

## SENATE REPORTS RECEIVED AFTER ADJOURNMENT

The following is a record of Senate reports received after the close of the 2008 Regular Session.

## COMMUNICATION RECEIVED

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

### DEPARTMENT OF ADMINISTRATIVE SERVICES

FY 2007 ICN Savings Report, pursuant to Iowa Code section 8D.10. Report received on April 26, 2008.

## REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling [Senate File 2308](#), the following correction was made:

1. Title page, line 3: Should have comma after the word “information”.

ALSO:

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling [Senate File 2392](#), the following correction was made:

1. Page 49, line 24: Add a period to “CONTROL” in headline.

ALSO:

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling [Senate File 2417](#), the following corrections were made:

1. Page 5, line 2: “g” should be “f”.
2. Page 5, line 6: “h” should be “g”.
3. Page 5, line 10: “i” should be “h”.

ALSO:

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling [Senate File 2424](#), the following corrections were made:

1. Page 36, line 27: Period needed after “53”.
2. Page 36, line 29: New paragraph needed for codified text.

ALSO:

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling [Senate File 2425](#), the following corrections were made:

1. Page 126, line 14: Text should not run in after headnote.
2. Page 136, line 34: On rough, "DIVISION VIII" is misnumbered as IX; corrected on pan.
3. Page 138, line 21: Renumber DIVISION X as DIVISION IX.
4. Page 139, line 21: DIVISION XI should be DIVISION X.
5. Page 142, line 21: DIVISION \_\_\_ should be DIVISION XXI.
6. Page 146, line 10: DIVISION \_\_\_ should be DIVISION XXII.

ALSO:

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling [Senate File 2432](#), the following corrections were made:

1. Page 8, line 19: "e" renumbered to "d".
2. Page 29, line 3: "8" renumbered to "9".

MICHAEL E. MARSHALL  
Secretary of the Senate

## BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 26th day of April, 2008:

[Senate Joint Resolutions 2003](#) and [2005](#), and [Senate Files 517, 2124, 2132, 2134, 2160, 2203, 2216, 2222, 2303, 2308, 2321, 2337, 2341, 2348, 2364, 2386, 2392, 2394, 2400, 2405, 2406, 2413, 2415, 2417, 2418, 2419, 2422, 2424, 2425, 2428, 2429, 2430, and 2432](#).

MICHAEL E. MARSHALL  
Secretary of the Senate

RESOLUTION ENROLLED, SIGNED, AND  
SENT TO THE SECRETARY OF STATE

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following resolution has been enrolled, signed by the President of the Senate and the Speaker of the House, and submitted to the Secretary of State for deposit on this 26th day of April, 2008:

[Senate Joint Resolution 2002.](#)

MICHAEL E. MARSHALL  
Secretary of the Senate

SENATE BILLS APPROVED, ITEM VETOED, AND  
VETOED AFTER ADJOURNMENT

The following is a record of action by the Governor transmitted to the Secretary of State after the close of the 2008 Regular Session:

SENATE BILLS APPROVED

[Senate Joint Resolution 2003](#) – Authorizing the temporary use and consumption of alcoholic beverages on the state capitol complex grounds in conjunction with the Hy-Vee BG World Cup Triathlon, and providing an effective date. Approved May 7, 2008.

[Senate Joint Resolution 2005](#) – Authorizing the temporary use and consumption of wine and beer in the State Capitol, and the temporary display of ceremonial banners, in conjunction with the awards ceremony of the World Food Prize Foundation. Approved May 7, 2008.

[Senate File 517](#) – Relating to the development, management, and efficient use of energy resources, making energy-related modifications to the state building code, setting fees, making appropriations, and providing an effective date. Approved April 29, 2008.

[Senate File 2124](#) – Relating to income tax checkoffs and authorized expenditures from the veterans trust fund and providing for emergency rulemaking authority and including a retroactive applicability date provision and providing an effective date. Approved May 5, 2008.

[Senate File 2132](#) – Relating to notices regarding the disposition of seized property and providing an effective date. Approved May 10, 2008.

[Senate File 2134](#) – Relating to veterans affairs by modifying training requirements, requiring executive directors and administrators to provide minimum hours of service in each county, specifying executive director, administrator, and employee duties, creating a county commission of veteran affairs training program, creating a county commissions of veteran affairs fund, providing an appropriation, concerning eligibility

criteria for special gold star motor vehicle registration plates and providing an effective date. Approved May 5, 2008.

[Senate File 2160](#) – Relating to employers' participation in unemployment insurance adjudications and unemployment insurance tax penalties, and providing an effective date. Approved May 15, 2008.

[Senate File 2203](#) – Relating to contest events where an animal is injured, tormented, or killed, by providing a penalty for spectators. Approved May 7, 2008.

[Senate File 2216](#) – Concerning state and local measures for preparing a student for a career or for postsecondary education, including a statewide core curriculum for school districts and accredited nonpublic schools and a state-designated career information and decision-making system. Approved May 1, 2008.

[Senate File 2222](#) – Relating to payment of wages. Approved May 7, 2008.

[Senate File 2303](#) – Relating to workers' compensation provisions for continued medically related benefits in certain settlements of workers' compensation claims and to funding of the second injury fund and providing an effective date. Approved May 7, 2008.

[Senate File 2308](#) – Relating to identity theft by providing for the notification of a breach in the security of personal information, requesting the establishment of an interim study committee relating to disclosure of personal information by public officials, entities, and affiliated organizations, and providing penalties. Approved May 10, 2008.

[Senate File 2321](#) – Relating to the recycling of mercury-containing lamps by providing for a study. Approved May 7, 2008.

[Senate File 2337](#) – Relating to the purchase of liability insurance and to self-insurance by the association of Iowa fairs. Approved May 7, 2008.

[Senate File 2341](#) – Relating to Alzheimer's disease and similar forms of irreversible dementia. Approved May 7, 2008.

[Senate File 2348](#) – Relating to the management of cooperative associations. Approved May 7, 2008.

[Senate File 2386](#) – Relating to energy efficiency by establishing a commission on energy efficiency standards and practices, providing for the reporting of energy efficiency results and savings by gas and electric public utilities, specifying procedures for assessing potential energy and capacity savings and developing energy efficiency goals by gas and electric utilities not subject to rate regulation, providing for the establishment or participation in a program to track, record, or verify the trading of credits for electricity generated from specified sources, and providing for the establishment of an interim study committee to conduct an examination of energy efficiency plans and programs with an emphasis on the demand or customer perspective, and providing an effective date. Approved May 6, 2008.

[Senate File 2392](#) – To regulate viatical settlements, and providing for fees and penalties. Approved May 10, 2008.

[Senate File 2394](#) – Relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, and including an effective date. Approved May 13, 2008.

[Senate File 2405](#) – Relating to renewable energy, providing for state bank acquisition of equity interests in wind energy production facilities, providing for qualification for specified tax credits and refunds by state banks and by owners or manufacturing facilities generating wind energy for on-site consumption rather than sale, providing for the establishment or participation in a program to track, record, or verify the trading of credits for electricity generated from specified sources, and providing effective and retroactive applicability dates. Approved May 1, 2008.

[Senate File 2406](#) – Relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees, abolishing certain related entities, and including effective date and applicability provisions. Approved May 10, 2008.

[Senate File 2413](#) – Relating to school budgets, including by providing for requests and applications submitted by school districts to the school budget review committee and documents submitted to other state agencies concerning school district finances, and providing an effective date. Approved May 7, 2008.

[Senate File 2415](#) – Allowing certain counties to participate in a pilot project for emergency response districts and providing for a district tax levy. Approved May 9, 2008.

[Senate File 2418](#) – Relating to notice provided to certain households about the availability of volunteer or free income tax assistance programs and the federal and state earned income tax credits. Approved May 10, 2008.

[Senate File 2419](#) – Relating to the property tax exemption for speculative shell buildings and including effective and retroactive applicability date provisions. Approved May 7, 2008.

[Senate File 2422](#) – Relating to energy independence initiatives, specifying procedures applicable to Iowa power fund applications, authorizing allocations from the fund, directing that specified payments, repayments, or recaptures made to or received by the board shall be deposited in the fund, authorizing increased allocations for administrative costs, authorizing repayment of audit expenses to the auditor of state, and providing an effective date and applicability provision. Approved May 7, 2008.

[Senate File 2424](#) – Concerning public retirement systems and other employee benefit-related matters, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, the statewide fire and police retirement system, and the judicial retirement system, including implementation and transition provisions, and providing effective and retroactive applicability dates. Approved May 15, 2008.

[Senate File 2428](#) – Relating to the collection of delinquent debt owed the state and political subdivisions of the state by requiring offsets of gambling winnings, sanctioning of professional licenses, modifying provisions related to debt and tax collection practices and fees, writing off certain delinquent court debt, modifying provisions relating to the deposit of certain funds in the jury and witness fee fund, and making penalties applicable. Approved May 15, 2008.

[Senate File 2429](#) – Relating to budget requirements by certain small cities and providing an effective date. Approved May 7, 2008.

[Senate File 2430](#) – Relating to economic development by creating a community microenterprise development organization grant program, a microenterprise development advisory committee, and a river enhancement community attraction and tourism fund, and by making changes to the requirements for individual development accounts and making appropriations, and including effective and retroactive applicability provisions. Approved April 29, 2008.

## GOVERNOR'S ITEM VETO MESSAGES

### [Senate File 2400](#)

May 12, 2008

The Honorable Michael Mauro  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit [Senate File 2400](#), an Act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters and providing an effective and retroactive applicability date. [Senate File 2400](#) is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve the designated portion of section 15, unnumbered paragraph 5, in its entirety. This paragraph directs the Department of Management to include in its budget request funding for the salaries of the director and assistant director of the Tim Shields Center for Governing Excellence in Iowa and also requires the Governor to include such funding in his budget recommendation for Fiscal Year 2010. While I strongly support efforts to improve innovation in our state and local governments, this language requires an Executive Branch department to provide funding by a pass-through appropriation for yet-to-be-determined non-Executive Branch positions. Further, the proposed language is premature until the Local Government Innovation Commission determines where the Tim Shields Center for Governing Excellence in Iowa will be located. My understanding is that the Commission will be asking for proposals this fall and making a recommendation on awarding a contract and funding later this calendar year. I look forward to reviewing the work of the Local Government Innovation Commission and will seriously consider any proposals that are made.

For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16, of the Constitution of the State of Iowa. All other items in [Senate File 2400](#) are hereby approved this date.

Sincerely,  
CHESTER J. CULVER  
Governor

[Senate File 2417](#)

May 13, 2008

The Honorable Michael Mauro  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit [Senate File 2417](#), an Act relating to and making appropriations from the Healthy Iowans Tobacco Trust and the Tobacco Settlement Trust Fund and providing for the repeal of the Healthy Iowans Tobacco Trust, and providing effective dates. [Senate File 2417](#) is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve item designated as section 1, subsection 2, paragraph a, subparagraph (4) in its entirety. This designated language continues general language on substance abuse treatment expenditures. These directives are already in place, and therefore, this language is unnecessary.

Finally, I am unable to approve item designated as Section 1, subsection 2, paragraph b, subparagraphs (1) through (6) in their entireties. This designated language continues general language on substance abuse treatment expenditures. These directives are in place, and therefore, this annual report language is unnecessary.

These actions of disapproval are consistent with efforts to remove extraneous bill language.

For the above reasons, I respectfully disapprove the designated items in accordance with Article III, Section 16, of the Constitution of the State of Iowa. All other items in [Senate File 2417](#) are hereby approved this date.

Sincerely,  
CHESTER J. CULVER  
Governor

[Senate File 2425](#)

May 13, 2008

The Honorable Michael Mauro  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit [Senate File 2425](#), an Act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions. [Senate File 2425](#) is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve item designated as section 34 in its entirety. Section 34 imposes restrictions on how pharmaceutical drugs are included on the State's preferred drug list. With the continual release of generic drugs, and relying on the advice of the Pharmaceutical and Therapeutics Committee, the Department of Human Services should have the latitude to add pharmaceutical drugs to the preferred drug list, as needed, to achieve the greatest possible savings, while meeting the medical needs of people enrolled in Medicaid. The preferred drug list is an effective tool in helping to reduce one of the fastest growing health-care costs within Medicaid—pharmaceutical costs—and the Department of Human Services thoughtfully and responsibly manages additions to the list.

For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16, of the Constitution of the State of Iowa. All other items in [Senate File 2425](#) are hereby approved this date.

Sincerely,  
CHESTER J. CULVER  
Governor

[Senate File 2432](#)

May 9, 2008

The Honorable Michael Mauro  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit [Senate File 2432](#), an Act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the endowment for Iowa's health restricted capitals fund, the tax-exempt bond proceeds



restricted capital funds account, the technology reinvestment fund, the FY 2009 tax-exempt bond proceeds restricted capital funds account, the environment first fund, and the FY 2009 prison bond fund, and related matters, and providing effective and retroactive applicability date provisions. [Senate File 2432](#) is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve section 35 of this bill in its entirety. This section changes the due date of the Public Transit Funding Study report called for in [Senate File 2420](#) that the Department of Transportation must submit to the Governor and General Assembly from December 1, 2009, to December 31, 2008. The shortened deadline does not provide adequate time to conduct an effective and comprehensive study that will assure the provision of useful data and meaningful recommendations. This disapproval action will provide the Department of Transportation with adequate time to complete this statewide study by maintaining the original deadline of December 1, 2009.

For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16, of the Constitution of the State of Iowa. All other items in [Senate File 2432](#) are hereby approved this date.

Sincerely,  
CHESTER J. CULVER  
Governor

## GOVERNOR'S VETO MESSAGE

### [Senate File 2364](#)

May 15, 2008

The Honorable Michael Mauro  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit [Senate File 2364](#), an Act related to the emancipation of a minor. Iowa is one of several states without a statutory emancipation process, although particular sections of the Code and common law provide for some aspects of emancipation. While I recognize the need to consider adding a statutory emancipation process to the Iowa Code, and I commend the legislature for addressing this important issue, I am unable to approve [Senate File 2364](#).

Accordingly, I hereby disapprove and transmit to you, without my signature, [Senate File 2364](#), an Act related to the emancipation of a minor, in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

[Senate File 2364](#) places the emancipation provisions in a little-used division of the juvenile justice chapter of the Code—Family in Need of Assistance Proceedings (FINA).

FINA allows parents and children whose conflicts with each other have led to a breakdown of the familial relationship to seek assistance from the juvenile court. To allow emancipation of a minor in the context of a FINA proceeding is inconsistent with the intent of FINA proceedings. This point is illustrated by the fact that in order for an emancipation order to be entered, the court would have to make wholly inconsistent findings. To adjudicate the family to be a family in need of assistance, the court must find that there has been a breakdown in the family relationship, the family has sought services to maintain and improve the family relationship, and the court has at its disposal services for this purpose. However, to enter an emancipation order, the court must find “by clear and convincing evidence, that no remedy is available that would result in strengthening or maintaining the familial relationship.”

Perhaps the most troubling aspect of [Senate File 2364](#) is the lack of criteria for the court to consider when making an emancipation decision. For example, the court need not determine that the minor is financially self-sufficient or able to maintain education or employment. The bill does not require the court to find that the minor clearly understands the risks and consequences of emancipation or even that emancipation is in the best interest of the minor. As a result, [Senate File 2364](#) would allow parents in conflict with their minor child to seek emancipation of the child in order to evade financial responsibility for the child. Once an emancipation order is entered, the court has no continuing jurisdiction; therefore, there is no apparent remedy if the emancipated minor is unable to support himself or herself.

For the above reasons, I hereby respectfully disapprove [Senate File 2364](#).

Sincerely,  
CHESTER J. CULVER  
Governor