Bills introduced — 24, 60, 77, 84, 92, 132, 134, 151, 154, 191, 262, 301

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**MILLER, DAVID — Senator, 45th District**

Amendments filed — 468, 718, 792, 943, 981

Amendments offered — 1056

Amendments withdrawn — 932, 1016

Bills introduced — 24, 51, 60, 76, 77, 84, 111, 121, 132, 134, 154, 163,  
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**MULDER, DAVID — Senator, 2nd District**

Amendments filed — 281, 514, 584, 598, 706, 826, 1088

Amendments offered — 598, 706

Amendments withdrawn — 598, 1023

Bills introduced — 60, 84, 112, 134, 140, 141, 154, 163, 181, 191, 203,  
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Certificates of recognition — 244, 501, 530, 579, 612, 638, 955, 1029-1031

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PUTNEY, JOHN — Senator, 20th District; Assistant Republican Leader

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Amendments offered — 498

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Bills introduced — 24, 60, 77, 84, 134, 141, 154, 181, 191, 203, 234, 262

Certificates of recognition — 67, 612, 966, 1030

Conference committee appointments & reports — 941, 960

Resolutions introduced — 202, 217, 233, 350, 714, 762, 968

QUIRMBACH, HERMAN C. — Senator, 23rd District

Amendments filed — 159, 269, 282, 537, 587, 593, 706, 764, 765, 792, 855, 1053, 1088

Amendments offered — 587, 593, 1053

Amendments withdrawn — 311

Bills introduced — 92, 94, 111, 112, 141, 153, 181, 191, 218, 234, 235, 274, 275, 300, 301

Certificates of recognition — 895, 966

Conference committee appointments & reports — 941, 960

Presentations — 768, 856

Resolutions introduced — 111, 233, 350, 550, 714, 762

RAGAN, AMANDA — Senator, 7th District; Assistant Democratic Leader

Amendments filed — 249, 269, 281, 337, 584, 1043, 1047, 1088

Bills introduced — 60, 61, 70, 92, 94, 111, 112, 121, 122, 134, 140, 153, 155, 181, 191, 202, 218, 219, 234, 235, 275, 292, 300, 301

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Amendments filed — 269, 281, 706, 855, 859, 978, 1088

Amendments offered — 858, 859

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Amendments filed — 269, 281, 488, 706, 744, 1088

Amendments offered — 488

Bills introduced — 77, 92, 94, 111, 112, 121, 134, 140, 153–155, 163, 181, 191, 202, 218, 219, 234, 235, 275, 300, 301

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**SENG, JOE M.** — Senator, 43rd District

Amendments filed — 269, 584, 597, 978, 1088

Amendments offered — 597, 978

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**SEYMOUR, JAMES A.** — Senator, 28th District

Amendments filed — 249, 325, 337, 518, 584, 733, 734, 792, 823, 886, 887, 992, 1023

Amendments offered — 368, 518, 734, 772, 886, 1023

Amendments withdrawn — 368, 887, 1023

Bills introduced — 24, 60, 61, 84, 134, 141, 151, 154, 191, 203, 262, 320

Certificates of recognition — 129

Resolutions introduced — 111, 217, 233, 350, 549, 580, 713, 714, 762

**SHULL, DOUG** — Senator, 37th District

Amendments filed — 586, 706, 792, 956, 1019, 1065

Amendments offered — 586, 830, 962, 1019

Amendments withdrawn — 1018, 1065

Bills introduced — 24, 112, 140, 141, 153, 154, 181, 191, 203, 261, 320

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## WARD, PAT — Senator, 30th District

Amendments filed — 447, 855, 1065, 1075

Amendments offered — 511, 893, 1075

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Resolutions introduced — 111, 217, 233, 350, 713, 714, 762, 999

## WARNSTADT, STEVE — Senator, 1st District

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

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**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

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Amendments offered — 543, 962, 1062, 1088

Amendments withdrawn — 541, 543

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Amendments offered — 397, 457, 565, 950

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Bills introduced — 120, 134, 140, 141, 154, 181, 191, 203, 234, 235, 260, 262, 275

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**ZIEMAN, MARK — Senator, 8th District; Assistant Republican Leader**

Amendments filed — 495, 497, 503, 559, 598, 859, 1088

Amendments offered — 559, 598, 859

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