

State of Iowa

**JOURNAL
OF THE SENATE**

**EIGHTY-FOURTH
GENERAL ASSEMBLY**

2011 REGULAR SESSION

Volume I

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

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Des Moines

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EIGHTY-FOURTH GENERAL ASSEMBLY
2011 Regular Session

OFFICERS OF THE SENATE

JOHN P. “JACK” KIBBIE, <i>President of the Senate</i>	Emmetsburg
JEFF DANIELSON, <i>President Pro Tempore</i>	Cedar Falls
MICHAEL E. GRONSTAL, <i>Majority Leader</i>	Council Bluffs
THOMAS G. COURTNEY, <i>Majority Whip</i>	Burlington
JOE BOLKCOM, <i>Assistant Majority Leader</i>	Iowa City
WILLIAM A. DOTZLER, JR., <i>Assistant Majority Leader</i>	Waterloo
WALLY E. HORN, <i>Assistant Majority Leader</i>	Cedar Rapids
AMANDA RAGAN, <i>Assistant Majority Leader</i>	Mason City
STEVEN J. SODDERS, <i>Assistant Majority Leader</i>	State Center
PAUL MCKINLEY, <i>Minority Leader</i>	Chariton
STEVE KETTERING, <i>Minority Whip</i>	Lake View
MERLIN BARTZ, <i>Assistant Minority Leader</i>	Grafton
DAVID JOHNSON, <i>Assistant Minority Leader</i>	Ocheyedan
TIM L. KAPUCIAN, <i>Assistant Minority Leader</i>	Keystone
PAT WARD, <i>Assistant Minority Leader</i>	West Des Moines
BRAD ZAUN, <i>Assistant Minority Leader</i>	Urbandale
MICHAEL E. MARSHALL, <i>Secretary of the Senate</i>	West Des Moines
KIRSTEN ANDERSON, <i>Minority Caucus Communications Director</i>	Des Moines
TOM ASHWORTH, <i>Minority Caucus Research Analyst III</i>	Carlisle
ERIC BAKKER, <i>Senior Administrative Asst. to Majority Leader II</i>	Des Moines
KRIS BELL, <i>Majority Caucus Senior Research Analyst</i>	West Des Moines
JENNIFER BEMINIO, <i>Administrative Services Officer</i>	Des Moines

K'ANN BRANDT, <i>Administrative Services Officer III</i>	Ankeny
JOSHUA BRONSINK, <i>Minority Caucus Research Analyst I</i>	Des Moines
LOIS J. BROWNELL, <i>Senior Finance Officer III</i>	Ankeny
JERRY CARLSON, <i>Assistant Sergeant-at-Arms</i>	Des Moines
LEILA CARLSON, <i>Postmistress</i>	Des Moines
STEPHEN CONWAY, <i>Senior Administrative Asst. to President</i>	West Des Moines
ANGELA COX, <i>Administrative Services Officer</i>	Des Moines
JAMES DOUGLAS, <i>Doorkeeper</i>	Huxley
PAMELA DUGDALE, <i>Minority Caucus Senior Research Analyst</i>	West Des Moines
CATHERINE ENGEL, <i>Majority Caucus Research Analyst III</i>	West Des Moines
SUE FOECKE, <i>Majority Caucus Research Analyst III</i>	Des Moines
NANCY FORD, <i>Switchboard Operator</i>	Burlington
JAMES FRIEDRICH, <i>Minority Caucus Senior Research Analyst</i>	Ankeny
HANNAH GARDEN-MONHEIT, <i>Majority Caucus Research Analyst I</i>	Des Moines
BRIDGET GODES, <i>Majority Caucus Senior Research Analyst</i>	Des Moines
JANET HAWKINS, <i>Assistant Secretary of the Senate II</i>	Bondurant
GANNON HENDRICK, <i>Minority Caucus Research Analyst</i>	McCallsburg
JOHN F. HODGES, <i>Minority Caucus Staff Director</i>	Bondurant
JESSE HUGHES, <i>Administrative Services Officer</i>	Des Moines
CAROLANN JENSEN, <i>Minority Caucus Senior Research Analyst</i>	
DEBBIE KATTENHORN, Sr. <i>Administrative Asst. to Majority Leader I</i>	Norwalk
THERESA L. KEHOE, <i>Majority Caucus Senior Research Analyst</i>	Des Moines
KAY KIBBIE, <i>Confidential Secretary to President</i>	Emmetsburg
WILLIAM L. KRIEG, <i>Sergeant-at-Arms II</i>	Des Moines
ROBERT LANGBEHN, <i>Doorkeeper</i>	Des Moines

JO ANN LARSON, <i>Switchboard Operator</i>	Indianola
FRANK LOEFFEL, <i>Doorkeeper</i>	Des Moines
LARA MARGELOFSKY, <i>Administrative Services Officer</i>	Des Moines
RUSTY MARTIN, <i>Majority Caucus Communications Director</i>	Des Moines
DON McDOWELL, <i>Administrative Assistant to Minority Leader II</i>	Johnston
JACE MIKELS, <i>Majority Caucus Research Analyst II</i>	Waukee
JAY MOSHER, <i>Bill Clerk</i>	Milo
KATHY OLAH, <i>Administrative Services Officer III</i>	West Des Moines
RON PARKER, <i>Majority Caucus Senior Staff Director</i>	Des Moines
CHRISTINE PORTER, <i>Switchboard Operator</i>	Indianola
BETTY SHEA, <i>Administrative Services Officer</i>	Altoona
TOM SHELDAHL, <i>Assistant Sergeant-at-Arms</i>	West Des Moines
ERICA SHORKEY, <i>Majority Caucus Deputy Communications Director</i>	Des Moines
JULIE T. SIMON, <i>Majority Caucus Senior Research Analyst</i>	Des Moines
MAUREEN TAYLOR, <i>Administrative Services Officer</i>	Des Moines
RUSS TRIMBLE, <i>Minority Caucus Research Analyst III</i>	West Des Moines
NICOLE WOODROFFE, <i>Administrative Asst. to Minority Leader II</i>	Des Moines
KERRY WRIGHT, <i>Majority Caucus Research Analyst II</i>	West Des Moines

JOINT EMPLOYEES OF THE SENATE AND HOUSE

MARK L. WILLEMSSEN, *Senior Facilities Manager* Johnston

ZACHARY L. BUNKERS, *Conservation/Restoration Specialist II* Des Moines

MARK S. LUNDBERG, *Conservation/Restoration Manager* Des Moines

SHAWNA S. FERGUSON, *Legislative Security Coordinator* Norwalk

KATHLEEN BACUS, *Security Officer I* Knoxville

ROBERT CORNWELL, *Security Officer I* Johnston

SAM GROVES, *Security Officer I* Ankeny

BARB MALONE, *Security Officer I* Pleasant Hill

KERT SCHNELL, *Security Officer I* Newton

CURTIS SCOTT, *Security Officer I* Waukee

GORDON SKEFFINGTON, *Security Officer I* Waukee

LEO R. SKEFFINGTON, *Security Officer I* Adel

RICHARD TAYLOR, *Security Officer I* Earlham

JAMES WALTON, *Security Officer I* Cedar Rapids

GABE WILSON, *Security Officer I* Ames

SHIRLEY ROACH, *Senior Copy Center Operator* Des Moines

HANNAH MAHAN, *Assistant Copy Center Operator* Clive

KATHY STACHON, *Lobbyist Clerk* Urbandale

ELECTED STATE OFFICIALS

Official Address: Des Moines, Iowa

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

JUSTICES OF THE IOWA SUPREME COURT

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

JUDGES OF THE IOWA COURT OF APPEALS

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

MEMBERS OF THE SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
2011 Regular Session

(Underlined county indicates the county of residence.)

BILL ANDERSON

Address Pierson
Age 33
Occupation Small Business Owner
Political Party Republican
Previous Legislative Service None
Senatorial District 27—Cherokee, Plymouth, Woodbury

ROBERT BACON

Address Maxwell
Age 55
Occupation Funeral Director
Political Party Republican
Previous Legislative Service None
Senatorial District 5—Hamilton, Story, Webster, Wright

MERLIN BARTZ

Address Grafton
Age 50
Occupation Farmer/Laborer
Political Party Republican
Previous Legislative Service House: 1991–1992; Senate: 1993–2002, 2009–2010
Senatorial District 6—Cerro Gordo, Franklin, Hancock, Winnebago, Worth

DARYL BEALL

Address Fort Dodge
Age 64
Occupation Journalist
Political Party Democratic
Previous Legislative Service Senate: 2003–2010
Senatorial District 25—Calhoun, Greene, Webster

JERRY BEHN

Address Boone
Age 57
Occupation Farmer/Agribusiness
Political Party Republican
Previous Legislative Service Senate: 1997–2010
Senatorial District 24—Boone, Dallas

RICK BERTRAND

Address Sioux City
 Age 41
 Political Party Republican
 Previous Legislative Service None
 Senatorial District 1—Woodbury

DENNIS H. BLACK

Address Grinnell
 Age 71
 Occupation Retired Conservationist
 Political Party Democratic
 Previous Legislative Service House: 1983–1994; Senate: 1995–2010
 Senatorial District 21—Jasper, Polk

NANCY J. BOETTGER

Address Harlan
 Age 68
 Occupation Farmer/Formal Educator/Bed and Breakfast Owner/Operator
 Political Party Republican
 Previous Legislative Service Senate: 1995–2010
 Senatorial District 29—Adair, Audubon, Cass, Guthrie,
 Pottawattamie, Shelby

JOE BOLKCOM

Address Iowa City
 Age 54
 Occupation Outreach Dir.-UI Ctr. for Global and Regional Envtl. Research
 Political Party Democratic
 Previous Legislative Service Senate: 1999–2010
 Senatorial District 39—Johnson

TOD BOWMAN

Address Maquoketa
 Age 45
 Occupation Educator
 Political Party Democratic
 Previous Legislative Service None
 Senatorial District 13—Clinton, Dubuque, Jackson

MARK CHELGREN

Address Ottumwa
 Age 42
 Political Party Republican
 Previous Legislative Service None
 Senatorial District 47—Appanoose, Davis, Wapello, Wayne

THOMAS G. COURTNEY

Address Burlington
 Age 63
 Occupation Retired
 Political Party Democratic
 Previous Legislative Service Senate: 2003–2010
 Senatorial District 44–Des Moines, Louisa, Muscatine

SWATI A. DANDEKAR

Address Marion
 Age 60
 Occupation Community Volunteer
 Political Party Democratic
 Previous Legislative Service House: 2003–2008; Senate: 2009–2010
 Senatorial District 18–Linn

JEFF DANIELSON

Address Cedar Falls
 Age 40
 Occupation Professional Firefighter
 Political Party Democratic
 Previous Legislative Service Senate: 2005–2010
 Senatorial District 10–Black Hawk

DICK L. DEARDEN

Address Des Moines
 Age 72
 Occupation Retired Job Developer-5th Judicial District
 Political Party Democratic
 Previous Legislative Service Senate: 1995–2010
 Senatorial District 34–Polk

BILL DIX

Address Shell Rock
 Age 48
 Occupation Farmer
 Political Party Republican
 Previous Legislative Service House: 1997–2007
 Senatorial District 9–Black Hawk, Bremer, Butler, Fayette

WILLIAM A. DOTZLER, JR.

Address Waterloo
 Age 63
 Occupation Retired-John Deere
 Political Party Democratic
 Previous Legislative Service House: 1997–2002; Senate: 2003–2010
 Senatorial District 11–Black Hawk

ROBERT E. DVORSKY

Address Coralville
 Age 62
 Occupation Executive Officer, 6th Jud. District-Dept. of Correctional Services
 Political Party Democratic
 Previous Legislative Service House: 1987–1993; Senate: 1994*–2010
 Senatorial District 15–Johnson, Linn

*Elected in special election held on February 22, 1994.

JONI ERNST

Address Red Oak
 Age 40
 Occupation Former County Auditor/Iowa Army National Guard
 Political Party Republican
 Previous Legislative Service None
 Senatorial District 48–Adams, Clarke, Decatur, Montgomery,
 Ringgold, Taylor, Union

*Elected in special election held on January 4, 2011.

RANDY FEENSTRA

Address Hull
 Age 42
 Occupation Finance and Insurance-Iowa State Bank
 Political Party Republican
 Previous Legislative Service Senate: 2009–2010
 Senatorial District 2–Lyon, Plymouth, Sioux

GENE FRAISE

Address Fort Madison
 Age 78
 Occupation Farmer
 Political Party Democratic
 Previous Legislative Service Senate: 1986*–2010
 Senatorial District 46–Henry, Lee

*Elected in special election held on January 7, 1986.

SANDRA H. GREINER

Address Keota
 Age 65
 Occupation Farmer
 Political Party Republican
 Previous Legislative Service House: 1993–2000, 2003–2009; Senate: 2001–2002
 Senatorial District 45–Jefferson, Johnson, Van Buren,
 Wapello, Washington

MICHAEL E. GRONSTAL

Address Council Bluffs
 Age 61
 Political Party Democratic
 Previous Legislative Service House: 1983–1984; Senate: 1985–2010
 Senatorial District 50–Pottawattamie

JAMES F. HAHN

Address Muscatine
 Age 75
 Occupation Property Management
 Political Party Republican
 Previous Legislative Service House: 1991–2004; Senate: 2005–2010
 Senatorial District 40–Cedar, Johnson, Muscatine

SHAWN HAMERLINCK

Address Dixon
 Age 31
 Occupation Education, Adjunct Professor-Augustana College
 Political Party Republican
 Previous Legislative Service Senate: 2009–2010
 Senatorial District 42–Clinton, Scott

TOM HANCOCK

Address Epworth
 Age 63
 Occupation Retired United States Postal Service
 Political Party Democratic
 Previous Legislative Service Senate: 2005–2010
 Senatorial District 16–Delaware, Dubuque, Jones

JACK HATCH

Address Des Moines
 Age 61
 Occupation Real Estate Developer
 Political Party Democratic
 Previous Legislative Service House: 1985–1992, 2001–2002; Senate: 2003–2010
 Senatorial District 33–Polk

ROBERT M. HOGG

Address Cedar Rapids
 Age 44
 Occupation Attorney
 Political Party Democratic
 Previous Legislative Service House: 2003–2006; Senate: 2007–2010
 Senatorial District 19–Linn

WALLY E. HORN

Address Cedar Rapids
 Age 77
 Occupation Legislator
 Political Party Democratic
 Previous Legislative Service House: 1973–1982; Senate: 1983–2010
 Senatorial District 17–Linn

HUBERT HOUSER

Address Carson
 Age 68
 Occupation Farmer
 Political Party Republican
 Previous Legislative Service House: 1993–2001; Senate: 2002*–2010
 Senatorial District 49–Fremont, Mills, Page, Pottawattamie
 *Elected in special election held on June 12, 2001.

PAM JOCHUM

Address Dubuque
 Age 56
 Occupation Legislator
 Political Party Democratic
 Previous Legislative Service House: 1993–2008; Senate: 2009–2010
 Senatorial District 14–Dubuque

DAVID JOHNSON

Address Ocheyedan
 Age 60
 Occupation Dairy Farming
 Political Party Republican
 Previous Legislative Service House: 1999–2002; Senate: 2003–2010
 Senatorial District 3–Clay, Dickinson, O’Brien, Osceola, Sioux

TIM L. KAPUCIAN

Address Keystone
 Age 54
 Occupation Farmer
 Political Party Republican
 Previous Legislative Service Senate: 2009–2010
 Senatorial District 20–Benton, Grundy, Iowa, Tama

STEVE KETTERING

Address Lake View
 Age 67
 Occupation Community Banker
 Political Party Republican
 Previous Legislative Service House: 1999–2002; Senate: 2003–2010
 Senatorial District 26–Buena Vista, Carroll, Crawford, Sac

JOHN P. “JACK” KIBBIE

Address Emmetsburg
 Age 81
 Occupation Farmer
 Political Party Democratic
 Previous Legislative Service House: 1961–1964; Senate: 1965–1968, 1989–2010
 Senatorial District 4–Emmet, Humboldt, Kossuth,
Palo Alto, Pocahontas, Webster

MATT McCOY

Address Des Moines
 Age 45
 Occupation Owner of Resource Development Consultants (RDC)
 Political Party Democratic
 Previous Legislative Service House: 1993–1996; Senate: 1997–2010
 Senatorial District 31–Polk

PAUL McKINLEY

Address Chariton
 Age 63
 Occupation Businessman
 Political Party Republican
 Previous Legislative Service Senate: 2001–2010
 Senatorial District 36–Jasper, Lucas, Mahaska, Marion, Monroe

HERMAN C. QUIRMBACH

Address Ames
 Age 60
 Occupation Associate Professor of Economics-Iowa State University
 Political Party Democratic
 Previous Legislative Service Senate: 2003–2010
 Senatorial District 23–Boone, Story

AMANDA RAGAN

Address Mason City
 Age 56
 Occupation Exec. Dir. of Comm. Kitchen N Iowa/Exec. Dir. of Meals on Wheels
 Political Party Democratic
 Previous Legislative Service Senate: 2002*–2010
 Senatorial District 7–Cerro Gordo, Floyd, Howard, Mitchell
 *Elected in special election held on March 12, 2002.

TOM RIELLY

Address Oskaloosa
 Age 44
 Occupation Insurance Sales
 Political Party Democratic
 Previous Legislative Service Senate: 2005–2010
 Senatorial District 38–Iowa, Keokuk, Mahaska, Poweshiek, Tama

BRIAN SCHOENJAHN

Address Arlington
 Age 61
 Occupation Legislator/EMT-Arlington Fire Department
 Political Party Democratic
 Previous Legislative Service Senate: 2005–2010
 Senatorial District 12–Black Hawk, Buchanan, Clayton, Delaware, Fayette

JOE M. SENG

Address Davenport
 Age 64
 Occupation Veterinarian
 Political Party Democratic
 Previous Legislative Service House: 2001–2002; Senate: 2003–2010
 Senatorial District 43–Scott

JAMES A. SEYMOUR

Address Woodbine
 Age 72
 Occupation Retired Hospital Administrator/CEO
 Political Party Republican
 Previous Legislative Service Senate: 2003–2010
 Senatorial District 28–Crawford, Harrison, Ida, Monona,
 Pottawattamie, Woodbury

ROBY SMITH

Address Davenport
 Age 33
 Occupation Small Business Owner
 Political Party Republican
 Previous Legislative Service None
 Senatorial District 41–Scott

STEVEN J. SODDERS

Address State Center
 Age 41
 Occupation Deputy Sheriff
 Political Party Democratic
 Previous Legislative Service Senate: 2009–2010
 Senatorial District 22–Franklin, Hardin, Marshall

KENT SORENSON

Address Indianola
 Age 38
 Occupation Business Owner
 Political Party Republican
 Previous Legislative Service House: 2009–2010
 Senatorial District 37–Dallas, Madison, Warren

PAT WARD

Address West Des Moines
 Age 53
 Occupation Former Public and Government Relations Executive
 Political Party Republican
 Previous Legislative Service Senate: 2004*–2010
 Senatorial District 30–Polk

*Elected in special election held on February 3, 2004.

JACK WHITVER

Address Ankeny
 Age 30
 Occupation Self-Employed/Business Owner
 Political Party Republican
 Previous Legislative Service None
 Senatorial District 35–Polk

*Elected in special election held on January 18, 2011.

MARY JO WILHELM

Address Cresco
 Age 56
 Occupation Appraiser
 Political Party Democratic
 Previous Legislative Service Senate: 2009–2010
 Senatorial District 8–Allamakee, Chickasaw,
Howard, Winneshiek

BRAD ZAUN

Address Urbandale
 Age 49
 Occupation V.P. of R & R Realty Marketing Group
 Political Party Republican
 Previous Legislative Service Senate: 2005–2010
 Senatorial District 32–Polk

JOURNAL OF THE SENATE

FIRST CALENDAR DAY
FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, January 10, 2011

Pursuant to chapter two (2), sections two point one (2.1) and two point three (2.3), Code of Iowa, the 2011 Regular Session of the Eighty-fourth General Assembly convened at 10:00 a.m., and the Senate was called to order by President Kibbie.

A moment of silence was observed in honor of the recent shootings in Arizona.

Prayer was offered by Father Brian Hughes of St. Patrick's Catholic Parish in Estherville, Iowa. He was the guest of Senator Kibbie.

SPECIAL GUESTS

President Kibbie introduced to the Senate chamber Congressman Boswell.

The Senate rose and expressed its welcome.

President Kibbie introduced to the Senate chamber Congressman King.

The Senate rose and expressed its welcome.

OPENING REMARKS BY THE PRESIDENT OF THE SENATE

President Kibbie addressed the Senate with the following remarks:

Good morning. I welcome you all to the opening day of the First Session of the 84th General Assembly. We welcome the eight new members of the Senate who have been

sent by their constituents at a time when our national economy is making slow recovery from the deepest recession since the Great Depression. Only three or four other states, primarily those with abundant natural energy resources, such as oil, coal, and natural gas are in better financial shape than Iowa. This Legislature, over the last four years, has been prudent with the taxpayer's money and we need to continue the progress we have made during that time.

I would encourage the new members to review our Rules of Senate Decorum. We should not forget that our first job is to respect this institution and its traditions. The Senate is a special place and we should all remember that the campaign is over and that our responsibility is to solve the problems facing our state.

Over the last four years we have focused on creating the jobs of the future that pay wages on which a family can be supported; expanding health access to those left behind; and greater efficiencies in government. These are challenges we have faced and where work still needs to be done. Our goal should always be the expansion of the middle class. One of the most troubling facts of the last decade is the growing income gap which shrinks the middle class and slows economic growth.

In my judgment, we need to recognize the crucial link between education and the skills needed in the economy of the future. It troubles me greatly when I read that 45% of the new hires of Fortune 500 Companies in 2010 are outside the borders of the United States. I don't believe that is a path we want to travel. More and more data tell us that the best indicator of economic success is education. More emphasis in our education system must be put on meeting the skills gap that exists in many of our workers. We must identify where that challenge can be met.

In my opinion, the greatest need in our education budget is community college funding. The greatest cost for operating community colleges is on the students where about 50% of the costs are tuition and fees which is much higher than other post high school institutions, both public and private. As an example, Iowa students at private colleges right here in Des Moines on average get about \$2,800 in Iowa tax dollars through the tuition grant program. Conversely, a community college student gets about \$1,800 tax dollars which include a little over \$200 in property tax and that property tax picks up less than 4% of the cost. Unlike the K-12 formula, General Fund monies for community colleges are not based on student enrollment. These educational institutions can play a crucial role in training and retraining Iowans for the jobs of the future and lower our unemployment rolls. Community colleges are partners in economic growth and 90% of these students stay in Iowa.

I would hope we don't abandon our commitment to early childhood education. A crucial program like this, which has had strong support from the business community, along with our health care commitment to every Iowa child, gives us healthy and well educated children that form the core of a new generation of Iowans ready to contribute to our state's future growth.

As we continue our efforts to expand access to health care, our biggest challenge is to control cost and ensure maximum efficiencies in the dollars we spend. I know that Senator Hatch will have legislation for us to consider in regard to the new Health Exchanges and other aspects of health reform. These are vital discussions and we all need to realize how important these efforts are to our state. I believe that any efforts at economic development must also build on the foundation we have already created in making Iowa a leader in alternative energy and renewable fuels. It is vital that our state continue to work on making us more self-sufficient in energy use. The further development of wind, solar, and biomass will create jobs and lower energy costs for all Iowans. We need to expand the Ethanol and Biodiesel industries as they provide jobs and economic development in Iowa and by products from these plants are exported around the world.

Over the last four years we have made great strides in meeting the needs of Iowa service men and women serving our country abroad. I know we will continue to identify any further needs and provide whatever is necessary in support of those troops and their families recognizing these troops are part of the largest call up of reserve and guard members since World War II. In closing, I know that we all face many challenges with divided government. It will require us to work more closely together to find common ground. Contrary to what many think, we are not gridlocked. We have faced these divisions before and Iowans expect us to work on their behalf. That is our sworn duty. My office is always open to every member of the Senate and I pledge to perform my duties in a fair and impartial manner. We have much to do and I am ready for us to begin the work of this legislative session.

Thank you.

REMARKS BY THE MINORITY LEADER

Senator McKinley addressed the Senate as follows:

Thank you Mr. President.

Colleagues, friends and family:

It's a new day.

It's a new day not just for this body or General Assembly as a whole; this is the dawning of a new, more optimistic and prosperous era for all who call this remarkable state home.

We are convening this distinguished body today, following one of the most historic elections in Iowa history. It was historic in the sense that we have many new faces to welcome here today and also historic in the undeniable and unmistakable message that the voters conveyed just weeks ago.

For the past several years, government has only continued to grow – further encroaching into our lives at the expense of freedom, liberty and independence.

Spending has spiraled out-of-control, debt has grown at alarming rates, taxes have only gone higher and barriers to job creation have been added instead of removed.

Elected officials had stopped listening to the collective voices of the people – seniors, entrepreneurs, small business owners, employers and others who had elected them as their voice and their vote.

As a result, the people spoke – and spoke loudly and clearly.

We would be wise to remember them every day we are conducting their business under this great golden dome.

They said:

Give us back our government and listen.

Do not spend more than our government takes in.

Be as careful with our tax dollars as you are with your own.

Hold the line on taxes and give us some tax relief.

Quit letting the government pick winners and losers and instead reignite the engine of economic growth – the small businesses, entrepreneurs and employers that create two out of every three new jobs.

Give us a vote on the basic definition of marriage, protect life, be responsive and do all you can to promote opportunity, prosperity and freedom.

This Senate Republican caucus is listening and we are eager to act on the people's wishes.

Let us use our time during this session to restore the public trust in government and to move forward on a new and more hopeful agenda.

It won't necessarily be easy but we were not elected just to hit the easy button.

We were elected to make difficult decisions in order to turn this state around.

Because our Constitution thankfully demands a balanced budget, Senate Republicans will continue to work hard to find savings, eliminate waste and offer innovative solutions and systemic reforms that will result in a leaner and more efficient delivery of services.

We must now work together to pass a sustainable and responsible budget that funds the core essential services of government and reflects the priorities of our districts. We must accomplish this without continuing to shift taxes onto local governments and continuing the past practice of using one-time dollars for ongoing expenditures.

Yet, this is not just about this year or the next – this is about offering a sustainable and fiscally responsible vision for the years ahead.

While much of our focus may be on the budget, we face another tremendous challenge. We have over 110,000 Iowans in the ranks of the unemployed and many other of our fellow citizens are underemployed having endured furloughs, benefit cuts and hour reductions.

Let us unleash the entrepreneurial spirit and ingenuity of the private sector again. Let's create a climate with reasonable levels of regulation and taxation that encourages private investment in our workforce. We should not punish the very people we need to help grow our state.

We must grow this economy and send a clear message that Iowa is a destination for all those who wish to find success and realize their dreams.

Senate Republicans intend to make this session about promoting private sector job creation, getting our fiscal house in order, and providing real relief for taxpayers.

For the future of Iowa, our children and grandchildren, I pray there be bi-partisan support.

However, we will certainly be asked work on other important endeavors. Challenges always exist in education, health care, energy, agriculture and with our natural resources. We must do better in providing oversight and never stop trying to make our government more open and transparent.

We must also challenge ourselves to guarantee ample public safety and ensure that we have roads and infrastructure that are safe, reliable and capable of supporting the Iowa economy of the future.

We, as elected officials, have been granted an incredible authority to set policy and represent the people of this state. As individuals, we are here to serve as the voice and vote of our constituents in our districts but together we must work for the betterment of all.

Senate Republicans are excited about the weeks and months ahead. We are eager to work with Governor Branstad, Lieutenant Governor Reynolds and our colleagues across the rotunda in the House of Representatives. We graciously extend our hand to any of our colleagues across the aisle that are ready to join with us in renewing the boundless future embodied in all 99 counties.

There are 48 – soon to be 50 of us in this chamber – and together we represent the over three million Iowans that call our beautiful state home. Every Iowan is unique and special but we all are looking for similar things: a better life and jobs for our family, good schools and safe communities for our children and a government that lives within its means, promotes liberty, and fosters opportunity.

Iowans are blessed with common sense, are hardworking, frugal and optimistic about the future. They care about their communities, their schools and their neighbors around them. Our people are smart, they love this state and they want what is best for

their families. This sense of independence, community, and self-sufficiency is the bedrock and lifeblood of this great state.

Mr. President, these very Iowans sent a strong message just a few short weeks ago. This is a new day and a new era for this body and this state. It is time to seize this opportunity and embrace it fully.

Let us work closely together every day we are here to offer a more optimistic, hopeful and prosperous future for them and their families.

I want to leave you with two last things: may our work here in this chamber make the citizens back home satisfied and may each of us always be proud to be an Iowan.

Thank you very much.

REMARKS BY THE MAJORITY LEADER

Senator Gronstal addressed the Senate as follows:

Thank you, Mr. President.

I want to welcome everyone to the start of the 84th General Assembly.

We are all troubled today by the senseless shooting in Arizona.

Twenty Arizona residents were injured or killed, many of whom were simply going to the supermarket or hoping to talk with their Congresswoman.

The six people killed were:

Christina-Taylor Green: a 9-year-old just elected to her school council who wanted to meet her congresswoman.

Gabe Zimmerman: A 30-year-old member of Congresswoman Gifford's staff. Zimmerman was the Director of Community Outreach and he organized the event at the Supermarket.

John M. Roll: A widely respected federal judge.

Dorwin Stoddard: A 76-year-old man who was shot while attempting to block his wife from gunfire.

Phyllis Schneck: A 79-year-old great-grandmother.

Dorothy Morris: A 76-year-old retiree.

An elected representative was gunned down while doing what each of us does every day: Listening to the hopes, the questions, and the suggestions of our neighbors, friends, and other constituents.

U.S. House Speaker John Boehner said yesterday that "an attack on one who serves is an attack on all who serve."

He also said that "this inhuman act should not and will not deter us from our calling to represent our constituents and to fulfill our oaths of office. No act, no matter how heinous, must be allowed to stop us from our duty."

So, today, the 2011 session begins in a more somber moment than usual... but with a renewed sense of our responsibility to our constituents, our state and our nation.

With that in mind today, instead of the usual opening day speech with reflections about the past and predictions about the future, I want to address a single group that is critical to our state's recovery from the worst recession since World War II: Iowa's small business owners and their employees.

I'll let some of them speak first. Here are a few quotes from the dozens of letters I've received urging me to support existing small business partnerships with local community colleges, partnerships that receive significant funding from the state of Iowa.

A business owner in Oelwein wrote: "In these challenging economic times, we especially appreciate your understanding of the crucial role that community colleges

play in the training of a skilled workforce and in the economic development of the state of Iowa..... Being in the biotechnology industry, a skilled work force is paramount. Our facility has seen dramatic interest from displaced workers from within the region. Our partnership with Northeast Iowa Community College allows us to hire local people and train, or retrain, them to the level required within our facility.”

A business owner in Dubuque wrote: “Northeast Iowa Community College has been an outstanding resource for providing skilled employees and training current employees..... As our workforce gets older and manufacturing technologies continue to evolve, it is essential that we can turn to our community colleges for the training and retraining of our workforce... Thank you again for supporting our regional community college and I hope for your continued support in the future.

A company president praised the training for advanced welding, engine rebuilding and other skills that are available at Iowa Valley Community College. He stated: “In these hard economic times, our core workforce is the ‘non-traditional student’ and we believe is the backbone of industry in rural Iowa! These programs have helped train, develop and support the skilled workers we currently employ and hope to employ in the future. This extension of community college into the work environment is key to developing and retaining a stable and educated workforce in rural Iowa.”

These state-supported partnerships between small business and Iowa’s community colleges are essential but they aren’t the whole story when it comes to improving Iowa’s business climate. While a state legislator, I’ve directly asked hundreds of small business owners and their employees from every corner of Iowa about how we can best improve Iowa’s business climate.

It’s not an easy question. And you won’t be surprised to hear that small business owners have given me different answers about what exactly are the key elements making up our state’s business climate.

Is it the work ethic of Iowans? Is it our first-class education system? Is it the job training opportunities at our community colleges? Is it our cultural and recreational opportunities? Is it our tax system?

Of course, we all know our business climate encompasses all those elements...and more.

But one thing small business owners and their employees all pretty much agree on is that what the Iowa Legislature does during the 2011 session will affect – positively or negatively – the state’s business climate.

I’ve been listening and I’m hearing them say loud and clear that we need to stay focused, focused on the economy. We need to stay focused because...

What we argue about...

What the news media headlines say about what we are doing here and the legislation we pass, and...

What people in our local coffee shops say about what we do this session... will all send a powerful message to small business owners, workers, entrepreneurs and business leaders. These folks really want to know just one thing about the 2011 session and here it is:

Are legislators serious about helping Iowans recover from the worst recession in more than 50 years?

Are we REALLY SERIOUS? Are we going to continue to lay the foundation for an economic recovery that touches every county, community and every neighborhood in our state?

Or are we going to throw up our hands and take the easy way. Are we going to waste our time arguing about the “flavor of the month”? Will we waste our time on hot button bickering that ignores the everyday, paycheck-to-paycheck issues of Iowa employers, and their hard-working employees?

Iowa business owners know that the 2010 campaign has ended and that it's time for governing.

The voters elected a Republican Governor, put Republicans in charge of the Iowa House, and kept a Democratic majority in the Iowa Senate.

That means that we have a shared responsibility to move our state forward.

Helping grow the economy and helping working Iowa families means the Senate and House MUST consider legislation to strengthen small businesses and encourage job creation on Main Street, not Wall Street.

Helping grow the economy, and helping working Iowa families, means the Senate and House must continue to expand Iowa's clean energy economy, a source of good wages and economic advantage.... now and into the future.

Helping grow the economy and helping working Iowa families means taking steps to protect our quality of life. This includes ensuring that EVERY Iowa child has access to early childhood education and to affordable health care coverage. We will not fail to fund Iowa's future on our watch.

Helping grow the economy and helping working Iowa families means continuing to reform, downsize and streamline state government. We took giant steps during the 2010 session. Those steps made it possible to balance the state budget without raising taxes. We will do more in 2011.

This is a bold agenda.... but it can be accomplished if Democrats and Republicans listen to their constituents and work together for the next four months.

Colleagues, I assure you that Iowans, especially Iowa's small business owners and employers, are paying attention. That's why I'm asking every Senator and Representative, Democrat and Republican, newcomers and veteran legislators alike, to join me in making a pledge to all of Iowa's small business owners and their employees:

"...We, the members of the Iowa Legislature, pledge to work with ANYONE who has a good idea for helping Iowans recover from the recession and we commit ourselves to staying focused on doing everything possible to help Iowa recover and prosper once again."

As the leader of the Iowa Senate, that's my pledge to you, to all Iowans and especially to Iowa's small business owners and employees.

Thank you.

APPOINTMENT OF SECRETARY OF THE SENATE

Senator Gronstal moved that Michael E. Marshall be appointed as Secretary of the Senate.

The motion prevailed by a voice vote, and Mr. Marshall appeared before the rostrum and was duly sworn to the oath of office.

ADOPTION OF TEMPORARY RULES AND TEMPORARY COMPENSATION

Senator Gronstal moved that the rules of the Senate adopted by the Eighty-third General Assembly and provisions for compensation adopted by the Eighty-third General Assembly be adopted as the

temporary rules and temporary compensation provisions for the 2011 Session of the Eighty-fourth General Assembly.

The motion prevailed by a voice vote.

COMMITTEE ON CREDENTIALS

Senator Gronstal moved that a committee of five be appointed as a committee on credentials.

The motion prevailed by a voice vote, and the Chair announced the appointment of Senators Fraise, Chair; Courtney, Schoenjahn, Behn, and Hahn.

The Senate stood at ease at 10:34 a.m.

The Senate resumed session at 10:40 a.m., President Kibbie presiding.

Congressman Boswell addressed the Senate with brief remarks about the recent shootings in Arizona.

The Senate rose and expressed its appreciation.

Congressman King addressed the Senate with brief remarks about the recent shootings in Arizona.

The Senate rose and expressed its appreciation.

REPORT OF THE COMMITTEE ON CREDENTIALS

MR. PRESIDENT: We, your committee on credentials, respectfully report that we find the persons named in the attached copy of the certification of the Secretary of State duly elected to and entitled to seats in the Senate for the Eighty-fourth General Assembly.

EUGENE FRAISE, Chair
THOMAS COURTNEY
BRIAN SCHOENJAHN
JERRY BEHN
JAMES F. HAHN

STATE OF IOWA

Office of the
Secretary Of State
CERTIFICATION

To the Honorable, The Secretary of the Senate:

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

DISTRICTS

First	Rick Bertrand
Third	David Johnson
Fifth	Robert Bacon
Seventh	Amanda Ragan
Ninth	Bill Dix
Eleventh	Bill Dotzler
Thirteenth	Tod R. Bowman
Fifteenth	Robert E. Dvorsky
Seventeenth	Wally E. Horn
Nineteenth	Robert M. Hogg
Twenty-first	Dennis H. Black
Twenty-third	Herman C. Quirnbach
Twenty-fifth	Daryl Beall
Twenty-seventh	Bill Anderson
Twenty-ninth	Nancy Boettger
Thirty-first	Matt McCoy
Thirty-third	Jack Hatch
Thirty-fifth	Larry Noble
Thirty-seventh	Kent Sorenson
Thirty-ninth	Joe Bolkom
Forty-first	Roby Smith
Forty-third	Joe M. Seng
Forty-fifth	Sandra Greiner
Forty-seventh	Mark Chelgren
Forty-ninth	Hubert Houser

I FURTHER CERTIFY that the State Canvassing Board has declared that at the General Election held on November 4, 2008, each of the following named persons was duly elected to the office of State Senator for the term of four years beginning on the second day of January, 2009:

DISTRICTS

Second.....	Randy Feenstra
Fourth.....	John P. Kibbie
Sixth.....	Merlin Bartz
Eighth.....	Mary Jo Wilhelm
Tenth.....	Jeff Danielson
Twelfth.....	Brian Schoenjahn
Fourteenth.....	Pam Jochum
Sixteenth.....	Tom Hancock
Eighteenth.....	Swati A. Dandekar
Twentieth.....	Tim L. Kapucian
Twenty-second.....	Steve Sodders
Twenty-fourth.....	Jerry Behn
Twenty-sixth.....	Steve Kettering
Twenty-eighth.....	James A. Seymour
Thirtieth.....	Pat Ward
Thirty-second.....	Brad Zaun
Thirty-fourth.....	Dick L. Dearden
Thirty-sixth.....	Paul McKinley
Thirty-eighth.....	Thomas J. Rielly
Fortieth.....	James F. Hahn
Forty-second.....	Shawn Hamerlinck
Forty-fourth.....	Thomas G. Courtney
Forty-sixth.....	Eugene Fraise
Forty-eighth.....	Vacant as of 11/12/2010
Fiftieth.....	Michael E. Gronstal

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Statehouse, in Des Moines, this second day of January, 2011.

(SEAL)

MICHAEL A. MAURO
Secretary of State

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

MICHAEL E. MARSHALL
Secretary of the Senate

On motion of Senator Fraise, the report was adopted by a voice vote, and the duly elected senators appeared before the bar of the Senate, were duly sworn, and subscribed their names to the oath of office.

ELECTION OF PRESIDENT

Senator Gronstal placed in nomination the name of Senator John P. Kibbie of Palo Alto County as a candidate for the office of President of the Senate for the Eighty-fourth General Assembly.

There being no further nominations, the Chair put the question to the Senate, and Senator Kibbie was unanimously elected by a voice vote.

Senator Kibbie was administered the oath of office by Senator Gronstal.

ELECTION OF PRESIDENT PRO TEMPORE

Senator Gronstal placed in nomination the name of Senator Jeff Danielson of Black Hawk County as a candidate for the office of President Pro Tempore for the Senate for the Eighty-fourth General Assembly.

There being no further nominations, the Chair put the question to the Senate, and Senator Danielson was unanimously elected by a voice vote.

The Chair announced that Senator Danielson had been elected President Pro Tempore of the Eighty-fourth General Assembly.

Senator Danielson appeared, took the oath of office, and was congratulated and presented to the Senate by President Kibbie.

COMMITTEE TO NOTIFY THE GOVERNOR

Senator Gronstal moved that a committee of three be appointed to notify the Governor that the Senate was organized and ready to receive any communication that he might be ready to transmit.

The motion prevailed by a voice vote, and the Chair announced the appointment of Senators Dearden, Chair; Hancock and Bartz.

COMMITTEE FROM THE HOUSE

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

COMMITTEE TO NOTIFY THE HOUSE

Senator Gronstal moved that a committee of three be appointed to notify the House of Representatives that the Senate was organized and ready for business.

The motion prevailed by a voice vote, and the Chair announced the appointment of Senators Jochum, Chair; Dotzler and Sorenson.

ASSIGNMENT OF PRESS SEATS

Senator Gronstal moved that the Secretary of the Senate be authorized to assign seats for the use of representatives of the news media and that appropriate badges be provided for the use by those representatives.

The motion prevailed by a voice vote.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:59 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 11:09 a.m., President Kibbie presiding.

APPOINTMENT OF PERMANENT OFFICERS AND EMPLOYEES

Senator Gronstal asked and received unanimous consent to take up the following report of the committee on Rules and Administration:

MR. PRESIDENT: Your committee on Rules and Administration begs leave to submit the names of the following individuals as permanent officers and employees of the Senate for the 2011 Session of the Eighty-fourth General Assembly:

Secretary of the SenateMichael E. Marshall

Administrative

Administrative Services Officer III K'Ann Brandt
Administrative Services OfficerMaureen Taylor

Finance

Senior Finance Officer II Lois Brownell
Administrative Services Officer Betty Shea

Indexing

Sr. Indexer Kathy Olah

Journal

Administrative Services Officer Angela Cox
Administrative Services Assistant Jennifer Beminio
Administrative Services Assistant Jesse Hughes

Legal Counsel's Office

Assistant Secretary of the Senate I Janet Hawkins
Administrative Services Assistant Lara Margelofsky

President of the Senate's Office

Sr. Administrative Assistant to President II Steve Conway
Confidential Secretary to President Kay Kibbie

Democratic Caucus

Sr. Administrative Assistant to Leader II Eric Bakker
Administrative Assistant to Leader III Debbie Kattenhorn
Sr. Caucus Staff Director Ron Parker
Sr. Legislative Research Analyst Kris Bell
Sr. Legislative Research Analyst Theresa Kehoe
Sr. Legislative Research Analyst Rusty Martin
Legislative Research Analyst III Bridget Godes
Legislative Research Analyst III Julie Simon
Legislative Research Analyst II Kerry Wright
Legislative Research Analyst II Sue Foecke
Legislative Research Analyst II Catherine Engel
Legislative Research Analyst I Jace Mikels
Legislative Research Analyst I Erica Shorkey
Legislative Research Analyst Hannah Garden-Monheit

Republican Caucus

Administrative Assistant to Leader II Donald McDowell
Administrative Assistant to Leader II Nicole Woodroffe
Caucus Staff Director John Hodges
Sr. Legislative Research Analyst Carolann Jensen
Sr. Legislative Research Analyst Pamela Dugdale
Sr. Legislative Research Analyst Jim Friedrich
Legislative Research Analyst III Thomas Ashworth
Legislative Research Analyst III Russ Trimble

Legislative Research Analyst I Kirsten Anderson
 Legislative Research Analyst I Josh Bronsink
 Legislative Research Analyst Gannon Hendrick

Sergeant-at-Arms

Sergeant-at-Arms II Bill Krieg
 Assistant Sergeant-at-Arms Tom Sheldahl
 Assistant Sergeant-at-Arms Jerry Carlson
 Doorkeeper Jim Douglas
 Doorkeeper Robert Langbehn
 Doorkeeper Frank Loeffel

Services

Bill Clerk Jay Mosher
 Switchboard Operator Jo Ann Larson
 Switchboard Operator Nancy Ford
 Switchboard Operator Christine Potter
 Postmistress Leila Carlson

MICHAEL GRONSTAL, Chair

Senator Gronstal moved the adoption of the report and appointment of the permanent officers and employees of the Senate.

The motion prevailed by a voice vote, and the foregoing officers and employees appeared before the bar of the Senate and were duly sworn.

APPOINTMENT OF SENATE SECRETARIES

Senator Gronstal asked and received unanimous consent to take up the following report of the committee on Rules and Administration:

MR. PRESIDENT: Your committee on Rules and Administration begs leave to report the employment of the following individuals as secretaries to senators for the 2011 Session of the Eighty-fourth General Assembly:

ARNDT, Elizabeth FEENSTRA, Randy
 ASPENGREN, Mary Lou BACON, Robert
 BAUER, Jeff ANDERSON, Bill
 BEEM, Sharon WARD, Pat
 BOETTGER, David BOETTGER, Nancy
 BOUCHER, Candy JOCHUM, Pam
 BRUCKSHAW, Susan HAMERLINCK, Shawn
 BURNETT, Anne Marie BLACK, Dennis
 COPPER-LEEHEY, Caitlin BEALL, Daryl

COWDEN, Susan	KAPUCIAN, Tim
DeBOOM, Meredith	BOLKCOM, Joe
DELUHERY, Mardi	WILHELM, Mary Jo
DePAEPE, Angie	SENG, Joe
DORR, Christopher	SORENSEN, Kent
DOWNEY, Donna	DOTZLER, William
DRAISEY, Lucas	GREINER, Sandra
DU BOIS, Jessica	COURTNEY, Thomas
ELMITT, Alyce	KETTERING, Steve
FAY, Andrew	SODDERS, Steven
FIRMAN, Amanda	DANIELSON, Jeff
FRAISE, Faye	FRAISE, Gene
GROVER, Jodi	SCHOENJAHN, Brian
HENSLER, Steven	SMITH, Roby
HOEPPNER, Rebecca	QUIRMBACH, Herman
HOLLEY, Emily	HOGG, Robert
HOUSER, Paula	HOUSER, Hubert
HOWARD, Ryan	BERTRAND, Rick
HUHN, Marce	BEHN, Jerry
JANSEN, Jeremy	GRONSTAL, Michael
KELLER, Ryan	McKINLEY, Paul
KESSLER, Alan	HATCH, Jack
LARSON, Ellen	ERNST, Joni
LARSON, John	DVORSKY, Robert
LEFEBER, Sarah Marie	DANDEKAR, Swati
OSIUS, Isobel	KIBBIE, John
PETERSON, Phyllis	HORN, Wally
PIATT, Sarah	JOHNSON, David
RANDLEMAN, LuAnn	RIELLY, Tom
ROCK, William	BOWMAN, Tod
ROGERS, Stacey	CHELGREN, Mark
SALMON, Sandy	DIX, Bill
SHANNON, Erica	RAGAN, Amanda
SIELEMAN, Maxine	SEYMOUR, James
STOCK, Ann	HAHN, James
TENNER, Katherine	BARTZ, Merlin
THIEN, Kelsey	HANCOCK, Tom
WENGERT, Joanne	DEARDEN, Dick
ZAUN, Dede	ZAUN, Brad
ZENTI, Christian	McCOY, Matthew

MICHAEL GRONSTAL, Chair

Senator Gronstal moved the adoption of the report and the appointment of the Senate secretaries.

The motion prevailed by a voice vote, and the foregoing Senate secretaries appeared before the bar of the Senate and were duly sworn.

APPOINTMENT OF PAGES

Senator Gronstal asked and received unanimous consent to take up the following report of the committee on Rules and Administration:

MR. PRESIDENT: Your committee on Rules and Administration begs leave to submit the names of the following persons as pages for the Senate for the 2011 Session of the Eighty-fourth General Assembly:

Jonathan Beatty, West Des Moines
Joelle Brown, Sheldon
Natasha Dutta, West Des Moines
Jared Elm, Williams
Ethan Fredrick, Ankeny
Jim Gulbranson, Stuart
Quinn Hejlik, Missouri Valley
Maria Lewis, Riceville
Austin Pappan, Prole
Alicia Schalla, Cantril
Hannah Walsh, Spirit Lake
Samantha Wehr, Fairfax

MICHAEL GRONSTAL, Chair

Senator Gronstal moved the adoption of the report and the appointment of the Senate pages.

The motion prevailed by a voice vote, and the foregoing Senate pages appeared before the bar of the Senate and were duly sworn to their oaths of office.

REPORT OF THE COMMITTEE TO NOTIFY THE GOVERNOR

Senator Dearden reported that the committee assigned to notify the Governor that the Senate was organized and ready for business had performed its duty.

The report was accepted, and the committee was discharged.

REPORT OF THE COMMITTEE TO NOTIFY THE HOUSE

Senator Jochum reported that the committee assigned to notify the House that the Senate was organized and ready for business had performed its duty.

The report was accepted, and the committee was discharged.

COMMITTEE ON MILEAGE

Senator Gronstal moved that a committee of four be appointed as the committee on mileage.

The motion prevailed by a voice vote, and the Chair appointed as such committee Senators Seng, Chair; Wilhelm, Smith, and Bertrand.

MOTION ON CHAPLAINS

Senator Gronstal moved that Secretary of the Senate be authorized to coordinate the scheduling of chaplains for the Senate during the Eighty-fourth General Assembly, which motion prevailed by a voice vote.

TELLERS FOR JOINT CONVENTION

Senator Gronstal moved that a committee of three be appointed tellers to assist in the canvassing of the vote for Governor and Lieutenant Governor at a joint convention to be held for that purpose.

The motion prevailed by a voice vote, and the Chair announced the appointment of Senators Rielly, Chief Teller; Sodders and Feenstra, Assistant Tellers.

SELECTION OF SEATS

The Chair announced the next order of business would be the selection of seats.

Senator Gronstal moved that the holdover and re-elected senators who participated in seat selection in 2010 be granted the privilege of selecting new seats in order of seniority from unassigned seats; that the re-elected senators first elected during the 2010 session be granted the privilege of selecting their seats from the unassigned seats according to their seniority; that former members of the House of Representatives be granted the privilege of selecting their seats from the unassigned seats according to seniority; and that first, the Majority Floor Leader and the Minority Floor Leader be permitted to select their seats.

The motion prevailed by a voice vote.

Senator Gronstal asked and received unanimous consent for Senator elect Ernst to select her seat.

The motion prevailed by a voice vote.

The Secretary of the Senate called the roll, and seat selections were made as follows:

<u>NAME</u>	<u>SEAT NO.</u>
Anderson of Woodbury	16
Bacon of Story	04
Bartz of Worth	36
Beall of Webster	15
Behn of Boone	40
Bertrand of Woodbury	18
Black of Jasper.....	45
Boettger of Shelby.....	38
Bolkcom of Johnson	31
Bowman of Jackson	25
Chelgren of Wapello.....	02
Courtney of Des Moines	07
Dandekar of Linn.....	13
Danielson of Black Hawk	01
Dearden of Polk.....	47
Dix of Butler.....	22
Dotzler of Black Hawk.....	05
Dvorsky of Johnson.....	49
Ernst of Montgomery.....	12
Feenstra of Sioux	32
Fraise of Lee.....	39
Greiner of Washington	30
Gronstal of Pottawattamie.....	41
Hahn of Muscatine	34
Hamerlinck of Scott.....	46
Hancock of Dubuque.....	19
Hatch of Polk.....	35
Hogg of Linn.....	27
Horn of Linn.....	43
Houser of Pottawattamie	42
Jochum of Dubuque.....	23
Johnson of Osceola.....	14
Kapucian of Benton	28
Kettering of Sac	08
Kibbie of Palo Alto.....	37
McCoy of Polk	29
McKinley of Lucas	10

Quirmbach of Story.....03
Ragan of Cerro Gordo.....33
Rielly of Mahaska.....21
Schoenjahn of Fayette.....09
Seng of Scott.....50
Seymour of Harrison.....48
Smith of Scott.....26
Sodders of Marshall.....11
Sorenson of Warren.....20
Ward of Polk.....44
Wilhelm of Howard.....17
Zaun of Polk.....06

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:45 a.m. until 1:45 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:50 p.m., President Kibbie presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

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

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

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

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

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

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

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

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

CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Concurrent Resolutions 1, 2, 3, and 4.

House Concurrent Resolution 1

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

Senator Gronstal moved the adoption of House Concurrent Resolution 1, which motion prevailed by a voice vote.

House Concurrent Resolution 2

On motion of Senator Gronstal, **House Concurrent Resolution 2**, a concurrent resolution to provide that a joint committee be designated, consisting of six members of the House of Representatives to be appointed by the Speaker of the House, and six members of the Senate to be appointed by the President of the Senate, to arrange for the inauguration of the Governor and Lieutenant Governor, was taken up for consideration.

Senator Gronstal moved the adoption of House Concurrent Resolution 2, which motion prevailed by a voice vote.

House Concurrent Resolution 3

On motion of Senator Gronstal, **House Concurrent Resolution 3**, a concurrent resolution to provide for a joint convention that a joint convention of the two houses of the 2011 session of the Eighty-fourth General Assembly be held on Wednesday, January 12, 2011 at 10:00 a.m., was taken up for consideration.

Senator Gronstal moved the adoption of House Concurrent Resolution 3, which motion prevailed by a voice vote.

House Concurrent Resolution 4

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

Senator Gronstal moved the adoption of House Concurrent Resolution 4, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Concurrent Resolutions 1, 2, 3, and 4** be **immediately messaged** to the House.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that pursuant to law the House was ready to receive the Senate in joint session for the purpose of canvassing the vote for the Governor and Lieutenant Governor.

President Kibbie moved that the Senate proceed to the House chamber in accordance with House Concurrent Resolution 1, duly adopted.

The motion prevailed by a voice vote and the Senate proceeded to the House under the direction of the Secretary of the Senate and the Sergeant-at-Arms.

JOINT CONVENTION

In accordance with law and concurrent resolution duly adopted, the joint convention was called to order at 2:02 p.m., President Kibbie presiding.

Senator Gronstal moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present, which motion prevailed by a voice vote.

President Kibbie declared a quorum present and the joint convention duly organized.

CANVASS OF VOTES

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

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

The joint convention stood at ease at 2:08 p.m., until the fall of the gavel.

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

The joint convention resumed session at 2:35 p.m.

Representative Upmeyer moved that the joint convention recess until the fall of the gavel at 10:00 a.m. Tuesday, January 11, 2011.

The motion prevailed by a voice vote and the joint convention was recessed.

The Senate returned to the Senate chamber.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 2:36 p.m. until 9:00 a.m., Tuesday, January 11, 2011.

APPENDIX

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

MR. PRESIDENT: Pursuant to Senate Concurrent Resolution 2, your committee on rules and administration submits the following names of officers and employees of the Senate for the Eighty-fourth General Assembly, 2011 Session, and their respective classifications, grades, and steps:

		<u>CLASS</u>	<u>GRADE</u>	<u>STEP</u>
Secretary of the Senate	Mike Marshall	P-FT	44	7
Assistant Secretary of the Senate I	Janet Hawkins	P-FT	32	3
Sr. Administrative Assistant to Leader II	Eric Bakker	P-FT	41	7
Administrative Assistant to Leader III	Debbie Kattenhorn	P-FT	35	5
Administrative Secretary to Leader	Jeremy Jansen	S/O	21	2
Sr. Administrative Assistant to President II	Steve Conway	P-FT	41	7
Conf. Secretary to Pres.	Kay Kibbie	P/PT	27	7
Administrative Secretary to Leader	Isobel Osius	S/O	21	1
Sr. Caucus Staff Director	Ron Parker	P-FT	41	7
Sr. Legislative Research Analyst	Theresa Kehoe	P-FT	38	7
Sr. Legislative Research Analyst	Kris Bell	P-FT	38	7
Sr. Legislative Research Analyst	Rusty Martin	P-FT	38	5

Legislative Research Analyst III	Julie Simon	P-FT	35	5
Legislative Research Analyst III	Bridget Godes	P-FT	35	5
Legislative Research Analyst II	Kerry Wright	P-FT	32	6
Legislative Research Analyst II	Sue Foecke	P-FT	32	2
Legislative Research Analyst II	Catherine Engel	P-FT	32	2
Legislative Research Analyst I	Jace Mikels	P-FT	29	4
Legislative Research Analyst I	Erica Shorkey	P-FT	29	6
Legislative Research Analyst	Hannah Garden-Monheit	P-FT	27	1
Administrative Assistant to Leader II	Donald McDowell	P-FT	32	2
Administrative Assistant to Leader II	Nicole Woodroffe	P-FT	32	2
Administrative Secretary to Leader	Ryan Keller	S/O	21	1
Caucus Staff Director	John Hodges	P-FT	38	5
Sr. Legislative Research Analyst	Carolann Jensen	P-FT	38	7
Sr. Legislative Research Analyst	Pamela Dugdale	P-FT	38	7
Sr. Legislative Research Analyst	Jim Friedrich	P-FT	38	4
Legislative Research Analyst III	Russ Trimble	P-FT	35	5
Legislative Research Analyst III	Thomas Ashworth	P-FT	35	2
Legislative Research Analyst I	Joshua Bronsink	P-FT	29	3
Legislative Research Analyst I	Kirsten Anderson	P-FT	29	2
Research Analyst	Gannon Henrick	P-FT	27	1
Administrative Services Officer III	K'Ann Brandt	P-FT	32	7
Administrative Services Officer	Maureen Taylor	P-FT	23	3
Administrative Services Officer	Angela Cox	P-FT	23	2
Administrative Services Officer	Betty Shea	P-FT	23	2
Administrative Services Assistant	Jennifer Beminio	P-FT	20	2
Administrative Services Assistant	Jesse Hughes	P-FT	20	2

Administrative Services Assistant	Lara Margelofsky	P-FT	20	2
Sr. Finance Officer II	Lois Brownell	P-FT	35	5
Sr. Indexer	Kathy Olah	P-FT	28	7
Switchboard Operator	JoAnn Larson	S-O	14	3
Switchboard Operator	Nancy Ford	S-O	14	1
Switchboard Operator	Christine Porter	S-O	14	1
Bill Clerk	Jay Mosher	S-O	14	6
Postmistress	Leila Carlson	S-O	12	2
Sergeant-at-Arms II	Bill Krieg	S-O	20	6
Asst. Sergeant-at-Arms	Tom Sheldahl	S-O	14	5
Asst. Sergeant-at-Arms	Gerald Carlson	S-O	14	3
Doorkeeper	James Douglas	S-O	11	3
Doorkeeper	Robert Langbehn	S-O	11	6
Doorkeeper	Frank Loeffel	S-O	11	4
Legislative Secretary	Elizabeth Arndt	S-O	16	2
Legislative Secretary	Mary Lou Aspengren	S-O	15	5
Legislative Secretary	Jeff Bauer	S-O	15	1
Legislative Secretary	Sharon Beem	S-O	18	1
Legislative Secretary	David Boettger	S-O	17	4
Legislative Secretary	Susan Bruckshaw	S-O	16	7
Legislative Secretary	Susan Cowden	S-O	18	5
Legislative Secretary	Christopher Dorr	S-O	16	1
Legislative Secretary	Lucas Draisey	S-O	16	1
Legislative Secretary	Alyce Elmitt	S-O	18	7+2
Legislative Secretary	Steven Hensler	S-O	15	1
Legislative Secretary	Emily Holley	S-O	17	1
Legislative Secretary	Paula Houser	S-O	16	4
Legislative Secretary	Ryan Howard	S-O	15	1
Legislative Secretary	Marce Huhn	S-O	16	4
Legislative Secretary	Ellen Larson	S-O	15	3
Legislative Secretary	Sarah Piatt	S-O	18	1
Legislative Secretary	William Rock	S-O	16	1
Legislative Secretary	Stacy Rogers	S-O	15	1
Legislative Secretary	Sandy Salmon	S-O	16	1
Legislative Secretary	Maxine Sieleman	S-O	18	2
Legislative Secretary	Ann Stock	S-O	16	3
Legislative Secretary	Katherine Tenner	S-O	18	1
Legislative Secretary	Dede Zaun	S-O	18	2
Legislative Committee Secretary	Candy Boucher	S-O	18	4+2
Legislative Committee Secretary	Anne Marie Burnett	S-O	18	5
Legislative Committee Secretary	Meredith DeBoom	S-O	18	1
Legislative Committee Secretary	Mardi Deluhery	S-O	18	3
Legislative Committee Secretary	Angie DePaepe	S-O	18	1
Legislative Committee Secretary	Donna Downey	S-O	18	2

Legislative Committee Secretary	Jessica DuBois	S-O	18	1
Legislative Committee Secretary	Andrew Fay	S-O	18	1
Legislative Committee Secretary	Amanda Firman	S-O	18	1
Legislative Committee Secretary	Faye Fraise	S-O	18	7
Legislative Committee Secretary	Jodi Grover	S-O	18	2
Legislative Committee Secretary	Rebecca Hoepfner	S-O	18	1
Legislative Committee Secretary	Alan Kessler	S-O	17	1
Legislative Committee Secretary	John Larson	S-O	17	4
Legislative Committee Secretary	Caitlin Leehey	S-O	18	1
Legislative Committee Secretary	Sarah Marie Lefebvre	S-O	18	1
Legislative Committee Secretary	Phyllis Peterson	S-O	18	3
Legislative Committee Secretary	LuAnn Randleman	S-O	18	6
Legislative Committee Secretary	Erica Shannon	S-O	18	1
Legislative Committee Secretary	Kelsey Thien	S-O	17	1
Legislative Committee Secretary	Joanne Wengert	S-O	18	7
Legislative Committee Secretary	Christian Zenti	S-O	18	1
Page	Jonathan Beatty	S/O	9	1
Page	Joelle Brown	S/O	9	1
Page	Natasha Dutta	S/O	9	1
Page	Jared Elm	S/O	9	1
Page	Ethan Fredrick	S/O	9	1
Page	Jim Gulbranson	S/O	9	1
Page	Quinn Hejlik	S/O	9	1
Page	Maria Lewis	S/O	9	1
Page	Austin Pappan	S/O	9	1
Page	Alicia Schalla	S/O	9	1
Page	Hannah Walsh	S/O	9	1
Page	Samantha Wehr	S/O	9	1

MICHAEL E. GRONSTAL, CHAIR

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

MR. PRESIDENT: Pursuant to Senate Concurrent Resolution 2, the committee on Rules and Administration submits the following increases, reclassifications, and the effective dates of Senate employees:

Sr. Administrative Assistant to Leader	Caleb Hunter	RESIGNED Effective 12/10
Administrative Assistant To Leader To Administrative Assistant To Leader II	Donald McDowell	Grade 27, Step 1 to Grade 32, Step 2 Effective 12/10
Sr. Caucus Staff Director	Peter Matthes	RESIGNED Effective 9/10
Legislative Committee Secretary to Administrative Secretary to Leader	Isobel Osius	Grade 17, Step 1 to Grade 21, Step 1
Doorkeeper to Asst. Sergeant-at-Arms	Gerald Carlson	Grade 11, Step 3 to Grade 14, Step 3

MICHAEL E. GRONSTAL, CHAIR

REPORT OF THE COMMITTEE ON MILEAGE

MR. PRESIDENT: Pursuant to Section 2.10, Code 2007, the following has been determined to be the mileage to which Senators are entitled for the Eighty-fourth General Assembly:

<u>NAME</u>	<u>ROUND TRIP MILES</u>
ANDERSON, William.....	378
BACON, Robert.....	62
BARTZ, Merlin.....	277
BEALL, Daryl.....	190
BEHN, Jerry.....	94
BERTRAND, Rick.....	402
BLACK, Dennis.....	104
BOETTGER, Nancy.....	222
BOLKCOM, Joe.....	234
BOWMAN, Tod.....	360
CHELGREN, Mark.....	178
COURTNEY, Thomas.....	390
DANDEKAR, Swati.....	252
DANIELSON, Jeff.....	250
DEARDEN, Dick L.....	0
DIX, William.....	264
DOTZLER, Bill.....	260
DVORSKY, Robert E.....	224
FEENSTRA, Randy.....	508

FRAISE, Eugene S.....	369
GREINER, Sandra.....	192
GRONSTAL, Michael E.....	270
HAHN, James.....	300
HAMERLINCK, Shawn.....	328
HANCOCK, Thomas.....	376
HATCH, Jack.....	0
HOGG, Robert M.....	260
HORN, Wally E.....	250
HOUSER, Hubert M.....	252
JOCHUM, Pam.....	400
JOHNSON, David.....	458
KAPUCIAN, Tim.....	180
KETTERING, Steve.....	240
KIBBIE, John P.....	324
McCOY, Matt.....	0
McKINLEY, Paul M.....	124
QUIRMBACH, Herman.....	75
RAGAN, Amanda.....	240
RIELLY, Thomas.....	130
SCHOENJAHN, Brian.....	360
SENG, Joe.....	334
SEYMOUR, James.....	254
SMITH, Roby.....	332
SODDERS, Steven.....	96
SORENSEN, Kent.....	40
WARD, Pat.....	0
WILHELM, Mary Jo.....	400
ZAUN, Brad.....	0

RESIGNATION FROM OFFICE

November 12, 2010

The Honorable Paul McKinley
Iowa Senate Minority Leader
State Capitol Building
East 12th and Grand
Des Moines, Iowa 50319

Dear Senator McKinley,

I hereby resign effective November 12, 2010, from the Iowa Senate in order to prepare for my duties as Lieutenant Governor.

Sincerely,
Kim Reynolds

RESIGNATION FROM OFFICE

December 17, 2010

The Honorable Chet Culver, Governor
 The Honorable Michael Mauro, Secretary of State
 The Honorable Michael E. Gronstal, Iowa Senate Majority Leader
 The Honorable Paul McKinley, Iowa Senate Minority Leader

State Capitol Building
 East 12th and Grand
 Des Moines, Iowa 50319

Dear Mr. Governor, Mr. Secretary, Senator Gronstal, and Senator McKinley,

I hereby resign, effective December 17, 2010, from the Iowa Senate in order to prepare for my duties as Commissioner of Public Safety.

Sincerely,
 Larry L. Noble

ASSIGNMENT OF SEATS IN THE PRESS GALLERY

Seat No.

- | | |
|-----|---|
| 51. | Staff |
| 52. | The Des Moines Register—Jennifer Jacobs |
| 53. | The Associated Press—Mike Glover |
| 54. | Radio Iowa News Network—O. Kay Henderson, Dar Danielson,
Pat Curtis, Matt Kelley |
| 55. | Single Day—Visitor |
| 56. | Dubuque Telegraph Herald—Courtney Blanchard, Eric Mandel,
Mary Nevans-Pederson, Kirk Ullrich |
| 57. | Iowa Public Radio—Joyce Russell, Jeneane Beck |
| 58. | The Cedar Rapids Gazette—Rod Boshart, James Lynch, Todd Dorman |
| 59. | Single Day Visitor Press Seat |
| 60. | Lee Enterprises—Not Confirmed |
| 61. | Staff |
| 62. | Iowa Politics.com—Lynn Campbell, Meghan Mallow, Matt Clark |
| 63. | Iowa Legislative News Service—Jack Hunt, Thomas Hunt, John Kurr |
| 64. | WHO Radio—Richard Lee, Brad Ehrlich, Sue Danielson, Garry Barrett |

COMMUNICATIONS RECEIVED

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

BOARD OF PHARMACY

Iowa Prescription Monitoring Program Annual Report, pursuant to Iowa Code section 124.554(2). Report received on January 6, 2011.

BOARD OF REGENTS

Annual Report on Sudan Divestment, pursuant to Iowa Code section 12F.5. Report received on September 20, 2010.

Real Estate Audit of Properties Owned or Leased by Regent Institutions, pursuant to 2010 Iowa Acts, chapter 1031, section 81. Report received on December 30, 2010.

Annual Report on Statewide Research and Development School Transition, pursuant to 2009 Iowa Acts, SF 470. Report received on January 3, 2011.

2009–2010 Annual Report for College Bound and IMAGES Programs, pursuant to Iowa Code sections 261.101, 262.92, and 262.93. Report received on January 3, 2011.

DEPARTMENT OF ADMINISTRATIVE SERVICES

FY 2010 Annual Report, pursuant to Iowa Code section 7E.3(4). Report received on December 2, 2010.

Property Report, pursuant to 2010 Iowa Acts, SF 2088, Section 80. Report received on December 30, 2010.

DEPARTMENT FOR THE BLIND

Notices of Educational Leave Approval, pursuant to Administrative Rule 11-63.10(4). Notices received on July 19 and September 10, 2010.

FY 2010 Annual Plastic and Recycled Content and Soy-based Inks Report, pursuant to Iowa Code section 216B.3(12)(d). Report received on December 7, 2010.

DEPARTMENT OF COMMERCE (DIVISION OF BANKING)

Qualified Student Loan Bond Issuer Report, pursuant to Iowa Code section 7C.13(6). Report received on January 10, 2010.

DEPARTMENT OF COMMERCE (INSURANCE DIVISION)

2010 Annual Report, pursuant to 2010 Iowa Acts, SF 2201. Report received on December 27, 2010.

Fiscal Report on the Cost of Implementation Work for SF 2356, pursuant to 2010 Iowa Acts, SF 2356. Report received on December 28, 2010.

DEPARTMENT OF CULTURAL AFFAIRS

Iowa Cultural Trust Annual Report for FY 2010, pursuant to Iowa Code section 15G.111(7). Report received on August 24, 2010.

Archives, Records Management and Electronic Records Report, pursuant to 2010 Iowa Acts, SF 2088, Section 25. Report received on December 17, 2010.

DEPARTMENT OF ECONOMIC DEVELOPMENT

Joint Housing Report, pursuant to 2010 Iowa Acts, SF 2088, division XXII, section 268. Report received on September 9, 2010.

2010 Third Quarter Report on the Activities of the Iowa Commission on Volunteer Service, pursuant to Iowa Code section 15H.2(2)(h). Report received on December 30, 2010.

DEPARTMENT OF EDUCATION

2010 Annual Condition of Education Report, pursuant to Iowa Code section 256.9(24). Report received on December 2, 2010.

Community College Fall Enrollment Report, pursuant to Iowa Code section 261E.3. Report received on December 6, 2010.

DEPARTMENT OF HUMAN RIGHTS

Public Safety Advisory Board Report to the General Assembly, pursuant to Iowa Code section 216A.133A. Report received on December 23, 2010.

DEPARTMENT OF HUMAN SERVICES

Iowa Medicaid Annual Report, pursuant to Iowa Code section 249A.24(3). Report received on September 27, 2010.

2009 DPH-DHS Parent Substance Abuse Protocol Report, pursuant to 2008 Iowa Acts, HF 2310, section 19. Report received on December 14, 2010.

Medical Transportation Costs for IowaCare Report, pursuant to 2010 Iowa Acts, SF 2356, section 3. Report received on December 15, 2010.

2010 Legislative Report, pursuant to 2010 Iowa Acts, HF 2526, section 11. Report received on December 15, 2010.

2010 Child Welfare Emergency Services Report, pursuant to 2010 Iowa Acts, HF 2526. Report received on December 15, 2010.

Plan for Creating Sustainable Funding to Support Child Care Providers in Meeting Intended Child Development Home Licensing Requirements, pursuant to 2010 Iowa Acts, SF 478. Report received on December 21, 2010.

Independent Living Services Annual Report, pursuant to 2006 Iowa Acts, HF 457. Report received on December 22, 2010.

DEPARTMENT OF JUSTICE

2010 Prosecutor Intern Program Annual Report, pursuant to Iowa Code section 13.2(12). Report received on December 28, 2010.

DEPARTMENT OF NATURAL RESOURCES

2009 Public Drinking Water Program Annual Compliance Report, pursuant to the 1996 Reauthorized Safe Drinking Water Act. Report received on July 15, 2010.

2009 Greenhouse Gas Emissions from Select Iowa Source Categories, pursuant to Iowa Code section 455B.851. Report received on August 30, 2010.

2010 Iowa Fish and Game Protection Fund Report, pursuant to 2010 Iowa Acts, HF 2525. Report received on November 19, 2010.

Annual Update of Hazardous Waste Site Disposal Registry, pursuant to Iowa Code sections 455B.424, 455B.426, and 455B.427. Report received on December 28, 2010.

FY 2010 Boat Fee Revenues and Expenditures Report, pursuant to Iowa Code section 462A.52. Report received on December 30, 2010.

FY 2010 Household Hazardous Materials Program Report, pursuant to Iowa Code section 455F.8. Report received on December 30, 2010.

PM2.5 Ambient Air Quality Standard Implementation Report, pursuant to 2010 Iowa Acts, HF 2418. Report received on December 30, 2010.

DEPARTMENT OF PUBLIC DEFENSE

2010 Annual Report for the Disaster Aid Individual Assistance Grant Fund, pursuant to Iowa Code section 29C.20A(4). Report received on January 3, 2011.

DEPARTMENT OF PUBLIC SAFETY

FY 2010 Annual Report, pursuant to Iowa Code section 7E.3(4). Report received on November 16, 2010.

Final Report of the Commission on Energy Efficiency Standards and Practices, pursuant to 2008 Iowa Acts, SF 2386. Report received on December 29, 2010.

DEPARTMENT OF REVENUE

2009 Retailers Motor Fuel Gallons Annual Report, pursuant to Iowa Code section 452A.33. Report received on April 1, 2010.

FY 2010 Year-end Report, pursuant to Iowa Code section 421.17(27)(h)(j). Report received on October 15, 2010.

FY 2010 SAVE Appropriation Report, pursuant to Iowa Code section 8.57(6)(h). Report received on November 24, 2010.

FY 2009 Tax Gap Compliance Project Report, pursuant to Iowa Code section 421.17(23). Report received on December 2, 2010.

DEPARTMENT OF TRANSPORTATION

Transportation Improvement Program Annual Report, pursuant to Iowa Code section 7A.9. Report received on August 20, 2010.

Electronic Vehicle Registration and Titling Implementation Report, pursuant to 2010 Iowa Acts, SF 2273, Section 2. Report received on December 1, 2010.

DEPARTMENT OF VETERANS AFFAIRS

Allocation Program for Veterans Status Report, pursuant to 2008 Iowa Acts, Chapter 1130, section 35B.6. Report received on October 1, 2010.

IOWA FINANCE AUTHORITY

I-JOBS Legislative Report pursuant to 2010 Iowa Acts, SF 2389. Report received on December 17, 2010.

IOWA HIGHER EDUCATION LOAN AUTHORITY

2010 Annual Report, pursuant to Iowa Code section 261A.21. Report received on December 15, 2010.

IOWA PUBLIC EMPLOYEES RETIREMENT SYSTEM

FY 2010 Report on Sudan-related Divestment Activities, pursuant to Iowa Code section 12F.5. Report received on September 28, 2010.

FY 2010 Comprehensive Annual Financial Report, pursuant to Iowa Code section 97B.4(4)(a). Report received on December 22, 2010.

IOWA SCHOOLS JOINT INVESTMENT TRUST

2010 Annual Financial Report, pursuant to Iowa Code section 12B.10A(7). Report received on November 22, 2010.

IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

Review of Maintenance and Service Contracts, pursuant to Iowa Code section 8D.3(3)(g). Report received on November 18, 2010.

IOWA WORKFORCE DEVELOPMENT

2010 Annual Status Report on the Unemployment Compensation Trust Fund, pursuant to Iowa Code section 96.35. Report received on March 25, 2010.

MUNICIPAL FIRE AND POLICE RETIREMENT SYSTEM OF IOWA

2010 Annual Report, pursuant to Iowa Code section 411.5. Report received on November 19, 2010.

2011 Financial Evaluation Report, pursuant to 2010 Iowa Acts, HF 2518. Report received on December 15, 2010.

OFFICE OF DRUG CONTROL POLICY

2011 Iowa Drug Control Strategy, pursuant to Iowa Code section 80E.1. Report received on November 1, 2010.

OFFICE OF AUDITOR OF STATE

Review of Targeted Small Business Procurement Activities, pursuant to Iowa Code section 11.46. Report received on December 21, 2010.

REBUILD IOWA OFFICE

Smart Planning Task Force Final Report, pursuant to 2010 Iowa Acts, SF 2389, division VII. Report received on November 15, 2010.

Business Disaster Case Management Report, pursuant to 2010 Iowa Acts, HF 2422, section 2. Report received on November 15, 2010.

TREASURER OF STATE

Annual Reports on Sudan-Related Investments, pursuant to Iowa Code chapter 12F. Reports received on September 23, 2010.

Annual Financial Report from Tobacco Settlement Authority, pursuant to Iowa Code section 12E.15. Report received on December 30, 2010.

WORLD FOOD PRIZE FOUNDATION

Activities and Expenditures Report, pursuant to 2007 Iowa Acts, SF 562. Report received on December 22, 2010.

AGENCY ICN REPORTS

Iowa Communications Network (ICN) usage reports for FY 2010, pursuant to Iowa Code section 8D.10, were received from the following agencies:

ATTORNEY GENERAL'S OFFICE – Report received on July 1, 2010.

BOARD OF PAROLE – Report received on December 1, 2010.

BOARD OF REGENTS – Report received on January 7, 2011.

DEPARTMENT OF MANAGEMENT – Report received on September 1, 2010.

DEPARTMENT OF REVENUE – Report received on September 29, 2010.

DEPARTMENT OF TRANSPORTATION – Report received on January 4, 2011.

IOWA LOTTERY – Report received on January 6, 2011.

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM – Report received on September 28, 2010.

CERTIFICATE OF RECOGNITION

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

Dr. John Thomson, D.V.M.—For his outstanding leadership as Dean of the ISU College of Veterinary Medicine and for his career of service to the animal industry. Senator Quirnbach (1/10/2011).

REPORTS OF COMMITTEE MEETINGS

LABOR AND BUSINESS RELATIONS

Convened: Monday, January 10, 2011, 3:30 p.m.

Members Present: Horn, Chair; Jochum, Vice Chair; Ward, Ranking Member; Anderson, Bertrand, Chelgren, Courtney, Dearden, Dotzler, and Fraise.

Members Absent: Hatch (excused).

Committee Business: Organizational meeting.

Adjourned: 3:40 p.m.

RULES AND ADMINISTRATION

Convened: Monday, January 10, 2011, 11:00 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; McKinley, Ranking Member; Courtney, Danielson, Dvorsky, Kettering, Ragan, and Zaun.

Members Absent: Bartz and Dearden (both excused).

Committee Business: Discussed Senate rules and administration.

Adjourned: 11:10 a.m.

INTRODUCTION OF BILLS

Senate File 1, by Schoenjahn, a bill for an act prohibiting the manufacture, sale, or distribution of caffeinated alcoholic beverages, making penalties applicable, and including effective date provisions.

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

Senate File 2, by Johnson, a bill for an act relating to reduction or termination of visitation based upon repeated willful failure to pay support.

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

Senate File 3, by Kettering, a bill for an act increasing the speed limit on certain primary roads.

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

Senate File 4, by Hancock, a bill for an act providing volunteer fire fighters and emergency medical services personnel with an individual income tax credit and including effective date and applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 5, by Johnson, a bill for an act providing a sales tax exemption for the sale of horses.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 6, by Johnson, a bill for an act exempting the sales price for the use of self-pay washers and dryers from the sales tax.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 7, by Johnson, a bill for an act providing for a .08 blood alcohol limit for motorboat or sailboat operating while intoxicated offenses.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

Senate File 8, by Johnson, a bill for an act relating to motor fuel, including ethanol blended gasoline and biodiesel fuel, by limiting the liability of retail dealers.

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

Senate File 9, by Schoenjahn, a bill for an act concerning registration plates issued for business-trade trucks and special trucks, and including applicability date provisions.

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

Senate File 10, by Schoenjahn and Beall, a bill for an act authorizing a school district to adopt and implement a policy addressing sexual abuse of children and establishing a task force on the prevention of sexual abuse of children and including effective date provisions.

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

JOURNAL OF THE SENATE

SECOND CALENDAR DAY
SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 11, 2011

The Senate met in regular session at 9:05 a.m., President Kibbie presiding.

Prayer was offered by Dennis St. Lawrence, pastor of the Grace Baptist Church in Chariton, Iowa. He was the guest of Senator McKinley.

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

COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to receive the Senate in joint convention.

In accordance with House Concurrent Resolution 1, duly adopted, the Senate proceeded to the House chamber under the direction of the Secretary of the Senate and the Sergeant-at-Arms.

The Senate stood at ease at 9:09 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:45 a.m., President Kibbie presiding.

JOINT CONVENTION

The joint convention convened at 9:50 a.m., President Kibbie presiding.

Senator Gronstal moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present, which motion prevailed by a voice vote.

President Kibbie declared a quorum present and the joint convention duly organized.

Senator Gronstal moved that a committee of six, three members from the Senate and three members from the House, be appointed to notify Governor Chester J. Culver that the joint convention was ready to receive him.

The motion prevailed by a voice vote, and the Chair announced the appointment of Senators Dearden, Horn, and Anderson on the part of the Senate, and Representatives Pettengill, Baltimore, and Kajtazovic on the part of the House.

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

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

Lieutenant Governor Patty Judge was escorted into the House chamber.

Mari Culver, the Governor's wife, and their children, Clare and John, were escorted into the House chamber.

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

President Kibbie presented Governor Chester J. Culver, who delivered the following Condition of the State Address:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

We raised the minimum wage. Increased teacher pay. Made our public places smoke-free. Invested \$100 million to improve water quality. Lifted the ban on stem cell research. Protected civil rights: at home, in the workplace and for students in schools. We balanced the budget four years in a row, and earned a triple-A bond rating, the highest possible, which only a handful of states can claim.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

My fellow Iowans, we've been through a great deal together these past four years. From the worst natural disaster in our state's history, to the biggest economic

downturn since the Great Depression, to the H1N1 flu pandemic and the largest troop deployment since World War Two.

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

Our resilience is tied directly to our inherent optimism — a belief that things will get better and that our best days are ahead of us. We are also a people of strong faith and character who believe in our Iowa values of hard work, determination, and common sense.

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

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

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

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

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

Representative Helland moved that the joint convention be dissolved, which motion prevailed by a voice vote.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:47 a.m. until 9:00 a.m., Wednesday, January 12, 2011.

APPENDIX

COMMUNICATIONS RECEIVED

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

BOARD OF REGENTS

Patents and Licenses Report, pursuant to Iowa Code section 262B.3(3). Report received on January 6, 2011.

Grow Iowa Values Fund Report, pursuant to Iowa Code section 15G.111(5)(c). Report received on January 6, 2011

Economic Development and Technology Transfer Report, pursuant to 2010 Iowa Acts, chapter 1188, section 13. Report received on January 6, 2011.

Report on a Study of the Opportunities for Recruiting Racial and Ethnic Minority Teachers, pursuant to 2010 Iowa Acts, HF 2432. Report received on January 10, 2011.

DEPARTMENT OF ADMINISTRATIVE SERVICES

FY 2010 Annual Report for the Technology Governance Board, pursuant to Iowa Code section 8A.204(3). Report received on January 10, 2011.

DEPARTMENT OF EDUCATION

Report on Charter and Innovation Schools in Iowa, pursuant to Iowa Code section 256F.10. Report received on January 7, 2011.

2011 Early ACCESS Report, pursuant to Administrative Rule 281–120.7. Report received on January 10, 2011.

School Disaster Waivers Report, pursuant to Iowa Code section 256.9(59). Report received on January 11, 2011.

DEPARTMENT OF INSPECTIONS AND APPEALS

Report on Expansion of the Divestiture Program Staffing, pursuant to 2010 Iowa Acts, SF 2367. Report received on January 10, 2011.

DEPARTMENT OF PUBLIC DEFENSE

2010 E911 Status Report, pursuant to Iowa Code section 34A.7A(3)(a). Report received on January 11, 2011.

DEPARTMENT OF PUBLIC SAFETY

2010 Statewide Interoperable Communications System Board Annual Report, pursuant to 2007 Iowa Acts, HF 353. Report received on January 9, 2011.

DEPARTMENT OF TRANSPORTATION

FY 2010 Recycled Content Plastic Bag and Soy-based Inks Report, pursuant to Iowa Code section 307.21. Report received on January 7, 2011.

FY 2010 Annual Report of Iowa Highway Research Board Research and Development Activities, pursuant to Iowa Code sections 310.36 and 312.3A. Report received on January 10, 2011.

CERTIFICATES OF RECOGNITION

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

Louis and Marge Paustian, Toledo—In celebration of their 65th wedding anniversary. Senator Kapucian (1/11/11).

Jack Garwood, Vinton—In celebration of his 90th birthday. Senator Kapucian (1/11/11).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: Tuesday, January 11, 2011, 3:05 p.m.

Members Present: Rielly, Vice Chair; Behn, Ranking Member; Anderson, Beall, Bolkcom, Courtney, Feenstra, Schoenjahn, Seng, Ward, Wilhelm, and Zaun.

Members Absent: Dandekar, Chair; Kettering and McCoy (all excused).

Committee Business: Organizational meeting.

Adjourned: 3:10 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Tuesday, January 11, 2011, 1:00 p.m.

Members Present: Dearden, Chair; Hahn, Ranking Member; Behn, Bolkcom, Hamerlinck, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson.

Members Absent: Black, Vice Chair (excused).

Committee Business: Introduction of members. Passed committee rules. Suggestions for future meetings.

Adjourned: 1:30 p.m.

TRANSPORTATION

Convened: Tuesday, January 11, 2011, 2:05 p.m.

Members Present: Rielly, Chair; Bowman, Vice Chair; Kapucian, Ranking Member; Beall, Danielson, Ernst, Hahn, Hancock, Houser, and Zaun.

Members Absent: Dandekar, Dearden, and McCoy (all excused).

Committee Business: Organizational meeting.

Adjourned: 2:20 p.m.

INTRODUCTION OF BILLS

Senate File 11, by Bolkom, a bill for an act delegating to counties the permitting and enforcement powers of the department of natural resources in relation to certain sewage disposal systems and authorizing penalties.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

Senate File 12, by Bolkom, a bill for an act relating to open burning of residential waste in certain areas of the state and providing penalties.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

Senate File 13, by Bolkom, a bill for an act requiring certain health benefit contracts, policies, or plans to provide coverage of tobacco use cessation programs and including applicability provisions.

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

Senate File 14, by Soddors, a bill for an act requiring cable barriers on primary highways adjacent to borrow pits.

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

Senate File 15, by Soddors, a bill for an act requiring that the director of the Iowa law enforcement academy be appointed by the governor for a four-year term from nominees selected by the law enforcement academy council and including applicability provisions.

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

Senate File 16, by Soddors, a bill for an act providing a property assessment adjustment for certain persons who have attained the age

of seventy, providing a penalty, and including retroactive and other applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 17, by Sodders, a bill for an act relating to the county enforcement surcharge and increasing a fee.

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

STUDY BILLS RECEIVED

SSB 1001 Ethics

Relating to the Senate Rules Governing Lobbyists and their interactions with the Senate and members of the Senate during the Eighty-fourth General Assembly.

SSB 1002 Ethics

Relating to the Senate Code of Ethics governing the conduct of members of the Senate in relation to their senatorial duties during the Eighty-fourth General Assembly.

SSB 1003 Economic Growth/Rebuild Iowa

Providing for the establishment of an Iowa innovation council foundation and making appropriations.

SUBCOMMITTEE ASSIGNMENTS

Senate File 7

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Black and Hamerlinck

Senate File 11

NATURAL RESOURCES AND ENVIRONMENT: Bolkcom, Chair; Behn and Hogg

Senate File 12

NATURAL RESOURCES AND ENVIRONMENT: Black, Chair; Bolkcom and Sorenson

JOURNAL OF THE SENATE

THIRD CALENDAR DAY
THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 12, 2011

The Senate met in regular session at 9:00 a.m., President Kibbie presiding.

Prayer was offered by Candy Boucher, former associate minister of the First Evangelical Lutheran Church in Centerville, Iowa, who sang “The Lord’s Prayer”. She was the guest of Senator Jochum.

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

COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to receive the Senate in joint convention.

In accordance with House Concurrent Resolution 3, duly adopted, the Senate proceeded to the House chamber under the direction of the Secretary of the Senate and the Sergeant-at-Arms.

The Senate stood at ease at 9:07 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:40 a.m., President Kibbie presiding.

JOINT CONVENTION

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

Senator Gronstal moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present, which motion prevailed by a voice vote.

President Kibbie declared a quorum present and the joint convention duly organized.

Senator Gronstal moved that a committee of six, three members from the Senate and three members from the House, be appointed to escort Governor Chester J. Culver to the Condition of the Iowa Judiciary Message.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Hancock, Dvorsky, and Boettger on the part of the Senate, and Representatives Soderberg, Klein, and Wolfe on the part of the House.

SPECIAL GUESTS

President Kibbie introduced to the House chamber former Lieutenant Governors Sally Pederson and Joy Corning.

The Joint Convention rose and expressed its welcome.

Senator Gronstal moved that a committee of six, three members from the Senate and three members from the House, be appointed to notify the Honorable Mark S. Cady, Chief Justice of the Iowa Supreme Court, that the joint convention was ready to receive him.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Fraise, Hogg, and Seymour on the part of the Senate, and Representatives Anderson, Tjepkes, and Kelley on the part of the House.

Secretary of State Matt Schulz, Secretary of Agriculture Bill Northey, Auditor of State David A. Vaudt, and Attorney General Tom Miller were escorted into the House chamber.

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

Becky Cady, wife of Chief Justice Cady; his son, Spencer Cady; his son's friend, Riley Branderhorst; and his sister-in-law, Kathy Cady, were escorted into the House chamber.

Lieutenant Governor Patty Judge was escorted into the House chamber.

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

The committee waited upon Chief Justice Mark S. Cady and escorted him to the Speaker's station.

President Kibbie then presented Chief Justice Mark S. Cady who delivered the following Condition of the Judiciary Message:

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

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

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

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

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

Access to Justice

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

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

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

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

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

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

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

EDMS and Civil Justice Reform

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

We are testing a system for electronic filing and retrieval of documents. This system, which we call EDMS, expands access to justice beyond the courthouse walls. It enables litigants, lawyers, and others to file and access court records online, at any time, night and day. It saves Iowans the cost and inconvenience of traveling to the courthouse to conduct their business. It gives judges access to records as soon as they are filed. If everything goes as planned and we have sufficient resources to move ahead, we should have EDMS fully implemented in five or six years.

In addition, a statewide task force is now studying measures that will allow civil cases to proceed faster and at less expense to litigants. Our Civil Justice Reform Task Force is studying innovations such as dedicated business courts, reforms of discovery procedures, expansion of alternate dispute resolution services, and other potential

improvements. We hope to have a road map for civil justice reform and innovation later this year.

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

Reasons to Bolster Court Funding

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

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

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

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

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

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

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

I have not detailed the fiscal concerns presented to Iowa's courts as I would, perhaps, under different circumstances, because we now face a challenge of a different nature. I am compelled to address this challenge with you this morning because it

threatens to undermine the checks and balances that protect the constitutional rights of all Iowans.

Varnum

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

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

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

Merit Selection Fosters Fair and Impartial Courts

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

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

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

I understand the nonpartisan nature of the state commission has been questioned at times, most notably when the political makeup of the membership shifts to a majority of Democrats or a majority of Republicans. This shift does occur over time, but it is much less likely the result of the selection of lawyers to the commission, than

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

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

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

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

Building Public Confidence in Commissions: Enhancements

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

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

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

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

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

Unlike our political institutions, courts serve the law, not the interests of constituents. Courts serve the law, not the demands of special interest groups. Courts serve the law, not the electorate’s reaction to a particular decision. By serving the rule of law, courts protect the civil, political, economic, and social rights of all citizens. Chief Justice William Rehnquist called the independence that allows judges to serve the law “the crown jewel of our system of justice.” I hope we can go forward with the same understanding.

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

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

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

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

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

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

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

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

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

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

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

Promoting Understanding about the Work of Courts

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

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

Iowa has been a leader in making the work of courts more transparent. Iowa was one of the first jurisdictions in the country to allow cameras into courtrooms. More recently, we have developed a judicial branch website to help inform the public of our work. This website even allows schools, service groups, and others to make online requests for justices and judges to come into your communities to speak. The website is

user friendly, informative, and has been named one of the best court websites in the nation. It is also used for us to receive input on proposed changes in the rules governing court procedures. Up until a year ago, the website also provided a video cast of supreme court proceedings, but this procedure was a victim of the budget cuts. Nevertheless, we can do more to open the work of the courts to the people.

So today I'm pleased to announce the Iowa Supreme Court plans to hold some of its oral arguments in communities across Iowa. This will allow interested citizens an opportunity to watch the court proceedings, and the proceedings can be used as a teaching tool for our youth. We will also consider other ways to open our work to the public, and we look forward to maintaining a court system that Iowans will always view with confidence and respect.

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

Conclusion: Let Us Go Forward with a New Understanding

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

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

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

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

Representative Upmeyer moved that the joint convention be dissolved, which motion prevailed by a voice vote.

The Senate returned to the Senate chamber.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:57 a.m. until 9:00 a.m., Thursday, January 13, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Bonnie Diercks—For celebrating her 80th birthday. Senator Courtney (1/12/2011).

Betty Diewold—For celebrating her 80th birthday. Senator Courtney (1/12/2011).

Marjorie Funk—For celebrating her 90th birthday. Senator Ragan (1/12/2011).

Hazel Gibson—For celebrating her 100th birthday. Senator Courtney (1/12/2011).

Chief Henry Westhoff, New Vienna—For 45 years of dedication and sacrifice to Iowa's emergency services. Senator Hancock (1/12/2011).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Wednesday, January 12, 2011, 2:05 p.m.

Members Present: Dvorsky, Chair; Kettering, Ranking Member; Bartz, Black, Boettger, Bolkcom, Danielson, Dix, Dotzler, Fraise, Hancock, Hogg, Houser, Jochum, Kapucian, Ragan, Schoenjahn, and Seymour.

Members Absent: McCoy, Vice Chair; Hatch and Johnson (all excused).

Committee Business: Organizational meeting, approved rules, and introductions.

Adjourned: 2:15 p.m.

EDUCATION

Convened: Wednesday, January 12, 2011, 3:10 p.m.

Members Present: Quirnbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Smith, Soddors, and Wilhelm.

Members Absent: Johnson (excused).

Committee Business: Organizational meeting.

Adjourned: 3:30 p.m.

JUDICIARY

Convened: Tuesday, January 11, 2011, 4:05 p.m.

Members Present: Fraise, Chair; Hogg, Vice Chair; Boettger, Ranking Member; Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Sodders, Sorenson, and Ward.

Members Absent: None.

Committee Business: Organizational meeting.

Adjourned: 4:15 p.m.

INTRODUCTION OF BILLS

Senate File 18, by Hogg, a bill for an act increasing the maximum balance authorized for the Iowa economic emergency fund.

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

Senate File 19, by Hogg, a bill for an act relating to competition restrictions under certain economic development programs.

Read first time under Rule 28 and referred to committee on **Economic Growth/Rebuild Iowa**.

Senate File 20, by Kibbie, a bill for an act relating to health insurance rate increase applications, including notice requirements, and public comment and hearing requirements.

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

Senate File 21, by Sodders, Dearden, Black, Horn, Dotzler, Bartz, Hamerlinck, Kapucian, and Bacon, a bill for an act concerning the size of game bird only hunting preserves.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

Senate File 22, by McCoy, a bill for an act relating to community college administrator contracts.

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

Senate File 23, by Zaun, a bill for an act requesting establishment of an interim study committee on automobile insurance direct repair programs.

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

Senate File 24, by Zaun, a bill for an act establishing a multiple sclerosis support fund and authorizing lottery games to benefit persons with multiple sclerosis.

Read first time under Rule 28 and referred to committee on **State Government**.

STUDY BILLS RECEIVED

SSB 1004 Ways and Means

Relating to the classification of certain residential property for property assessment and taxation purposes.

SSB 1005 Ways and Means

Excluding from the computation of net income capital gains realized from the sale of all or substantially all of the equity interests in certain businesses and including retroactive applicability provisions.

SSB 1006 Ways and Means

Providing an individual income tax credit for certain certified substance abuse prevention specialists and including retroactive applicability provisions.

SSB 1007 Ways and Means

Increasing the tax applicable to the manufacture or sale of beer, making an appropriation, and including effective date provisions.

SSB 1008 Judiciary

Exempting offenders committed to institutions administered by the department of corrections from the prohibitions relating to unfair employment practices under the state's civil rights law.

SSB 1009 Judiciary

Relating to the administration of the judicial branch including shorthand reporters and the practice of law, making appropriations, and providing for a fee.

SSB 1010 Judiciary

Relating to the appointment of judicial officers, senior judges, and clerks of the district court.

SSB 1011 Judiciary

Enhancing the penalty for certain domestic abuse assault cases and providing a penalty.

SSB 1012 Judiciary

Relating to the criminal offense of possessing contraband at a secure facility and making penalties applicable.

SSB 1013 Judiciary

Relating to donations made in a criminal proceeding.

SSB 1014 Judiciary

Relating to procedural requirements in *in rem* forfeiture proceedings.

SSB 1015 Human Resources

Relating to professions which may practice together in professional limited liability companies and including effective and applicability date provisions.

SUBCOMMITTEE ASSIGNMENT

Senate File 15

JUDICIARY: Sodders, Chair; Boettger and Fraise

JOURNAL OF THE SENATE

FOURTH CALENDAR DAY
FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 13, 2011

The Senate met in regular session at 9:05 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Gene Fraise, member of the Senate from Lee County, Fort Madison, Iowa.

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

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 January 13, 2011, **adopted** the following resolution in which the concurrence of the Senate is asked:

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

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

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Johnson, for the day, and Senator Ward, until she arrives, on request of Senator Kettering.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Concurrent Resolution 5.

House Concurrent Resolution 5

On motion of Senator Gronstal, **House Concurrent Resolution 5**, a concurrent resolution to provide for a joint convention of the two houses of the 2011 session of the Eighty-fourth General Assembly be held on Friday, January 14, 2011 at 9:00 a.m. at Hy-Vee Hall in Des Moines, IA., was taken up for consideration.

Senator Gronstal moved the adoption of House Concurrent Resolution 5, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Concurrent Resolution 5** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:14 a.m. until 8:15 a.m., Friday, January 14, 2011.

APPENDIX

COMMUNICATIONS RECEIVED

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

IOWA STUDENT LOAN

2010 Year in Review, pursuant to Iowa Code section 7C.13(2). Report received on January 13, 2011.

STATE APPEAL BOARD

Report of General Tort Claims, Highway Tort Claims, and Settlements and Judgments, pursuant to Iowa Code section 669.12. Report received on January 12, 2011.

CERTIFICATE OF RECOGNITION

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

Alex Underwood—For achieving the rank of Eagle Scout, Troop 43. Senator Seng (1/13/11).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Wednesday, January 12, 2011, 1:00 p.m.

Members Present: Seng, Chair; Fraise, Vice Chair; Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, and Kibbie.

Members Absent: Johnson, Ranking Member; and Rielly (both excused).

Committee Business: Organizational meeting.

Adjourned: 1:30 p.m.

HUMAN RESOURCES

Convened: Thursday, January 13, 2011, 11:05 a.m.

Members Present: Ragan, Chair; Wilhelm, Vice Chair; Seymour, Ranking Member; Bacon, Boettger, Bolkom, Dotzler, Dvorsky, Hatch, Jochum, and Quirmbach.

Members Absent: Johnson (excused).

Committee Business: Organizational meeting.

Adjourned: 11:20 a.m.

LOCAL GOVERNMENT

Convened: Thursday, January 13, 2011, 10:10 a.m.

Members Present: Wilhelm, Chair; Beall, Vice Chair; Bartz, Ranking Member; Bacon, Bowman, Ernst, Hamerlinck, McCoy, Rielly, and Schoenjahn.

Members Absent: Quirmbach (excused).

Committee Business: Organizational meeting.

Adjourned: 10:20 a.m.

STATE GOVERNMENT

Convened: Thursday, January 13, 2011, 10:15 a.m.

Members Present: Danielson, Chair; Kibbie, Vice Chair; Feenstra, Ranking Member; Behn, Bertrand, Dearden, Dix, Fraise, Hatch, Horn, Jochum, Smith, Soddors, and Sorenson.

Members Absent: Courtney (excused).

Committee Business: Organizational meeting.

Adjourned: 10:20 a.m.

VETERANS AFFAIRS

Convened: Wednesday, January 12, 2011, 4:05 p.m.

Members Present: Beall, Chair; Danielson, Vice Chair; Seymour, Ranking Member; Bacon, Black, Ernst, Greiner, Horn, Kibbie, Ragan, and Soddors.

Members Absent: None.

Committee Business: Organizational meeting. Approved rules.

Adjourned: 4:35 p.m.

WAYS AND MEANS

Convened: Thursday, January 13, 2011, 1:05 p.m.

Members Present: Bolkcom, Chair; Seng, Vice Chair; Zaun, Ranking Member; Anderson, Bartz, Black, Chelgren, Dotzler, Feenstra, Hogg, Jochum, Quirnbach, and Smith.

Members Absent: Dandekar and McCoy (both excused).

Committee Business: Organizational meeting.

Adjourned: 1:15 p.m.

INTRODUCTION OF BILLS

Senate File 25, by Jochum, a bill for an act relating to open records and public meetings and including effective date provisions.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 26, by Jochum, a bill for an act establishing a home inspector licensing program, establishing a home inspector examining board, providing civil and criminal penalties, and including effective date and applicability provisions.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 27, by Jochum, a bill for an act providing for the licensure of persons who install and maintain solar thermal systems and solar photovoltaic panels and making penalties applicable.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 28, by Jochum, a bill for an act relating to local and regional planning and establishing a state office of planning and geographic information systems within the department of economic development and making appropriations.

Read first time under Rule 28 and referred to committee on **Economic Growth/Rebuild Iowa**.

Senate File 29, by Zaun, a bill for an act relating to statements of refund value on beverage containers for wine.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

Senate File 30, by Jochum, a bill for an act relating to the sales and use tax imposed on the operation of bingo games.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 31, by Jochum, a bill for an act increasing the amount of the earned income tax credit and including retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 32, by Jochum, a bill for an act extending the repeal date for the prevention of disabilities policy council.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 33, by Jochum, a bill for an act providing for mediation in grandparent visitation actions.

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

Senate File 34, by Beall, a bill for an act relating to required mediation as part of a custody order.

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

Senate File 35, by Sorenson and Soddors, a bill for an act adding certain synthetic cannabinoids to the list of schedule I controlled substances, providing penalties, and including effective date provisions.

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

STUDY BILLS RECEIVED

SSB 1016 Human Resources

An act revising the controlled substances schedules, and providing penalties.

SSB 1017 Human Resources

An act relating to fees to fund programs to aid impaired pharmacists, pharmacist-interns, and pharmacy technicians.

SSB 1018 Human Resources

An act relating to the Iowa prescription monitoring program and including an effective date provision.

SSB 1019 State Government

An act authorizing and regulating savings promotion raffles, and granting licensing authority to the department of inspections and appeals.

SSB 1020 Education

An act relating to the registration of certain postsecondary schools by the college student aid commission, making an appropriation, and making penalties applicable.

SSB 1021 Education

An act relating to the powers and duties of the college student aid commission in administering certain federal postsecondary financial aid initiatives.

SSB 1022 Education

An act relating to the duties and activities of the college student aid commission regarding educational programs, career planning tools, and trusts; permitting the commission to authorize a nonprofit foundation; and creating an educational planning grant fund.

SSB 1023 Education

An act authorizing moneys the college student aid commission may utilize for purposes of carrying out its duties.

SSB 1024 Education

An act relating to the duties of the college student aid commission and to requirements regarding certain financial aid programs administered by the commission.

SUBCOMMITTEE ASSIGNMENTS**Senate File 4**

WAYS AND MEANS: Dotzler, Chair; Black and Smith

Senate File 5

WAYS AND MEANS: Quirmbach, Chair; Bartz and Dandekar

Senate File 6

WAYS AND MEANS: Jochum, Chair; Bartz and Hogg

Senate File 8

AGRICULTURE: Fraise, Chair; Bowman and Johnson

Senate File 16

WAYS AND MEANS: Quirmbach, Chair; Seng and Zaun

Senate File 19

ECONOMIC GROWTH/REBUILD IOWA: Dandekar, Chair; Bacon and Dotzler

Senate File 21

NATURAL RESOURCES AND ENVIRONMENT: Schoenjahn, Chair; Ragan and Sorenson

SSB 1001

ETHICS: Kettering, Chair; Behn and Fraise

SSB 1002

ETHICS: Kibbie, Chair; McKinley and Seng

SSB 1003

ECONOMIC GROWTH/REBUILD IOWA: Sodders, Chair; Bertrand and Danielson

SSB 1004

WAYS AND MEANS: Bolkcom, Chair; Quirmbach and Zaun

SSB 1005

WAYS AND MEANS: Jochum, Chair; Feenstra and Quirmbach

SSB 1006

WAYS AND MEANS: Jochum, Chair; Anderson and Quirmbach

SSB 1007

WAYS AND MEANS: Dotzler, Chair; Chelgren and Seng

SSB 1008

JUDICIARY: Hancock, Chair; Hogg and Sorenson

SSB 1009

JUDICIARY: Dvorsky, Chair; Hogg and Ward

SSB 1010

JUDICIARY: Hogg, Chair; Dix and Hancock

SSB 1011

JUDICIARY: Quirmbach, Chair; Dvorsky and Sorenson

SSB 1012

JUDICIARY: Sodders, Chair; Dix and Jochum

SSB 1013

JUDICIARY: Fraise, Chair; Boettger and Horn

SSB 1014

JUDICIARY: Hogg, Chair; Horn and Ward

SSB 1015

HUMAN RESOURCES: Dotzler, Chair; Bolkcom and Seymour

SSB 1016

HUMAN RESOURCES: Wilhelm, Chair; Quirmbach and Seymour

SSB 1017

HUMAN RESOURCES: Wilhelm, Chair; Boettger and Quirmbach

SSB 1018

HUMAN RESOURCES: Wilhelm, Chair; Bacon and Quirmbach

SSB 1019

STATE GOVERNMENT: Danielson, Chair; Dearden and Dix

SSB 1020

EDUCATION: Quirmbach, Chair; Dvorsky and Feenstra

SSB 1021

EDUCATION: Quirmbach, Chair; Dvorsky and Feenstra

SSB 1022

EDUCATION: Quirmbach, Chair; Dvorsky and Feenstra

SSB 1023

EDUCATION: Quirmbach, Chair; Dvorsky and Feenstra

SSB 1024

EDUCATION: Quirmbach, Chair; Dvorsky and Feenstra

JOURNAL OF THE SENATE

FIFTH CALENDAR DAY
FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, January 14, 2011

The Senate met in regular session at 8:16 a.m., President Pro Tempore Danielson presiding.

Prayer was offered by the Honorable Merlin Bartz, member of the Senate from Worth County, Grafton, Iowa.

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

COMMITTEE FROM THE HOUSE

A committee from the House of Representatives appeared and announced that the House was ready to receive the Senate in joint convention.

In accordance with House Concurrent Resolution 5, duly adopted, the Senate proceeded to the joint convention with the House in Room 6 of Hy-Vee Hall.

JOINT CONVENTION

The joint convention was called to order in Hy-Vee Hall, adjacent to the Wells Fargo Arena, in downtown Des Moines at 8:21 a.m., President Pro Tempore Danielson presiding.

Senator Gronstal moved that the roll call be dispensed with and that the President be authorized to declare a quorum present, which motion prevailed by a voice vote.

President Pro Tempore Danielson declared a quorum present and the joint convention duly organized.

REPORT OF CANVASS OF VOTE

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

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

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

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

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

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

All of which is most respectfully submitted.

TOM RIELLY	ROYD E. CHAMBERS
Teller of the Senate	Teller of the House
STEVEN J. SODDERS	RON JORGENSEN
Assistant Teller	Assistant Teller
RANDY FEENSTRA	CHARLES ISENHART
Assistant Teller	Assistant Teller
W. CHARLES SMITHSON	
Chief Clerk of the House and Secretary of the Joint Convention	

Senator Rielly moved the adoption of the report.

The motion prevailed by a voice vote and the report was adopted.

President Pro Tempore Danielson announced that the Honorable Terry E. Branstad, having received the highest number of votes cast for Governor at the last general election, had been duly elected to the office of Governor of the State of Iowa for the ensuing term, or until a successor is duly elected and qualified; and the Honorable Kim Reynolds, having received the highest number of votes cast for Lieutenant Governor at the last general election, had been duly elected to the office of Lieutenant Governor of the State of Iowa for the ensuing term, or until a successor is duly elected and qualified.

The following certificates were signed in the presence of the joint convention:

CERTIFICATE OF ELECTION
STATE OF IOWA
GENERAL ASSEMBLY

GREETING:

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

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

KRAIG PAULSEN
Speaker of the House
TOM RIELLY

Teller of the Senate
ROYD E. CHAMBERS

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

JOHN P. KIBBIE
Presiding Officer of the
Joint Convention

CERTIFICATE OF ELECTION
STATE OF IOWA
GENERAL ASSEMBLY

GREETING:

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

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

KRAIG PAULSEN
Speaker of the House
TOM RIELLY

JOHN P. KIBBIE
Presiding Officer of the
Joint Convention

Teller of the Senate
ROYD E. CHAMBERS
Teller of the House
W. CHARLES SMITHSON
Chief Clerk of the House and Secretary of the Joint Convention

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

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

The motion prevailed by a voice vote and President Pro Tempore Danielson announced the appointment of Senators Beall of Webster, Bolkcom of Johnson, and Kapucian of Benton, on the part of the Senate, and Representatives Windschitl of Harrison, Rogers of Black Hawk, and Smith of Marshall, on the part of the House.

The joint convention stood at ease at 8:25 a.m. until the fall of the gavel.

The joint convention resumed session at 9:22 a.m., President Pro Tempore Danielson presiding.

REPORT OF COMMITTEE

Senator Gronstal moved the adoption of the report by the joint committee appointed to notify Terry E. Branstad and Kim Reynolds of their election to the office of Governor and Lieutenant Governor.

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

Respectfully submitted,

DARYL BEALL
JOE BOLKCOM
TIM L. KAPUCIAN

MATT W. WINDSCHITL
WALT ROGERS
MARK D. SMITH

The motion prevailed by a voice vote and the committee was discharged.

The joint convention stood at ease and proceeded to the floor of Hy-Vee Hall for the inauguration of Governor-elect Terry E. Branstad and Lieutenant Governor-elect Kim Reynolds.

The Legislative Inaugural Committee, consisting of Senators Black of Jasper, Hogg of Linn, Ragan of Cerro Gordo, Kettering of Sac, Zaun of Polk, and Kapucian of Benton, on the part of the Senate, and Representatives Schulte of Linn, Lukan of Dubuque, Deyoe of Story, Abdul-Samad of Polk, Wittneben of Emmet, and Berry of Black Hawk, on the part of the House, retired to escort Governor-elect Terry E. Branstad and Lieutenant Governor-elect Kim Reynolds to the joint convention.

The Joint Convention stood at ease at 9:26 a.m. until the fall of the gavel.

During the procession, "Battle Hymn of the Republic" and "God Bless America" was sang by John Cheatem and Linda Juckette.

Auditor of State David A. Vaudt, Attorney General Tom Miller, Secretary of State Matt Schultz, Secretary of Agriculture Bill Northey, Treasurer of State Michael L. Fitzgerald, Justices of the Supreme Court

and Judges of the Court of Appeals, and former Governor Robert D. Ray, were seated prior to the joint convention.

The joint convention resumed session at 9:42 a.m., President Pro Tempore Danielson presiding.

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

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

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

Pastor Chuck DeVos was escorted to his seat.

The Official 2011 Inaugural Committee was escorted to their seats.

Chief Justice Mark S. Cady was escorted to his seat.

The General Assembly Inaugural Committee was escorted to their seats.

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

Governor-elect Terry E. Branstad and his wife, Chris Branstad, were escorted to their seats by Brigadier General Tim Orr.

The Advancement of Colors were led by members of the Iowa National Guard.

The National Anthem was sung by Linda Juckette.

The invocation was delivered by the Most Reverend Martin J. Amos from the Catholic Diocese in Davenport, Iowa.

Chief Justice Mark S. Cady administered the oath of office to Lieutenant Governor-elect Kim Reynolds, who was assisted by her husband, Kevin Reynolds.

President Pro Tempore Danielson presented Lieutenant Governor Kim Reynolds, who gave the following remarks:

General and Mrs. Branstad, Governor Ray, Chief Justice Cady, my colleagues in the General Assembly, elected officials, distinguished guests, family, friends and fellow Iowans.

Thank you for being here this morning.

Senator Danielson, thank you for that kind introduction.

I stand here today as a proud but humble southern Iowa girl. Daughter of a factory worker and small farmer, a quiet but strong mother, parents who raised me knowing the importance of faith and family, to always tell the truth, and with a deep regard for personal responsibility. I stand here as your Lieutenant Governor, full of pride and anticipation, and eager to serve the people of this great state.

To my parents, Charles and Audrey thank you for your love, encouragement, never ending support and for instilling in us the American Dream – that we could do anything, be anybody. For teaching us to treat people with respect, work hard and believe in ourselves; that if we do that, all things are possible

To my husband, Kevin, thank you for being the most loving and understanding person in my life, and for being an amazing father and role model to our daughters, Nicole, Jen and Jessica. Through the tough times and with each NEW challenge, guided by our faith each of you has been my source of strength. Thanks for keeping me grounded and real; for believing in me; for the many sacrifices; and for the endless encouragement that has led to this day.

To my mother-in-law, Ramona, who this December lost her battle with cancer. A wife and mother who became a widow at age 35 with 6 young children to raise by herself on the farm. Thank you for raising a patient, thoughtful, sometimes stubborn son, who is a loving and caring husband, dad and grandpa.

Through your courage, strength, giving nature, dignity and faith you gave us a wonderful example of how to live life.

Thank you to all the county treasurers, Republican and Democrat, across the state – my second family – for your friendship, support and for setting a great example of what public servants can accomplish when they embrace change, focus on service and work together.

And, to you, Governor Branstad, thank you for the confidence you have shown in me to serve as your lieutenant governor. You are an inspiration to me and to all who serve the public, for your selfless devotion to our state. Your leadership, Integrity, love for this state and your tireless work on behalf of others sets a high bar that challenges and motivates not only me but all those around you.

Today, we have before us a new Iowa, new challenges, new hopes and new opportunities. A new Iowa built on our tried and true values.

Values of openness – open people with open hearts,

Values of honesty – honest people doing honest work

Values of caring – caring for each other, our children, parents, neighbors and our communities.

Values of family – The fundamental bedrock of our society, to be strengthened and protected if we are to realize our potential.

Values of Personal Responsibility – Not expecting others to do for us what we can do for ourselves, leading by example.

Those are the values we start with – values passed down from generation to generation by our ancestors who worked the fields, built the towns, started the industry.

Those values remain with us today. They are the foundation (building blocks) of the new Iowa we will shape together.

It begins by listening to you, all Iowans. Because no person, no party, no pundit has a monopoly on good ideas. This is your government.

Together, we will work with you, with the leaders of your communities and neighborhoods to keep our main streets vibrant and open, to promote and market Iowa to the World that in turn will bring jobs and prosperity to every corner of Iowa.

Together, we will redefine the role and structure of government; a limited, transparent, smaller government, which focus on essential services, infrastructure, safety, and quality education, a partner rather than an obstacle in reaching our goals.

Together, we will reshape education. To make sure that from pre-school to the universities you have access to the best education in the world.

This new Iowa will require open minds, a willingness to do things different, to embrace change. We no longer will be able to do things the way we have always done. None of this will be easy. But it is long overdue and it is the right thing to do. It is with great challenges that we find great opportunities.

It can and will be done. We can use technology to both reduce the size of government and deliver services to Iowans more efficiently. We can work together – state and local – public and private – to transform the way we deliver services to Iowans. With a little “out-of-the-box” thinking can stretch our services and better utilize our dollars.

I believe in Iowans and the heart of Iowa is my passion – The families, small communities and neighborhoods, the quality of life that make Iowa such a special place. My focus will be on creating an environment where business owners choose to invest in our workforce and our communities where good jobs can be found all across Iowa. And policies that reinforce family values thus strengthening the family unit, which is the backbone of our state.

But government can only do so much. And often it becomes involved in too much or only when it is too late.

It is up to each of us – as leaders in our families and communities – to step up and do what is right without the expectation of honor or glory.

Let our reward be instead the satisfaction that comes from leaving our children a brighter future a better Iowa.... In the words of Winston Churchill, “We make a living by what we get, but we make a life by what we give.”

And in that same spirit of service I cannot help but recall my visit to the home of the Pender family – Jim and Michelle – of Windsor Heights.

They are the parents of five adopted special needs children. They range in age from 14 to 21. Despite their handicaps, the oldest 4 are all looking forward to their lives as adults.

The youngest – 14 year-old Rachael – has cerebral palsy – the result of a stroke she suffered in the womb because her biological mother used methamphetamines. Rachael can't speak, and moves only with the help of a wheelchair.

I had the opportunity to spend a morning with Rachael and her parents, from waking Rachael, to getting her dressed, fixing her hair, feeding her breakfast, and despite a few challenges with her wheelchair I got her on the school bus. It was a very moving morning and the smile on her face as she boarded the bus will be with me always. Rachael inspires all who come in contact with her by her undaunted spirit.

She inspired me. As her mother Michele said, “She teaches others about life. Her life is different, but like her brothers and sisters, she's no less worthwhile.” It was Rachel's love of life in spite her challenges that really touched my heart.

The Penders don't limit their caring to their children. Whenever anyone elderly or sick needs help, they are the first ones there.

Why do they do it? They'll be the first to tell you they are not special, just as Jim says, "we are doing the best we can with whatever God has chosen to give us to do that day.

My fellow Iowans let us all do the best we can with what God has given us. If we can do that, I have no doubt that Iowa's best days are still ahead of us we will make a difference and will leave Iowa a better place for generations to come.

Thank you! God bless you and the great state of Iowa.

Lieutenant Governor Reynolds introduced the Heartland Youth Choir who performed.

Chief Justice Mark S. Cady administered the oath of office to Governor-elect Terry E. Branstad, assisted by his wife, Chris Branstad.

President Pro Tempore Danielson presented Governor Terry E. Branstad who delivered the following inaugural address:

Madam Lieutenant Governor, Mr. Speaker, Madam and Mr. Leader, Mr. Chief Justice, justices and judges, legislators, elected officials, distinguished guests, relatives and friends.

Senator Danielson, thank you for that introduction.

Even though Governor Culver is not with us today, I want to thank him on behalf of all Iowans for his service.

Leader Upmeyer, let me congratulate you on being the first woman to be elected as a majority leader in the history of our state. We are all proud of you. Your dad, Del, I'm sure is smiling down on us today, proud as can be.

Lieutenant Governor Reynolds, thank you for those inspirational remarks. In you, I think I've finally met my match in energy and passion for Iowa.

I look forward to the day when we can witness the swearing in of our first woman Governor. It is about time.

For the past 15 months, I have traveled our state, from river to river, border to border, from farm to factory, from cafe to office building.

It has been the experience of a lifetime. To reconnect with Iowans at their jobs, schools, places of worship and play. To have a conversation with them about our state, where we are and where we, as a people, want to go.

And what I would like to do today, on this, the occasion of my fifth inaugural as your Governor, is tell you what I learned. To make my humble attempt to distill our collective wisdom into a statement of principles, a new covenant between a state and its people.

This new covenant must have as its polestar the fact that Iowa is an exceptional place.

We are blessed with the richest resources of soil and water, which are the envy of the world. Populated by hardworking, honest and caring people, this land feeds and powers the world.

And, ignited by our ingenuity, we have only scratched the surface of our potential.

Iowa stands at the precipice of opportunity greater than at any time since our ancestors crossed the Mississippi to view an expanse of prairie as far as the eye could see. With the advent of open markets, a growing world middle class, and a need for sustainable solutions to the world's problems, Iowa sits in the catbird seat of history.

The world is hungry for our food and biomass, envious of our technology, pining for our productivity. The economic winds, which for a century or more blew in our face, are now firmly at our back.

Iowa is exceptional and these are exceptional times. Our challenge: to seize the day.

To those who say that our goals of 200,000 new jobs and 25% increase in family incomes are too high, I say, you ain't seen nothing yet. Only wrong-headed policy choices can prevent us from entering a golden era in Iowa history.

And, we must start with government. It must change, lest it dampen our opportunity and squelch the individual initiative which is our engine for growth.

Our old ways of doing the government's business must be radically altered to do the people's business. We must be rid of the yoke of government which taxes us too much, spends too much and regulates us too much. Government must, as Abraham Lincoln once said, do only that which the people cannot do for themselves.

That is new covenant principle number one: we have too much government – state, county, city, school, local – and it must be reduced. For too long, we have papered over the fact that our appetite for government exceeds our pocket book to pay for it.

As my 86 year old dad, Edward, who is with us today would say “our eyes are bigger than our wallet.”

Our auditor tells us that at least 15% must be permanently eliminated from government to make our books balance once and for all. And I aim to make sure we do it and do it now.

We will all share in the sacrifice, while protecting those who need our help. But we will remove the lead boots of excess government from our economy. And without that burden, we will be able to run like the wind in the race to prosperity.

Second, government must serve the people. And not vice versa. Leadership is about service, not power. I stand here, again, as your Governor, with my wife, kids and grandkids at my side, because I yearn to serve. And I ask each government employee, from the clerks to the supervisors, to the department heads, to never forget: it is the people who are our bosses.

And we must serve each other, without the compulsion of government.

In 1835, as Alexis de Tocqueville toured the United States, he noticed that Americans were different from Europeans. He said, “Wherever at the head of some new undertaking you see the government in France, or . . . England, in the United States you will be sure to find an association.”

That is still true today. Every day Iowa's volunteers make our state the wonderful place it is to live, work and raise a family.

The Boone Hope Foundation is a great example. Kids were coming to school without a warm coat, or hungry, tired, sick or worried about their family. Teachers, like many others throughout Iowa, used their own funds to help those kids, knowing that students can't learn when their basic needs are not met.

Those caring teachers helped start the Boone Hope Foundation, which since 2005 has raised over \$129,000 from community donations to help students and their families in times of crisis. Groceries, medical bills, eyeglasses, snow boots and mittens have all been provided to children in need because a community cares.

Let us all renew our commitment to get involved: help the homeless, feed the hungry, minister to the sick, pray for the wayward. To make each of our communities better by stepping up and stepping out. And to those who are most fortunate, we bear a special responsibility to extend the ladder of opportunity to those in need.

We need look no further than the record number of Iowans who are currently deployed in the armed forces. From Salvatore Giunta to Anthony Sellers, our service men and women protect us every day with their valor and sacrifice. We all know the

story of Salvatore Giunta, our most recent recipient of the Medal of Honor. And all Iowans are “busting their buttons” proud of him for his bravery, courage, and steely resolve.

I doubt that many of you know Sgt. Anthony Sellers of Burlington but I was privileged to meet him – introduced to me by his proud father Kent. Kent is a veteran himself confined now to a wheelchair, but beaming about his son who has completed two tours in Iraq and is now in Fort Benning to prepare for another deployment.

Anthony, like the thousands of other Iowans who have answered the call of freedom, embodies the spirit of selfless service that makes our state and country that “shining city on a hill” that Tom Paine wrote about over two centuries ago. Surely, we can use their example as inspiration.

Third, it is time to restore integrity and transparency to our government decision-making processes. In Iowa, we have prided ourselves on limited, but quality, government services. When government said it would do something, it did it, and for the right reasons. Our problems were serious, but manageable, and, as people of good faith, we rolled up our sleeves and solved them.

But we’ve gotten off track. We’ve over-promised and under-delivered, turning solutions into problems. Iowans deserve better. We will get back on track with a slimmer, better managed and sustainable government you can count on when you need it. And it will start by opening up to the people our budgets, briefings and the like. Sunshine remains the best cure for what ails our government.

The fourth principal of our new covenant in Iowa must be a renewed commitment to provide the best education in the world. Providing Iowa’s children with a globally competitive education is key to their future – and the future of this state. Employers say they need a better-prepared, better-trained work force. That means higher expectations for schools.

Sadly, where once Iowa’s educational system was the envy of the world, today it is in the middle of the pack.

Our young people must be able to think critically, solve problems and communicate effectively.

They need a strong background in math, science, English and social studies. The bar is continually being raised in a knowledge-based economy.

It is time to put in place reforms that are hallmarks of high-performing school systems – starting with assuring there is a first-rate teacher in every classroom.

The new year is an opportunity for Iowans to have a conversation about how to accomplish this. How can we attract more top students into the teaching profession? What do good, experienced teachers need to become more effective instructors?

And how do we get rid of teachers whose students consistently do not learn enough – even after those teachers have received coaching to improve?

I plan to convene an education summit with some of the top education leaders in our nation and state to benchmark Iowa’s status and lay out a plan for legislative consideration that will give our kids the best education in the world.

But it is not just schools that must do more. Teaching children the value of a good education is the job of parents. Instilling the importance of lifelong learning not just by words but by example will help families and Iowa prosper. It is time for all of us to get involved.

Finally, we must celebrate success. Our tax system, whether it be property or income taxes punishes those who create the jobs we need. That will change. Both will be reduced and simplified.

The job creators will be rewarded; they are welcome here and it is about time our tax system reflects that fact.

As with our tax system, so must our attitudes toward success, change.

While our modesty in the face of success is sometimes charming, it can too often limit our reach.

Alex Haley once said that we should “find the good and praise it.”

In our state and in our communities, we should find success and praise it. We should reward responsible risk-taking, for it is only through the creation of a spirit of entrepreneurship that all parts of our state, rural and urban, will grow. That is the ticket to bringing our sons and daughters home and giving all who live here a chance to share in our bounty.

That, then, is what I learned on my travels around our state. Iowans have worked harder, sacrificed more and tightened their belts further as they endured the Greatest Recession since the Great Depression. And now it is time for government to do the same.

It is time for a new covenant between Iowans and their government. It is a covenant that is founded upon principles of limited government, service above self, transparency and integrity, world class schools and celebrating the success of Iowans.

These are the principles that will guide my days as your Governor. The collective wisdom of Iowans will inspire me every day as I strive to give Iowans a government as good as the people it serves.

I ask all of you, Republican and Democrat, liberal and conservative, old and young, to join me in that effort.

No one of us has all the answers, but together, we cannot fail.

One long day on the campaign trail, I was visiting with some folks in a small town cafe. One of the farmers, who appeared to be in his 80's asked me what I wanted to accomplish by running for governor again.

Well, I rattled off our goals and then stopped and looked at him and asked him what he felt he had accomplished in his days. He looked at me with a twinkle in his eye, took a long sip of coffee and shifted his feet. “Well,” he said, “I left my farm better than I found it.”

When our days are done, when our time has come, we will be asked, how do we wish to measure our days?

I, for one, remember that farmer in that cafe: I hope to leave the state better than I found it. If all of us would approach our days with that same sense of stewardship, we will have fulfilled our mission.

With your help and Godspeed that will be the case. And the remarkable history of an exceptional state will march on, unabated . . . Thank you, God bless you and God bless the great state of Iowa.

The benediction was offered by Pastor Chuck DeVos of the Life Point Assembly of God Church in Osceola, Iowa.

Representative Upmeyer moved that the joint convention be dissolved, which motion prevailed by a voice vote.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:39 a.m. until 10:00 a.m., Tuesday, January 18, 2011.

APPENDIX**COMMUNICATIONS RECEIVED**

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

DEPARTMENT OF ADMINISTRATIVE SERVICES

Convenience Fee Study, pursuant to 2010 Iowa Acts, SF 2088. Report received on January 14, 2011.

DEPARTMENT OF EDUCATION

2011 Annual IowaCore Report, pursuant to Iowa Code section 256.9(59). Report received on January 13, 2011.

Report on Student Achievement, Accountability, and Professional Development, pursuant to Iowa Code sections 284.12 and 284.13. Report received on January 13, 2011.

Area Education Agency Task Force Report, pursuant to 2010 Iowa Acts, HF 2295. Report received on January 13, 2011.

DEPARTMENT OF HUMAN SERVICES

Combined Annual and Biennial Report of the Iowa Mental Health and Disability Services Commission, pursuant to Iowa Code section 225C.6(1)(h) and (i). Report received on January 14, 2011.

DEPARTMENT OF REVENUE

2010 Annual Report of the Iowa Capital Investment Board, pursuant to Iowa Code section 15E.46. Report received on January 14, 2011.

DEPARTMENT OF VETERANS AFFAIRS

Iowa Veterans Trust Fund Expenditures Report, pursuant to Iowa Code section 35.13(9). Report received on January 14, 2011.

JOURNAL OF THE SENATE

NINTH CALENDAR DAY
SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 18, 2011

The Senate met in regular session at 10:05 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Robert Bacon, member of the Senate from Story County, Maxwell, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jared Elm.

The Journal of Friday, January 14, 2011, was approved.

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 January 13, 2011, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 6, a concurrent resolution to provide for a joint convention of the two houses of the 2011 session of the Eighty-fourth General Assembly be held on Wednesday, February 16, 2011, at 10:00 a.m.

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

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:16 a.m. until 12:45 p.m.

AFTERNOON SESSION

The Senate reconvened at 12:53 p.m., President Kibbie presiding.

COMMITTEE ON CREDENTIALS

Senator Gronstal moved that a committee of five be appointed as a committee on credentials.

The motion prevailed by a voice vote, and the Chair announced the appointment of Senators Fraise, Chair; Courtney, Schoenjahn, Behn, and Hahn.

The Senate stood at ease at 12:54 p.m.

The Senate resumed session at 12:57 p.m., President Kibbie presiding.

REPORT OF THE COMMITTEE ON CREDENTIALS

MR. PRESIDENT: We, your committee on credentials, respectfully report that we find the person named in the attached copy of the certification of the Secretary of State duly elected to and entitled to a seat in the Senate for the Eighty-fourth General Assembly.

EUGENE FRAISE, Chair
 THOMAS COURTNEY
 BRIAN SCHOENJAHN
 JERRY BEHN
 JAMES F. HAHN

CERTIFICATION—STATE OF IOWA OFFICE OF THE SECRETARY OF STATE

To the Honorable Michael E. Marshall, the Secretary of the Senate:

I, Matt Schultz, Secretary of State of the State of Iowa; custodian of the files and records pertaining to the elections in the state,

DO HEREBY CERTIFY THAT the State Canvassing Board has declared that at a special election held on January 4, 2011, Joni K. Ernst was elected to fill a vacancy in the office of State Senator of the Forty-eighth District, for the balance of the term which began on January second, 2009.

(SEAL)

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Statehouse, in Des Moines, this eighteenth day of January, 2011.

MATT SCHULTZ
 Secretary of State

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

MICHAEL E. MARSHALL
Secretary of the Senate

On motion of Senator Fraise, the report was adopted by a voice vote, and the duly elected senator appeared before the bar of the Senate, was duly sworn, and subscribed her name to the oath of office.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:02 p.m. until 9:00 a.m., Wednesday, January 19, 2011.

APPENDIX

COMMUNICATION RECEIVED

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

STATE BOARD OF TAX REVIEW

2010 Annual Report, pursuant to Iowa Code section 421.1(5). Report received on January 18, 2011.

CERTIFICATES OF RECOGNITION

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

Bob Barnes, Peterson—For being inducted into the National Cowboy and Western Heritage Museum's Hall of Fame. Senator Anderson (1/18/2011).

Donita Barnes, Peterson—For receiving the 2010 Tad Lucas Award. Senator Anderson (1/18/2011).

Allen Geddes, Mediapolis—For celebrating his 80th birthday. Senator Courtney (1/18/2011).

Leonard and Marjorie Jansa—For celebrating their 60th wedding anniversary. Senator Kapucian (1/18/2011).

Maxine Lanning, Burlington—For celebrating her 93rd birthday. Senator Courtney (1/18/2011).

E. Louise Martin, West Burlington—For celebrating her 90th birthday. Senator Courtney (1/18/2011).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Wednesday, January 12, 2011, 1:00 p.m.

Members Present: Seng, Chair; Fraise, Vice Chair; Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, and Kibbie.

Members Absent: Johnson, Ranking Member; and Rielly (both excused).

Committee Business: Organizational meeting.

Adjourned: 1:30 p.m.

ECONOMIC GROWTH/REBUILD IOWA

Convened: Tuesday, January 11, 2011, 1:05 p.m.

Members Present: Soddors, Chair; Dotzler, Vice Chair; Greiner, Ranking Member; Bacon, Bertrand, Bowman, Chelgren, Danielson, Hatch, Horn, Rielly, Ward, and Wilhelm.

Members Absent: Dandekar (excused).

Committee Business: Discussion and approval of rules.

Adjourned: 1:20 p.m.

ETHICS

Convened: Tuesday, January 18, 2011, 11:50 a.m.

Members Present: Kibbie, Chair; Fraise, Vice Chair; McKinley, Ranking Member; Behn, Kettering, and Seng.

Members Absent: None.

Committee Business: Organizational meeting. Adopted rules. Assigned bills.

Adjourned: 11:55 a.m.

LABOR AND BUSINESS RELATIONS

Convened: Monday, January 10, 2011, 3:30 p.m.

Members Present: Horn, Chair; Jochum, Vice Chair; Ward, Ranking Member; Anderson, Bertrand, Chelgren, Courtney, Dearden, Dotzler, and Fraise.

Members Absent: Hatch (excused).

Committee Business: Organizational meeting. Discussed and adopted rules.

Adjourned: 3:40 p.m.

RULES AND ADMINISTRATION

Convened: Tuesday, January 18, 2011, 10:15 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; McKinley, Ranking Member; Bartz, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun.

Members Absent: None.

Committee Business: Discussed legislative staff compensation.

Adjourned: 10:25 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 1, by Feenstra, a concurrent resolution requesting the United States Food and Drug Administration to rescind approval of ulipristal acetate.

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

Senate Joint Resolution 1, by Zaun, Bertrand, Anderson, Sorenson, Ward, Kapucian, and Feenstra, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the sessions of the general assembly.

Read first time under Rule 28 and referred to committee on **State Government**.

INTRODUCTION OF BILLS

Senate File 36, by Hogg, a bill for an act relating to high school graduation requirements.

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

Senate File 37, by Johnson, Kapucian, and Kettering, a bill for an act relating to early school starts and including effective date and applicability provisions.

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

Senate File 38, by Johnson, Sorenson, Feenstra, Anderson, Zaun, Boettger, Seymour, and Behn, a bill for an act relating to the use of federal health care reform funding for abortions, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 39, by Johnson, Sorenson, Feenstra, Behn, Anderson, Zaun, Boettger, and Seymour, a bill for an act relating to informed consent to an abortion and providing a criminal penalty, and providing effective dates.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 40, by Johnson, Sorenson, Feenstra, Anderson, Zaun, Boettger, Seymour, and Behn, a bill for an act relating to the definition and regulation of outpatient surgical facilities or ambulatory surgical centers and providing for fees.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 41, by Johnson, Sorenson, Feenstra, Anderson, Zaun, Boettger, Seymour, and Behn, a bill for an act relating to protocol for medically induced abortions, and providing penalties.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 42, by Johnson, Feenstra, Anderson, Zaun, Behn, Boettger, and Seymour, a bill for an act relating to abortions including prohibiting late-term abortions with certain exceptions, providing penalties, and including an effective date provision.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 43, by Schoenjahn, a bill for an act relating to the protection and care of pioneer cemeteries.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 44, by Zaun, Anderson, Bertrand, Boettger, Bacon, Bartz, Chelgren, Sorenson, Ward, Seymour, Behn, and Feenstra, a bill for an act relating to the sale or lease of the Iowa communications network.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 45, by Zaun, a bill for an act providing for the placement of a right-to-work notice on certain state property and publications.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 46, by Zaun, Boettger, Bacon, Behn, Seymour, and Feenstra, a bill for an act imposing a moratorium on the issuance of licenses for gambling games and including effective date and retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **State Government**.

STUDY BILLS RECEIVED

SSB 1025 Education

Providing for immunity from civil liability for members and employees of the board of educational examiners.

SSB 1026 Education

Relating to the grounds for which the board of educational examiners is required to disqualify an applicant for licensure or revoke a license.

SSB 1027 State Government

Relating to the licensure of orthotists, prosthetists, and pedorthists and providing for fees and penalties.

SSB 1028 State Government

Concerning certain vesting requirements for regular service members under the Iowa public employees' retirement system.

SSB 1029 State Government

Relating to charitable solicitations, by providing for registration requirements, providing for fees and appropriations, imposing penalties, and including effective date provisions.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2

JUDICIARY: Fraise, Chair; Boettger and Dvorsky

Senate File 17

JUDICIARY: Sodders, Chair; Dix and Hancock

Senate File 24

STATE GOVERNMENT: Horn, Chair; Smith and Sodders

Senate File 25

STATE GOVERNMENT: Jochum, Chair; Danielson and Sorenson

Senate File 26

STATE GOVERNMENT: Jochum, Chair; Behn and Hatch

Senate File 27

STATE GOVERNMENT: Jochum, Chair; Bertrand and Sodders

Senate File 29

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Black and Hamerlinck

Senate File 30

WAYS AND MEANS: Dotzler, Chair; Feenstra and Jochum

Senate File 31

WAYS AND MEANS: Jochum, Chair; Bolkcom and Chelgren

Senate File 34

JUDICIARY: Fraise, Chair; Boettger and Dvorsky

Senate File 35

JUDICIARY: Fraise, Chair; Dvorsky and Sorenson

SSB 1025

EDUCATION: Schoenjahn, Chair; Hogg and Johnson

SSB 1026

EDUCATION: Schoenjahn, Chair; Bowman and Smith

SSB 1027

STATE GOVERNMENT: Sadders, Chair; Bertrand and Courtney

SSB 1028

STATE GOVERNMENT: Danielson, Chair; Feenstra and Kibbie

SSB 1029

STATE GOVERNMENT: Dearden, Chair; Horn and Sorenson

JOURNAL OF THE SENATE

TENTH CALENDAR DAY
SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 19, 2011

The Senate met in regular session at 9:03 a.m., President Kibbie presiding.

Prayer was offered by James Kessler, Iowa Chaplain for the Iowa American Legion in Lake Park, Iowa. He was the guest of Senator Johnson.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jared Elm.

The Journal of Tuesday, January 18, 2011, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:10 a.m. until 9:00 a.m., Thursday, January 20, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Ben and Carolyn Brinning—For celebrating their 50th wedding anniversary. Senator Rielly (1/19/11).

Christy Van Buskirk, Hedrick—For being honored with the 2010 Outstanding County Engineering Award. Senator Rielly (1/19/11).

Kelley Davison OldBear, Tama—For being the first baby born in 2011 at the Kintzinger Women's Health Center at Grinnell Regional Medical Center. Senator Rielly (1/19/11).

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH/REBUILD IOWA

Convened: Wednesday, January 19, 2011, 3:05 p.m.

Members Present: Sodders, Chair; Dotzler, Vice Chair; Greiner, Ranking Member; Bacon, Bertrand, Bowman, Chelgren, Dandekar, Danielson, Hatch, Horn, Rielly, Ward, and Wilhelm.

Members Absent: None.

Committee Business: Economic development presentation by DED.

Adjourned: 3:45 p.m.

GOVERNMENT OVERSIGHT

Convened: Wednesday, January 19, 2011, 10:05 a.m.

Members Present: Courtney, Chair; Sodders, Vice Chair; Sorenson, Ranking Member; Greiner and Kibbie.

Members Absent: None.

Committee Business: Introductions.

Adjourned: 10:30 a.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Wednesday, January 19, 2011, 3:00 p.m.

Members Present: Dearden, Chair; Black, Vice Chair; Hahn, Ranking Member; Behn, Bolkcom, Hamerlinck, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson.

Members Absent: None.

Committee Business: Assigned bills.

Adjourned: 3:10 p.m.

WAYS AND MEANS

Convened: Tuesday, January 18, 2011, 3:00 p.m.

Members Present: Bolkcom, Chair; Seng, Vice Chair; Zaun, Ranking Member; Anderson, Bartz, Black, Chelgren, Dandekar, Dotzler, Feenstra, Hogg, Jochum, McCoy, Quirnbach, and Smith.

Members Absent: None.

Committee Business: Presentation by LSA on tax increment financing.

Adjourned: 4:00 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Wednesday, January 19, 2011, 10:15 a.m.

Members Present: Jochum, Chair; Danielson, Vice Chair; Bartz, Ranking Member; Bowman and Ernst.

Members Absent: None.

Committee Business: Committee introductions. Overview presentation by LFB.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Wednesday, January 19, 2011, 10:35 a.m.

Members Present: Schoenjahn, Chair; Quirnbach, Vice Chair; Dix, Ranking Member; and Horn.

Members Absent: Hamerlinck (excused).

Committee Business: LSA presented an overview of the Education Appropriations Subcommittee budget.

Adjourned: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: Wednesday, January 19, 2011, 10:00 a.m.

Members Present: McCoy, Chair; Beall, Vice Chair; Kapucian, Ranking Member; Anderson and Dvorsky.

Members Absent: None.

Committee Business: Introductions and rules. Budget presentation by LSA Fiscal Services Division.

Adjourned: 11:10 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 1, by Kibbie, Gronstal, and McKinley, a resolution recognizing January 27, 2011, as a day to honor Iowa's community colleges on their 45th anniversary.

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

Senate Joint Resolution 2, by Feenstra, a joint resolution proposing an amendment to the Constitution of the State of Iowa to specify that the right to life is the paramount and most fundamental right of every person, and that personhood applies to all human beings from the beginning of their biological development.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate Joint Resolution 3, by Feenstra, a joint resolution proposing an amendment to the Constitution of the State of Iowa specifying marriage between one man and one woman as the only legal union that is valid or recognized in the state.

Read first time under Rule 28 and referred to committee on **State Government**.

INTRODUCTION OF BILLS

Senate File 47, by Kettering, a bill for an act increasing the amount and extending the availability of the child and dependent care and early childhood development tax credits and including retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 48, by Dandekar, a bill for an act relating to the registration of certain antique motor vehicles and providing a fee.

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

Senate File 49, by Kettering, a bill for an act concerning registration plates issued for business-trade trucks.

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

Senate File 50, by Kettering, a bill for an act relating to the operation of all-terrain vehicles on highways, providing a registration fee, and making a penalty applicable.

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

Senate File 51, by Kettering, a bill for an act directing state aid funding for special education support services, media services, educational services, area education agency professional development supplement, and area education agency teacher salary supplement to the applicable school districts, allowing area education agencies and other organizations to bid to provide the services the funding supports, and including applicability provisions.

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

Senate File 52, by Dandekar, a bill for an act eliminating the transfer tax imposed on insurers organized in other states who elect to become domestic insurers in Iowa.

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

Senate File 53, by Hogg, Black, and Dearden, a bill for an act relating to disaster mitigation and predisaster planning by providing for comprehensive watershed management planning, creating a watershed management grant program, providing floodplain management regulation incentives, creating a predisaster hazard mitigation grant program, and making appropriations.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

Senate File 54, by Dandekar, a bill for an act allowing the operation of certain motorboats on lake Macbride at any time.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

Senate File 55, by Kibbie, a bill for an act relating to grandparent and great-grandparent visitation.

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

Senate File 56, by Bolkom, a bill for an act relating to donation of newborn umbilical cord blood.

Read first time under Rule 28 and referred to committee on **Human Resources**.

STUDY BILLS RECEIVED

SSB 1030 Human Resources

Relating to the penalty for the unlawful practice of dentistry.

SSB 1031 Veterans Affairs

Supporting the establishment of a veterans national recovery center at the former Veterans Affairs Hospital campus in Knoxville, Iowa.

SUBCOMMITTEE ASSIGNMENTS

Senate File 10

EDUCATION: Beall, Chair; Schoenjahn and Smith

Senate File 36

EDUCATION: Hogg, Chair; Hamerlinck and Schoenjahn

Senate File 51

EDUCATION: Dvorsky, Chair; Hamerlinck and Hogg

SSB 1030

HUMAN RESOURCES: Dvorsky, Chair; Bacon and Jochum

SSB 1031

VETERANS AFFAIRS: Beall, Chair; Danielson and Seymour

JOURNAL OF THE SENATE

ELEVENTH CALENDAR DAY
EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 20, 2011

The Senate met in regular session at 9:04 a.m., President Kibbie presiding.

Prayer was offered by the Honorable David Johnson, member of the Senate from Osceola County, Ocheyedan, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jared Elm.

The Journal of Wednesday, January 19, 2011, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on January 20, 2011, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 7, a concurrent resolution supporting the establishment of a veterans national recovery center at the former Veterans Affairs Hospital campus in Knoxville, Iowa.

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

ALSO: That the House has on January 20, 2011, **passed** the following bill in which the concurrence of the Senate is asked:

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

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

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:23 a.m. until 1:00 p.m., Monday, January 24, 2011.

APPENDIX

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF NATURAL RESOURCES

Iowa Natural Resource Commission Annual Report. Report received on January 20, 2011.

2009–2010 State Preserves Advisory Board Biennial Report, pursuant to Iowa Administrative Code section 575(1.6). Report received on January 20, 2011.

DEPARTMENT OF REVENUE

2010 Report of the Iowa Streamlined Sales Tax Advisory Council, pursuant to Iowa Code section 423.9A. Report received on January 20, 2011.

2010 Court Debt Amnesty Program Report, pursuant to 2010 Iowa Acts, SF 2383. Report received on January 20, 2011.

2010 Annual Report of the Iowa Capital Investment Board, pursuant to Iowa Code section 15E.46. Report received on January 20, 2011.

CERTIFICATE OF RECOGNITION

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

Marilyn Shannon, Mason City—For celebrating her 80th birthday. Senator Ragan (1/20/11).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Thursday, January 20, 2011, 2:05 p.m.

Members Present: Seng, Chair; Fraise, Vice Chair; Johnson, Ranking Member; Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, Kibbie, and Rielly.

Members Absent: None.

Committee Business: Presentation by the Iowa Poultry Association and the Iowa Egg Council.

Adjourned: 2:40 p.m.

GOVERNMENT OVERSIGHT

Convened: Thursday, January 20, 2011, 10:10 a.m.

Members Present: Courtney, Chair; Soddors, Vice Chair; Sorenson, Ranking Member; Greiner and Kibbie.

Members Absent: None.

Committee Business: Background information on government oversight.

Adjourned: 10:50 a.m.

HUMAN RESOURCES

Convened: Wednesday, January 19, 2011, 4:05 p.m.

Members Present: Ragan, Chair; Wilhelm, Vice Chair; Seymour, Ranking Member; Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, Johnson, and Quirmbach.

Members Absent: None.

Committee Business: Approved SSB 1015.

Adjourned: 5:00 p.m.

TRANSPORTATION

Convened: Wednesday, January 19, 2011, 4:05 p.m.

Members Present: Rielly, Chair; Bowman, Vice Chair; Kapucian, Ranking Member; Beall, Dandekar, Danielson, Dearden, Ernst, Hahn, Hancock, Houser, and Zaun.

Members Absent: McCoy (excused).

Committee Business: Presentation by DOT on electronic titling.

Adjourned: 5:05 p.m.

VETERANS AFFAIRS

Convened: Wednesday, January 19, 2011, 2:05 p.m.

Members Present: Beall, Chair; Danielson, Vice Chair; Seymour, Ranking Member; Bacon, Black, Ernst, Greiner, Horn, Kibbie, Ragan, and Soddors.

Members Absent: None.

Committee Business: Presentation by Iowa Veterans Home Commandant. Approved SSB 1031.

Adjourned: 2:35 p.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Wednesday, January 19, 2011, 10:00 a.m.

Members Present: Hancock, Chair; Hogg, Vice Chair; Seymour, Ranking Member; Fraise and Smith.

Members Absent: None.

Committee Business: LSA presentation.

Adjourned: 11:00 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 4, by Zaun, Feenstra, Chelgren, and Sorenson, a joint resolution proposing an amendment to the Constitution of the State of Iowa to change the length of term of office and limit the term of service of members of the general assembly.

Read first time under Rule 28 and referred to committee on **State Government**.

INTRODUCTION OF BILLS

Senate File 57, by Chelgren, a bill for an act requiring the sale of the Honey creek premier destination park and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

Senate File 58, by Danielson, a bill for an act relating to area health education centers, creating an area health education centers fund, and providing an appropriation.

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

Senate File 59, by Zaun, a bill for an act providing for a waiver of tuition and mandatory fees at regents universities for Iowa national guard members who are residents of Iowa.

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

Senate File 60, by Bolkom, a bill for an act relating to the use of bisphenol a in certain products and providing penalties.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 61, by Hogg, a bill for an act relating to the division of school foundation property taxes for purposes of urban renewal and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 62, by Danielson, a bill for an act relating to the criminal offense of interference with official acts.

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

Senate File 63, by Hogg, a bill for an act establishing an alternative supplementary weighting plan for at-risk pupils and including applicability provisions.

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

Senate File 64, by Beall, a bill for an act requiring certain group health insurance policies, contracts, or plans to provide coverage for autism spectrum disorders for certain persons, requiring certification of behavior specialists, providing for a repeal, and including applicability and effective date provisions.

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

Senate File 65, by Zaun, Behn, Johnson, Sorenson, and Seymour, a bill for an act requiring public libraries that receive state funding to adopt a policy restricting the content of video materials borrowed by children under seventeen years of age.

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

Senate File 66, by Schoenjahn, a bill for an act relating to the use of statewide school infrastructure funding.

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

Senate File 67, by Beall, a bill for an act relating to the description of shared operational functions for which school districts receive supplementary weighting and including effective date and applicability provisions.

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

Senate File 68, by Zaun, Hahn, Feenstra, Chelgren, Johnson, Kapucian, Sorenson, Seymour, and Behn, a bill for an act relating to public employers providing office space to employee organizations.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 69, by Zaun, Behn, Hahn, Feenstra, Chelgren, Johnson, Kapucian, Sorenson, Ward, Smith, and Seymour, a bill for an act relating to unfunded federal mandates related to federal health care reforms and including effective date provisions.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 70, by Dandekar, a bill for an act relating to licensure by the board of educational examiners of persons who complete an administrator preparation program offered by a recognized non-Iowa institution.

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

Senate File 71, by Dvorsky, a bill for an act providing for waivers of certain community attraction and tourism program requirements and including retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Economic Growth/Rebuild Iowa**.

Senate File 72, by committee on Human Resources, a bill for an act relating to professions which may practice together in professional limited liability companies and including effective and applicability date provisions.

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

Senate File 73, by Zaun, Ward, Hahn, Feenstra, Johnson, Kapucian, Sorenson, and Seymour, a bill for an act exempting from the sales tax the sales price of a physical exercise club contract.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

STUDY BILLS RECEIVED

SSB 1032 Transportation

Relating to intermediate driver's licenses and special minor's licenses, making a penalty applicable, and including effective date provisions.

SSB 1033 Ways and Means

Relating to the definition of agricultural property for property taxation purposes.

SSB 1034 Local Government

Expanding Iowa communications network access to include counties and county governmental units.

SSB 1035 Human Resources

Requiring hospitals and outpatient surgical facilities to report data on the use of a registered nurse as a circulating nurse during surgical procedures and including effective date provisions.

SUBCOMMITTEE ASSIGNMENTS**Senate Joint Resolution 1**

STATE GOVERNMENT: Horn, Chair; Fraise and Sorenson

Senate Joint Resolution 2

STATE GOVERNMENT: Dearden, Chair; Danielson and Sorenson

Senate Joint Resolution 3

STATE GOVERNMENT: Hatch, Chair; Danielson and Feenstra

Senate File 1

COMMERCE: Courtney, Chair; Schoenjahn and Ward

Senate File 3

TRANSPORTATION: Danielson, Chair; Dandekar and Hahn

Senate File 9

TRANSPORTATION: Danielson, Chair; Dandekar and Houser

Senate File 13

COMMERCE: McCoy, Chair; Behn and Wilhelm

Senate File 14

TRANSPORTATION: Bowman, Chair; Beall and Zaun

Senate File 20

COMMERCE: Rielly, Chair; Feenstra and McCoy

Senate File 23

COMMERCE: McCoy, Chair; Courtney and Ward

Senate File 43

STATE GOVERNMENT: Courtney, Chair; Dearden and Smith

Senate File 44

STATE GOVERNMENT: Jochum, Chair; Soddors and Sorenson

Senate File 45

STATE GOVERNMENT: Dearden, Chair; Behn and Courtney

Senate File 46

STATE GOVERNMENT: Horn, Chair; Feenstra and Kibbie

Senate File 52

COMMERCE: McCoy, Chair; Behn and Wilhelm

Senate File 53

NATURAL RESOURCES AND ENVIRONMENT: Hogg, Chair; Black and Hahn

Senate File 54

NATURAL RESOURCES AND ENVIRONMENT: Ragan, Chair; Kapucian and Schoenjahn

SSB 1032

TRANSPORTATION: Bowman, Chair; Beall and Ernst

SSB 1033

WAYS AND MEANS: McCoy, Chair; Bartz and Bolkcom

SSB 1034

LOCAL GOVERNMENT: Schoenjahn, Chair; Bowman and Ernst

SSB 1035

HUMAN RESOURCES: Bolkcom, Chair; Dotzler and Johnson

FINAL COMMITTEE REPORT OF BILL ACTION

HUMAN RESOURCES

Bill Title: SENATE FILE 72 (SSB 1015), a bill for an act relating to professions which may practice together in professional limited liability companies and including effective and applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, Johnson, and Quirmbach. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JOURNAL OF THE SENATE

FIFTEENTH CALENDAR DAY
NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, January 24, 2011

The Senate met in regular session at 1:12 p.m., President Kibbie presiding.

Prayer was offered by Father John Thorpe, pastor of St. Stephen's Episcopal Church in Newton, Iowa. He was the guest of Senator Black.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Ethan Fredrick.

The Journal of Thursday, January 20, 2011, was approved.

COMMITTEE ON CREDENTIALS

Senator Gronstal moved that a committee of five be appointed as a committee on credentials.

The motion prevailed by a voice vote, and the Chair announced the appointment of Senators Fraise, Chair; Courtney, Schoenjahn, Behn, and Hahn.

The Senate stood at ease at 1:14 p.m.

The Senate resumed session at 1:16 p.m., President Kibbie presiding.

REPORT OF THE COMMITTEE ON CREDENTIALS

MR. PRESIDENT: We, your committee on credentials, respectfully report that we find the person named in the attached copy of the certification of the Secretary of State duly elected to and entitled to a seat in the Senate for the Eighty-fourth General Assembly.

EUGENE FRAISE, Chair
 THOMAS COURTNEY
 BRIAN SCHOENJAHN
 JERRY BEHN
 JAMES F. HAHN

CERTIFICATION—STATE OF IOWA OFFICE OF THE SECRETARY OF STATE

To the Honorable Michael E. Marshall, the Secretary of the Senate:

I, Matt Schultz, Secretary of State of the State of Iowa; custodian of the files and records pertaining to the elections in the state,

DO HEREBY CERTIFY THAT the State Canvassing Board has declared that at a special election held on January 18, 2011, Jack Whitver was elected to fill a vacancy in the office of State Senator of the Thirty-Fifth District, for the balance of the term which began on January third, 2011.

(SEAL)

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Statehouse, in Des Moines, this twenty-fourth day of January, 2011.

MATT SCHULTZ
 Secretary of State

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

MICHAEL E. MARSHALL
 Secretary of the Senate

On motion of Senator Fraise, the report was adopted by a voice vote, and the duly elected senator appeared before the bar of the Senate, was duly sworn, and subscribed his name to the oath of office.

SPECIAL GUEST

President Kibbie welcomed to the Senate chamber Senator Becky Schmitz, former member of the Senate from Mahaska County, Oskaloosa, Iowa.

The Senate rose and expressed its welcome.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:26 p.m. until 9:00 a.m., Tuesday, January 25, 2011.

APPENDIX

STANDING COMMITTEES APPOINTED

The Majority and Minority Leaders announced the following appointments to the standing committees of the Senate for the Eighty-fourth General Assembly:

*Vice Chair

**Ranking Member

AGRICULTURE—13 Members

Seng, Chair	Bowman	Hancock	
Fraise*	Courtney	Houser	Rielly
Johnson**	Greiner	Kapucian	
Black	Hahn	Kibbie	

APPROPRIATIONS—21 Members

Dvorsky, Chair	Danielson	Houser	
McCoy*	Dix	Jochum	
Kettering**	Dotzler	Johnson	
Bartz	Fraise	Kapucian	
Black	Hancock	Ragan	
Boettger	Hatch	Schoenjahn	
Bolkcom	Hogg	Seymour	

COMMERCE—15 Members

Dandekar, Chair	Beall	Kettering	Ward
Rielly*	Bolkcom	McCoy	Wilhelm
Behn**	Courtney	Schoenjahn	Zaun
Anderson	Feenstra	Seng	

ECONOMIC GROWTH/REBUILD IOWA—15 Members

Sodders, Chair	Bertrand	Danielson	Ward
Dotzler*	Bowman	Hatch	Wilhelm
Greiner**	Chelgren	Horn	Whitver
Bacon	Dandekar	Rielly	

EDUCATION—13 Members

Quirnbach, Chair	Boettger	Hogg	Wilhelm
Schoenjahn*	Bowman	Johnson	
Hamerlinck**	Dvorsky	Smith	
Beall	Feenstra	Sodders	

ETHICS—6 Members

Kibbie, Chair	McKinley**	Kettering	Seng
Fraise*	Behn		

GOVERNMENT OVERSIGHT—5 Members

Courtney, Chair	Sorenson**	Greiner	Kibbie
Sodders*			

HUMAN RESOURCES—13 Members

Ragan, Chair	Boettger	Dvorsky	Johnson
Wilhelm*	Bolkcom	Hatch	Quirnbach
Seymour**	Dotzler	Jochum	Whitver
Bacon			

JUDICIARY—13 Members

Fraise, Chair	Dvorsky	Quirnbach	Whitver
Hogg*	Hancock	Sodders	
Boettger**	Horn	Sorenson	
Dix	Jochum	Ward	

LABOR AND BUSINESS RELATIONS—11 Members

Horn, Chair	Anderson	Courtney	Fraise
Jochum *	Bertrand	Dearden	Hatch
Ward**	Chelgren	Dotzler	

LOCAL GOVERNMENT—11 Members

Wilhelm, Chair	Bacon	Hamerlinck	Rielly
Beall *	Bowman	McCoy	Schoenjahn
Bartz**	Ernst	Quirnbach	

NATURAL RESOURCES AND ENVIRONMENT—13 Members

Dearden, Chair	Bolkcom	Hogg	Schoenjahn
Black*	Hamerlinck	Kapucian	Seng
Hahn**	Hancock	Ragan	Sorenson
Behn			

RULES AND ADMINISTRATION—11 Members

Gronstal, Chair	Bartz	Dearden	Ragan
Kibbie*	Courtney	Dvorsky	Zaun
McKinley**	Danielson	Kettering	

STATE GOVERNMENT—15 Members

Danielson, Chair	Bertrand	Fraise	Smith
Kibbie*	Courtney	Hatch	Sodders
Feenstra**	Dearden	Horn	Sorenson
Behn	Dix	Jochum	

TRANSPORTATION—13 Members

Rielly, Chair	Dandekar	Ernst	Houser
Bowman*	Danielson	Hahn	McCoy
Kapucian**	Dearden	Hancock	Zaun
Beall			

VETERANS AFFAIRS—11 Members

Beall, Chair	Bacon	Greiner	Ragan
Danielson*	Black	Horn	Sodders
Seymour**	Ernst	Kibbie	

WAYS AND MEANS—15 Members

Bolkcom, Chair	Black	Feenstra	Quirnbach
Seng*	Chelgren	Hogg	Smith
Zaun**	Dandekar	Jochum	
Anderson	Dotzler	McCoy	
Bartz			

SENATE APPROPRIATIONS SUBCOMMITTEES

ADMINISTRATION AND REGULATION

Jochum, Chair	Bartz**	Ernst
Danielson*	Bowman	

AGRICULTURE AND NATURAL RESOURCES

Black, Chair	Houser**	Wilhelm
Dearden*	Hahn	

ECONOMIC DEVELOPMENT

Dotzler, Chair	Boettger**	Seng
Dandekar*	Bertrand	

EDUCATION

Schoenjahn, Chair	Dix**	Horn
Quirnbach*	Hamerlinck	

HEALTH AND HUMAN SERVICES

Hatch, Chair	Johnson**	Bolkcom
Ragan*	Bacon	

JUSTICE SYSTEM

Hancock, Chair	Seymour**	Smith
Hogg*	Fraise	

TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

McCoy, Chair	Kapucian**	Dvorsky
Beall*	Anderson	

SENATORS AND THEIR RESPECTIVE COMMITTEES

ANDERSON, Bill	Commerce Labor and Business Relations Ways and Means Transportation, Infrastructure, and Capitals Appropriations Subcommittee
BACON, Robert	Economic Growth/Rebuild Iowa Human Resources Local Government Veterans Affairs Health and Human Services Appropriations Subcommittee
BARTZ, Merlin	Appropriations Local Government, Ranking Member Rules and Administration Ways and Means Administration and Regulation Appropriations Subcommittee, Ranking Member
BEALL, Daryl	Commerce Education Local Government, Vice Chair Transportation Veterans Affairs, Chair Transportation, Infrastructure, and Capitals Appropriations Subcommittee, Vice Chair

BEHN, Jerry	Commerce, Ranking Member Ethics Natural Resources and Environment
BERTRAND, Rick	State Government Economic Growth/Rebuild Iowa Labor and Business Relations State Government Economic Development Appropriations Subcommittee
BLACK, Dennis	Agriculture Appropriations Natural Resources and Environment, Vice Chair Veterans Affairs Ways and Means Agriculture and Natural Resources Appropriations Subcommittee, Chair
BOETTGER, Nancy	Appropriations Education Human Resources Judiciary, Ranking Member Economic Development Appropriations Subcommittee, Ranking Member
BOLKCOM, Joe	Appropriations Commerce Human Resources Natural Resources and Environment Ways and Means, Chair Health and Human Services Appropriations Subcommittee
BOWMAN, Tod	Agriculture Economic Growth/Rebuild Iowa Education Local Government Transportation, Vice Chair Administration and Regulation Appropriations Subcommittee
CHELGREN, Mark	Economic Growth/Rebuild Iowa Labor and Business Relations Ways and Means
COURTNEY, Thomas	Agriculture Commerce Government Oversight, Chair Labor and Business Relations Rules and Administration State Government

DANDEKAR, Swati	Commerce, Chair Economic Growth/Rebuild Iowa Transportation Ways and Means Economic Development Appropriations Subcommittee, Vice Chair
DANIELSON, Jeff	Appropriations Economic Growth/Rebuild Iowa Rules and Administration State Government, Chair Transportation Veterans Affairs, Vice Chair Administration and Regulation Appropriations Subcommittee, Vice Chair
DEARDEN, Dick	Labor and Business Relations Natural Resources and Environment, Chair Rules and Administration State Government Transportation Agriculture and Natural Resources Appropriations Subcommittee, Vice Chair
DIX, Bill	Appropriations Judiciary State Government Education Appropriations Subcommittee, Ranking Member
DOTZLER, William	Appropriations Economic Growth/Rebuild Iowa, Vice Chair Human Resources Labor and Business Relations Ways and Means Economic Development Appropriations Subcommittee, Chair
DVORSKY, Robert	Appropriations, Chair Education Human Resources Judiciary Rules and Administration Transportation, Infrastructure, and Capitals Appropriations Subcommittee

ERNST, Joni	Local Government Transportation Veterans Affairs Administration and Regulation Appropriations Subcommittee
FEENSTRA, Randy	Commerce Education State Government, Ranking Member Ways and Means
FRAISE, Gene	Agriculture, Vice Chair Appropriations Ethics, Vice Chair Judiciary, Chair Labor and Business Relations State Government Justice System Appropriations Subcommittee
GREINER, Sandra	Agriculture Economic Growth/Rebuild Iowa, Ranking Member Government Oversight Veterans Affairs
GRONSTAL, Michael	Rules and Administration, Chair
HAHN, James	Agriculture Natural Resources and Environment, Ranking Member Transportation Agriculture and Natural Resources Appropriations Subcommittee
HAMERLINCK, Shawn	Education, Ranking Member Local Government Natural Resources and Environment Education Appropriations Subcommittee
HANCOCK, Tom	Agriculture Appropriations Judiciary Natural Resources and Environment Transportation Justice System Appropriations Subcommittee, Chair

HATCH, Jack	Appropriations Economic Growth/Rebuild Iowa Human Resources Labor and Business Relations State Government Health and Human Services Appropriations Subcommittee, Chair
HOGG, Robert	Appropriations Education Judiciary, Vice Chair Natural Resources and Environment Ways and Means Justice System Appropriations Subcommittee, Vice Chair
HORN, Wally	Economic Growth/Rebuild Iowa Judiciary Labor and Business Relations, Chair State Government Veterans Affairs Education Appropriations Subcommittee
HOUSER, Hubert	Agriculture Appropriations Transportation Agriculture and Natural Resources Appropriations Subcommittee, Ranking Member
JOCHUM, Pam	Appropriations Human Resources Judiciary Labor and Business Relations, Vice Chair State Government Ways and Means Administration and Regulation Appropriations Subcommittee, Chair
JOHNSON, David	Agriculture, Ranking Member Appropriations Education Human Resources Health and Human Services Appropriations Subcommittee, Ranking Member

KAPUCIAN, Tim	Agriculture Appropriations Natural Resources and Environment Transportation, Ranking Member Transportation, Infrastructure, and Capitals Appropriations Subcommittee, Ranking Member
KETTERING, Steve	Appropriations, Ranking Member Commerce Ethics Rules and Administration
KIBBIE, John	Agriculture Ethics, Chair Government Oversight Rules and Administration, Vice Chair State Government, Vice Chair Veterans Affairs
MCCOY, Matthew	Appropriations, Vice Chair Commerce Local Government Transportation Ways and Means Transportation, Infrastructure, and Capitals Appropriations Subcommittee, Chair
MCKINLEY, Paul	Ethics, Ranking Member Rules and Administration, Ranking Member
QUIRMBACH, Herman	Education, Chair Human Resources Judiciary Local Government Ways and Means Education Appropriations Subcommittee, Vice Chair
RAGAN, Amanda	Appropriations Human Resources, Chair Natural Resources and Environment Rules and Administration Veterans Affairs Health and Human Services Appropriations Subcommittee, Vice Chair
RIELLY, Tom	Agriculture Commerce, Vice Chair Economic Growth/Rebuild Iowa Local Government Transportation, Chair

SCHOENJAHN, Brian	Appropriations Commerce Education, Vice Chair Local Government Natural Resources and Environment Education Appropriations Subcommittee, Chair
SENG, Joe	Agriculture, Chair Commerce Ethics Natural Resources and Environment Ways and Means, Vice Chair Economic Development Appropriations Subcommittee
SEYMOUR, James	Appropriations Human Resources, Ranking Member Veterans Affairs, Ranking Member Justice System Appropriations Subcommittee, Ranking Member
SMITH, Roby	Education State Government Ways and Means Justice System Appropriations Subcommittee
SODDERS, Steven	Economic Growth/Rebuild Iowa, Chair Education Government Oversight, Vice Chair Judiciary State Government Veterans Affairs
SORENSEN, Kent	Government Oversight, Ranking Member Judiciary Natural Resources and Environment State Government
WARD, Pat	Commerce Economic Growth/Rebuild Iowa Judiciary Labor and Business Relations, Ranking Member
WHITVER, Jack	Economic Growth/Rebuild Iowa Human Resources Judiciary

WILHELM, Mary Jo

Commerce
 Economic Growth/Rebuild Iowa
 Education
 Human Resources, Vice Chair
 Local Government, Chair
 Agriculture and Natural Resources
 Appropriations Subcommittee

ZAUN, Brad

Commerce
 Rules and Administration
 Transportation
 Ways and Means, Ranking Member

PRESENTATION OF VISITORS

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

Thirty-four middle school and high school students from the Midland, Anamosa, and Monticello school districts. Senator Hancock.

COMMUNICATIONS RECEIVED

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

BOARD OF REGENTS

FY 2010 ISU Beginning Farmer Center Annual Report, pursuant to Iowa Code section 266.39E. Report received on January 24, 2011.

DEPARTMENT OF NATURAL RESOURCES

2010 Environmental Protection Commission Annual Report, pursuant to Iowa Code section 455B.105(5). Report received on January 20, 2011.

DEPARTMENT OF PUBLIC HEALTH

2010 Annual Report, pursuant to Iowa Code section 135.11(16). Report received on January 21, 2011.

Direct Care Worker Funding Report, pursuant to 2010 Iowa Acts, HF 2526. Report received on January 21, 2011.

CERTIFICATES OF RECOGNITION

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

Clarence Katnik, Fort Dodge—For celebrating his 90th birthday. Senator Beall (1/24/11).

Kirk Kinnaman, Sioux City—For being named acting Chief of Police of Merville, Iowa. Senator Anderson (1/24/11).

Albert Kreutz, Aurelia—For being named Aurelia Citizen of the Year. Senator Anderson (1/24/11).

Helen McKnabb—For celebrating her 100th birthday. Senator Boettger (1/24/11).

Randy Nicodemus, Aurelia—For being named Aurelia Citizen of the Year. Senator Anderson (1/24/11).

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: Monday, January 24, 2011, 2:05 p.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; McKinley, Ranking Member; Bartz, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun.

Members Absent: None.

Committee Business: Discussed bills.

Adjourned: 2:40 p.m.

STATE GOVERNMENT

Convened: Monday, January 24, 2011, 2:35 p.m.

Members Present: Danielson, Chair; Kibbie, Vice Chair; Feenstra, Ranking Member; Behn, Bertrand, Courtney, Dearden, Dix, Fraise, Hatch, Horn, Jochum, Smith, Soddors, and Sorenson.

Members Absent: None.

Committee Business: Redistricting presentation by LSA.

Adjourned: 3:20 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 2, by committee on Rules and Administration, a concurrent resolution relating to the compensation of chaplains, officers, and employees of the eighty-fourth general assembly.

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

Senate Joint Resolution 5, by Anderson and Bertrand, a joint resolution proposing an amendment to the Constitution of the State of Iowa restricting the use of revenues derived from an increase in the state sales and use tax rates for school infrastructure purposes

Read first time under Rule 28 and referred to committee on **State Government**.

Senate Joint Resolution 6, by Zaun, Bacon, Bartz, Behn, Chelgren, Feenstra, Greiner, Johnson, and Sorenson, a joint resolution proposing and amendment to the Constitution of the State of Iowa relating to the appointment of nominees to the supreme court by the governor.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate Resolution 2, by committee on Rules and Administration, a resolution relating to permanent rules of the senate for the eighty-fourth general assembly.

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

INTRODUCTION OF BILLS

Senate File 74, by Feenstra, a bill for an act extending the period of ineligibility for participation in varsity interscholastic athletic contests and competitions by high school students participating in open enrollment.

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

Senate File 75, by Anderson, Bertrand, Smith, Ernst, Johnson, and Kapucian, a bill for an act excluding from the computation of net income under the individual income tax active duty pay received for service in Operation New Dawn and including retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Veterans Affairs**.

Senate File 76, by Anderson and Bertrand, a bill for an act increasing the default speed limit on hard surface roads to sixty miles per hour.

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

Senate File 77, by Feenstra, Johnson, Kapucian, Bacon, Seymour, Boettger, and Anderson, a bill for an act relating to abortions, including prohibiting abortions beyond a certain postfertilization age, providing an exception, and providing a penalty.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 78, by Hahn, Beall, Soddors, Hamerlinck, Ernst, Anderson, Zaun, Boettger, Bacon, Greiner, Kapucian, Johnson, Sorenson, Behn, Kettering, Feenstra, Hancock, Rielly, Houser, and Dearden, a bill for an act concerning the operation of motorcycles equipped with detachable stabilizing rear wheels on Iowa roads.

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

Senate File 79, by Kibbie, a bill for an act relating to assignment of visitation or joint physical care parenting time for children of military service members on active duty.

Read first time under Rule 28 and referred to committee on **Veterans Affairs**.

Senate File 80, by McKinley, a bill for an act relating to raccoon hunting.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

Senate File 81, by Zaun, Behn, McKinley, Kettering, Seymour, Anderson, Hahn, Chelgren, Bacon, and Kapucian, a bill for an act relating to exemptions from the prohibitions of the smokefree air Act for some bars.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 82, by Zaun, a bill for an act exempting investment counseling services from state sales tax.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 83, by Dearden, a bill for an act allowing the establishment of an open season for hunting mourning doves.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

Senate File 84, by Anderson, a bill for an act providing for the placement of a right-to-work notice on department of economic development materials.

Read first time under Rule 28 and referred to committee on **Economic Growth**.

Senate File 85, by Dandekar, a bill for an act establishing the Iowa online advanced placement academy science, technology, engineering, and mathematics initiative and making an appropriation.

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

Senate File 86, by Dandekar, a bill for an act relating to the establishment of school district policies to prevent and address incidents of dating violence, and providing effective date provisions.

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

STUDY BILLS RECEIVED

SSB 1036 Transportation

Allowing the department of transportation to accept reports from advanced registered nurse practitioners disclosing a physical or mental condition that renders a person incompetent to operate a motor vehicle.

SSB 1037 Labor and Business Relations

Relating to asbestos regulations administered by the division of labor services of the department of workforce development.

SSB 1038 Labor and Business Relations

Relating to employment services laws administered by the division of labor services of the department of workforce development.

SSB 1039 Human Resources

Allowing an advanced registered nurse practitioner to sign a death certificate.

SSB 1040 Judiciary

Relating to instruments used to update the county transfer books and index maintained by the county auditor.

SSB 1041 Judiciary

Relating to the foreclosure of a real estate mortgage.

SSB 1042 Judiciary

Relating to the release and satisfaction of judgments.

SSB 1043 Judiciary

Relating to the placement of a juvenile on youthful offender status in district court.

SSB 1044 Judiciary

Providing access to child abuse records in juvenile court and the prosecution of certain youthful offenders.

SSB 1045 Judiciary

Relating to mental health and substance abuse histories conducted in a presentence investigation report and the standards for release on probation in a criminal proceeding.

SSB 1046 Natural Resources and Environment

Relating to environmental protection, including solid waste, sewage works, hazardous waste, infectious medical waste, and pesticide and fertilizer contamination.

SSB 1047 Veterans Affairs

Relating to the Iowa military code and military service by making changes related to the use and support of certain facilities, operations support, employment and rank of active and retired military personnel, the definition of performing military duty, tort claims protections, and an exemption from state income tax for military pensions and including effective date and retroactive applicability provisions.

SSB 1048 Commerce

Expanding the definition of alternate energy production facility for purposes of compliance with electric utility rate regulation requirements.

SSB 1049 Commerce

Relating to the provision of telecommunications services to multiple-unit residential buildings or complexes.

SUBCOMMITTEE ASSIGNMENTS

Senate File 33

JUDICIARY: Fraise, Chair; Boettger and Dvorsky

Senate File 48

TRANSPORTATION: Danielson, Chair; Bowman and Houser

Senate File 49

TRANSPORTATION: Danielson, Chair; Bowman and Zaun

Senate File 50

TRANSPORTATION: Danielson, Chair; Bowman and Kapucian

Senate File 55

JUDICIARY: Fraise, Chair; Boettger and Dvorsky

Senate File 59

EDUCATION: Dvorsky, Chair; Bowman and Hamerlinck

Senate File 62

JUDICIARY: Quirnbach, Chair; Dix and Hancock

Senate File 64

COMMERCE: Rielly, Chair; Beall and Kettering

SSB 1036

TRANSPORTATION: Danielson, Chair; Bowman and Ernst

SSB 1037

LABOR AND BUSINESS RELATIONS: Courtney, Chair; Chelgren and Fraise

SSB 1038

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Anderson and Courtney

SSB 1039

HUMAN RESOURCES: Jochum, Chair; Bacon and Dotzler

SSB 1040

JUDICIARY: Quirnbach, Chair; Horn and Sorenson

SSB 1041

JUDICIARY: Hogg, Chair; Dvorsky and Ward

SSB 1042

JUDICIARY: Hogg, Chair; Dix and Dvorsky

SSB 1043

JUDICIARY: Jochum, Chair; Hogg and Ward

SSB 1044

JUDICIARY: Jochum, Chair; Hogg and Ward

SSB 1045

JUDICIARY: Sodders, Chair; Jochum and Sorenson

SSB 1046

NATURAL RESOURCES AND ENVIRONMENT: Hogg, Chair; Behn and Black

SSB 1047

VETERANS AFFAIRS: Kibbie, Chair; Danielson and Seymour

SSB 1048

COMMERCE: Courtney, Chair; Behn and Dandekar

SSB 1049

COMMERCE: Schoenjahn, Chair; Seng and Ward

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

Bill Title: SENATE CONCURRENT RESOLUTION 2, a concurrent resolution relating to the compensation of chaplains, officers, and employees of the eighty-fourth general assembly.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, McKinley, Bartz, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 1, a resolution recognizing January 27, 2011, as a day to honor Iowa's community colleges on their 45th anniversary.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, McKinley, Bartz, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 2, a resolution relating to permanent rules of the senate for the eighty-fourth general assembly.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, McKinley, Bartz, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE CONCURRENT RESOLUTION 6, a concurrent resolution to provide for a joint convention.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, McKinley, Bartz, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JOURNAL OF THE SENATE

SIXTEENTH CALENDAR DAY
TENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 25, 2011

The Senate met in regular session at 9:03 a.m., President Kibbie presiding.

Prayer was offered by Pastor Tom Nesbitt of the Cornerstone Church in Ames, Iowa. He was the guest of Senator Bacon.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Ethan Fredrick.

The Journal of Monday, January 24, 2011, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kettering, until he arrives, on request of Senator Johnson.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:08 a.m. until 5:00 p.m.

APPENDIX—1**COMMUNICATIONS RECEIVED**

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

DEPARTMENT OF NATURAL RESOURCES

Household Hazardous Materials Program Reports, pursuant to Iowa Code sections 455E.11(2)(c) and 455F.8. Reports received on January 24, 2011.

CERTIFICATES OF RECOGNITION

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

Betty Boyken, Waterloo—For celebrating her 80th birthday. Senator Dotzler (1/25/11).

Dale and Margaret Buck, Waterloo—For celebrating their 65th wedding anniversary. Senator Dotzler (1/25/11).

Kay Cunningham—For celebrating her 95th birthday. Senator Dotzler (1/25/11).

Cody Drilling, Waterloo—For achieving the rank of Eagle Scout, Troop 116. Senator Dotzler (1/25/11).

Bill and Corrie Droppert—For celebrating their 60th wedding anniversary. Senator Dotzler (1/25/11).

John and Diane Gruman, Waterloo—For celebrating their 50th wedding anniversary. Senator Dotzler (1/25/11).

Pearl Mound, Keota—For celebrating her 100th birthday. Senator Greiner (1/25/11).

LaVerne Rizner, Waterloo—For celebrating her 80th birthday. Senator Dotzler (1/25/11).

Mary Jane Staebell—For celebrating her 85th birthday. Senator Dotzler (1/25/11).

Hilda Wagner, Sigourney—For celebrating her 100th birthday. Senator Rielly (1/25/11).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Wednesday, January 12, 2011, 2:05 p.m.

Members Present: Dvorsky, Chair; Kettering, Ranking Member; Bartz, Black Boettger, Bolkcom, Danielson, Dix, Dotzler, Fraise, Hancock, Hogg, Houser, Jochum, Kapucian, Ragan, Schoenjahn, and Seymour.

Members Absent: McCoy, Vice Chair; Hatch and Johnson (all excused).

Committee Business: Organizational meeting.

Adjourned: 2:15 p.m.

EDUCATION

Convened: Wednesday, January 19, 2011, 1:00 p.m.

Members Present: Quirmbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Bowman, Dvorsky, Hogg, Johnson, Smith, Soddors, and Wilhelm.

Members Absent: Feenstra (excused).

Committee Business: Presentations by UNI and YSS.

Adjourned: 2:00 p.m.

HUMAN RESOURCES

Convened: Monday, January 24, 2011, 5:30 p.m.

Members Present: Ragan, Chair; Wilhelm, Vice Chair; Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, Johnson, Quirmbach, and Whitver.

Members Absent: Seymour, Ranking Member (excused).

Committee Business: Presentation by the Department on Aging.

Adjourned: 5:45 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Wednesday, January 19, 2011, 10:15 a.m.

Members Present: Black, Chair; Dearden, Vice Chair; Hahn and Wilhelm.

Members Absent: Houser, Ranking Member (excused).

Committee Business: Organizational meeting.

Adjourned: 10:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Wednesday, January 19, 2011, 10:10 a.m.

Members Present: Dotzler, Chair; Dandekar, Vice Chair; Boettger, Ranking Member; Bertrand and Seng.

Members Absent: None.

Committee Business: Organizational meeting.

Adjourned: 11:05 a.m.

ALSO:

Convened: Thursday, January 20, 2011, 10:15 a.m.

Members Present: Dotzler, Chair; Dandekar, Vice Chair; Boettger, Ranking Member; Bertrand and Seng.

Members Absent: None.

Committee Business: Presentations by the Department of Cultural Affairs and the Public Employee Relations Board.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Thursday, January 20, 2011, 10:10 a.m.

Members Present: Hancock, Chair; Hogg, Vice Chair; Seymour, Ranking Member; Fraise and Smith.

Members Absent: None.

Committee Business: LSA presentation. Discussion on the Iowa Drug Court in Black Hawk County.

Adjourned: 11:30 a.m.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution 7, by Behn, McKinley, Seymour, Chelgren, Kapucian, Johnson, Bartz, Hamerlinck, Greiner, Smith, Bacon, Feenstra, Zaun, and Whitver, a joint resolution proposing an

amendment to the Constitution of the State of Iowa relating to the appointment of nominees to the supreme court by the governor.

Read first time under Rule 28 and referred to committee on **State Government**.

INTRODUCTION OF BILLS

Senate File 87, by Hamerlinck and Black, a bill for an act creating criminal offenses for falsely claiming the receipt of certain military medals or decorations and providing penalties.

Read first time under Rule 28 and referred to committee on **Veterans Affairs**.

Senate File 88, by Kibbie, a bill for an act relating to tax revenues by increasing sales and use tax rates, by diverting a certain amount from the revenues generated from the increased rates to the natural resources and outdoor recreation trust fund and by using the balance of the revenues to provide a commercial property tax credit and including applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 89, by Feenstra, Johnson, Bartz, Kapucian, Bacon, Seymour, Boettger, Anderson, Smith, and Greiner, a bill for an act providing an individual income tax credit for certain supplies purchased by a teacher and including retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

SUBCOMMITTEE ASSIGNMENTS

Senate File 47

WAYS AND MEANS: Quirmbach, Chair; Chelgren and Jochum

Senate File 57

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Black and Hahn

Senate File 61

WAYS AND MEANS: Hogg, Chair; Bolkcom and Feenstra

Senate File 63

EDUCATION: Hogg, Chair; Bowman and Hamerlinck

Senate File 65

EDUCATION: Dvorsky, Chair; Hogg and Johnson

Senate File 67

EDUCATION: Beall, Chair; Boettger and Bowman

Senate File 73

WAYS AND MEANS: Quirmbach, Chair; Black and Zaun

Senate File 82

WAYS AND MEANS: Quirmbach, Chair; Black and Zaun

EVENING SESSION

The Senate reconvened at 5:06 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kapucian, until he returns, on request of Senator Johnson.

The Senate stood at ease at 5:07 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:51 p.m., President Kibbie presiding.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:52 p.m. until 9:00 a.m., Wednesday, January 26, 2011.

APPENDIX—2

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:

WATERSHED PLANNING ADVISORY COUNCIL

Final Interim Report, pursuant to 2010 Iowa Acts, HF 2459. Report received on January 25, 2011.

AGENCY ICN REPORT

An Iowa Communications Network (ICN) usage report for FY 2010, pursuant to Iowa Code section 8D.10, was received from the following agency:

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP – Report received on January 25, 2011.

CERTIFICATES OF RECOGNITION

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

Helen Darrah, Burlington—For celebrating her 97th birthday. Senator Courtney (1/25/11).

Anita Erickson, Burlington—For celebrating her 80th birthday. Senator Courtney (1/25/11).

Dennis and Patricia Hudgel, Burlington—For celebrating their 50th wedding anniversary. Senator Courtney (1/25/11).

Dorothy Lind, Burlington—For celebrating her 92nd birthday. Senator Courtney (1/25/11).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Tuesday, January 25, 2011, 3:05 p.m.

Members Present: Seng, Chair; Fraise, Vice Chair; Johnson, Ranking Member; Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kibbie, and Rielly.

Members Absent: Kapucian (excused).

Committee Business: Presentation by the Leopold Center.

Adjourned: 3:45 p.m.

COMMERCE

Convened: Thursday, January 20, 2011, 1:05 p.m.

Members Present: Dandekar, Chair; Rielly, Vice Chair; Behn, Ranking Member; Anderson, Beall, Bolkcom, Courtney, Feenstra, Kettering, McCoy, Schoenjahn, Seng, Ward, Wilhelm, and Zaun.

Members Absent: None.

Committee Business: Presentations by ITC Midwest and the Iowa Association of Electric Cooperatives.

Adjourned: 1:50 p.m.

ECONOMIC GROWTH/REBUILD IOWA

Convened: Tuesday, January 25, 2011, 2:10 p.m.

Members Present: Soddors, Chair; Dotzler, Vice Chair; Greiner, Ranking Member; Bacon, Bertrand, Bowman, Chelgren, Dandekar, Danielson, Horn, Rielly, Ward, Whitver, and Wilhelm.

Members Absent: Hatch (excused).

Committee Business: Presentation by Cedar Valley TechWorks, Inc.

Adjourned: 3:00 p.m.

ETHICS

Convened: Tuesday, January 25, 2011, 11:50 a.m.

Members Present: Kibbie, Chair; Fraise, Vice Chair; McKinley, Ranking Member; Behn, Kettering, and Seng.

Members Absent: None.

Committee Business: Discussed SSBs 1001 and 1002.

Adjourned: 12:05 p.m.

JUDICIARY

Convened: Monday, January 24, 2011, 4:40 p.m.

Members Present: Fraise, Chair; Hogg, Vice Chair; Boettger, Ranking Member; Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Sodders, Sorenson, Ward, and Whitver.

Members Absent: None.

Committee Business: Approved SSB 1011.

Recessed: 4:45 p.m.

Reconvened: 4:55 p.m.

Adjourned: 5:00 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Tuesday, January 25, 2011, 2:00 p.m.

Members Present: Dearden, Chair; Black, Vice Chair; Hahn, Ranking Member; Behn, Bolkcom, Hamerlinck, Hancock, Hogg, Ragan, Schoenjahn, Seng, and Sorenson.

Members Absent: Kapucian (excused).

Committee Business: Assigned bills. Passed SF 7. Presentations by the Iowa Parks Foundation and the Department of Natural Resources.

Adjourned: 2:55 p.m.

WAYS AND MEANS

Convened: Tuesday, January 25, 2011, 1:05 p.m.

Members Present: Bolkcom, Chair; Seng, Vice Chair; Zaun, Ranking Member; Anderson, Bartz, Black, Chelgren, Dandekar, Dotzler, Feenstra, Hogg, Jochum, Quirmbach, and Smith.

Members Absent: McCoy (excused).

Committee Business: DED presentation on enterprise zones.

Adjourned: 1:55 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Tuesday, January 25, 2011, 10:10 a.m.

Members Present: Jochum, Chair; Danielson, Vice Chair; Bartz, Ranking Member; Bowman and Ernst.

Members Absent: None.

Committee Business: Presentations by the Secretary of State, Treasurer of State, and Auditor of State.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Tuesday, January 25, 2011, 10:00 a.m.

Members Present: Schoenjahn, Chair; Quirmbach, Vice Chair; Dix, Ranking Member; Hamerlinck and Horn.

Members Absent: None.

Committee Business: Presentations by Iowa College Student Aid and Iowa Student Loan.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: Tuesday, January 25, 2011, 10:10 a.m.

Members Present: Beall, Vice Chair; Kapucian, Ranking Member; and Anderson.

Members Absent: McCoy, Chair; and Dvorsky (both excused).

Committee Business: Presentation by the DOT.

Adjourned: 11:20 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 3, by Sorenson, Chelgren, Bertrand, Feenstra, Boettger, Seymour, Bartz, Anderson, Bacon, Hamerlinck, Behn, Kettering, Johnson, Kapucian, Greiner, Hahn, Zaun, McKinley, Ernst, Dix, Smith, Whitver, Ward, and Houser, a concurrent resolution claiming state sovereignty under the Tenth Amendment to the Constitution of the United States over certain mandates imposed on the states by the federal government.

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

Senate Joint Resolution 8, by Sorenson, Chelgren, Bertrand, Feenstra, Boettger, Seymour, Bartz, Anderson, Bacon, Kettering, Hamerlinck, Behn, Johnson, Kapucian, Greiner, Hahn, Zaun, McKinley, Dix, Ernst, Smith, Whitver, Ward, and Houser, a joint resolution proposing an amendment to the Constitution of the State of Iowa regarding the validity and recognition of marriages in the state.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate Resolution 3, by committee on Ethics, a resolution relating to the Senate Code of Ethics governing the conduct of members of the Senate in relation to their senatorial duties during the Eighty-fourth General Assembly.

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

INTRODUCTION OF BILLS

Senate File 90, by Zaun, Hahn, Behn, McKinley, Boettger, Bacon, Greiner, Hamerlinck, Kapucian, Ward, Chelgren, Seymour, Bertrand, Anderson, Ernst, Feenstra, Kettering, and Whitver, a bill for an act requiring drug testing for persons applying for or receiving state assistance.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 91, by Bolkom, a bill for an act relating to the licensing of midwives and providing for a fee and a penalty, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 92, by Bolkcom, Danielson, and Dvorsky, a bill for an act increasing punitive damages that may be awarded for wrongful retention of certain rental deposits.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 93, by committee on Judiciary, a bill for an act enhancing the penalty for certain domestic abuse assault cases and providing a penalty.

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

Senate File 94, by Sorenson, Chelgren, Bertrand, Feenstra, Boettger, Seymour, Anderson, Bacon, Hamerlinck, Behn, Kettering, Johnson, Kapucian, Greiner, Hahn, Zaun, McKinley, Ernst, Smith, Whitver, Ward, Houser, Dix, and Bartz, a bill for an act establishing the right to choose health care.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 95, by Hatch, a bill for an act relating to coverage of religious or spiritually based health or medical care and including applicability provisions.

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

STUDY BILLS RECEIVED

SSB 1050 Local Government

Relating to the county recorder fees charged for each recorded transaction.

SSB 1051 Ways and Means

Relating to assessment of telecommunications company property for purposes of property taxation, and including effective date and applicability provisions.

SSB 1052 Ways and Means

Relating to the administration of the tax and related laws by updating the Code references to the Internal Revenue Code and by decoupling from certain federal bonus depreciation provisions and including effective date and retroactive applicability provisions.

SSB 1053 Local Government

Relating to the determination of city population for purposes of civil service commissions.

SSB 1054 Human Resources

Relating to vision screening for school children.

SUBCOMMITTEE ASSIGNMENTS**Senate File 66**

EDUCATION: Schoenjahn, Chair; Hamerlinck and Quirmbach

Senate File 75

VETERANS AFFAIRS: Sodders, Chair; Ernst and Kibbie

Senate File 79

VETERANS AFFAIRS: Kibbie, Chair; Ragan and Seymour

Senate File 80

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Behn and Ragan

Senate File 83

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Black and Kapucian

Senate File 87

VETERANS AFFAIRS: Black, Chair; Ernst and Horn

SSB 1050

LOCAL GOVERNMENT: Wilhelm, Chair; Bartz and Bowman

SSB 1051

WAYS AND MEANS: Jochum, Chair; Bolkcom and Feenstra

SSB 1052

WAYS AND MEANS: Jochum, Chair; Anderson and Hogg

SSB 1053

LOCAL GOVERNMENT: Rielly, Chair; Bacon and Schoenjahn

SSB 1054

HUMAN RESOURCES: Dvorsky, Chair; Ragan and Whitver

FINAL COMMITTEE REPORTS OF BILL ACTION

ETHICS

Bill Title: SENATE RESOLUTION 3 (SSB 1002), a resolution relating to the Senate Code of Ethics governing the conduct of members of the Senate in relation to their senatorial duties during the Eighty-fourth General Assembly.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Kibbie, Fraise, McKinley, Behn, Kettering, and Seng. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: SENATE FILE 93 (SSB 1011), a bill for an act enhancing the penalty for certain domestic abuse assault cases and providing a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: SENATE FILE 7, a bill for an act providing for a .08 blood alcohol limit for motorboat or sailboat operating while intoxicated offenses.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Dearden, Black, Hahn, Behn, Bolkcom, Hamerlinck, Hancock, Hogg, Ragan, Schoenjahn, Seng, and Sorenson. Nays, none. Absent, 1: Kapucian.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENT FILED

S-3001 S.R. 2 Merlin Bartz

JOURNAL OF THE SENATE

SEVENTEENTH CALENDAR DAY
ELEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 26, 2011

The Senate met in regular session at 9:07 a.m., President Kibbie presiding.

Prayer was offered by Pastor Philip Robarge of the Gloria Dei Lutheran Church in Urbandale, Iowa. He was the guest of Senator Zaun.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Ethan Fredrick.

The Journal of Tuesday, January 25, 2011, was approved.

SPECIAL GUESTS

Senator Black introduced to the Senate chamber May-May Ng, President of CK International in West Des Moines, Iowa, and her son, Tim Ng, VP of CK International. They were accompanied by Huai Wong, CEO of Wenzhou Xingshun in Wenzhou, China.

Huai Wong addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

The Senate stood at ease at 9:27 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:50 a.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 72.

Senate File 72

On motion of Senator Dotzler, **Senate File 72**, a bill for an act relating to professions which may practice together in professional limited liability companies and including effective and applicability date provisions, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 72), the vote was:

Yeas, 44:

Anderson	Dandekar	Hamerlinck	Ragan
Bacon	Danielson	Hancock	Rielly
Bartz	Dearden	Hatch	Schoenjahn
Beall	Dix	Hogg	Seng
Bertrand	Dotzler	Horn	Seymour
Black	Dvorsky	Houser	Smith
Boettger	Ernst	Jochum	Sodders
Bolkcom	Fraise	Johnson	Sorenson
Bowman	Greiner	Kapucian	Whitver
Chelgren	Gronstal	Kibbie	Wilhelm
Courtney	Hahn	Quirmbach	Zaun

Nays, 5:

Behn	Kettering	Ward
Feenstra	McKinley	

Absent, 1:

McCoy

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 72** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:54 a.m. until 12:45 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:04 p.m., President Kibbie presiding.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:05 p.m. until 7:00 a.m., Thursday, January 27, 2011.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: Tuesday, January 25, 2011, 4:05 p.m.

Members Present: Dandekar, Chair; Rielly, Vice Chair; Behn, Ranking Member; Anderson, Beall, Bolkcom, Courtney, Kettering, Schoenjahn, Seng, Ward, and Zaun.

Members Absent: Feenstra, McCoy, and Wilhelm (all excused).

Committee Business: Passed SF 52, as amended.

Adjourned: 4:25 p.m.

EDUCATION

Convened: Monday, January 24, 2011, 3:30 p.m.

Members Present: Quirnbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Bowman, Dvorsky, Hogg, Johnson, Smith, Soddors, and Wilhelm.

Members Absent: Feenstra (excused).

Committee Business: Presentations on preschool education.

Adjourned: 4:30 p.m.

ALSO:

Convened: Wednesday, January 26, 2011, 1:10 p.m.

Members Present: Quirmbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Johnson, Smith, Soddors, and Wilhelm.

Members Absent: None.

Committee Business: Presentations on preschool education.

Adjourned: 2:00 p.m.

GOVERNMENT OVERSIGHT

Convened: Wednesday, January 26, 2011, 10:05 a.m.

Members Present: Courtney, Chair; Soddors, Vice Chair; Sorenson, Ranking Member; Greiner and Kibbie.

Members Absent: None.

Committee Business: Discussion with the Iowa Association of School Boards and an audit firm.

Adjourned: 11:00 a.m.

HUMAN RESOURCES

Convened: Wednesday, January 26, 2011, 3:05 p.m.

Members Present: Ragan, Chair; Wilhelm, Vice Chair; Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, Quirmbach, and Whitver.

Members Absent: Seymour, Ranking Member; and Johnson (both excused).

Committee Business: Presentation by the Department of Human Services.

Adjourned: 3:25 p.m.

LOCAL GOVERNMENT

Convened: Wednesday, January 26, 2011, 2:05 p.m.

Members Present: Wilhelm, Chair; Beall, Vice Chair; Bartz, Ranking Member; Bacon, Bowman, Ernst, Quirmbach, Rielly, and Schoenjahn.

Members Absent: Hamerlinck and McCoy (both excused).

Committee Business: Presentation by ISAC.

Adjourned: 2:30 p.m.

STATE GOVERNMENT

Convened: Wednesday, January 26, 2011, 2:05 p.m.

Members Present: Danielson, Chair; Kibbie, Vice Chair; Feenstra, Ranking Member; Behn, Bertrand, Courtney, Dearden, Dix, Fraise, Hatch, Horn, Jochum, Smith, and Sorenson.

Members Absent: Soddors (excused).

Committee Business: Presentation by IPERS

Adjourned: 3:00 p.m.

VETERANS AFFAIRS

Convened: Tuesday, January 25, 2011, 4:30 p.m.

Members Present: Beall, Chair; Danielson, Vice Chair; Seymour, Ranking Member; Bacon, Black, Ernst, Greiner, Horn, Kibbie, Ragan, and Soddors.

Members Absent: None.

Committee Business: Presentation by the Department of Veterans Affairs.

Adjourned: 4:55 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Wednesday, January 26, 2011, 10:10 a.m.

Members Present: Black, Chair; Dearden, Vice Chair; Houser, Ranking Member; Hahn and Wilhelm.

Members Absent: None.

Committee Business: Introduction of Chinese visitors. Presentation by the State Soil Conservation Commission and the Conservation Districts of Iowa.

Adjourned: 10:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Wednesday, January 26, 2011, 10:05 a.m.

Members Present: Schoenjahn, Chair; Quirmbach, Vice Chair; Dix, Ranking Member; and Horn.

Members Absent: Hamerlinck (excused).

Committee Business: Presentations by Iowa Vocational Rehabilitation Services and the Department for the Blind.

Adjourned: Wednesday, January 26, 2011, 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Wednesday, January 19, 2011, 10:00 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; Bacon and Bolkcom.

Members Absent: None.

Committee Business: Introductions. LSA presentation on FY 2011 budget.

Adjourned: 11:30 a.m.

ALSO:

Convened: Thursday, January 20, 2011, 10:00 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; Bacon and Bolkcom.

Members Absent: None.

Committee Business: Presentation by Medicaid.

Adjourned: 11:10 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Tuesday, January 25, 2011, 10:10 a.m.

Members Present: Hancock, Chair; Hogg, Vice Chair; Seymour, Ranking Member; Fraise and Smith.

Members Absent: None.

Committee Business: Presentation by the Board of Parole.

Adjourned: 10:50 a.m.

ALSO:

Convened: Wednesday, January 26, 2011, 10:10 a.m.

Members Present: Hancock, Chair; Hogg, Vice Chair; Seymour, Ranking Member; Fraise and Smith.

Members Absent: None.

Committee Business: Presentations by the Department of Public Defense and the Department of Homeland Security and Emergency Management.

Adjourned: 11:25 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 9, by Feenstra, Hahn, Zaun, Johnson, and Boettger, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide home rule for school districts.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate Resolution 4, by committee on Ethics, a resolution relating to the Senate Rules Governing Lobbyists and their interactions with the Senate and members of the Senate during the Eighty-fourth General Assembly.

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

INTRODUCTION OF BILLS

Senate File 96, by Bolkcom and Dotzler, a bill for an act concerning requirements for motor vehicle operators when overtaking and passing a bicycle, and making penalties applicable.

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

Senate File 97, by Hancock, a bill for an act providing for expanded Iowa communications network access to include counties under specified circumstances.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 98, by Hancock, a bill for an act relating to the duty of a county to provide emergency medical service and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Local Government**.

Senate File 99, by Bolkom, a bill for an act establishing a solar energy rebate program and fund, and making an appropriation.

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

Senate File 100, by Jochum, a bill for an act exempting commercial kennels from regulation as a commercial establishment when training dogs or cats in the presence of their owners, and providing an effective date.

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

Senate File 101, by Jochum, a bill for an act prohibiting the use of restraints on a pregnant inmate in labor.

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

Senate File 102, by Sorenson, Chelgren, Bertrand, Feenstra, Boettger, Seymour, Bartz, Anderson, Bacon, Hamerlinck, Behn, Johnson, Kapucian, Hahn, McKinley, Ernst, Dix, Smith, and Whitver, a bill for an act relating to illegal immigration, providing penalties, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 103, by Jochum, a bill for an act relating to the amount of certain civil penalties that may be imposed by the board of pharmacy.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 104, by Sorenson, Chelgren, Bertrand, Feenstra, Boettger, Seymour, Bartz, Anderson, Bacon, Behn, Kettering, Johnson, Kapucian, Greiner, Hahn, Hamerlinck, Zaun, McKinley, Ernst, Dix, Smith, Whitver, Ward, and Houser, a bill for an act relating to verification of social security numbers for public programs under the purview of the department of human services.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 105, by Zaun, Boettger, Bacon, Greiner, Feenstra, Johnson, Sorenson, Ward, Houser, Seymour, Behn, McKinley, Kettering, Anderson, Bertrand, Ernst, Hamerlinck, and Hahn, a bill for an act concerning the retention of existing highway rest areas.

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

Senate File 106, by Bacon, Boettger, Johnson, Hamerlinck, Zaun, Chelgren, Ernst, Greiner, Bertrand, Sorenson, Ward, Bartz, and Feenstra, a bill for an act providing an exemption from the computation of the individual state income tax of all pay received for active duty military service and including retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Veterans Affairs**.

Senate File 107, by Zaun, Boettger, Ernst, Hahn, Feenstra, Johnson, Houser, and Seymour, a bill for an act providing a property assessment adjustment for certain property of persons who have attained the age of sixty-five, providing a penalty, and including retroactive and other applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 108, by Seng, a bill for an act appropriating moneys to the department of economic development for tourism marketing and promotion.

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

Senate File 109, by committee on Commerce, a bill for an act eliminating the transfer tax imposed on insurers organized in other states who elect to become domestic insurers in Iowa.

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

Senate File 110, by Hatch, a bill for an act prohibiting specified alcoholic beverage licensees or permit holders from knowingly permitting or engaging in any criminal activity on the premises covered by the license or permit, and making penalties applicable.

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

STUDY BILLS RECEIVED

SSB 1055 Judiciary

Making certain synthetic cannabinoids schedule I controlled substances, providing penalties, and including effective date provisions.

SSB 1056 Judiciary

Relating to permits to carry weapons and annual permits to acquire pistols and revolvers.

SSB 1057 Judiciary

Relating to the disposition of a child with mental illness or mental retardation in juvenile court.

SSB 1058 Judiciary

Establishing a parole procedure for certain persons serving a class “A” felony sentence.

SSB 1059 Ways and Means

Repealing the property assessment appeal board.

SUBCOMMITTEE ASSIGNMENTS

Senate File 58

APPROPRIATIONS: Danielson, Chair; Dvorsky and Johnson

Senate File 76

TRANSPORTATION: Danielson, Chair; Dandekar and Hahn

Senate File 78

TRANSPORTATION: Hahn, Chair; Kapucian and Rielly

Senate File 89

WAYS AND MEANS: Quirnbach, Chair; McCoy and Smith

Senate File 95

COMMERCE: Behn, Chair; McCoy and Rielly

SSB 1055

JUDICIARY: Hancock, Chair; Boettger and Soddors

SSB 1056

JUDICIARY: Hogg, Chair; Jochum and Ward

SSB 1057

JUDICIARY: Hogg, Chair; Horn and Sorenson

SSB 1058

JUDICIARY: Horn, Chair; Dix and Jochum

SSB 1059

WAYS AND MEANS: Bolkcom, Chair; Jochum and Zaun

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: *SENATE FILE 109 (formerly SF 52), a bill for an act eliminating the transfer tax imposed on insurers organized in other states who elect to become domestic insurers in Iowa.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dandekar, Rielly, Behn, Anderson, Beall, Bolkcom, Courtney, Feenstra, Kettering, Schoenjahn, Seng, Ward, and Zaun. Nays, none. Absent, 2: McCoy and Wilhelm.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Commerce Committee on Senate File 109, and they were attached to the committee report.

ETHICS

Bill Title: *SENATE RESOLUTION 4 (SSB 1001), a resolution relating to the Senate Rules Governing Lobbyists and their interactions with the Senate and members of the Senate during the Eighty-fourth General Assembly.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 5: Kibbie, Fraise, McKinley, Kettering, and Seng. Nays, none. Absent, 1: Behn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ethics Committee on Senate Resolution 4, and they were attached to the committee report.

JOURNAL OF THE SENATE

EIGHTEENTH CALENDAR DAY
TWELFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 27, 2011

The Senate met in regular session at 7:05 a.m., President Kibbie presiding.

The Senate observed a moment of silence for the safety of all Iowa Troops who have been called to active duty.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Ethan Fredrick.

The Journal of Wednesday, January 26, 2011, was approved.

CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 2 and House Concurrent Resolution 6.

Senate Resolution 2

On motion of Senator Gronstal, **Senate Resolution 2**, a resolution relating to permanent rules of the senate for the eighty-fourth general assembly, with report of committee recommending passage, was taken up for consideration.

Senator Sorenson asked to suspend the rules and withdraw from State Government Committee and bring up for consideration Senate Joint Resolution 8.

The Chair ruled the motion out of order.

Senator Sorenson asked to appeal the ruling of the Chair.

On the question "Shall the motion to appeal the ruling of the Chair be adopted?", the vote was:

Yeas, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Nays, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Absent, none.

The motion lost.

The Senate stood at ease at 7:43 a.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 8:16 a.m., President Kibbie presiding.

BUSINESS PENDING

Senate Resolution 2

The Senate resumed consideration of **Senate Resolution 2**, a resolution relating to permanent rules of the senate for the eighty-fourth general assembly.

Senator Bartz offered amendment S-3002, filed by him from the floor to page 20 of the resolution, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–3002 be adopted?” (S.R. 2), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Nays, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Absent, none.

Amendment S–3002 lost.

Senator Bartz offered amendment S–3001, filed by him on January 25, 2011, to pages 30, 38, and 39 of the resolution, and moved its adoption.

Amendment S–3001 lost by a voice vote.

Senator Bartz offered amendment S–3004, filed by him from the floor to page 31 of the resolution, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–3004 be adopted?” (S.R. 2), the vote was:

Yeas, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson

Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Nays, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Absent, none.

Amendment S-3004 lost.

Senator Gronstal moved the adoption of Senate Resolution 2.

A record roll call was requested.

On the question "Shall Senate Resolution 2 be adopted?", the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

Senate Resolution 2 was adopted.

House Concurrent Resolution 6

On motion of Senator Gronstal, **House Concurrent Resolution 6**, a concurrent resolution to provide for a joint convention, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal moved the adoption of House Concurrent Resolution 6, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Concurrent Resolution 6** 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 2.

Senate Concurrent Resolution 2

On motion of Senator Gronstal, **Senate Concurrent Resolution 2**, a concurrent resolution relating to the compensation of chaplains, officers, and employees of the eighty-fourth general assembly, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal moved the adoption of Senate Concurrent Resolution 2, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Concurrent Resolution 2** be **immediately messaged** to the House.

President Pro Tempore Danielson took the chair at 8:56 a.m.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 1.

Senate Resolution 1

On motion of Senator Kibbie, **Senate Resolution 1**, a resolution recognizing January 27, 2011, as a day to honor Iowa's community colleges on their 45th anniversary, with report of committee recommending passage, was taken up for consideration.

Senator Kibbie moved the adoption of Senate Resolution 1, which motion prevailed by a voice vote.

The Senate stood at ease at 9:08 a.m. until the fall of the gavel.

The Senate resumed session at 9:45 a.m., President Kibbie presiding.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to receive the Senate in joint convention.

In accordance with House Concurrent Resolution 4, duly adopted, the Senate proceeded to the House chamber under the direction of the Secretary of the Senate and the Sergeant-at-Arms.

JOINT CONVENTION

The joint convention convened at 9:52 a.m., President Kibbie presiding.

Senator Gronstal moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present, which motion prevailed by a voice vote.

President Kibbie declared a quorum present and the joint convention duly organized.

Senator Gronstal moved that a committee of six, three members from the Senate and three members from the House, be appointed to notify Governor Terry E. Branstad that the joint convention was ready to receive him.

The motion prevailed by a voice vote, and the Chair announced the appointment of Senators Hancock, Rielly, and Ernst on the part of the Senate, and Representatives Raecker, Byrnes, and Kajtazovic on the part of the House.

Secretary of State Matt Schultz, Treasurer of State Michael Fitzgerald, Secretary of Agriculture Bill Northey, and Auditor of State David A. Vaudt, were escorted into the House chamber.

Chief Justice Mark S. Cady and the Justices of the Supreme Court and the Judges of the Court of Appeals were escorted into the House chamber.

The joint convention stood at ease at 9:56 a.m.

The joint convention resumed session at 9:59 a.m.

Lieutenant Governor Kim Reynolds was escorted into the House chamber.

Chris Branstad, the Governor's wife; Eric and Adrienne Branstad, and their daughter, Mackenzie; Marcus Branstad; and Jerry Costa, were escorted into the House chamber.

The committee waited upon Governor Terry E. Branstad and escorted him to the Speaker's station.

President Kibbie presented Governor Terry E. Branstad, who delivered the following Budget Address:

Madam Lt. Governor, Mr. President, Mr. Speaker, Leaders, justices, judges, legislators, elected officials, distinguished guests, family, friends and fellow Iowans.

I am humbled to stand before you once again as your Governor in this, the people's House. It is here that our forefathers set the direction of our state: educating our kids, building our roads, protecting our citizens, caring for the unfortunate. And they did so, while being careful with the tax dollars and balancing our state's budget.

In this storied chamber, I cut my political teeth as a young state representative – learning both to advocate my position and respect my adversary.

—To disagree without being disagreeable.

—To listen, because that is the only way to learn.

Because, at the end of the day, we are all Iowans working hard to make our special state an even better place. Let us never forget why we are here: to do the people's business as their servants with respect and dignity and good will.

Today, I stand before you to present the state's budget for the next two years.

But, at the risk of sounding a bit like the grandfather I am now, I think we need to start with a stern talking to.

When I began the preparation of this budget, I was handed a list of dozens of programs – 89 to be exact – that had been funded with money we no longer had. Everything from paying for teachers to state troopers had been funded with one-time money – nearly 900 million dollars' worth.

Now, you wouldn't run your family budget that way. If you did so, you would soon be visiting the bankruptcy court. And we should never run the people of Iowa's budget that way, either. And with this budget, it will come to an end, now.

I understand that this budget method of borrowing from Peter to pay Paul didn't just happen overnight. I understand that it has been building over at least ten years. But that doesn't make it right; and that doesn't mean we can ignore it for another decade.

You see, if we don't fix it, the very integrity of our government is threatened.

When we over-promise and under-deliver, time after time, we erode, like a corrosive acid, the ties that bind our society. And, our ability to do those things we desire – whether it be educating our kids, caring for the sick, protecting the vulnerable, or improving our ability to create jobs – will be lost in a sea of red ink.

It is our responsibility, as servant-leaders, to pass a budget as honest, frugal and balanced as the people it serves.

And, the time to do it is now.

The rebounding agricultural economy gives us a unique opportunity to bind up Iowa's budget wounds quickly. We must not squander that opportunity.

It will not be easy. It will require difficult and painful choices. But the pain we endure by fixing our budget today, will lead to great opportunities for Iowa in the future.

It will require change. No longer can every organized constituency get what it wants. There is a greater good we are seeking.

We must restore predictability and stability to our state budget, ensure our decisions are sustainable for the long term, and set the stage for a period of unprecedented economic expansion.

It is the taxpayers, not the interest groups, we must protect.

So, the budget I present to you today cleans up the budget mess that has been made. It cleans out the cobwebs in the closets of government. It sets Iowa on a new course with smaller, predictable, sustainable government. That is nimble enough to respond to needs and small enough to stay out of the way of our job creators.

And we do it by:

First, \$770 million of general-fund spending that was funded by one-time revenue is moved back into the general fund, where it belongs, once and for all.

This is an honest budget that matches ongoing spending with ongoing revenue. And it funds our commitments to schools, health care for the poor and elderly, and troopers with funds that won't evaporate in a year.

Second, this budget provides nearly \$160 million in direct property tax relief to Iowans. It fully funds the state's share of our school funding commitments – erasing the need for local school districts to make up the difference in property taxes.

Iowa property taxpayers have paid a high price for the state's past practices and it is time to make them whole.

Third, this program and budget make it clear that Iowa is ready for job creation. We all know that small businesses are the engines of our growth. Yet, our small businesses pay an income tax rate that is highest in the nation at 12%.

And our small business pay commercial property taxes that are as high as those in mid-town Manhattan.

This budget will make us competitive for new jobs.

The small business income tax rate will be cut in half and made a flat 6%. Commercial property taxes will be reduced by 40% over the next 5 years. New investment will be immediately taxed at 60% of its valuation. And existing commercial property will be rolled back by 8% a year over 5 years.

My plan includes funding for these tax cuts through the use of new revenue coming to the state due to economic growth, the additional revenue generated by the extension of the Bush tax cuts, and by a restoration of the gaming tax to the level at which it was originally agreed to years ago.

I will be bringing forth legislation to transform our current Department of Economic Development into a public/private partnership.

This will be a partnership that unshackles our economic development efforts from an alphabet soup of bureaucratic programs and brings the best practices from both sectors to recharge our job creation mission.

And I intend to give that new partnership new tools to market and sell our state to job creators.

I have asked each of our Department and Agency heads to do a top to bottom review of all administrative rules and regulations to determine how we can best fulfill our responsibilities while eliminating impediments to job growth.

While tax policy can take us a significant way forward in our effort to compete for new jobs, much of that work can be undone by a bureaucracy that fails to understand the critical relationship between burdensome regulation and job creation.

The rules and regulations identified through this process will be the first subjected to our proposed rolling sunset and I will further order all future proposed rules and regulations to contain a jobs impact statement so we can identify those that cost jobs before they impact our Iowa employers.

We have wrung our hands over these issues long enough. Now is the time to make Iowa's main streets truly open for business with the jobs we so desperately need. It is only by these actions that we can be assured of the growth we need to fund our future state budgets.

Many new Governors across this nation are aggressively moving to reduce tax and regulatory burdens to spur new job growth and I want to position Iowa as the leader.

Our unemployed deserve nothing less than our best efforts to bring new jobs to this state. No one will work harder to bring new jobs to Iowa than me, Lt. Governor Reynolds, Director Durham, and our entire economic development team.

Fourth, we must reduce the size and scope of government. State agencies and local governments must break down the silos that divide them.

Services must be shared so Iowans' needs are met. Costs must be reduced – we can no longer afford to pay 46% more for public services; the collective bargaining law must be changed to recognize the rights of the taxpayers. And we, the leaders of our governments, must do a better job of managing our scarce resources.

Over the past two months, Lt. Governor Reynolds and I have been actively working with our management team, reviewing the current budget in excruciating detail.

In fact, the Lt. Governor and I have taken the time to personally review every line item in the state budget so we can look Iowans squarely in the eye when we tell them we simply have too much government and the status quo is no longer a viable option.

With this budget, we have a choice. Do we take the bold and difficult steps, make the painful decisions, and honestly align our spending and revenue? Or, do we kick the problem down the road yet again?

Fellow Iowans, I didn't come here to avoid tough decisions.

No more games. No more gimmicks. No more bail-outs.

Fifth, we must budget for the long term. This budget doesn't solve all our problems overnight. No budget can. But it puts us on a path of sound budgeting principles. And we must stay on that path by resisting the temptation to push our obligations to the next generation.

I plan to insist on budget discipline.

The results of our past budget practices have been across the board cuts and a mountain of broken promises. The days of unsustainable commitments are over.

It will come as no surprise to any of you that I am submitting a biennial budget that includes my recommendations for both Fiscal Years 2012 and 2013. Also included with this budget is a five year financial projection that shows how the decisions we make this year will impact the bottom line over the next five years.

Iowa desperately needs these financial planning tools and I will insist the Legislature join me in this commitment to provide Iowans with an honest, open, and transparent approach to spending the public's money.

We will make our government as good, as dependable, as well-managed as the people it serves.

How do we accomplish our goals? We cut unnecessary spending.

Programs that have passed their time are eliminated and others are modified to make sure those in need are those who receive government help.

Every area of state government will be asked to share in this sacrifice. I have appointed a collection of talented leaders in our state departments and agencies and have charged them with remaking government at all levels to find more efficient and less costly methods to deliver our state services.

While school systems across this country are reeling from massive budget cuts, this budget for the next two years holds school spending authority at the current level. No increase. No decrease – but with an assurance that we can deliver on this promise and allow our creative school leaders more flexibility and opportunity to make things work.

And let's not forget, even while holding spending authority at current levels, last year the state underfunded its commitment by \$156 million. Local school districts were left holding the bag with little choice but to levy additional property taxes to make up the difference. This budget funds that commitment with state dollars and provides direct property tax relief to Iowa taxpayers. But education isn't all about dollars and cents. It is about our children and our willingness to take the steps necessary to reform our schools and make them among the best in the world.

To that end, I will convene an education summit this summer—bringing together the nation's most dynamic educational reform leaders.

These national leaders will work with our new education policy team and strive to reach a consensus on what changes are needed to give our children the nation's highest quality schools.

Should we reach that critical consensus, and I have no reason to believe we won't, I will convene a Special Session of the Iowa Legislature in the fall of this year to approve our bold reform agenda and make good on our new covenant promise to provide our children with a globally competitive education.

In addition, I cannot leave the education discussion without renewing my commitment to ensure that every Iowa child has access to quality preschool.

This budget proposes a \$43 million annual investment in providing preschool assistance to those families in greatest need.

Research shows preschool investments have the most long-lasting impact on children who come from homes with financial need. As such, our program will be targeted to those families and will give parents flexibility to choose the preschool environment that best meets their needs. But we cannot do this alone, all across this state parents, private donors and caring organizations have for years partnered with preschool providers to ensure access. I am happy to have the state of Iowa join them—as a partner, not as the sole provider.

My fellow Iowans, none of what I have brought forward today will be easy. But all of it is necessary.

We must put an end to the budgeting practices that failed our people and brought unprecedented instability to the delivery of critical state services.

We must adopt long term budgeting practices that provide decision makers with an early warning system to coming budget cliffs in time to make adjustments that prevent service disruptions.

We must cut real spending out of state government and challenge our Department leaders to remake state government in a manner that provides services more efficiently and at less cost.

We must provide financial stability to our schools while we engage in an historic effort to reform our schools and restore our preeminence in educational performance.

We must fund more of our property tax credits and obligations and provide Iowa taxpayers with nearly \$160 million in much needed relief.

We must reduce small business income and property taxes, and eliminate rules and regulations that cost us jobs.

If we have the courage to do these things and do them now, then I am confident Iowa will be the leader in America's economic recovery.

The more than 100,000 unemployed Iowans deserve nothing less than our best efforts and we have an obligation to take the bold and decisive actions necessary to dramatically improve Iowa's ability to compete for new jobs.

When God made his covenant with Abraham and his people so many ages ago, it was a covenant that required immediate and significant sacrifice in return for a promise of incredible abundance. However, that abundance was to be years and even decades in the making.

Our new covenant between this state and its people does indeed require significant immediate shared sacrifice.

But, as with Abraham and his people, the people of Iowa can expect our efforts will lead to tremendous abundance which we, our children, grandchildren, and future generations of Iowans will enjoy.

I stand before you today older and wiser than when I first set foot in these chambers. But I am no less passionate about our future.

If we make the right choices, the days before us will be ones of abundant growth and new jobs:

Enough abundance to bring back our sons and daughters and those who wish to join us.

Enough abundance to meet the needs of our kids, and our elderly, and the sick and the vulnerable.

Enough abundance to make the future the golden years in Iowa history.

We stand at the crossroads of that history. Which path will we take?

I know that this institution is fueled by compromise; but we cannot compromise on the future of Iowa.

Our state will be driven by the right policy choices and I will fight with all my political might to make sure that we make the right choices.

We are the fortunate few who have been chosen by the people to do what is right. Let us be motivated by the better angels of our nature for the good of all Iowans.

Together, we will accomplish great things.

Thank you and God Bless you and God Bless the people of Iowa.

Governor Terry E. Branstad was escorted from the House chamber by the committee previously appointed.

Representative Upmeyer moved that the joint convention be dissolved, which motion prevailed by a voice vote.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:31 a.m. until 1:00 p.m., Monday, January 31, 2011.

APPENDIX

AGENCY ICN REPORT

Iowa Communications Network (ICN) usage report for FY 2010, pursuant to Iowa Code section 8D.10, was received from the following agency:

IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION – Report received on January 26, 2011.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the northeast and northwest Senate galleries:

Students from Iowa Central Community College, Fort Dodge, accompanied by Dave Drissell. Senator Beall.

Students from Iowa Lakes Community College. Senator Johnson.

CERTIFICATE OF RECOGNITION

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

Patriot Outreach, Inc., Davenport—For its dedication to helping the men and women of the Armed Forces. Senator Zaun (1/27/11).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Thursday, January 27, 2011, 12:20 p.m.

Members Present: Seng, Chair; Fraise, Vice Chair; Bowman, Greiner, Hahn, Hancock, Houser, Kapucian, Kibbie, and Rielly.

Members Absent: Johnson, Ranking Member; Black and Courtney (all excused).

Committee Business: Presentation on fungi products by Iowa State University.

Adjourned: 1:00 p.m.

COMMERCE

Convened: Thursday, January 27, 2011, 1:05 p.m.

Members Present: Dandekar, Chair; Rielly, Vice Chair; Behn, Ranking Member; Anderson, Beall, Bolkcom, Courtney, Feenstra, Kettering, McCoy, Schoenjahn, Seng, Ward, Wilhelm, and Zaun.

Members Absent: None.

Committee Business: Nuclear assessment update from MidAmerican Energy.

Adjourned: 2:05 p.m.

TRANSPORTATION

Convened: Wednesday, January 26, 2011, 3:05 p.m.

Members Present: Rielly, Chair; Bowman, Vice Chair; Beall, Dandekar, Danielson, Dearden, Ernst, Hahn, Hancock, Houser, and Zaun.

Members Absent: Kapucian, Ranking Member; and McCoy (both excused).

Committee Business: Presentations by the DOT and Musco Lighting.

Adjourned: 4:10 p.m.

WAYS AND MEANS

Convened: Thursday, January 27, 2011, 3:05 p.m.

Members Present: Bolkcom, Chair; Seng, Vice Chair; Zaun, Ranking Member; Anderson, Bartz, Chelgren, Dandekar, Jochum, McCoy, Quirnbach, and Smith.

Members Absent: Black, Dotzler, Feenstra, and Hogg (all excused).

Committee Business: Tax Credit Contingent Liability Report by the Department of Revenue. Review of Senate File 2380 (2010).

Adjourned: 3:35 p.m.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution 10, by Feenstra, proposing and amendment to the Constitution of the State of Iowa limiting years of service for members of the general assembly, the lieutenant governor, and the governor.

Read first time under Rule 28 and referred to committee on **State Government**.

INTRODUCTION OF BILLS

Senate File 111, by Feenstra, Behn, Hahn, and Zaun, a bill for an act relating to eligibility under the healthy and well kids in Iowa program, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 112, by Dearden, a bill for an act relating to the procedures for approving the use of property as a shooting range.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

Senate File 113, by Bolkcom, Dvorsky, Hogg, Seng, Hatch, Horn, Dearden, Fraise, Black, Kibbie, Beall, Quirnbach, Ragan, Wilhelm, Jochum, and Danielson, a bill for an act modifying provisions relating to the regulation of delayed deposit services businesses, providing penalties, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 114, by Bolkcom, a bill for an act modifying the definition of good moral character for purposes of issuance of a liquor control license, beer permit, or wine permit.

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

Senate File 115, by Bolkcom and Jochum, a bill for an act requiring that certain housing constructed using public funds incorporate minimum universal design standards relating to accessibility.

Read first time under Rule 28 and referred to committee on **Economic Growth**.

Senate File 116, by Dotzler, Bolkcom, Danielson, Dvorsky, Rielly, Seng, Hancock, Schoenjahn, Horn, Dearden, Fraise, Gronstal, Dandekar, Kibbie, Quirmbach, McCoy, Ragan, Wilhelm, Jochum, Bowman, and Hatch, a bill for an act relating to wage payment collection issues arising between employers and individuals who provide services to employers, providing penalties and remedies, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Labor and Business Relations**.

STUDY BILLS RECEIVED

SSB 1060 Human Resources

Relating to health information technology including the creation of a statewide health information exchange, providing for fees, and including effective date provisions.

SSB 1061 Local Government

Relating to emergency management planning.

SSB 1062 Local Government

Relating to the procedures to be followed for certain county projects involving the judicial branch.

SSB 1063 State Government

Relating to establishment of an Iowa health benefit exchange, abolishment of the Iowa insurance information exchange, and including effective date provisions.

SSB 1064 State Government

Concerning live dog racing at pari-mutuel dog racetracks, establishing fees, and including effective date provisions.

SSB 1065 State Government

Relating to midwife licensure and providing for a fee and a penalty, and including effective date provisions.

SSB 1066 State Government

Relating to the licensure of the practice of naturopathic medicine.

SSB 1067 State Government

Relating to the performance of routine maintenance of a fire protection system and including effective date provisions.

SSB 1068 State Government

Relating to local and regional planning and creating a state office of planning and geographic information systems within the department of economic development and making appropriations.

SSB 1069 State Government

Prohibiting the manufacturing, sale, or distribution of blunt wraps in the state, and providing civil penalties.

SSB 1070 State Government

Relating to public access to certain juvenile justice information.

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 8

STATE GOVERNMENT: Hatch, Chair; Danielson and Sorenson

Senate File 22

EDUCATION: Soddors, Chair; Smith and Wilhelm

Senate File 68

STATE GOVERNMENT: Courtney, Chair; Behn and Jochum

Senate File 69

STATE GOVERNMENT: Hatch, Chair; Bertrand and Horn

Senate File 70

EDUCATION: Dvorsky, Chair; Hamerlinck and Hogg

Senate File 74

EDUCATION: Feenstra, Chair; Bowman and Schoenjahn

Senate File 81

STATE GOVERNMENT: Hatch, Chair; Fraise and Smith

Senate File 85

EDUCATION: Quirnbach, Chair; Boettger and Soddors

Senate File 86

EDUCATION: Dvorsky, Chair; Hamerlinck and Hogg

Senate File 90

STATE GOVERNMENT: Dearden, Chair; Courtney and Sorenson

Senate File 92

STATE GOVERNMENT: Courtney, Chair; Soddors and Sorenson

Senate File 102

STATE GOVERNMENT: Hatch, Chair; Dearden and Sorenson

Senate File 106

VETERANS AFFAIRS: Danielson, Chair; Horn and Seymour

SSB 1060

HUMAN RESOURCES: Hatch, Chair; Ragan and Seymour

SSB 1061

LOCAL GOVERNMENT: Beall, Chair; Ernst and Wilhelm

SSB 1062

LOCAL GOVERNMENT: McCoy, Chair; Hamerlinck and Quirmbach

SSB 1063

STATE GOVERNMENT: Hatch, Chair; Feenstra and Jochum

SSB 1064

STATE GOVERNMENT: Horn, Chair; Behn and Hatch

SSB 1065

STATE GOVERNMENT: Hatch, Chair; Bertrand and Jochum

SSB 1066

STATE GOVERNMENT: Danielson, Chair; Feenstra and Jochum

SSB 1067

STATE GOVERNMENT: Danielson, Chair; Bertrand and Sodders

SSB 1068

STATE GOVERNMENT: Jochum, Chair; Dix and Sodders

SSB 1069

STATE GOVERNMENT: Sodders, Chair; Jochum and Smith

SSB 1070

STATE GOVERNMENT: Jochum, Chair; Smith and Sodders

ARTICLE 3, SECTION 10 PROTEST/REASONS FOR DISSENT

The following reasons for dissent were received in the office of the Secretary of the Senate for entry hereon:

I am submitting my official protest vote with regards to Senate Resolution 2 on the twenty-seventh day of January in the 2011 year of our Lord Jesus Christ.

This resolution is injurious to the voters of Iowa by directly limiting the ability of a majority of duly elected senators from exercising their rights to suspend the rules of the Iowa Senate in order to conduct the lawful business of the people of Iowa. This resolution also consolidates power in the hands of the leadership of the Senate to control the majority of the members without appropriate checks and balances on their power.

MARK CHELGREN
DISTRICT 47

AMENDMENTS FILED

S-3002	S.R.	2	Merlin Bartz
S-3003	S.R.	3	John P. Kibbie
S-3004	S.R.	2	Merlin Bartz

JOURNAL OF THE SENATE

TWENTY-SECOND CALENDAR DAY
THIRTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, January 31, 2011

The Senate met in regular session at 1:05 p.m., President Kibbie presiding.

Prayer was offered by Pastor Debbie Griffin of Central Christian Church, Disciples of Christ in Jefferson, Iowa. She was the guest of Senator Beall.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jim Gulbranson.

The Journal of Thursday, January 27, 2011, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on January 28, 2011, **passed** the following bills in which the concurrence of the Senate is asked:

House File 94, a bill for an act requiring the development of a searchable budget database and internet site for the public to access the details of the expenditure of state tax revenues and a searchable tax rate database and internet site for the public to access the details of each tax rate for all taxing districts in the state.

Read first time and referred to committee on **State Government**.

House File 95, a bill for an act establishing a requirement for voters to provide certain identification when voting in person, providing for properly related matters, and including effective date and applicability provisions.

Read first time and referred to committee on **State Government**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:28 p.m. until 9:00 a.m., Tuesday, February 1, 2011.

APPENDIX

CERTIFICATE OF RECOGNITION

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

Pastor Debbie Griffin, Central Christian Church, Disciples of Christ—In appreciation for blessing us with prayer in the Iowa Senate at the State Capitol. Senator Beall (1/31/11).

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH/REBUILD IOWA

Convened: Thursday, January 27, 2011, 4:05 p.m.

Members Present: Soddors, Chair; Dotzler, Vice Chair; Greiner, Ranking Member; Bacon, Bertrand, Bowman, Chelgren, Dandekar, Danielson, Hatch, Rielly, Ward, Whitver, and Wilhelm.

Members Absent: Horn (excused).

Committee Business: Presentations on the Small Business Loan Program and the Iowa MicroLoan Program.

Adjourned: 4:50 p.m.

LOCAL GOVERNMENT

Convened: Monday, January 31, 2011, 2:15 p.m.

Members Present: Wilhelm, Chair; Beall, Vice Chair; Bartz, Ranking Member; Bacon, Bowman, Ernst, Hamerlinck, McCoy, Quirmbach, Rielly, and Schoenjahn.

Members Absent: None.

Committee Business: Discussed SSB 1050.

Adjourned: 2:35 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Thursday, January 27, 2011, 4:00 p.m.

Members Present: Dearden, Chair; Black, Vice Chair; Hahn, Ranking Member; Behn, Bolkcom, Hancock, Kapucian, Ragan, Schoenjahn, and Seng.

Members Absent: Hamerlinck, Hogg, and Sorenson (all excused).

Committee Business: Assigned bills. Presentation by the Lake Delhi Recreation Association.

Adjourned: 4:50 p.m.

INTRODUCTION OF BILL

Senate File 117, by Hatch and Bolkcom, a bill for an act relating to health care and policy, and health care infrastructure and integration of public and private programs, and related matters, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Human Resources**.

STUDY BILLS RECEIVED

SSB 1071 Human Resources

Relating to programs and activities under the purview of the department of public health.

SSB 1072 Judiciary

Relating to the practices and procedures of the department of public safety including the state fire service and emergency response council, the state building code commissioner, fingerprint records, disposition records, the sex offender registry, and access to deferred judgment docket records.

SSB 1073 Judiciary

Relating to interpreters and translators for limited English proficient participants in legal proceedings and in court-ordered programs.

SSB 1074 Ways and Means

Relating to the administration of the streamlined sales tax agreement by the department of revenue.

SSB 1075 Education

Establishing the state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

SSB 1076 Education

Establishing the categorical state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

SUBCOMMITTEE ASSIGNMENTS**Senate Joint Resolution 4**

STATE GOVERNMENT: Fraise, Chair; Courtney and Feenstra

Senate Joint Resolution 5

STATE GOVERNMENT: Horn, Chair; Bertrand and Jochum

Senate Joint Resolution 6

STATE GOVERNMENT: Fraise, Chair; Dearden and Sorenson

Senate Joint Resolution 7

STATE GOVERNMENT: Fraise, Chair; Dearden and Sorenson

Senate File 18

APPROPRIATIONS: Dvorsky, Chair; and Kettering

Senate File 28

ECONOMIC GROWTH/REBUILD IOWA: Wilhelm, Chair; Bacon and Boettger

Senate File 32

HUMAN RESOURCES: Jochum, Chair; Johnson and Ragan

Senate File 38

HUMAN RESOURCES: Hatch, Chair; Bolkcom and Seymour

Senate File 39

HUMAN RESOURCES: Hatch, Chair; Boettger and Bolkcom

Senate File 40

HUMAN RESOURCES: Hatch, Chair; Bolkcom and Seymour

Senate File 41

HUMAN RESOURCES: Bolkcom, Chair; Boettger and Hatch

Senate File 42

HUMAN RESOURCES: Bolkcom, Chair; Boettger and Hatch

Senate File 56

HUMAN RESOURCES: Bolkcom, Chair; Boettger and Jochum

Senate File 60

HUMAN RESOURCES: Bolkcom, Chair; Bacon and Dvorsky

Senate File 74

EDUCATION: Dvorsky, Chair; Hamerlinck and Hogg

Senate File 77

HUMAN RESOURCES: Bolkcom, Chair; Hatch and Seymour

Senate File 85

EDUCATION: Quirmbach, Chair; Boettger and Schoenjahn

Senate File 91

HUMAN RESOURCES: Bolkcom, Chair; Hatch and Johnson

Senate File 94

HUMAN RESOURCES: Hatch, Chair; Bolkcom and Johnson

Senate File 96

TRANSPORTATION: Rielly, Chair; Hancock and Houser

Senate File 97

STATE GOVERNMENT: Sodders, Chair; Feenstra and Jochum

Senate File 98

LOCAL GOVERNMENT: Schoenjahn, Chair; Beall and Ernst

Senate File 103

HUMAN RESOURCES: Jochum, Chair; Boettger and Dvorsky

Senate File 104

HUMAN RESOURCES: Hatch, Chair; Bolkcom and Whitver

Senate File 105

TRANSPORTATION: Danielson, Chair; Hancock and Zaun

Senate File 106

VETERANS AFFAIRS: Danielson, Chair; Horn and Seymour

Senate File 108

APPROPRIATIONS: Dvorsky, Chair; and Kettering

Senate File 111

HUMAN RESOURCES: Hatch, Chair; Bacon and Bolkcom

Senate File 112

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Black and Hahn

Senate File 113

HUMAN RESOURCES: Bolkcom, Chair; Jochum and Whitver

SSB 1071

HUMAN RESOURCES: Wilhelm, Chair; Bacon and Dvorsky

SSB 1072

JUDICIARY: Hancock, Chair; Dix and Sodders

SSB 1073

JUDICIARY: Hogg, Chair; Dvorsky and Sorenson

SSB 1074

WAYS AND MEANS: Dotzler, Chair; Bolkom and Zaun

SSB 1075

EDUCATION: Wilhelm, Chair; Hamerlinck and Schoenjahn

SSB 1076

EDUCATION: Sodders, Chair; Beall and Hamerlinck

AMENDMENT FILED

S-3005 S.R. 3 John P. Kibbie

JOURNAL OF THE SENATE

TWENTY-THIRD CALENDAR DAY
FOURTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 1, 2011

The Senate met in regular session at 9:09 a.m., President Pro Tempore Danielson presiding.

Prayer was offered by Candy Boucher, former associate minister of the First Evangelical Lutheran Church in Centerville, Iowa, who sang “Amazing Grace”. She was the guest of Senator Jochum.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jim Gulbranson.

The Journal of Monday, January 31, 2011, was approved.

CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolutions 4 and 3.

Senate Resolution 4

On motion of Senator Kettering, **Senate Resolution 4**, a resolution relating to the Senate Rules Governing Lobbyists and their interactions with the Senate and members of the Senate during the Eighty-fourth General Assembly, was taken up for consideration.

Senator Kettering moved the adoption of Senate Resolution 4, which motion prevailed by a voice vote.

Senate Resolution 3

On motion of Senator Kibbie, **Senate Resolution 3**, a resolution relating to the Senate Code of Ethics governing the conduct of members of the Senate in relation to their senatorial duties during the Eighty-fourth General Assembly, was taken up for consideration.

Senator Chelgren offered amendment S-3006, filed by him from the floor to page 3 of the bill.

Senator Hogg asked and received unanimous consent that action on amendment S-3006 and **Senate Resolution 3** be **deferred**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:38 a.m. until 9:00 a.m., Wednesday, February 2, 2011.

APPENDIX

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF ADMINISTRATIVE SERVICES

Iowa Capitol Planning Commission 2010 Annual Report, pursuant to Iowa Code section 8A.373. Report received on January 31, 2011.

DEPARTMENT OF ECONOMIC DEVELOPMENT

FY 2010 Annual Report, pursuant to Iowa Code section 15.104(8). Report received on January 31, 2011.

DEPARTMENT OF EDUCATION

FY 2010 Report on Community Colleges, pursuant to Iowa Code section 260C.14. Report received on January 31, 2010.

DEPARTMENT OF HUMAN RIGHTS

2011 Sex Offender Research Council Annual Report, pursuant to Iowa Code section 216A.139(5). Report received on February 1, 2011.

DEPARTMENT OF TRANSPORTATION

2010 Registered Flex Fuel Vehicles Report, pursuant to Iowa Code section 452A.33(3). Report received on February 1, 2011.

Status Report on Midwest Regional Rail Passenger Initiative and Passenger Rail Service in Iowa, pursuant to Iowa Code sections 327J.3(1) and 327J.3(5). Report received on February 1, 2011.

IOWA JUDICIAL BRANCH

2011 Enhanced Court Collections Fund Annual Report, pursuant to 2010 Iowa Acts, chapter 1185, section 1(8). Report received on February 1, 2011.

TREASURER OF STATE

Linked Investments for Tomorrow Annual Report, pursuant to Iowa Code section 12.38. Report received on February 1, 2011.

AGENCY ICN REPORT

An Iowa Communications Network (ICN) usage report for FY 2010, pursuant to Iowa Code section 8D.10, was received from the following agency:

DEPARTMENT OF ADMINISTRATIVE SERVICES – Report received on February 1, 2011.

CERTIFICATE OF RECOGNITION

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

Bruce E. Bergman—For his many years of service in the legal department of the City of Des Moines. Senator Gronstal (2/1/11).

REPORTS OF COMMITTEE MEETINGS

NATURAL RESOURCES AND ENVIRONMENT

Convened: Tuesday, February 1, 2011, 2:00 p.m.

Members Present: Dearden, Chair; Black, Vice Chair; Hahn, Ranking Member; Behn, Bolkcom, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson.

Members Absent: Behn and Hamerlinck (both excused).

Committee Business: Passed SF 80, as amended. Presentation on Woodland Health.

Adjourned: 3:05 p.m.

TRANSPORTATION

Convened: Monday, January 31, 2011, 4:35 p.m.

Members Present: Rielly, Chair; Bowman, Vice Chair; Kapucian, Ranking Member; Beall, Dandekar Danielson, Dearden, Hahn, Hancock, Houser, and Zaun.

Members Absent: Ernst and McCoy (both excused).

Committee Business: Passed SF 78.

Adjourned: 4:50 p.m.

WAYS AND MEANS

Convened: Tuesday, February 1, 2011, 1:05 p.m.

Members Present: Bolkcom, Chair; Seng, Vice Chair; Zaun, Ranking Member; Anderson, Bartz, Black, Chelgren, Dandekar, Dotzler, Feenstra, Hogg, Jochum, McCoy, Quirnbach, and Smith.

Members Absent: None.

Committee Business: Property tax assessment overview by the Department of Revenue.

Adjourned: 1:55 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Tuesday, February 1, 2011, 10:15 a.m.

Members Present: Jochum, Chair; Danielson, Vice Chair; Bartz, Ranking Member; Bowman and Ernst.

Members Absent: None.

Committee Business: Presentation by the Office of the Consumer Advocate.

Adjourned: 10:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Tuesday, February 1, 2011, 10:15 a.m.

Members Present: Schoenjahn, Chair; Quirnbach, Vice Chair; Dix, Ranking Member; Hamerlinck and Horn.

Members Absent: None.

Committee Business: Budget overview presentation by LSA Fiscal Services Division.

Adjourned: 10:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Tuesday, February 1, 2011, 10:15 a.m.

Members Present: Hancock, Chair; Hogg, Vice Chair; Seymour, Ranking Member; Fraise and Smith.

Members Absent: None.

Committee Business: Presentation by the Department of Public Safety.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: Tuesday, February 1, 2011, 10:15 a.m.

Members Present: McCoy, Chair; Beall, Vice Chair; Kapucian, Ranking Member; Anderson and Dvorsky.

Members Absent: None.

Committee Business: LSA review of Governor's budget recommendations.

Adjourned: 10:40 a.m.

INTRODUCTION OF BILLS

Senate File 118, by Bolkcom, a bill for an act increasing the amount of tax credits available under the endow Iowa program.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 119, by Ragan, Wilhelm, Jochum, Bowman, Soddors, Bolkcom, Dotzler, Seng, Hancock, Schoenjahn, Beall, McCoy, Horn, Dearden, Fraise, Courtney, Dandekar, Gronstal, Kibbie, Black, Hatch, Rielly, and Quirnbach, a bill for an act relating to the creation

of and use of moneys in a home and community-based services trust fund and making an appropriation.

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

Senate File 120, by committee on Education, a bill for an act relating to the grounds for which the board of educational examiners is required to disqualify an applicant for licensure or revoke a license.

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

Senate File 121, by committee on Judiciary, a bill for an act relating to donations made in a criminal proceeding.

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

Senate File 122, by committee on Education, a bill for an act relating to the duties of the college student aid commission and to requirements regarding certain financial aid programs administered by the commission.

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

Senate File 123, by committee on Education, a bill for an act providing for immunity from civil liability for members and employees of the board of educational examiners.

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

Senate File 124, by committee on Judiciary, a bill for an act relating to the criminal offense of possessing electronic contraband or failing to report electronic contraband at a jail, municipal holding facility, or correctional facility and providing penalties.

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

Senate File 125, by committee on Education, a bill for an act relating to the registration of certain postsecondary schools by the college student aid commission, making an appropriation, and making penalties applicable.

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

STUDY BILLS RECEIVED

SSB 1077 Human Resources

Relating to reforming state and county responsibilities for adult mental health, mental retardation, and developmental disabilities services and providing effective dates.

SSB 1078 Natural Resources

Relating to wind energy development and production.

SSB 1079 Natural Resources

Relating to snowmobile registration and permit fees.

SSB 1080 Human Resources

Relating to the membership of the medical assistance advisory council.

SSB 1081 Human Resources

Relating to approval of pilot or demonstration research projects in the practice of pharmacy.

SUBCOMMITTEE ASSIGNMENTS

Senate File 88

WAYS AND MEANS: Hogg, Chair; Black and Feenstra

Senate File 100

AGRICULTURE: Courtney, Chair; Kapucian and Rielly

Senate File 107

WAYS AND MEANS: Quirmbach, Chair; Jochum and Zaun

Senate File 115

ECONOMIC GROWTH/REBUILD IOWA: Bowman, Chair; Rielly and Whitver

Senate File 116

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Dearden and Ward

Senate File 117

HUMAN RESOURCES: Hatch, Chair; Bolkcom and Seymour

SSB 1077

HUMAN RESOURCES: Hatch, Chair; Bolkcom, Johnson, Ragan, and Seymour

SSB 1078

NATURAL RESOURCES AND ENVIRONMENT: Hogg, Chair; Behn and Ragan

SSB 1079

NATURAL RESOURCES AND ENVIRONMENT: Schoenjahn, Chair; Kapucian and Ragan

SSB 1080

HUMAN RESOURCES: Wilhelm, Chair; Boettger and Dvorsky

SSB 1081

HUMAN RESOURCES: Wilhelm, Chair; Dvorsky and Seymour

FINAL COMMITTEE REPORTS OF BILL ACTION**EDUCATION**

Bill Title: SENATE FILE 120 (SSB 1026), a bill for an act relating to the grounds for which the board of educational examiners is required to disqualify an applicant for licensure or revoke a license.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Quirmbach, Schoenjahn, Hamerlinck, Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Johnson, Smith, Sodders, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 122 (SSB 1024), a bill for an act relating to the duties of the college student aid commission and to requirements regarding certain financial aid programs administered by the commission.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Johnson, Smith, Sodders, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 123 (SSB 1025), a bill for an act providing for immunity from civil liability for members and employees of the board of educational examiners.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Johnson, Smith, Sodders, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on Senate File 123, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 125 (SSB 1020), a bill for an act relating to the registration of certain postsecondary schools by the college student aid commission, making an appropriation, and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Johnson, Smith, Sodders, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on Senate File 125, and they were attached to the committee report.

JUDICIARY

Bill Title: SENATE FILE 121 (SSB 1013), a bill for an act relating to donations made in a criminal proceeding.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, and Whitver. Nays, none. Absent, 1: Ward.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 124 (SSB 1012), a bill for an act relating to the criminal offense of possessing electronic contraband or failing to report electronic contraband at a jail, municipal holding facility, or correctional facility and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, and Whitver. Nays, none. Absent, 1: Ward.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 124, and they were attached to the committee report.

TRANSPORTATION

Bill Title: SENATE FILE 78, a bill for an act concerning the operation of motorcycles equipped with detachable stabilizing rear wheels on Iowa roads.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Rielly, Bowman, Kapucian, Beall, Dandekar, Danielson, Dearden, Hahn, Hancock, Houser, and Zaun. Nays, none. Absent, 2: Ernst and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENT FILED

S-3006 S.R. 3 Mark Chelgren

JOURNAL OF THE SENATE

TWENTY-FOURTH CALENDAR DAY
FIFTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 2, 2011

The Senate met in regular session at 9:03 a.m., President Kibbie presiding.

The Senate observed a moment of silence to honor fallen U.S. Army Specialist Shawn Muhr of Coon Rapids, Iowa.

Prayer was offered by Pastor Terry Amann of Walnut Creek Community Church in Des Moines, Iowa. He was the guest of Senator Zaun.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jim Gulbranson.

The Journal of Tuesday, February 1, 2011, was approved.

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 February 1, 2011, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Joint Resolution 6, a joint resolution proposing an amendment to the Constitution of the State of Iowa specifying marriage between one man and one woman as the only legal union that is valid or recognized in the state.

Read first time and referred to committee on **State Government**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:10 a.m. until 4:00 p.m.

APPENDIX—1

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF ADMINISTRATIVE SERVICES

Downtown Des Moines RFP Report, pursuant to 2010 Iowa Acts, SF 2389, section 48. Report received on February 1, 2011.

Cost Benefit Analysis Report for Office Space, pursuant to 2010 Iowa Acts, SF 2389, section 49. Report received on February 1, 2011.

DEPARTMENT OF HUMAN RIGHTS

2011 Iowa Collaboration for Youth Development Council Annual Report, pursuant to Iowa Code section 216A.140. Report received on February 1, 2011.

DEPARTMENT OF REVENUE

2009 Tax Year Report on Dependent Health Care Coverage, pursuant to 2010 Iowa Acts, HF 2539, section 4. Report received on February 2, 2011.

CERTIFICATES OF RECOGNITION

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

Gertrude Grinstead, Burlington—For celebrating her 90th birthday. Senator Courtney (2/2/11).

Delores Wall, Burlington—For celebrating her 80th birthday. Senator Courtney (2/2/11).

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH/REBUILD IOWA

Convened: Tuesday, February 1, 2011, 2:05 p.m.

Members Present: Soddors, Chair; Dotzler, Vice Chair; Greiner, Ranking Member; Bacon, Bertrand, Bowman, Chelgren, Danielson, Hatch, Horn, Rielly, Ward, Whitver, and Wilhelm.

Members Absent: Dandekar (excused).

Committee Business: Free enterprise zones presentation by the Department of Economic Development.

Adjourned: 2:40 p.m.

EDUCATION

Convened: Monday, January 31, 2010, 3:10 p.m.

Members Present: Quirmbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Johnson, Smith, Soddors, and Wilhelm.

Members Absent: None.

Committee Business: Approved SSBs 1024 and 1026. Approved SSBs 1020 and 1025, as amended.

Adjourned: 3:40 p.m.

VETERANS AFFAIRS

Convened: Tuesday, February 1, 2011, 3:05 p.m.

Members Present: Beall, Chair; Danielson, Vice Chair; Seymour, Ranking Member; Bacon, Ernst, Greiner, Horn, Kibbie, Ragan, and Soddors.

Members Absent: Black (excused).

Committee Business: Presentation by the Iowa National Guard.

Adjourned: 3:50 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Wednesday, February 2, 2011, 10:20 a.m.

Members Present: Jochum, Chair; Danielson, Vice Chair; Bartz, Ranking Member; Bowman and Ernst.

Members Absent: None.

Committee Business: Presentations by the Department of Human Rights, Alcoholic Beverage Commission, Credit Union Division, Insurance Commissioner, and Iowa Utilities Board.

Adjourned: 12:15 p.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Wednesday, February 2, 2011, 10:15 a.m.

Members Present: Schoenjahn, Chair; Quirnbach, Vice Chair; Dix, Ranking Member; and Horn.

Members Absent: Hamerlinck (excused).

Committee Business: Iowa core curriculum and budget presentation by the Department of Education.

Adjourned: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Wednesday, February 2, 2011, 10:20 a.m.

Members Present: Hancock, Chair; Hogg, Vice Chair; Seymour, Ranking Member; Fraise and Smith.

Members Absent: None.

Committee Business: Presentations by the Iowa Law Enforcement Academy and the Office of the State Public Defender.

Adjourned: 11:35 a.m.

INTRODUCTION OF BILLS

Senate File 126, by Ragan, Wilhelm, Jochum, Soddors, Bolcom, Dotzler, Seng, Hancock, Schoenjahn, Beall, McCoy, Horn, Dearden, Fraise, Courtney, Dandekar, Gronstal, Kibbie, Black, Hatch, Quirnbach, and Rielly, a bill for an act relating to reimbursement for services provided under a medical assistance home and community-based services waiver for the elderly.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 127, by Ragan, Wilhelm, Jochum, Bowman, Soddors, Bolcom, Danielson, Dotzler, Seng, Hancock, Schoenjahn, Beall, McCoy, Horn, Dearden, Fraise, Courtney, Dandekar, Gronstal, Kibbie, Hatch, Black, Quirnbach, Hogg, and Rielly, a bill for an act relating to and making an appropriation for the case management program for the frail elderly.

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

Senate File 128, by Bolkom, a bill for an act prohibiting the carrying of weapons in state and municipal buildings and providing a penalty.

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

Senate File 129, by Zaun, Kettering, McKinley, Anderson, Bertrand, Greiner, Chelgren, Johnson, Sorenson, Bartz, Seymour, and Whitver, a bill for an act prohibiting the use of automated traffic enforcement systems and requiring the removal of existing systems, and including effective date provisions.

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

Senate File 130, by committee on Natural Resources and Environment, a bill for an act relating to raccoon hunting.

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

Senate File 131, by Hatch, a bill for an act relating to indemnification of hospitals participating in the volunteer health care provider program.

Read first time under Rule 28 and referred to committee on **Human Resources**.

FINAL COMMITTEE REPORTS OF BILL ACTION

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: *SENATE FILE 130 (formerly SF 80), a bill for an act relating to raccoon hunting.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Dearden, Black, Hahn, Bolkom, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson. Nays, none. Absent, 2: Behn and Hamerlinck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on Senate File 130, and they were attached to the committee report.

EVENING SESSION

The Senate reconvened at 4:23 p.m., President Kibbie presiding.

SPECIAL GUESTS

President Kibbie introduced to the Senate chamber former members of the Senate, the Honorable William Heckroth from Bremer County, Waverly, Iowa, and the Honorable Rich Olive from Story County, Story City, Iowa.

The Senate rose and expressed its welcome.

The Senate stood at ease at 4:24 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 4:35 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Chelgren, until he returns, on request of Senator Kettering.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 7.

Senate File 7

On motion of Senator Dearden, **Senate File 7**, a bill for an act providing for a .08 blood alcohol limit for motorboat or sailboat operating while intoxicated offenses, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 7), the vote was:

Yeas, 40:

Bacon	Dearden	Hancock	Ragan
Beall	Dotzler	Hatch	Rielly
Behn	Dvorsky	Hogg	Schoenjahn
Black	Ernst	Houser	Seng
Boettger	Feenstra	Jochum	Seymour
Bolkcom	Fraise	Johnson	Smith
Bowman	Greiner	Kibbie	Sodders
Courtney	Gronstal	McCoy	Ward
Dandekar	Hahn	McKinley	Whitver
Danielson	Hamerlinck	Quirmbach	Wilhelm

Nays, 9:

Anderson	Dix	Kettering
Bartz	Horn	Sorenson
Bertrand	Kapucian	Zaun

Absent, 1:

Chelgren

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 7** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:41 p.m. until 9:00 a.m., Thursday, February 3, 2011.

APPENDIX—2

CERTIFICATES OF RECOGNITION

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

Michael Gallo, Grinnell—For achieving the rank of Eagle Scout. Senator Rielly (2/2/11).

Bill Ward, Fremont—For serving the community with “spiffy” haircuts for nearly 50 years. Senator Rielly (2/2/11).

REPORTS OF COMMITTEE MEETINGS

LOCAL GOVERNMENT

Convened: Wednesday, February 2, 2011, 2:05 p.m.

Members Present: Wilhelm, Chair; Beall, Vice Chair; Bartz, Ranking Member; Bacon, Bowman, Ernst, McCoy, Quirmbach, Rielly, and Schoenjahn.

Members Absent: Hamerlinck (excused).

Committee Business: Presentation by the Iowa League of Cities.

Adjourned: 2:45 p.m.

TRANSPORTATION

Convened: Wednesday, February 2, 2011, 3:10 p.m.

Members Present: Rielly, Chair; Bowman, Vice Chair; Kapucian, Ranking Member; Beall, Dandekar Danielson, Dearden, Ernst, Hahn, Hancock, Houser, McCoy, and Zaun.

Members Absent: None.

Committee Business: Approved SSB 1036. Presentation by the Office of Rail Transportation.

Adjourned: 4:15 p.m.

INTRODUCTION OF BILLS

Senate File 132, by McKinley, a bill for an act relating to testing requirements for applicants for teacher licensure or endorsement.

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

Senate File 133, by McKinley, a bill for an act authorizing school districts to pay certain teachers a mathematics or science teacher salary supplement.

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

Senate File 134, by McKinley, a bill for an act relating to the discontinuance of a teacher contract by the board of directors of a school district.

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

Senate File 135, by McKinley, a bill for an act relating to the minimum hours of instructional time in a school day for school districts, charter schools, and accredited nonpublic schools and including effective date and applicability provisions.

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

Senate File 136, by McKinley, a bill for an act relating to alternative practitioner preparation pilot programs to prepare individuals to teach elementary and secondary students.

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

Senate File 137, by McKinley, a bill for an act establishing a value-added assessment system to calculate annually the academic growth of students enrolled in school districts at grade levels three through eleven.

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

Senate File 138, by Hamerlinck, a bill for an act exempting from the state individual income tax federal retirement pay received for military service and including retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Veterans Affairs**.

Senate File 139, by Hamerlinck, a bill for an act requiring the development of a searchable budget database and internet site for the public to access the details of the expenditure of state tax revenues and a searchable tax rate database and internet site for the public to access the details of each tax rate for all taxing districts in the state.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 140, by Hogg, a bill for an act authorizing a contingent appropriation from the Iowa economic emergency fund and the cash reserve fund.

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

STUDY BILLS RECEIVED

SSB 1082 Ways and Means

Relating to the technical administration of the tax and related laws by the department of revenue, including the administration of income taxes, sales and use taxes, franchise fees, property taxes, the environmental protection charge, and notification of annexation or severance by cities and including retroactive applicability provisions.

SSB 1083 Transportation

Relating to matters under the purview of the department of transportation, including provisions relating to the regulation of motor vehicles and motor vehicle operations and provisions relating to the coordination of public transit funding programs, and making penalties applicable.

SUBCOMMITTEE ASSIGNMENTS

Senate File 71

ECONOMIC GROWTH/REBUILD IOWA: Dandekar, Chair; Danielson and Ward

Senate File 84

ECONOMIC GROWTH/REBUILD IOWA: Sodders, Chair; Bacon and Dotzler

Senate File 101

JUDICIARY: Fraise, Chair; Boettger and Hancock

Senate File 118

WAYS AND MEANS: McCoy, Chair; Anderson and Dandekar

Senate File 128

JUDICIARY: Hogg, Chair; Jochum and Sorenson

Senate File 129

TRANSPORTATION: Zaun, Chair; Danielson and Rielly

SSB 1082

WAYS AND MEANS: Jochum, Chair; Bolkcom and Smith

SSB 1083

TRANSPORTATION: Danielson, Chair; Bowman and Ernst

AMENDMENT FILED

S-3007 S.R. 3 John P. Kibbie

JOURNAL OF THE SENATE

TWENTY-FIFTH CALENDAR DAY
SIXTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 3, 2011

The Senate met in regular session at 9:06 a.m., President Pro Tempore Danielson presiding.

Prayer was offered by Pastor Randy Bixby of the Kingdom House of Prayer in Ankeny, Iowa. He was the guest of Senator Whitver.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jim Gulbranson.

The Journal of Wednesday, February 2, 2011, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 2, 2011, **passed** the following bills in which the concurrence of the Senate is asked:

House File 111, a bill for an act establishing the right to choose whether to purchase health care.

Read first time and referred to committee on **Human Resources**.

House File 149, a bill for an act providing for the placement of a right-to-work notice on department of economic development materials.

Read first time and referred to committee on **Economic Growth/Rebuild Iowa**.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 109** be referred from the Regular Calendar to the committee on **Ways and Means**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:13 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 9:21 a.m., President Pro Tempore Danielson presiding.

UNFINISHED BUSINESS
(Deferred February 1, 2011)**Senate Resolution 3**

The Senate resumed consideration of **Senate Resolution 3**, a resolution relating to the Senate Code of Ethics governing the conduct of members of the Senate in relation to their senatorial duties during the Eighty-fourth General Assembly, and amendment S-3006, deferred February 1, 2011.

Senator Chelgren offered amendment S-3008, filed by him from the floor to pages 1 and 3 of amendment S-3006, and moved its adoption.

Amendment S-3008 lost by a voice vote.

Senator Chelgren moved the adoption of amendment S-3006.

A nonrecord roll call was requested.

The yeas were 23, nays 26.

Amendment S-3006 lost.

Senator Kibbie offered amendment S-3003, filed by him on January 27, 2011, to page 3 of the resolution, and moved its adoption.

Amendment S-3003 was adopted by a voice vote.

Senator Kibbie withdrew amendment S-3007, filed by him on February 2, 2011, to page 3 of the resolution.

Senator Kibbie offered amendment S-3005, filed by him on January 31, 2011, to page 14 of the resolution, and moved its adoption.

Amendment S-3005 was adopted by a voice vote.

Senator Kibbie moved the adoption of Senate Resolution 3, as amended, which motion prevailed by a voice vote.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:35 a.m. until 1:00 p.m., Monday, February 7, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Iowa Small Business Development Centers—For fostering the growth of Iowa small businesses. Senators Dotzler, Bowman, and Dvorsky (2/3/11).

Emily Starr, President and CEO of StarrMatica Learning—For receiving the 2010 Neal Smith Entrepreneur of the Year Award. Senators Dotzler, Bowman, and Dvorsky (2/3/11).

Kristen Stephens Sharma, Owner of Inspired! Inc.—For receiving the 2010 Deb Dalziel Woman Entrepreneur Achievement Award. Senators Dotzler, Bowman, and Dvorsky (2/3/11).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: Thursday, February 3, 2011, 1:05 p.m.

Members Present: Dandekar, Chair; Rielly, Vice Chair; Behn, Ranking Member; Anderson, Beall, Courtney, Feenstra, Kettering, Schoenjahn, Seng, Ward, Wilhelm, and Zaun.

Members Absent: Bolkcom and McCoy (both excused).

Committee Business: Passed SF 1.

Adjourned: 1:25 p.m.

EDUCATION

Convened: Wednesday, January 26, 2011, 1:10 p.m.

Members Present: Quirmbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Johnson, Smith, Soddors, and Wilhelm.

Members Absent: None.

Committee Business: Presentations on preschool education.

Adjourned: 2:00 p.m.

JUDICIARY

Convened: Thursday, February 3, 2011, 2:05 p.m.

Members Present: Fraise, Chair; Hogg, Vice Chair; Boettger, Ranking Member; Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, and Whitver.

Members Absent: None.

Committee Business: Approved SSBs 1014 and 1040.

Adjourned: 2:20 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Tuesday, January 25, 2011, 2:00 p.m.

Members Present: Dearden, Chair; Black, Vice Chair; Hahn, Ranking Member; Behn, Bolkcom, Hamerlinck, Hancock, Hogg, Ragan, Schoenjahn, Seng, and Sorenson.

Members Absent: Kapucian (excused).

Committee Business: Assigned bills. Passed SF 7. Presentations by the Iowa Parks Foundation and the Department of Natural Resources.

Adjourned: 2:55 p.m.

RULES AND ADMINISTRATION

Convened: Thursday, February 3, 2011, 9:15 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; McKinley, Ranking Member; Bartz, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun.

Members Absent: None.

Committee Business: Assigned governor's appointees to Senate standing committees.

Adjourned: 9:20 a.m.

VETERANS AFFAIRS

Convened: Tuesday, January 25, 2011, 4:30 p.m.

Members Present: Beall, Chair; Danielson, Vice Chair; Seymour, Ranking Member; Bacon, Black, Ernst, Greiner, Horn, Kibbie, Ragan, and Soddors.

Members Absent: None.

Committee Business: Presentation by the Department of Veterans Affairs.

Adjourned: 4:55 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Thursday, February 3, 2011, 10:10 a.m.

Members Present: Jochum, Chair; Danielson, Vice Chair; Bartz, Ranking Member; Bowman and Ernst.

Members Absent: None.

Committee Business: Presentation on the Department of Inspections and Appeals.

Adjourned: 11:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Wednesday, February 2, 2011, 10:15 a.m.

Members Present: Black, Chair; Dearden, Vice Chair; Houser, Ranking Member; Hahn and Wilhelm.

Members Absent: None.

Committee Business: General discussion.

Adjourned: 10:40 a.m.

ALSO:

Convened: Thursday, February 3, 2011, 10:10 a.m.

Members Present: Black, Chair; Dearden, Vice Chair; Houser, Ranking Member; Hahn and Wilhelm.

Members Absent: None.

Committee Business: General discussion.

Adjourned: 10:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Thursday, February 3, 2011, 10:15 a.m.

Members Present: Schoenjahn, Chair; Quirmbach, Vice Chair; Dix, Ranking Member; Hamerlinck and Horn.

Members Absent: None.

Committee Business: Presentations on educational examiners and library issues.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Thursday, February 3, 2011, 10:15 a.m.

Members Present: Hancock, Chair; Hogg, Vice Chair; Seymour, Ranking Member; Fraise and Smith.

Members Absent: None.

Committee Business: Presentation by the State Court Administrator.

Adjourned: 11:30 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,
INFRASTRUCTURE, AND CAPITALS**

Convened: Wednesday, February 2, 2011, 10:00 a.m.

Members Present: McCoy, Chair; Beall, Vice Chair; Kapucian, Ranking Member; Anderson and Dvorsky.

Members Absent: None.

Committee Business: Presentations by the Department of Transportation.

Adjourned: 11:30 a.m.

ALSO:

Convened: Thursday, February 3, 2011, 10:10 a.m.

Members Present: McCoy, Chair; Beall, Vice Chair; Kapucian, Ranking Member; Anderson and Dvorsky.

Members Absent: None.

Committee Business: Presentations by the Department of Administrative Services and the Capitol Planning Commission.

Adjourned: 11:15 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 4, by Kibbie, a concurrent resolution directing the Office of Citizens' Aide/Ombudsman to perform mediation services, under the direction of the Legislative Council, to resolve a dispute between the board of trustees of a drainage district and residents of land in the district.

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

Senate Joint Resolution 11, by Feenstra, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the political party affiliations of the membership of the state judicial nominating commission and district judicial nominating commissions.

Read first time under Rule 28 and referred to committee on **State Government**.

INTRODUCTION OF BILLS

Senate File 141, by Johnson, a bill for an act concerning the legislative members of the college student aid commission and including applicability date provisions.

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

Senate File 142, by Anderson, Bertrand, Johnson, Ernst, McKinley, Greiner, Kapucian, Bacon, Whitver, Smith, Feenstra, Zaun, Boettger, Hamerlinck, Hahn, Chelgren, Kettering, and Bartz, a bill for an act establishing a requirement for voters to provide certain photo identification when voting in person and including effective date and applicability provisions.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 143, by Feenstra, a bill for an act relating to awards of financial assistance under the community attraction and tourism program and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Economic Growth/Rebuild Iowa**.

Senate File 144, by Feenstra, a bill for an act requiring the natural resource commission to issue a request for proposals for the provision of certain services in state parks and recreation areas.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

Senate File 145, by Dandekar and Soddors, a bill for an act providing for a manufacturing jobs program and including retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Economic Growth/Rebuild Iowa**.

Senate File 146, by Dandekar, a bill for an act concerning driver education instruction by a teaching parent.

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

Senate File 147, by Kibbie, a bill for an act providing for the delivery of a written communication by a drainage or levee district.

Read first time under Rule 28 and referred to committee on **Local Government**.

Senate File 148, by Bolkcom, a bill for an act relating to hospital admitting privileges for advanced registered nurse practitioners.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 149, by committee on Transportation, a bill for an act allowing the department of transportation to accept reports from advanced registered nurse practitioners and physician assistants disclosing a physical or mental condition that renders a person incompetent to operate a motor vehicle.

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

STUDY BILLS RECEIVED

SSB 1084 Human Resources

Relating to social work, including the licensure of social workers and the creation of a licensed social worker loan repayment program and a revolving fund.

SSB 1085 Commerce

Relating to indemnification provisions in construction contracts.

SUBCOMMITTEE ASSIGNMENTS

Senate File 126

HUMAN RESOURCES: Ragan, Chair; Boettger and Wilhelm

Senate File 131

HUMAN RESOURCES: Bolkcom, Chair; Quirmbach and Whitver

Senate File 144

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Black and Hahn

SSB 1084

HUMAN RESOURCES: Jochum, Chair; Bacon and Ragan

SSB 1085

COMMERCE: McCoy, Chair; Dandekar and Zaun

FINAL COMMITTEE REPORT OF BILL ACTION

TRANSPORTATION

Bill Title: *SENATE FILE 149 (SSB 1036), a bill for an act allowing the department of transportation to accept reports from advanced registered nurse practitioners and physician assistants disclosing a physical or mental condition that renders a person incompetent to operate a motor vehicle.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Rielly, Bowman, Kapucian, Beall, Dandekar, Danielson, Dearden, Ernst, Hahn, Hancock, Houser, McCoy, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Transportation Committee on Senate File 149, and they were attached to the committee report.

AMENDMENT FILED

S-3008 S.R. 3 Mark Chelgren

WITHDRAWAL OF GOVERNOR'S APPOINTEES

The following Appointees withdrawn by the Governor from further consideration by the Senate were received in the office of the Secretary of the Senate on January 20, 2011:

Lawrence James — Board of Parole
Barbara Western — Board of Parole
Steve Young — Board of Parole

ALSO: The following Appointees withdrawn by the Governor from further consideration by the Senate were received in the office of the Secretary of the Senate on January 25, 2011:

Romaine Foege — Director of the Department on Aging
Clay McClure — Director of the Office for State-Federal Relations

ALSO: The following Appointees withdrawn by the Governor from further consideration by the Senate were received in the office of the Secretary of the Senate on January 27, 2011:

Marcelina Cockburn — Latino Affairs Commission
Juan Hernandez-Santana — Latino Affairs Commission

DEFERRAL OF APPOINTMENT

The following letter from the Iowa Communications Network was received in the office of the Secretary of the Senate on May 4, 2010:

Pursuant to Iowa Code, Chapter 2.32, please accept this letter as the notice of deferment of the appointment of the Iowa Communications Network Executive Director by the Iowa Telecommunications and Technology Commission (ITTC). Former Executive Director John Gillispie resigned from his position with the Iowa Communications Network effective January 9, 2010. The ITTC has appointed David Lingren as the interim Executive Director until the position is filled.

This appointment has been deferred because the Commission has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person for this position.

APPOINTMENTS

The following appointees were submitted to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

BY THE GOVERNOR

TERM

ADMINISTRATIVE SERVICES, DIRECTOR OF THE DEPARTMENT OF (Sec. 8A.102)	
Michael Carroll, Clive	01/14/2011 - Pleasure of the Governor
AGING, DIRECTOR OF THE DEPARTMENT ON (Sec. 231.22)	
Donna Harvey, Denver	01/14/2011 - Pleasure of the Governor
AGING, COMMISSION ON (Sec. 231.11)	
Judith Bevers, Gillett Grove	10/08/2010 - 04/30/2013
Ralph Wolf, Mason City	10/08/2010 - 04/30/2012
BANKING, SUPERINTENDENT OF (Sec. 524.201)	
James Schipper, Osceola	01/14/2011 - 04/30/2013
BEHAVIORAL SCIENCE, BOARD OF (Sec. 147.14(1)(m))	
Erik Oostenink, Des Moines	05/28/2010 - 04/30/2013
CIVIL RIGHTS COMMISSION, DIRECTOR OF THE IOWA STATE (Sec. 216.3)	
Beth Townsend, Urbandale	02/02/2011 - 04/30/2012
CRIMINAL AND JUVENILE JUSTICE PLANNING ADVISORY COUNCIL (Sec. 216A.132)	
Stephanie Fawkes-Lee, Pleasant Hill	05/28/2010 - 04/30/2014
CULTURAL AFFAIRS, DIRECTOR OF THE DEPARTMENT OF (Sec. 303.1(5))	
Mary Cownie, West Des Moines	01/14/2011 - Pleasure of the Governor
DISABILITIES, COMMISSION OF PERSONS WITH (216A.74)	
Aida Bogaczyk, Clive	07/15/2010 - 04/30/2014
Barbara Faber, West Des Moines	07/15/2010 - 04/30/2012
Michelle Ray-Michalec, Cedar Rapids	07/15/2010 - 04/30/2014
James Rixner, Sioux City	07/15/2010 - 04/30/2012
Gary Schriver, Mason City	07/15/2010 - 04/30/2014
Harry Van Grevenhof, Fort Dodge	07/15/2010 - 04/30/2012
LaSheila Yates, Cedar Rapids	07/15/2010 - 04/30/2014
DRUG POLICY COORDINATOR (Sec. 80E.1)	
Mark Schouten, Norwalk	01/14/2011 - Pleasure of the Governor
ECONOMIC DEVELOPMENT, DIRECTOR OF THE DEPARTMENT OF (Sec. 15.105)	
Debi Durham, Sioux City	01/14/2011 - Pleasure of the Governor

EDUCATION, DIRECTOR OF THE DEPARTMENT OF (Sec. 256.8)

Jason Glass, Columbus

01/14/2011 - Pleasure of the Governor

EDUCATION, STATE BOARD OF (Sec. 256.3)

Michael Knedler, Council Bluffs

05/28/2010 - 04/30/2016

ENVIRONMENTAL PROTECTION COMMISSION (Sec. 455A.6)

Diana F. Bruemmer, Davenport

06/09/2010 - 04/30/2013

John Glenn, Centerville

08/10/2010 - 04/30/2013

FINANCE AUTHORITY, EXECUTIVE DIRECTOR OF THE IOWA (Sec. 16.6)

Dave Jamison, Ames

01/14/2011 - Pleasure of the Governor

GENERATION IOWA COMMISSION (Sec. 15.421)

Brent Hinson, Garner

05/28/2010 - 04/30/2013

Benjamin Rogers, Cedar Rapids

05/28/2010 - 04/30/2013

GREAT PLACES BOARD, IOWA (Sec. 303.3C(2)(a))

Adam Feiges, Hinton

05/28/2010 - 04/30/2011

HUMAN RIGHTS, DIRECTOR OF THE DEPARTMENT OF (Sec. 216A.2)

Isaiah McGee, Waukeez

01/14/2011 - Pleasure of the Governor

HUMAN SERVICES, DIRECTOR OF THE DEPARTMENT OF (Sec. 217.5)

Chuck Palmer, Des Moines

01/14/2011 - Pleasure of the Governor

INSPECTIONS AND APPEALS, DIRECTOR OF THE DEPARTMENT OF (Sec. 10A.102)

Rod Roberts, Carroll

01/14/2011 - Pleasure of the Governor

LATINO AFFAIRS, COMMISSION OF (216A.12)

Sal Alaniz, Mt. Pleasant

09/01/2010 - 04/30/2012

Ramon Cantu, Cedar Falls

09/01/2010 - 04/30/2014

Joan Jaimes, Marshalltown

09/01/2010 - 04/30/2014

Paula Martinez, Carlisle

09/01/2010 - 04/30/2012

Sandra Sanchez-Naert, Des Moines

09/01/2010 - 04/30/2012

LOTTERY AUTHORITY BOARD OF DIRECTORS, IOWA (Sec. 99G.8)

Mary Junge, Cedar Rapids

07/08/2010 - 04/30/2014

MANAGEMENT, DIRECTOR OF THE DEPARTMENT OF (Sec. 8.4)

David Roederer, Johnston

01/14/2011 - Pleasure of the Governor

MENTAL HEALTH AND DISABILITIES SERVICES COMMISSION (225C.5(1))

Laurel Phipps, Marshalltown

09/21/2010 - 04/30/2013

NATURAL RESOURCES, DIRECTOR OF THE DEPARTMENT OF (Sec. 455A.3)

Roger Lande, Muscatine

01/14/2011 - Pleasure of the Governor

PAROLE, BOARD OF (Sec. 904A.1)

James Felker, Hiawatha

01/24/2011 - 04/30/2013

Doris Kelley, Waterloo

01/24/2011 - 04/30/2014

W. Thomas Phillips, Waukeez

01/24/2011 - 04/30/2012

PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD, IOWA COMPREHENSIVE (Sec. 455G.4)	
Dawn Carlson, Dallas Center	10/08/2010 - 04/30/2011
POWER FUND BOARD, IOWA (Sec. 469.6)	
Lee Clancey, Cedar Rapids	05/28/2010 - 04/30/2012
PUBLIC DEFENDER, STATE (Sec. 13B.2)	
Sam Langholz, Ankeny	01/14/2011 - Pleasure of the Governor
PUBLIC HEALTH, DIRECTOR OF (Sec. 135.2)	
Mariannette Miller-Meeks, Ottumwa	01/14/2011 - Pleasure of the Governor
PUBLIC SAFETY, COMMISSIONER OF (Sec. 80.2)	
Larry Noble, Ankeny	01/14/2011 - Pleasure of the Governor
RENEWABLE FUEL INFRASTRUCTURE BOARD (Sec. 15G.202)	
Carol Balvanz, Hubbard	12/06/2010 - 04/30/2015
REVENUE, DIRECTOR OF (Sec. 421.2)	
Courtney Kay-Decker, Davenport	01/14/2011 - Pleasure of the Governor
SOIL CONSERVATION COMMITTEE, STATE (Sec. 161A.4)	
Charles McCullough, Bernard	09/28/2010 - 04/30/2011
STATE-FEDERAL RELATIONS, DIRECTOR OF OFFICE FOR (Sec. 7F.1(3))	
Douglas Hoelscher, Washington, D.C.	01/14/2011 - Pleasure of the Governor
VETERANS AFFAIRS, EXECUTIVE DIRECTOR OF THE COMMISSION OF (Sec. 35A.8)	
Brigadier Gen. Jodi Tymeson, Winterset	01/14/2011 - Pleasure of the Governor
VETERANS AFFAIRS, COMMISSION OF (Sec. 35A.2)	
Willard Wallace, Ankeny	07/01/2010 - 04/30/2012
VETERANS HOME, COMMANDANT OF THE IOWA (Sec. 35D.13)	
David Worley, Marshalltown	08/02/2010 - Pleasure of the Governor
WORKFORCE DEVELOPMENT, DIRECTOR OF (Sec. 84A.1)	
Teresa Wahlert, Waukee	01/14/2011 - Pleasure of the Governor
WORKFORCE DEVELOPMENT BOARD, IOWA (Sec. 84A.1A)	
Francis Giunta II, Dubuque	05/28/2010 - 04/30/2014

BY THE IOWA COMMUNICATIONS NETWORK

TERM

TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, EXEC. DIR. OF THE IOWA (Sec. 8D.4)	
David Lingren, Des Moines	09/09/2010 - Pleasure of the Commission

The appointments were referred to the committee on **Rules and Administration**.

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor's appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on February 3, 2011:

AGRICULTURE

Charles McCullough – State Soil Conservation Committee

COMMERCE

James Schipper – Superintendent of Banking

David Lingren – Exec. Dir. of the Iowa Telecommunications and Technology Commission

ECONOMIC GROWTH/REBUILD IOWA

Mary Cownie – Director of the Department of Cultural Affairs

Debi Durham – Director of the Department of Economic Development

Dave Jamison – Executive Director of the Iowa Finance Authority

Adam Feiges – Iowa Great Places Board

Lee Clancey – Iowa Power Fund Board

EDUCATION

Jason Glass – Director of the Department of Education

Michael Knedler – State Board of Education

HUMAN RESOURCES

Donna Harvey – Director of the Department on Aging

Judith Bevers – Commission on Aging

Ralph Wolf – Commission on Aging

Erik Oostenink – Board of Behavioral Science

Aida Bogaczyk – Commission of Persons with Disabilities

Barbara Faber – Commission of Persons with Disabilities

Michelle Ray-Michalec – Commission of Persons with Disabilities

James Rixner – Commission of Persons with Disabilities

Gary Schriver – Commission of Persons with Disabilities
Harry Van Grevenhof – Commission of Persons with Disabilities
LaSheila Yates – Commission of Persons with Disabilities

Chuck Palmer – Director of the Department of Human Services

Sal Alaniz – Commission of Latino Affairs
Ramon Cantu – Commission of Latino Affairs
Joan Jaimes – Commission of Latino Affairs
Paula Martinez – Commission of Latino Affairs
Sandra Sanchez-Naert – Commission of Latino Affairs

Laurel Phipps – Mental Health and Disabilities Services Commission

Mariannette Miller-Meeks – Director of Public Health

JUDICIARY

Beth Townsend – Director of the Iowa State Civil Rights Commission

Stephanie Fawkes-Lee – Criminal and Juvenile Justice Planning Advisory Council

Mark Schouten – Drug Policy Coordinator

James Felker – Board of Parole
Doris Kelley – Board of Parole
W. Thomas Phillips – Board of Parole

Sam Langholz – State Public Defender

LABOR AND BUSINESS RELATIONS

Teresa Wahlert – Director of Workforce Development

Francis Giunta II – Iowa Workforce Development Board

NATURAL RESOURCES AND ENVIRONMENT

Diana Bruemmer – Environmental Protection Commission
John Glenn – Environmental Protection Commission

Roger Lande – Director of the Department of Natural Resources

Dawn Carlson – Iowa Comprehensive Petroleum Underground Storage Tank Fund Board

Carol Balvanz – Renewable Fuel Infrastructure Board

STATE GOVERNMENT

Michael Carroll – Director of the Department of Administrative Services

Brent Hinson – Generation Iowa Commission
Benjamin Rogers – Generation Iowa Commission

Isaiah McGee – Director of the Department of Human Rights

Rod Roberts – Director of the Department of Inspections and Appeals

Mary Junge – Iowa Lottery Authority Board of Directors

David Roederer – Director of the Department of Management

Douglas Hoelscher – Director of Office for State-Federal Relations

TRANSPORTATION

Larry Noble – Commissioner of Public Safety

VETERANS AFFAIRS

Brigadier General Jodi Tymeson – Executive Director of the Commission of Veterans Affairs

Willard Wallace – Commission of Veterans Affairs

David Worley – Commandant of the Iowa Veterans Home

WAYS AND MEANS

Courtney Kay-Decker – Director of the Department of Revenue

JOURNAL OF THE SENATE

TWENTY-NINTH CALENDAR DAY
SEVENTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 7, 2011

The Senate met in regular session at 1:05 p.m., President Kibbie presiding.

Prayer was offered by the Honorable David Johnson, member of the Senate from Osceola County, Ocheyedan, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Maria Lewis.

The Journal of Thursday, February 3, 2011, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:09 p.m. until 9:00 a.m., Tuesday, February 8, 2011.

APPENDIX

CERTIFICATE OF RECOGNITION

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

Derick Rasmussen—For achieving the rank of Eagle Scout. Senator Schoenjahm (2/7/11).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Thursday, February 3, 2011, 12:05 p.m.

Members Present: Seng, Chair; Fraise, Vice Chair; Johnson, Ranking Member; Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, Kibbie, and Rielly.

Members Absent: None.

Committee Business: Presentation on salmonella in egg production and FDA testing and prevention methods.

Adjourned: 12:55 p.m.

EDUCATION

Convened: Monday, February 7, 2011, 3:05 p.m.

Members Present: Quirnbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Dvorsky, Feenstra, Hogg, Johnson, Smith, Soddors, and Wilhelm.

Members Absent: Bowman (excused).

Committee Business: Approved SSBs 1075 and 1076.

Adjourned: 3:55 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Thursday, February 3, 2011, 4:00 p.m.

Members Present: Dearden, Chair; Black, Vice Chair; Hahn, Ranking Member; Behn, Bolkcom, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, and Seng.

Members Absent: Hamerlinck and Sorenson (both excused).

Committee Business: Distributed subcommittees for governor's appointees. Presentation by the Department of Natural Resources.

Adjourned: 4:50 p.m.

WAYS AND MEANS

Convened: Thursday, February 3, 2011, 3:10 p.m.

Members Present: Bolkcom, Chair; Seng, Vice Chair; Zaun, Ranking Member; Bartz, Black, Chelgren, Dotzler, Feenstra, Hogg, Jochum, Quirnbach, and Smith.

Members Absent: Anderson, Dandekar, and McCoy (all excused).

Committee Business: Budget overview presentation by LSA.

Adjourned: 4:00 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 12, by Dix, Kettering, Johnson, Sorenson, Ward, Houser, Seymour, Behn, McKinley, Boettger, Bacon, Smith, Greiner, Kapucian, Feenstra, Hahn, Anderson, Bertrand, Hamerlinck, and Ernst, a joint resolution proposing an amendment to the Constitution of the State of Iowa providing for a general state revenue expenditure limitation.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate Joint Resolution 13, by Sorenson, a joint resolution proposing an amendment to the Constitution of the State of Iowa requiring supreme court justices to be elected.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate Concurrent Resolution 5, by Bolkcom, a concurrent resolution urging the United States Congress to modernize the Toxic Substances Control Act of 1976.

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

INTRODUCTION OF BILLS

Senate File 150, by committee on Commerce, a bill for an act modifying the definition of high alcoholic content beer to exclude added caffeine and other added stimulants, and including effective date provisions.

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

Senate File 151, by Kibbie, a bill for an act increasing the property tax levy for community college operations and including applicability provisions.

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

Senate File 152, by Ragan, a bill for an act relating to entitling mental health counselors to payment for behavioral health services provided under the Medicaid program.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 153, by Ragan and Bowman, a bill for an act concerning the protection of student athletes from concussions and other head injuries.

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

Senate File 154, by Hogg, McCoy, Bolkcom, Hatch, Ragan, Bowman, Quirnbach, Schoenjahn, Dearden, Dvorsky, Jochum, Black, and Courtney, a bill for an act relating to dissolvable products and providing penalties.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 155, by committee on Judiciary, a bill for an act relating to procedural requirements in in rem forfeiture proceedings.

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

Senate File 156, by committee on Judiciary, a bill for an act relating to instruments used to update the county transfer books and index maintained by the county auditor.

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

Senate File 157, by Danielson, a bill for an act providing for a process for seeking a waiver of rules promulgated by the director of the Iowa law enforcement academy.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 158, by Bolkcom, a bill for an act providing for limited liability companies organized on a low-profit basis.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 159, by Kettering, a bill for an act providing a school tuition credit for certain pupils attending an accredited nonpublic school and including applicability provisions.

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

Senate File 160, by Feenstra, a bill for an act relating to the establishment of an independent private instruction option for students of compulsory attendance age.

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

Senate File 161, by Soddors, Dotzler, Hatch, Bowman, Rielly, Horn, Kibbie, Gronstal, Dandekar, Wilhelm, Schoenjahn, Black, and Courtney, a bill for an act relating to economic development by making changes to the administration of the save our small businesses fund and program and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Economic Growth/Rebuild Iowa**.

Senate File 162, by Sorenson, Chelgren, Johnson, Bertrand, Whitver, Zaun, Hahn, Bacon, Anderson, Hamerlinck, Feenstra, Ernst, and Smith, a bill for an act relating to the carrying of weapons including provisions relating to permits to carry weapons and providing a penalty.

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

Senate File 163, by Kibbie, a bill for an act relating to the duties and operations of the state commission of libraries, the division of libraries and information services, and the library service areas.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 164, by Kibbie and Houser, a bill for an act relating to motor fuel by providing for a biodiesel quality standard and including effective date provisions.

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

Senate File 165, by Hancock, a bill for an act relating to scheduled violations that require a court appearance.

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

Senate File 166, by committee on Education, a bill for an act establishing the categorical state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

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

Senate File 167, by committee on Education, a bill for an act establishing the state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

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

STUDY BILLS RECEIVED

SSB 1086 Commerce

Relating to matters under the purview of the alcoholic beverages division of the department of commerce, and making penalties applicable.

SSB 1087 Commerce

Relating to matters under the purview of the alcoholic beverages division of the department of commerce.

SSB 1088 Commerce

Relating to matters under the purview of the divisions of banking of the department of commerce.

SSB 1089 Commerce

Relating to various matters under the purview of the insurance division of the department of commerce.

SSB 1090 State Government

Relating to organ and tissue donation including donation of anatomical gifts through an active choice registration system and the establishment of an altruistic living donor registry and fund.

SSB 1091 State Government

Creating a high performance certification program applicable to certain public buildings.

SSB 1092 Judiciary

Relating to bail restrictions placed on criminal defendants.

SSB 1093 Judiciary

Authorizing a landlord to bifurcate or amend certain residential leases.

SSB 1094 Judiciary

Relating to the discovery of privileged medical records, including mental health records, in a criminal case and including effective date provisions.

SUBCOMMITTEE ASSIGNMENTS**Senate Joint Resolution 9**

STATE GOVERNMENT: Horn, Chair; Feenstra and Hatch

Senate Joint Resolution 10

STATE GOVERNMENT: Danielson, Chair; Feenstra and Jochum

Senate File 110

COMMERCE: McCoy, Chair; Bolcom and Zaun

Senate File 114

COMMERCE: Beall, Chair; Dandekar and Zaun

Senate File 139

STATE GOVERNMENT: Danielson, Chair; Behn and Sadders

Senate File 141

EDUCATION: Quirnbach, Chair; Dvorsky and Feenstra

Senate File 142

STATE GOVERNMENT: Dearden, Chair; Hatch and Smith

Senate File 143

ECONOMIC GROWTH/REBUILD IOWA: Dotzler, Chair; Hatch and Whitver

Senate File 145

ECONOMIC GROWTH/REBUILD IOWA: Dandekar, Chair; Chelgren and Sadders

House Joint Resolution 6

STATE GOVERNMENT: Hatch, Chair; Danielson and Sorenson

House File 94

STATE GOVERNMENT: Danielson, Chair; Behn and Sodders

House File 95

STATE GOVERNMENT: Dearden, Chair; Hatch and Smith

House File 149

ECONOMIC GROWTH/REBUILD IOWA: Dotzler, Chair; Bacon and Hatch

SSB 1086

COMMERCE: Schoenjahn, Chair; Anderson and Beall

SSB 1087

COMMERCE: Schoenjahn, Chair; Anderson and Beall

SSB 1088

COMMERCE: Dandekar, Chair; Kettering and Seng

SSB 1089

COMMERCE: McCoy, Chair; Dandekar and Feenstra

SSB 1090

STATE GOVERNMENT: Danielson, Chair; Fraise and Smith

SSB 1091

STATE GOVERNMENT: Sodders, Chair; Bertrand and Danielson

SSB 1092

JUDICIARY: Sodders, Chair; Boettger and Jochum

SSB 1093

JUDICIARY: Quirnbach, Chair; Jochum and Sorenson

SSB 1094

JUDICIARY: Hancock, Chair; Dix and Dvorsky

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: *SENATE FILE 150 (formerly SF 1), a bill for an act modifying the definition of high alcoholic content beer to exclude added caffeine and other added stimulants, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dandekar, Rielly, Behn, Anderson, Beall, Courtney, Feenstra, Kettering, Schoenjahn, Seng, Ward, Wilhelm, and Zaun. Nays, none. Absent, 2: Bolkcom and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Commerce Committee on Senate File 150, and they were attached to the committee report.

EDUCATION

Bill Title: SENATE FILE 166 (SSB 1076), a bill for an act establishing the categorical state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Quirnbach, Schoenjahn, Beall, Dvorsky, Hogg, Soddors, and Wilhelm. Nays, 5: Hamerlinck, Boettger, Feenstra, Johnson, and Smith. Absent, 1: Bowman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 167 (SSB 1075), a bill for an act establishing the state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Quirnbach, Schoenjahn, Beall, Dvorsky, Hogg, Soddors, and Wilhelm. Nays, 5: Hamerlinck, Boettger, Feenstra, Johnson, and Smith. Absent, 1: Bowman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: SENATE FILE 155 (SSB 1014), a bill for an act relating to procedural requirements in in rem forfeiture proceedings.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 156 (SSB 1040), a bill for an act relating to instruments used to update the county transfer books and index maintained by the county auditor.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 156, and they were attached to the committee report.

WITHDRAWAL AND APPOINTMENT OF GOVERNOR'S APPOINTEE

The following letters from the Governor were received in the office of the Secretary of the Senate on February 7, 2011:

I am writing to withdraw the nomination of David Worley for the Commandant of the Iowa Veterans Home. Pursuant to Iowa Code Section 35D.13, this position is an at-will appointment that serves at the pleasure of the Governor.

It is my pleasure to submit to the Senate for its consideration the name of David Worley, Marshalltown, Marshall County, Iowa, for appointment effective January 14, 2011, as Commandant of the Iowa Veterans Home, pursuant to Iowa Code Section 35D.13, to serve at the pleasure of the Governor, subject to Iowa Code Section 2.32.8.

Sincerely,
TERRY E. BRANSTAD
Governor

APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on February 7, 2011, to investigate the appointment and reappointment of the following appointees:

AGRICULTURE

As a member of the State Soil Conservation Committee:

CHARLES MCCULLOUGH – Black, Chair; Houser and Rielly

COMMERCE

As Superintendent of Banking:

JAMES SCHIPPER – Rielly, Chair; Bolkcom and Kettering

As Executive Director of the Iowa Telecommunications and Technology Commission:

DAVID LINGREN – Wilhelm, Chair; Seng and Feenstra

ECONOMIC GROWTH/REBUILD IOWA

As Director of the Department of Cultural Affairs:

MARY COWNIE – Hatch, Chair; Rielly and Chelgren

As Director of the Department of Economic Development:

DEBI DURHAM – Sodders, Chair; Dotzler and Greiner

As Executive Director of the Iowa Finance Authority:

DAVE JAMISON – Danielson, Chair; Bowman and Bertrand

As a member of the Iowa Great Places Board:

ADAM FEIGES – Horn, Chair; Ward and Wilhelm

As a member of the Iowa Power Fund Board:

LEE CLANCEY – Dandekar, Chair; Bowman and Bacon

EDUCATION

As Director of the Department of Education:

JASON GLASS – Quirnbach, Chair; Schoenjahn and Hamerlinck

As a member of the State Board of Education:

MICHAEL KNEDLER – Dvorsky, Chair; Bowman and Johnson

HUMAN RESOURCES

As Director of the Department on Aging:

DONNA HARVEY – Dotzler, Chair; Ragan and Johnson

As members of the Commission on Aging:

JUDITH BEVERS – Ragan, Chair; Dotzler and Boettger

RALPH WOLF – Quirnbach, Chair; Ragan and Johnson

As a member of the Board of Behavioral Science:

ERIK OOSTENINK – Boettger, Chair; Wilhelm and Dvorsky

As members of the Commission of Persons with Disabilities:

AIDA BOGACZYK – Bacon, Chair; Wilhelm and Dvorsky

BARBARA FABER – Wilhelm, Chair; Bacon and Ragan

MICHELLE RAY-MICHALEC – Jochum, Chair; Bacon and Bolkcom

JAMES RIXNER – Johnson, Chair; Dvorsky and Ragan

GARY SCHRIVER – Ragan, Chair; Dotzler and Boettger

HARRY VAN GREVENHOF – Boettger, Chair; Dvorsky and Dotzler

LaSHEILA YATES – Bacon, Chair; Dvorsky and Dotzler

As Director of the Department of Human Services:

CHUCK PALMER – Hatch, Chair; Ragan and Seymour

As members of the Commission of Latino Affairs:

SAL ALANIZ – Whitver, Chair; Quirnbach and Bolkcom

RAMON CANTU – Whitver, Chair; Quirnbach and Bolkcom

JOAN JAIMES – Wilhelm, Chair; Whitver and Jochum

PAULA MARTINEZ – Jochum, Chair; Dvorsky and Whitver

SANDRA SANCHEZ-NAERT – Seymour, Chair; Dvorsky and Ragan

As a member of the Mental Health and Disabilities Services Commission:

LAUREL PHIPPS – Dvorsky, Chair; Seymour and Jochum

As Director of Public Health:

MARIANNETTE MILLER-MEEKS – Dotzler, Chair; Hatch and Johnson

JUDICIARY

As Director of the Iowa State Civil Rights Commission:

BETH TOWNSEND – Jochum, Chair; Quirmbach and Dix

As a member of the Criminal and Juvenile Justice Planning Advisory Council:

STEPHANIE FAWKES-LEE – Hancock, Chair; Hogg and Boettger

As Drug Policy Coordinator:

MARK SCHOUTEN – Sodders, Chair; Dvorsky and Sorenson

As members of the Board of Parole:

JAMES FELKER – Hogg, Chair; Dvorsky and Dix
DORIS KELLEY – Hogg, Chair; Dvorsky and Ward
W. THOMAS PHILLIPS – Hogg, Chair; Dvorsky and Ward

As State Public Defender:

SAM LANGHOLZ – Hogg, Chair; Horn and Boettger

LABOR AND BUSINESS RELATIONS

As Director of Workforce Development:

TERESA WAHLERT – Dotzler, Chair; Courtney and Ward

As a member of the Iowa Workforce Development Board:

FRANCIS GIUNTA II – Jochum, Chair; Dotzler and Chelgren

NATURAL RESOURCES AND ENVIRONMENT

As members of the Environmental Protection Commission:

DIANA BRUEMMER – Black, Chair; Hogg and Kapucian
JOHN GLENN – Black, Chair; Hogg and Kapucian

As Director of the Department of Natural Resources:

ROGER LANDE – Dearden, Chair; Black and Hahn

As a member of the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board:

DAWN CARLSON – Bolkcom, Chair; Behn and Ragan

As a member of the Renewable Fuel Infrastructure Board:

CAROL BALVANZ – Bolkcom, Chair; Ragan and Behn

STATE GOVERNMENT

As Director of the Department of Administrative Services:

MICHAEL CARROLL – Danielson, Chair; Jochum and Dix

As members of the Generation Iowa Commission:

BRENT HINSON – Sodders, Chair; Dearden and Sorenson

BENJAMIN ROGERS – Sodders, Chair; Dearden and Sorenson

As Director of the Department of Human Rights:

ISIAIAH MCGEE – Jochum, Chair; Fraise and Feenstra

As Director of the Department of Inspections and Appeals:

ROD ROBERTS – Sodders, Chair; Jochum and Feenstra

As a member of the Iowa Lottery Authority Board of Directors:

MARY JUNGE – Horn, Chair; Courtney and Behn

As Director of the Department of Management:

DAVID ROEDERER – Danielson, Chair; Jochum and Feenstra

As Director of Office for State-Federal Relations:

DOUGLAS HOELSCHER – Hatch, Chair; Courtney and Dix

TRANSPORTATION

As Commissioner of Public Safety:

LARRY NOBLE – Hancock, Chair; Danielson and Kapucian

VETERANS AFFAIRS

As Executive Director of the Commission of Veterans Affairs:

BRIGADIER GENERAL JODI TYMESON – Beall, Chair; Seymour and Ragan

As a member of the Commission of Veterans Affairs:

WILLARD WALLACE – Black, Chair; Seymour and Horn

As Commandant of the Iowa Veterans Home:

DAVID WORLEY – Beall, Chair; Seymour and Sadders

WAYS AND MEANS

As Director of the Department of Revenue:

COURTNEY KAY-DECKER – Dandekar, Chair; Seng and Zaun

JOURNAL OF THE SENATE

THIRTIETH CALENDAR DAY
EIGHTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 8, 2011

The Senate met in regular session at 9:03 a.m., President Kibbie presiding.

Prayer was offered by Pastor Dennis Morey of the First Presbyterian Church in Oskaloosa, Iowa. He was the guest of Senator Rielly.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Maria Lewis.

The Journal of Monday, February 7, 2011, was approved.

INTRODUCTION OF GOVERNOR'S APPOINTEE

The Secretary of the Senate introduced Rod Roberts, the governor's appointee to be the Director of the Department of Inspections and Appeals. He was the guest of Senator Soddors and the committee on State Government.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:08 a.m. until 9:00 a.m., Wednesday, February 9, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Gladys Barz, Waterloo—For celebrating her 90th birthday. Senator Dotzler (2/8/11).

Esther and Bill McGuire, Waterloo—For celebrating their 45th wedding anniversary. Senator Dotzler (2/8/11).

Clarence and Doris Ostdahl, Evansdale—For celebrating their 60th wedding anniversary. Senator Dotzler (2/8/11).

Rosemary Penning, Waterloo—For celebrating her 80th birthday. Senator Dotzler (2/8/11).

Dixie Posey, Waterloo—For celebrating her 80th birthday. Senator Dotzler (2/8/11).

Lois Reicherts, Waterloo—For celebrating her 80th birthday. Senator Dotzler (2/8/11).

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH/REBUILD IOWA

Convened: Tuesday, February 8, 2011, 2:05 p.m.

Members Present: Soddors, Chair; Dotzler, Vice Chair; Bacon, Bertrand, Chelgren, Dandekar, Danielson, Hatch, Horn, Ward, Whitver, and Wilhelm.

Members Absent: Greiner, Ranking Member; Bowman and Rielly (all excused).

Committee Business: None.

Adjourned: 2:10 p.m.

GOVERNMENT OVERSIGHT

Convened: Tuesday, February 8, 2011, 10:05 a.m.

Members Present: Courtney, Chair; Soddors, Vice Chair; Sorenson, Ranking Member; Greiner and Kibbie.

Members Absent: None.

Committee Business: Discussed the Iowa Lottery.

Adjourned: 11:20 a.m.

HUMAN RESOURCES

Convened: Monday, February 7, 2011, 5:05 p.m.

Members Present: Ragan, Chair; Wilhelm, Vice Chair; Seymour, Ranking Member; Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, Johnson, Quirmbach, and Whitver.

Members Absent: None.

Committee Business: Passed SF 32. Approved SSB 1080, as amended.

Adjourned: 5:10 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Tuesday, February 8, 2011, 2:00 p.m.

Members Present: Dearden, Chair; Black, Vice Chair; Hahn, Ranking Member; Behn, Bolkcom, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson.

Members Absent: Hamerlinck (excused).

Committee Business: Approved SSB 1079, as amended. Presentation by the Fisheries Bureau.

Adjourned: 2:30 p.m.

TRANSPORTATION

Convened: Wednesday, February 7, 2011, 5:00 p.m.

Members Present: Rielly, Chair; Bowman, Vice Chair; Kapucian, Ranking Member; Beall, Dandekar, Danielson, Dearden, Ernst, Hahn, Hancock, Houser, McCoy, and Zaun.

Members Absent: None.

Committee Business: Approved SSB 1032.

Adjourned: 5:15 p.m.

WAYS AND MEANS

Convened: Tuesday, February 8, 2011, 1:05 p.m.

Members Present: Bolkcom, Chair; Seng, Vice Chair; Zaun, Ranking Member; Anderson, Bartz, Chelgren, Dandekar, Dotzler, Feenstra, Hogg, Jochum, McCoy, Quirmbach, and Smith.

Members Absent: Black (excused).

Committee Business: Presentations by the Department of Economic Development, Kirkwood Community College, and Hawkeye Community College.

Adjourned: 2:00 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Tuesday, February 8, 2011, 10:05 a.m.

Members Present: Jochum, Chair; Danielson, Vice Chair; Bartz, Ranking Member; Bowman and Ernst.

Members Absent: None.

Committee Business: Presentations on the Rebuild Iowa Office, drug abuse, and ethics.

Adjourned: 11:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Tuesday, February 8, 2011, 10:10 a.m.

Members Present: Black, Chair; Dearden, Vice Chair; Houser, Ranking Member; Hahn and Wilhelm.

Members Absent: None.

Committee Business: Presentation by the Department of Agriculture and Land Stewardship.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Tuesday, January 25, 2011, 10:10 a.m.

Members Present: Dotzler, Chair; Dandekar, Vice Chair; Boettger, Ranking Member; Bertrand and Seng.

Members Absent: None.

Committee Business: Discussion with Iowa Workforce Development.

Adjourned: 11:55 a.m.

ALSO:

Convened: Wednesday, January 26, 2011, 10:10 a.m.

Members Present: Dotzler, Chair; Dandekar, Vice Chair; Boettger, Ranking Member; Bertrand and Seng.

Members Absent: None.

Committee Business: Presentations by the Des Moines Area Community College Economic Development Program and the World Food Prize.

Adjourned: 11:00 a.m.

ALSO:

Convened: Tuesday, February 1, 2011, 10:00 a.m.

Members Present: Dotzler, Chair; Dandekar, Vice Chair; Boettger, Ranking Member; Bertrand and Seng.

Members Absent: None.

Committee Business: LSA overview of governor's budget recommendations.

Adjourned: 10:45 a.m.

ALSO:

Convened: Wednesday, February 2, 2011, 10:00 a.m.

Members Present: Dotzler, Chair; Dandekar, Vice Chair; Boettger, Ranking Member; Bertrand and Seng.

Members Absent: None.

Committee Business: Presentation on the University of Northern Iowa Economic Development Program.

Adjourned: 11:20 a.m.

ALSO:

Convened: Thursday, February 3, 2011, 10:10 a.m.

Members Present: Dotzler, Chair; Dandekar, Vice Chair; Boettger, Ranking Member; Bertrand and Seng.

Members Absent: None.

Committee Business: Presentation on the Iowa State University Economic Development Program.

Adjourned: 11:25 p.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Tuesday, February 8, 2011, 10:05 a.m.

Members Present: Schoenjahn, Chair; Quirmbach, Vice Chair; Dix, Ranking Member; and Horn.

Members Absent: Hamerlinck (excused).

Committee Business: Presentations by Early Childhood Iowa and the Department of Early Childhood Services.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Tuesday, February 8, 2011, 10:10 a.m.

Members Present: Hancock, Chair; Hogg, Vice Chair; Fraise and Smith.

Members Absent: Seymour, Ranking Member (excused).

Committee Business: Trip to the Department of Corrections Central Pharmacy.

Adjourned: 10:15 a.m.

INTRODUCTION OF BILLS

Senate File 168, by Chelgren, a bill for an act repealing the option of voting straight party and including effective date provisions.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 169, by Schoenjahn, a bill for an act relating to the family farm property tax credit by providing for eligible entities and including effective date and applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 170, by McKinley, a bill for an act establishing a deregulated schools pilot program for certain public and nonpublic schools.

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

Senate File 171, by McKinley, a bill for an act suspending certain financial mandates and restrictions for school districts for certain school budget years and including effective date and applicability provisions.

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

Senate File 172, by McKinley, Zaun, Boettger, Bacon, Johnson, Chelgren, Houser, and Whitver, a bill for an act authorizing a school district to adopt a mandatory uniform policy.

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

Senate File 173, by McKinley, a bill for an act providing for a special education alternative reading instruction pilot program and including a contingency clause and effective date provisions.

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

Senate File 174, by McKinley, a bill for an act relating to certain reporting requirements required of school districts, accredited nonpublic schools, and community colleges.

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

Senate File 175, by committee on Human Resources, a bill for an act extending the repeal date for the prevention of disabilities policy council.

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

Senate File 176, by Feenstra, a bill for an act relating to state student assistance for students enrolled in certain postsecondary institutions.

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

Senate File 177, by committee on Judiciary, a bill for an act relating to the director of the Iowa law enforcement academy and the membership of the Iowa law enforcement academy council and including applicability provisions.

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

Senate File 178, by Soddors, Danielson, Dotzler, Seng, Hancock, Schoenjahn, McCoy, Horn, Dearden, Hatch, Courtney, Gronstal, Kibbie, Black, Quirmbach, Beall, Ragan, Wilhelm, Jochum, and Dandekar, a bill for an act relating to community development by allocating tax credits for redevelopment of brownfields and grayfields and by making an appropriation for certain community partnership programs designed to support community beautification projects.

Read first time under Rule 28 and referred to committee on **Economic Growth/Rebuild Iowa**.

Senate File 179, by Wilhelm, Danielson, Rielly, Bowman, Bolkom, Dotzler, Jochum, Courtney, Ragan, Schoenjahn, Hancock, Seng, Beall, Soddors, Hogg, Black, Kibbie, Horn, Dandekar, Hatch, Gronstal, and McCoy, a bill for an act creating the red tape commission.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 180, by Feenstra, a bill for an act prohibiting school districts and area education agencies from making teacher payroll deductions for membership dues for employment organizations or labor unions and including applicability provisions.

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

STUDY BILLS RECEIVED

SSB 1095 Human Resources

Relating to inclusion of dental hygienists as approved providers under managed care or prepaid services contracts under the Medicaid program.

SSB 1096 Human Resources

Relating to community mental health centers.

SSB 1097 Commerce

Relating to the scope of duty of an insurance producer in procuring insurance for a client.

SUBCOMMITTEE ASSIGNMENTS

Senate File 138

VETERANS AFFAIRS: Kibbie, Chair; Horn and Seymour

Senate File 148

HUMAN RESOURCES: Bolkom, Chair; Seymour and Wilhelm

Senate File 151

EDUCATION: Dvorsky, Chair; Beall and Johnson

Senate File 152

HUMAN RESOURCES: Wilhelm, Chair; Boettger and Dvorsky

Senate File 153

EDUCATION: Bowman, Chair; Beall and Feenstra

Senate File 154

HUMAN RESOURCES: Quirnbach, Chair; Bacon and Ragan

Senate File 159

EDUCATION: Dvorsky, Chair; Hamerlinck and Hogg

Senate File 160

EDUCATION: Dvorsky, Chair; Feenstra and Hogg

Senate File 161

ECONOMIC GROWTH/REBUILD IOWA: Sodders, Chair; Bowman and Chelgren

Senate File 162

JUDICIARY: Fraise, Chair; Dvorsky and Sorenson

Senate File 165

JUDICIARY: Hancock, Chair; Horn and Ward

House File 45

APPROPRIATIONS: Danielson, Chair; Dvorsky and Kettering

House File 111

HUMAN RESOURCES: Hatch, Chair; Bolkcom and Seymour

SSB 1095

HUMAN RESOURCES: Dvorsky, Chair; Jochum and Johnson

SSB 1096

HUMAN RESOURCES: Dvorsky, Chair; Seymour and Wilhelm

SSB 1097

COMMERCE: McCoy, Chair; Anderson and Rielly

FINAL COMMITTEE REPORTS OF BILL ACTION**HUMAN RESOURCES**

Bill Title: SENATE FILE 175 (formerly SF 32), a bill for an act extending the repeal date for the prevention of disabilities policy council.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, Johnson, Quirnbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: *SENATE FILE 177 (formerly SF 15), a bill for an act relating to the director of the Iowa law enforcement academy and the membership of the Iowa law enforcement academy council and including applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 177, and they were attached to the committee report.

JOURNAL OF THE SENATE

THIRTY-FIRST CALENDAR DAY
NINETEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 9, 2011

The Senate met in regular session at 9:05 a.m., President Kibbie presiding.

Prayer was offered by Bishop R. Walker Nickless, of the Sioux City Diocese in Sioux City, Iowa. He was the guest of Senators Anderson and Bertrand.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Maria Lewis.

The Journal of Tuesday, February 8, 2011, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 8, 2011, **passed** the following bills in which the concurrence of the Senate is asked:

House File 126, a bill for an act relating to the filing of lobbyist registrations and lobbyist's client reports with the general assembly.

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

House File 184, a bill for an act establishing the categorical state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

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

House File 185, a bill for an act establishing the state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

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

House File 189, a bill for an act establishing a school district property tax relief supplement for certain fiscal years, making an appropriation, and including effective date and applicability provisions.

Read first time and referred to committee on **Ways and Means**.

SPECIAL GUESTS

President Kibbie introduced to the Senate chamber the Honorable Dave Mulder, former member of the Senate from Sioux County, Sioux Center, Iowa. He was accompanied by his wife, Dot.

The Senate rose and expressed its welcome.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:11 a.m. until 9:00 a.m., Thursday, February 10, 2011.

APPENDIX

COMMUNICATION RECEIVED

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

DEPARTMENT OF HUMAN SERVICES

Implementation Status Report on the Mental Health Services System for Children, Youth, and Their Families, pursuant to Iowa Code section 225C.54(5). Report received on February 8, 2011.

CERTIFICATES OF RECOGNITION

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

Michael Canfield, Dubuque—For achieving the rank of Eagle Scout. Senator Hancock (2/9/11).

Barbara Hudgel, Burlington—For celebrating her 90th birthday. Senator Courtney (2/9/11).

John Mauss, Sioux Falls, South Dakota—For achieving the rank of Eagle Scout. Senator Hancock (2/9/11).

Jan and Kathy McCaughey, Hartford—For celebrating their 50th wedding anniversary. Senator Sorenson (2/9/11).

Gene and Gladys Oberman, Burlington—For celebrating their 55th wedding anniversary. Senator Courtney (2/9/11).

Erika McWell, Sioux City—For receiving the 2011 Iowa Child at Heart Award. Senators Bertrand and Anderson (2/9/11).

Kyle Schroeder, Dubuque—For achieving the rank of Eagle Scout. Senator Hancock (2/9/11).

Larry Swore—For celebrating his 90th birthday. Senator Courtney (2/9/11).

Frank Trevitt, Mediapolis—For celebrating his 90th birthday. Senator Courtney (2/9/11).

Willis Wagner, Holy Cross—For his outstanding dedication and service for many years in Iowa's emergency services. Senator Hancock (2/9/11).

Henry Westhoff, New Vienna—For his outstanding dedication and commitment during 20 years of service as the New Vienna Fire Chief. Senator Hancock (2/9/11).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: Tuesday, February 8, 2011, 4:05 p.m.

Members Present: Dandekar, Chair; Rielly, Vice Chair; Behn, Ranking Member; Anderson, Beall, Bolkom, Courtney, Feenstra, Kettering, McCoy, Schoenjahn, Seng, Ward, and Wilhelm.

Members Absent: Zaun (excused).

Committee Business: Presentation by Associations Marketing Group, Inc.

Adjourned: 4:55 p.m.

EDUCATION

Convened: Wednesday, February 9, 2011, 1:10 p.m.

Members Present: Quirnbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Johnson, Smith, Soddors, and Wilhelm.

Members Absent: None.

Committee Business: Passed SF 10, as amended, and SF 74.

Adjourned: 1:40 p.m.

STATE GOVERNMENT

Convened: Wednesday, February 9, 2011, 2:05 p.m.

Members Present: Danielson, Chair; Kibbie, Vice Chair; Feenstra, Ranking Member; Behn, Bertrand, Dearden, Dix, Fraise, Hatch, Horn, Jochum, Smith, Soddors, and Sorenson.

Members Absent: Courtney (excused).

Committee Business: Approved SSB 1067. Presentation by the Department of Management.

Adjourned: 2:50 p.m.

VETERANS AFFAIRS

Convened: Tuesday, February 8, 2011, 3:05 p.m.

Members Present: Beall, Chair; Danielson, Vice Chair; Seymour, Ranking Member; Bacon, Black, Ernst, Greiner, Horn, Kibbie, Ragan, and Soddors.

Members Absent: None.

Committee Business: Passed SF 79. Approved SSB 1047. Presentation by the Adjutant General.

Adjourned: 3:45 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Wednesday, February 9, 2011, 10:05 a.m.

Members Present: Jochum, Chair; Danielson, Vice Chair; Bartz, Ranking Member; Bowman and Ernst.

Members Absent: None.

Committee Business: Presentations by the Governor's Office and the Department of Management.

Adjourned: 11:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Wednesday, February 9, 2011, 10:05 a.m.

Members Present: Black, Chair; Dearden, Vice Chair; Houser, Ranking Member; Hahn and Wilhelm.

Members Absent: None.

Committee Business: Presentation by the Honey Creek Destination Resort.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Wednesday, February 9, 2011, 10:10 a.m.

Members Present: Dotzler, Chair; Dandekar, Vice Chair; Boettger, Ranking Member; Bertrand and Seng.

Members Absent: None.

Committee Business: Budget presentations by PERB and DCA.

Adjourned: 11:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Wednesday, February 9, 2011, 10:05 a.m.

Members Present: Schoenjahn, Chair; Quirnbach, Vice Chair; Dix, Ranking Member; Hamerlinck and Horn.

Members Absent: None.

Committee Business: Presentation by the Board of Regents and five state schools.

Adjourned: 11:50 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,
INFRASTRUCTURE, AND CAPITALS**

Convened: Wednesday, February 9, 2011, 10:00 a.m.

Members Present: McCoy, Chair; Beall, Vice Chair; Kapucian, Ranking Member; Anderson and Dvorsky.

Members Absent: None

Committee Business: Presentation by the Honey Creek Destination Resort.

Adjourned: 11:10 a.m.

INTRODUCTION OF BILLS

Senate File 181, by Danielson, a bill for an act providing for the modification of property divisions made pursuant to a dissolution of marriage.

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

Senate File 182, by Danielson, a bill for an act related to candidacy and service in elective public office of public employees.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 183, by Danielson, a bill for an act requiring public employers to pay public employees military differential pay.

Read first time under Rule 28 and referred to committee on **Veterans Affairs**.

Senate File 184, by committee on Transportation, a bill for an act relating to intermediate driver's licenses and special minor's licenses, making a penalty applicable, and including effective date provisions.

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

Senate File 185, by committee on Human Resources, a bill for an act relating to the membership of the medical assistance advisory council.

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

Senate File 186, by Schoenjahn, a bill for an act allowing in-state bidders to match comparable out-of-state bids for purchases or public improvements through a competitive bidding process by the state or political subdivisions.

Read first time under Rule 28 and referred to committee on **Economic Growth/Rebuild Iowa**.

Senate File 187, by Chelgren, Anderson, Bertrand, Johnson, Ernst, Boettger, Bartz, Sorenson, Zaun, Hahn, and Kapucian, a bill for an act repealing statewide licensure requirements for electricians and electrical contractors, including transition provisions, and providing an effective date.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 188, by Chelgren, Sorenson, Whitver, Ernst, Zaun, Feenstra, Bartz, Hahn, and Kapucian, a bill for an act repealing the Iowa plumber, mechanical professional, and contractor licensing Act.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 189, by Feenstra, a bill for an act relating to the mechanism by which a county may consolidate the functions of certain county officers.

Read first time under Rule 28 and referred to committee on **Local Government**.

Senate File 190, by Sodders, a bill for an act providing for a deaf and hard-of-hearing children's educational bill of rights.

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

Senate File 191, by Bowman, a bill for an act relating to funding requirements for whole grade sharing agreements.

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

Senate File 192, by committee on Natural Resources and Environment, a bill for an act relating to snowmobile registration and permit fees.

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

Senate File 193, by Zaun, a bill for an act relating to equipment dealership agreements by providing for supplier liability.

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

Senate File 194, by committee on Veterans Affairs, a bill for an act relating to the Iowa military code and military service by making changes related to the use and support of certain facilities, operations support, employment and rank of active and retired military personnel, the definition of performing military duty, tort claims protections, and including effective date provisions.

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

Senate File 195, by Bacon, a bill for an act providing an exemption from the fee for new vehicle registration for motor vehicles transferred between certain dealerships upon termination of the vehicle brand, and including effective date and applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 196, by Johnson, a bill for an act abolishing county compensation boards.

Read first time under Rule 28 and referred to committee on **Local Government**.

STUDY BILLS RECEIVED

SSB 1098 Commerce

Relating to prohibited concealments, suppressions, or omissions of material facts in connection with new motor vehicle repairs.

SSB 1099 Commerce

Establishing regulations to permit access to surplus lines insurance in this state, and providing civil and criminal penalties, coordinating provisions, and repeals, and including effective date provisions.

SSB 1100 Human Resources

Relating to medical assistance program-related provisions.

SSB 1101 Human Resources

Relating to child support recovery.

SUBCOMMITTEE ASSIGNMENTS

Senate File 109

WAYS AND MEANS: Dandekar, Chair; McCoy and Smith

Senate File 132

EDUCATION: Dvorsky, Chair; Hamerlinck and Hogg

Senate File 133

EDUCATION: Dvorsky, Chair; Hamerlinck and Hogg

Senate File 134

EDUCATION: Dvorsky, Chair; Hamerlinck and Hogg

Senate File 135

EDUCATION: Dvorsky, Chair; Hamerlinck and Hogg

Senate File 136

EDUCATION: Dvorsky, Chair; Hamerlinck and Hogg

Senate File 137

EDUCATION: Dvorsky, Chair; Hamerlinck and Hogg

Senate File 178

ECONOMIC GROWTH/REBUILD IOWA: Rielly, Chair; Bertrand and Dotzler

Senate File 181

JUDICIARY: Fraise, Chair; Dvorsky and Sorenson

Senate File 183

VETERANS AFFAIRS: Danielson, Chair; Seymour and Soddors

House File 126

ETHICS: Kibbie, Chair; Behn, Fraise, Kettering, McKinley, and Seng

SSB 1098

COMMERCE: Anderson, Chair; Dandekar and Wilhelm

SSB 1099

COMMERCE: McCoy, Chair; Dandekar and Feenstra

SSB 1100

HUMAN RESOURCES: Ragan, Chair; Johnson and Wilhelm

SSB 1101

HUMAN RESOURCES: Ragan, Chair; Whitver and Wilhelm

FINAL COMMITTEE REPORTS OF BILL ACTION

HUMAN RESOURCES

Bill Title: *SENATE FILE 185 (SSB 1080), a bill for an act relating to the membership of the medical assistance advisory council.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, Johnson, Quirmbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 185, and they were attached to the committee report.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: *SENATE FILE 192 (SSB 1079), a bill for an act relating to snowmobile registration and permit fees.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Dearden, Black, Hahn, Behn, Bolkcom, Hancock, Hogg, Kapucian Ragan, Schoenjahn, and Seng. Nays, 1: Sorenson. Absent, 1: Hamerlinck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on Senate File 192, and they were attached to the committee report.

TRANSPORTATION

Bill Title: *SENATE FILE 184 (SSB 1032), a bill for an act relating to intermediate driver's licenses and special minor's licenses, making a penalty applicable, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Rielly, Bowman, Kapucian, Beall, Dandekar, Danielson, Dearden, Ernst, Hancock, Houser, McCoy, and Zaun. Nays, none. Absent, 1: Hahn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Transportation Committee on Senate File 184, and they were attached to the committee report.

VETERANS AFFAIRS

Bill Title: *SENATE FILE 194 (SSB 1047), a bill for an act relating to the Iowa military code and military service by making changes related to the use and support of certain facilities, operations support, employment and rank of active and retired military personnel, the definition of performing military duty, tort claims protections, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Beall, Danielson, Seymour, Bacon, Black, Ernst, Greiner, Horn, Kibbie, Ragan, and Sodders. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Veterans Affairs Committee on Senate File 194, and they were attached to the committee report.

JOURNAL OF THE SENATE

THIRTY-SECOND CALENDAR DAY
TWENTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 10, 2011

The Senate met in regular session at 9:04 a.m., President Kibbie presiding.

The Senate observed a moment of silence.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Maria Lewis.

The Journal of Wednesday, February 9, 2011, was approved.

INTRODUCTION OF GOVERNOR'S APPOINTEE

The Secretary of the Senate introduced Michael Carroll, the governor's appointee to be the Director of the Department of Administrative Services. He was the guest of Senator Danielson and the committee on State Government.

SPECIAL GUEST

President Kibbie introduced to the Senate chamber the Honorable Al Sturgeon, former member of the Senate from Woodbury County, Sioux City, Iowa.

The Senate rose and expressed its welcome.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 192** be referred from the Regular Calendar to the committee on **Ways and Means**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:12 a.m. until 1:00 p.m., Monday, February 14, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Jack and Carol Atkinson, Preston—For celebrating their 50th wedding anniversary. Senator Bowman (2/10/11).

Thomas Danner, Peosta—For his dedication to the student athletes of Western Dubuque during his 35 years of coaching. Senator Bowman (2/10/11).

Joe Ihm, Guttenberg—For celebrating his 80th birthday. Senator Schoenjahn (2/10/11).

Iowa Chapter of the Lupus Foundation of America—The Senate hereby recognizes and declares May 2011 as Lupus Awareness Month and joins lupus advocacy groups in supporting programs of research, education, and community service. Senator Ragan (2/10/11).

Ken and Chris Weuste, Maquoketa—For celebrating their 50th wedding anniversary. Senator Bowman (2/10/11).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Thursday, February 10, 2011, 1:00 p.m.

Members Present: Seng, Chair; Fraise, Vice Chair; Johnson, Ranking Member; Black, Bowman, Courtney, Hahn, Hancock, Houser, Kapucian, and Rielly.

Members Absent: Greiner and Kibbie (both excused).

Committee Business: Presentations on animal breeding operation reforms.

Adjourned: 1:15 p.m.

ECONOMIC GROWTH/REBUILD IOWA

Convened: Thursday, February 10, 2011, 2:00 p.m.

Members Present: Soddors, Chair; Dotzler, Vice Chair; Bacon, Bowman, Chelgren, Dandekar, Danielson, Horn, Rielly, Ward, Whitver, and Wilhelm.

Members Absent: Greiner, Ranking Member; Bertrand and Hatch (all excused).

Committee Business: Passed SF 71. Presentation by the Iowa Finance Authority.

Adjourned: 2:50 p.m.

GOVERNMENT OVERSIGHT

Convened: Thursday, February 10, 2011, 10:10 a.m.

Members Present: Courtney, Chair; Sodders, Vice Chair; Sorenson, Ranking Member; and Kibbie.

Members Absent: Greiner (excused).

Committee Business: Presentation by the Iowa Braille and Sight Saving School.

Adjourned: 11:20 a.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Thursday, February 10, 2011, 2:00 p.m.

Members Present: Dearden, Chair; Black, Vice Chair; Hahn, Ranking Member; Bolcom, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson.

Members Absent: Behn and Hamerlinck (both excused).

Committee Business: Presentation by Iowa's Water and Land Legacy.

Adjourned: 2:50 p.m.

TRANSPORTATION

Convened: Wednesday, February 9, 2011, 3:00 p.m.

Members Present: Rielly, Chair; Bowman, Vice Chair; Kapucian, Ranking Member; Beall, Dandekar, Danielson, Dearden, Ernst, Hahn, Hancock, Houser, McCoy, and Zaun.

Members Absent: None.

Committee Business: Approved SSB 1083. Presentation by the Tama County Engineer.

Adjourned: 3:45 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Thursday, February 10, 2011, 10:10 a.m.

Members Present: Jochum, Chair; Danielson, Vice Chair; Bartz, Ranking Member; Bowman and Ernst.

Members Absent: None.

Committee Business: Presentations by Outcomes Pharmaceutical Health Care and the Department of Administrative Services.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Thursday, February 10, 2011, 10:15 a.m.

Members Present: Black, Chair; Houser, Ranking Member; Hahn and Wilhelm.

Members Absent: Dearden, Vice Chair (excused).

Committee Business: Forestry presentations by the Department of Natural Resources and the Department of Agriculture and Land Stewardship.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Thursday, February 10, 2011, 10:10 a.m.

Members Present: Schoenjahn, Chair; Quirnbach, Vice Chair; Dix, Ranking Member; Hamerlinck and Horn.

Members Absent: None.

Committee Business: Presentations by community colleges.

Adjourned: 11:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Wednesday, February 9, 2011, 10:10 a.m.

Members Present: Hancock, Chair; Hogg, Vice Chair; Seymour, Ranking Member; Fraise and Smith.

Members Absent: None.

Committee Business: Presentations by the Iowa Civil Rights Commission and the Iowa Coalition Against Sexual Assault.

Adjourned: 10:50 a.m.

ALSO:

Convened: Thursday, February 10, 2011, 10:15 a.m.

Members Present: Hancock, Chair; Hogg, Vice Chair; Seymour, Ranking Member; Fraise and Smith.

Members Absent: None.

Committee Business: Presentation by the Attorney General.

Adjourned: 11:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: Thursday, February 10, 2011, 10:00 a.m.

Members Present: McCoy, Chair; Beall, Vice Chair; Kapucian, Ranking Member; Anderson and Dvorsky.

Members Absent: None.

Committee Business: Presentation by the Department of Public Defense.

Adjourned: 10:50 a.m.

INTRODUCTION OF BILLS

Senate File 197, by committee on State Government, a bill for an act relating to the performance of routine maintenance of a fire protection system and including effective date provisions.

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

Senate File 198, by committee on Veterans Affairs, a bill for an act relating to assignment of visitation or physical care parenting time for children of military service members on active duty and including effective date provisions.

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

Senate File 199, by Dix, Sorenson, Johnson, Ward, McKinley, Behn, Kapucian, Hahn, Anderson, Bertrand, Hamerlinck, Ernst, Seymour, Feenstra, Boettger, Houser, and Whitver, a bill for an act establishing a limitation on the amount of property tax dollars that may be certified by a county or a city and including effective date and applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 200, by Beall and McCoy, a bill for an act requiring the installation of switch targets at certain locations along railroad tracks and providing a penalty.

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

Senate File 201, by Bertrand, Anderson, and Rielly, a bill for an act restricting the designation of certain portions of an interstate highway as part of a scenic byway.

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

Senate File 202, by Schoenjahn, Soddors, Kibbie, Hancock, McCoy, Horn, Dearden, Fraise, Dandekar, Gronstal, Black, Quirnbach, Beall, Ragan, Wilhelm, Jochum, Bolkcom, Bowman, Hogg, Dotzler, Seng, Hatch, Danielson, and Courtney, a bill for an act relating to education and employment training by establishing the pathways for academic career and employment program and fund and the gap tuition assistance program and fund.

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

Senate File 203, by Hogg, a bill for an act relating to the creation of the bond repayment fund and including effective date and applicability provisions.

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

Senate File 204, by committee on Education, a bill for an act establishing a task force on the prevention of sexual abuse of children and including effective date provisions.

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

Senate File 205, by committee on Transportation, a bill for an act relating to matters under the purview of the department of transportation, including provisions relating to the regulation of motor vehicles and motor vehicle operations and provisions relating to the coordination of public transit funding programs, and making penalties applicable.

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

STUDY BILLS RECEIVED

SSB 1102 Commerce

Relating to the assessment of certain subdivided real property and including applicability provisions.

SSB 1103 Human Resources

Relating to assisted living programs, including voluntary cessation of program operations and decertification, and providing penalties.

SUBCOMMITTEE ASSIGNMENTS

Senate File 146

TRANSPORTATION: Danielson, Chair; Bowman and Zaun

Senate File 158

WAYS AND MEANS: Dotzler, Chair; Bartz and Bolkcom

Senate File 164

AGRICULTURE: Kibbie, Chair; Hancock and Houser

Senate File 169

WAYS AND MEANS: Quirnbach, Chair; Anderson and Dotzler

Senate File 170

EDUCATION: Dvorsky, Chair; Hamerlinck and Hogg

Senate File 171

EDUCATION: Hogg, Chair; Dvorsky and Hamerlinck

Senate File 172

EDUCATION: Quirnbach, Chair; Dvorsky and Hamerlinck

Senate File 173

EDUCATION: Hogg, Chair; Dvorsky and Feenstra

Senate File 174

EDUCATION: Hogg, Chair; Boettger and Bowman

Senate File 176

EDUCATION: Feenstra, Chair; Dvorsky and Hogg

Senate File 180

EDUCATION: Dvorsky, Chair; Hamerlinck and Hogg

Senate File 195

WAYS AND MEANS: Quirnbach, Chair; Feenstra and Hogg

Senate File 199

WAYS AND MEANS: Quirnbach, Chair; Dotzler and Feenstra

Senate File 200

TRANSPORTATION: McCoy, Chair; Beall and Houser

House File 184

EDUCATION: Wilhelm, Chair; Hamerlinck and Schoenjahn

House File 185

EDUCATION: Soddors, Chair; Beall and Hamerlinck

SSB 1102

COMMERCE: Dandekar, Chair; Kettering and Schoenjahn

SSB 1103

HUMAN RESOURCES: Dotzler, Chair; Boettger and Jochum

FINAL COMMITTEE REPORTS OF BILL ACTION

EDUCATION

Bill Title: *SENATE FILE 204 (formerly SF 10), a bill for an act establishing a task force on the prevention of sexual abuse of children and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Johnson, Smith, Soddors, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on Senate File 204, and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: SENATE FILE 197 (SSB 1067), a bill for an act relating to the performance of routine maintenance of a fire protection system and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Danielson, Kibbie, Feenstra, Behn, Bertrand, Dearden, Dix, Fraise, Hatch, Horn, Jochum, Smith, Soddors, and Sorenson. Nays, none. Absent, 1: Courtney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Bill Title: *SENATE FILE 205 (SSB 1083), a bill for an act relating to matters under the purview of the department of transportation, including provisions relating to the regulation of motor vehicles and motor vehicle operations and provisions relating to the coordination of public transit funding programs, and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Rielly, Bowman, Kapucian, Beall, Dandekar, Danielson, Dearden, Ernst, Hahn, Hancock, Houser, McCoy, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Transportation Committee on Senate File 205, and they were attached to the committee report.

VETERANS AFFAIRS

Bill Title: *SENATE FILE 198 (formerly SF 79), a bill for an act relating to assignment of visitation or physical care parenting time for children of military service members on active duty and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Beall, Danielson, Seymour, Bacon, Black, Ernst, Greiner, Horn, Kibbie, Ragan, and Sodders. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Veterans Affairs Committee on Senate File 198, and they were attached to the committee report.

JOURNAL OF THE SENATE

THIRTY-SIXTH CALENDAR DAY
TWENTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 14, 2011

The Senate met in regular session at 12:59 p.m., President Kibbie presiding.

A moment of silence was observed by the Senate in memory of Brooke Elliot, a Riceville High School student, who died this past Friday, February 11, 2011, in a car accident.

Prayer was offered by Reverend Jim Laupp, pastor of the First Baptist Church in Fort Dodge, Iowa. He was the guest of Senator Beall.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Austin Pappan.

The Journal of Thursday, February 10, 2011, was approved.

INTRODUCTION OF GOVERNOR'S APPOINTEES

The Secretary of the Senate introduced Isaiah McGee, the governor's appointee to be the Director of the Department of Human Rights. He was the guest of Senators Jochum, Fraise, and Feenstra and the committee on State Government.

The Secretary of the Senate introduced David Roederer, the governor's appointee to be the Director of the Department of Management. He was the guest of Senator Danielson and the committee on State Government.

The Secretary of the Senate introduced Jason Glass, the governor's appointee to be the Director of the Department of Education. He was the guest of Senator Quirmbach and the committee on Education.

The Secretary of the Senate introduced Larry Noble, the governor's appointee to be the Commissioner of Public Safety. He was the guest of Senator Hancock and the committee on Transportation.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:37 p.m. until 9:00 a.m., Tuesday, February 15, 2011.

APPENDIX

AGENCY ICN REPORT

An Iowa Communications Network (ICN) usage report for FY 2010, pursuant to Iowa Code section 8D.10, was received from the following agency:

IOWA NATIONAL GUARD – Report received on February 11, 2011.

CERTIFICATES OF RECOGNITION

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

James and Ollie Anderton, Maquoketa—For celebrating their 50th wedding anniversary. Senator Bowman (2/14/11).

Merv and Carol Helfert, Sabula—For celebrating their 50th wedding anniversary. Senator Bowman (2/14/11).

Captain Todd Kuebler, Merville—For earning the Bronze Star for service in Iraq. Senator Anderson (2/14/11).

Pastor Jim Laupp, First Baptist Church, Fort Dodge—For blessing us with opening prayer in the Iowa Senate. Senator Beall (2/14/11).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Monday, February 14, 2011, 2:15 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Bartz, Black Boettger, Bolkcom, Danielson, Dix, Dotzler, Fraise, Hancock, Hogg, Houser, Jochum, Johnson, Kapucian, Ragan, Schoenjahn, and Seymour.

Members Absent: Hatch (excused).

Committee Business: Passed HF 45.

Adjourned: 2:55 p.m.

EDUCATION

Convened: Monday, February 14, 2011, 5:10 p.m.

Members Present: Quirmbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Johnson, Smith, Soddors, and Wilhelm.

Members Absent: None.

Committee Business: Iowa Core presentations.

Adjourned: 5:50 p.m.

STATE GOVERNMENT

Convened: Monday, February 14, 2011, 4:10 p.m.

Members Present: Danielson, Chair; Kibbie, Vice Chair; Feenstra, Ranking Member; Behn, Bertrand, Courtney, Dearden, Dix, Fraise, Horn, Jochum, Smith, Soddors, and Sorenson.

Members Absent: Hatch (excused).

Committee Business: Discussed governor's appointee.

Adjourned: 5:05 p.m.

WAYS AND MEANS

Convened: Monday, February 14, 2011, 3:00 p.m.

Members Present: Bolkcom, Chair; Seng, Vice Chair; Zaun, Ranking Member; Anderson, Bartz, Black, Chelgren, Dandekar, Dotzler, Feenstra, Hogg, Jochum, McCoy, Quirmbach, and Smith.

Members Absent: None.

Committee Business: Approved SSB 1052, as amended.

Adjourned: 3:45 p.m.

INTRODUCTION OF BILLS

Senate File 206, by committee on Economic Growth/Rebuild Iowa, a bill for an act providing for waivers of certain community attraction and tourism program requirements and including retroactive applicability provisions.

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

Senate File 207, by Gronstal, a bill for an act requiring certain not-for-profit organizations to file campaign disclosure reports and making penalties applicable.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 208, by Kettering, a bill for an act providing for the issuance and display of one motor vehicle registration plate.

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

Senate File 209, by committee on Ways and Means, a bill for an act relating to public funding and regulatory matters by making appropriations, providing for updated Code references to the Internal Revenue Code, increasing the state earned income tax credit, and including effective date and retroactive applicability provisions.

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

STUDY BILLS RECEIVED

SSB 1104 Education

Delaying the establishment of the categorical state percent of growth for the budget year beginning July 1, 2012, for purposes of the state school foundation program, and including effective date provisions.

SSB 1105 Education

Delaying the establishment of the state percent of growth for the budget year beginning July 1, 2012, for purposes of the state school foundation program, and including effective date provisions.

SSB 1106 Education

Relating to oversight functions performed by the college student aid commission regarding certain restrictions and requirements for schools offering postsecondary educational programs, establishing a fund, providing for fees, and making penalties applicable.

SSB 1107 Education

Relating to school instructional hours and school instructional days and including effective date provisions.

SSB 1108 Education

Relating to the duties and operations of the department of education, the school budget review committee, and local school boards and including effective date and applicability provisions.

SSB 1109 Education

Relating to the duties and operations of the state's community colleges.

SSB 1110 Education

Relating to vehicular transportation for students and making penalties applicable.

SSB 1111 State Government

Relating to licensing by reciprocity for dentists.

SSB 1112 State Government

Relating to the identification of historic properties by certain rural electric cooperatives.

SSB 1113 State Government

Relating to state procurement processes.

SSB 1114 Education

Providing a sales tax exemption for textbooks used in attending a postsecondary educational institution.

SSB 1115 Human Resources

Relating to the child abuse registry administered by the department of human services.

SUBCOMMITTEE ASSIGNMENTS**Senate Joint Resolution 11**

STATE GOVERNMENT: Fraise, Chair; Bertrand and Hatch

Senate Joint Resolution 12

STATE GOVERNMENT: Hatch, Chair; Bertrand and Danielson

Senate Joint Resolution 13

STATE GOVERNMENT: Fraise, Chair; Courtney and Sorenson

Senate File 157

STATE GOVERNMENT: Soddors, Chair; Danielson and Dix

Senate File 163

STATE GOVERNMENT: Jochum, Chair; Horn and Smith

Senate File 168

STATE GOVERNMENT: Jochum, Chair; Dearden and Dix

Senate File 179

STATE GOVERNMENT: Danielson, Chair; Feenstra and Soddors

Senate File 182

STATE GOVERNMENT: Jochum, Chair; Dearden and Smith

Senate File 187

STATE GOVERNMENT: Danielson, Chair; Behn and Soddors

Senate File 188

STATE GOVERNMENT: Danielson, Chair; Soddors and Sorenson

Senate File 190

EDUCATION: Soddors, Chair; Beall and Boettger

Senate File 191

EDUCATION: Bowman, Chair; Johnson and Schoenjahn

Senate File 193

AGRICULTURE: Kibbie, Chair; Bowman and Greiner

Senate File 201

TRANSPORTATION: Kapucian, Chair; Hancock and Rielly

Senate File 202

EDUCATION: Schoenjahn, Chair; Johnson and Soddors

House File 189

WAYS AND MEANS: Quirmbach, Chair; Bolkom and Zaun

SSB 1104

EDUCATION: Quirnbach, Chair; Hamerlinck and Sadders

SSB 1105

EDUCATION: Quirnbach, Chair; Hamerlinck and Wilhelm

SSB 1106

EDUCATION: Quirnbach, Chair; Dvorsky and Feenstra

SSB 1107

EDUCATION: Schoenjahn, Chair; Beall and Johnson

SSB 1108

EDUCATION: Quirnbach, Chair; Hamerlinck and Schoenjahn

SSB 1109

EDUCATION: Beall, Chair; Hamerlinck and Sadders

SSB 1110

EDUCATION: Wilhelm, Chair; Bowman and Smith

SSB 1111

STATE GOVERNMENT: Jochum, Chair; Courtney and Smith

SSB 1112

STATE GOVERNMENT: Sadders, Chair; Danielson and Dix

SSB 1113

STATE GOVERNMENT: Sadders, Chair; Behn and Courtney

SSB 1114

EDUCATION: Quirnbach, Chair; Beall and Smith

SSB 1115

HUMAN RESOURCES: Dotzler, Chair; Johnson and Ragan

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: HOUSE FILE 45 (HSB 1), a bill for an act relating to public funding and regulatory matters and making, reducing, and transferring appropriations and revising fund amounts and including effective, retroactive, and other applicability date provisions, and making penalties applicable.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-3009.

Final Vote: Ayes, 20: Dvorsky, McCoy, Kettering, Bartz, Black, Boettger, Bolkcom, Danielson, Dix, Dotzler, Fraise, Hancock, Hogg, Houser, Jochum, Johnson, Kapucian, Ragan, Schoenjahn, and Seymour. Nays, none. Absent, 1: Hatch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ECONOMIC GROWTH/REBUILD IOWA

Bill Title: *SENATE FILE 206 (formerly SF 71), a bill for an act providing for waivers of certain community attraction and tourism program requirements and including retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Soddors, Dotzler, Bacon, Bowman, Chelgren, Dandekar, Danielson, Horn, Rielly, Ward, Whitver, and Wilhelm. Nays, none. Absent, 3: Bertrand, Greiner, and Hatch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Economic Growth/Rebuild Iowa Committee on Senate File 206, and they were attached to the committee report.

WAYS AND MEANS

Bill Title: *SENATE FILE 209 (SSB 1052), a bill for an act relating to public funding and regulatory matters by making appropriations, providing for updated Code references to the Internal Revenue Code, increasing the state earned income tax credit, and including effective date and retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, Seng, Zaun, Anderson, Bartz, Black, Chelgren, Dandekar, Dotzler, Feenstra, Hogg, Jochum, McCoy, Quirmbach, and Smith. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 209, and they were attached to the committee report.

**GOVERNOR'S APPOINTEES PLACED ON
EN BLOC CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendation for confirmation:

STATE GOVERNMENT

Brent Hinson – Generation Iowa Commission
Benjamin Rogers – Generation Iowa Commission

Rod Roberts – Director of the Department of Inspections and Appeals

David Roederer – Director of the Department of Management

AMENDMENT FILED

S-3009 H.F. 45 Appropriations

JOURNAL OF THE SENATE

THIRTY-SEVENTH CALENDAR DAY
TWENTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 15, 2011

The Senate met in regular session at 9:00 a.m., President Kibbie presiding.

Prayer was offered by Pastor Keith A. Ratliff, Sr. of the Maple Street Baptist Church in Des Moines, Iowa. He was the guest of Senator McKinley.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Austin Pappan.

The Journal of Monday, February 14, 2011, was approved.

INTRODUCTION OF GOVERNOR'S APPOINTEES

The Secretary of the Senate introduced Beth Townsend, the governor's appointee to be the Director of the Iowa State Civil Rights Commission. She was the guest of Senator Jochum and the committee on Judiciary.

The Secretary of the Senate introduced David Lingren, the governor's appointee to be the Executive Director of the Iowa Telecommunications and Technology Commission. He was the guest of Senators Wilhelm and Feenstra and the committee on Commerce.

The Secretary of the Senate introduced Debi Durham, the governor's appointee to be the Director of the Department of Economic Development. She was the guest of Senators Sadders and Greiner and the committee on Economic Growth/Rebuild Iowa.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 209** be referred, under Rule 38, from the Ways and Means Calendar to the committee on **Appropriations**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:29 a.m. until 9:00 a.m., Wednesday, February 16, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

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

David and Linda Brill, Burlington—For celebrating their 25th wedding anniversary. Senator Courtney (2/15/11).

Maurice and Kay Helt, West Burlington—For celebrating their 55th wedding anniversary. Senator Courtney (2/15/11).

Donald and Linda Norton, Burlington—For celebrating their 50th wedding anniversary. Senator Courtney (2/15/11).

Marcie Noss, Burlington—For celebrating her 90th birthday. Senator Courtney (2/15/11).

Vimilee and Erna Riney, Burlington—For celebrating their 50th wedding anniversary. Senator Courtney (2/15/11).

Jeff Van Schepen, Hull—For his firefighting efforts above and beyond the call of duty. Senator Feenstra (2/15/11).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Tuesday, February 15, 2011, 11:40 a.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Bartz, Black, Boettger, Bolkom, Danielson, Dotzler, Fraise, Hancock, Hogg, Houser, Jochum, Johnson, Kapucian, Ragan, Schoenjahn, and Seymour.

Members Absent: Dix and Hatch (both excused).

Committee Business: Passed SF 209. Presentation by the Mayor of Cedar Rapids.

Adjourned: 12:35 p.m.

ECONOMIC GROWTH/REBUILD IOWA

Convened: Tuesday, February 15, 2011, 2:05 p.m.

Members Present: Sodders, Chair; Dotzler, Vice Chair; Greiner, Ranking Member; Bacon, Bertrand, Bowman, Chelgren, Dandekar, Danielson, Horn, Rielly, Ward, Whitver, and Wilhelm.

Members Absent: Hatch (excused).

Committee Business: Passed SF 178. Approved governor's appointee. Presentation by the Department of Cultural Affairs.

Adjourned: 3:00 p.m.

HUMAN RESOURCES

Convened: Tuesday, February 15, 2011, 3:05 p.m.

Members Present: Ragan, Chair; Wilhelm, Vice Chair; Seymour, Ranking Member; Bacon, Boettger, Bolcom, Dotzler, Dvorsky, Jochum, Johnson, Quirmbach, and Whitver.

Members Absent: Hatch (excused).

Committee Business: Passed SFs 126 and 152. Passed SF 103, as amended. Approved governor's appointees.

Adjourned: 3:35 p.m.

LOCAL GOVERNMENT

Convened: Tuesday, February 15, 2011, 1:05 p.m.

Members Present: Wilhelm, Chair; Beall, Vice Chair; Bartz, Ranking Member; Bacon, Bowman, Ernst, Quirmbach, Rielly, and Schoenjahn.

Members Absent: Hamerlinck and McCoy (both excused).

Committee Business: Presentation on Cedar Rapids flood prevention.

Adjourned: 1:55 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Tuesday, February 15, 2011, 2:00 p.m.

Members Present: Dearden, Chair; Black, Vice Chair; Hahn, Ranking Member; Behn, Bolkcom, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson.

Members Absent: Hamerlinck (excused).

Committee Business: Approved governor's appointees. Presentations on climate trends.

Adjourned: 2:55 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Tuesday, February 15, 2011, 10:10 a.m.

Members Present: Jochum, Chair; Bartz, Ranking Member; Bowman and Ernst.

Members Absent: Danielson, Vice Chair (excused).

Committee Business: Presentations by the Division of Banking and the Department of Revenue.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Tuesday, February 15, 2011, 10:10 a.m.

Members Present: Schoenjahn, Chair; Quirnbach, Vice Chair; Dix, Ranking Member; and Horn.

Members Absent: Hamerlinck (excused).

Committee Business: Presentations by Area Education Agencies.

Adjourned: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Tuesday, February 15, 2011, 10:10 a.m.

Members Present: Hancock, Chair; Hogg, Vice Chair; Seymour, Ranking Member; Fraise and Smith.

Members Absent: None.

Committee Business: Presentation by the Department of Corrections.

Adjourned: 11:10 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,
INFRASTRUCTURE, AND CAPITALS**

Convened: Tuesday, February 15, 2011, 10:05 a.m.

Members Present: McCoy, Chair; Beall, Vice Chair; Kapucian, Ranking Member; Anderson and Dvorsky.

Members Absent: None.

Committee Business: Presentations by the Department of Natural Resources Flood Plain Management Program, Iowa Flood Center, and State Housing Trust Fund.

Adjourned: 11:15 a.m.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution 14, by Ward, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to a guarantee to vote a secret ballot for representation by a labor organization.

Read first time under Rule 28 and referred to committee on **State Government**.

INTRODUCTION OF BILLS

Senate File 210, by Ward, Sorenson, Bartz, Johnson, Chelgren, Greiner, Bacon, Boettger, Zaun, Kettering, Anderson, Bertrand, Ernst, Hahn, Feenstra, and Kapucian, a bill for an act creating the transparency in private attorney contracts Act.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 211, by Ward, a bill for an act authorizing a retrieval fee for copies of certain medical records or reports in workers' compensation cases.

Read first time under Rule 28 and referred to committee on **Labor and Business Relations**.

Senate File 212, by Ward, Sorenson, Johnson, Chelgren, Greiner, Bacon, Boettger, Zaun, Kettering, Anderson, Bertrand, Ernst, Hahn, Feenstra, Kapucian, and Smith, a bill for an act concerning private sector employee drug testing.

Read first time under Rule 28 and referred to committee on **Labor and Business Relations**.

Senate File 213, by Seng, Johnson, Rielly, Hancock, Horn, Fraise, Kibbie, Hatch, Dotzler, Hamerlinck, Houser, Sorenson, Soddors, Bertrand, Boettger, Bartz, Kapucian, Feenstra, Zaun, Bacon, Black, Gronstal, Seymour, Kettering, Beall, Danielson, Anderson, Bolkcom, Courtney, Schoenjahn, Ernst, Chelgren, Smith, and Jochum, a bill for an act appropriating moneys for tourism marketing and promotion to the department of economic development.

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

Senate File 214, by Hogg, a bill for an act relating to criminal offenses, including the definition of reckless in the criminal code, restrictions on the operation of a motor vehicle, forfeiture for certain offenses, and providing penalties.

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

Senate File 215, by Feenstra, a bill for an act exempting certain part-time employees from participation in the Iowa public employees' retirement system.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 216, by Feenstra, a bill for an act prohibiting government agencies and officials from collecting dues on behalf of labor unions and making a penalty applicable.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 217, by Feenstra, a bill for an act prohibiting public employers from deducting membership dues for employment organizations from wages or salaries of public employees receiving health care benefits and prohibiting state employees from electing or renewing such deductions and including applicability provisions.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 218, by Feenstra, a bill for an act exempting certain part-time employees of the department of public health or the department of human services from participation in the Iowa public employees' retirement system.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 219, by Bartz, a bill for an act providing for special deer hunting licenses for certain nonresident landowners and providing penalties and an appropriation.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

Senate File 220, by McKinley, a bill for an act providing for a creativity and innovation task force.

Read first time under Rule 28 and referred to committee on **Economic Growth/Rebuild Iowa**.

Senate File 221, by McKinley, a bill for an act repealing a requirement that taxpayers indicate on their tax returns the presence or absence of health care coverage for their dependent children and apply for certain public health care coverage, and including effective date and retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 222, by McKinley, a bill for an act relating to the establishment, funding, and bonding authority of public charter schools and making an appropriation.

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

Senate File 223, by Dix, Sorenson, Feenstra, Hahn, Hamerlinck, Ernst, Bertrand, Anderson, Boettger, Smith, Greiner, Kapucian, Chelgren, Johnson, Bartz, Ward, Seymour, Houser, Behn, McKinley, Kettering, Zaun, and Bacon, a bill for an act relating to the imposition of a hiring freeze for state departments and establishments and including effective date provisions.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 224, by Dix, Zaun, Kettering, Johnson, Sorenson, Houser, Seymour, Behn, McKinley, Boettger, Bacon, Greiner, Chelgren, Kapucian, Feenstra, Hahn, Anderson, Bertrand, Hamerlinck, Smith, Ward, and Ernst, a bill for an act reducing the individual income tax rates and including effective date and applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 225, by Beall, Bolkcom, Hogg, Houser, and Kibbie, a bill for an act relating to alternate and renewable energy production by establishing an alternate and renewable energy incentive program applicable to alternate energy production facilities under specified circumstances.

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

STUDY BILLS RECEIVED

SSB 1116 Economic Growth

Relating to the administration of the enterprise zones program by the department of economic development.

SSB 1117 Transportation

Relating to railroads including hit-and-run motor vehicle accidents involving a train and investigations of railroad crossing violations, and providing penalties.

SSB 1118 Transportation

Relating to coordination of construction and installation projects between the department of transportation and fiberoptic cable providers.

SSB 1119 Transportation

Relating to the issuance of a restricted dealer license for the sale of certain motor vehicles.

SUBCOMMITTEE ASSIGNMENTS

Senate File 189

LOCAL GOVERNMENT: Wilhelm, Chair; Bartz and McCoy

Senate File 196

LOCAL GOVERNMENT: Wilhelm, Chair; Bartz and McCoy

Senate File 209

APPROPRIATIONS: Jochum, Chair; Dix and Dvorsky

Senate File 211

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Hatch and Ward

Senate File 212

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Hatch and Ward

SSB 1116

ECONOMIC GROWTH/REBUILD IOWA: Wilhelm, Chair; Bertrand and Rielly

SSB 1117

TRANSPORTATION: Beall, Chair; Hahn and McCoy

SSB 1118

TRANSPORTATION: Rielly, Chair; Danielson and Houser

SSB 1119

TRANSPORTATION: Rielly, Chair; Danielson and Zaun

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: SENATE FILE 209, a bill for an act relating to public funding and regulatory matters by making appropriations, providing for updated Code references to the Internal Revenue Code, increasing the state earned income tax credit, and including effective date and retroactive applicability provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-3010.

Final Vote: Ayes, 18: Dvorsky, McCoy, Kettering, Bartz, Black, Boettger, Bolkom, Dotzler, Fraise, Hancock, Hogg, Houser, Jochum, Johnson, Kapucian, Ragan, Schoenjahn, and Seymour. Nays, none. Absent, 3: Danielson, Dix, and Hatch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

HUMAN RESOURCES

Judith Bevers – Commission on Aging
Ralph Wolf – Commission on Aging

Erik Oostenink – Board of Behavioral Science

Aida Bogaczyk – Commission of Persons with Disabilities
Barbara Faber – Commission of Persons with Disabilities

Michelle Ray-Michalec – Commission of Persons with Disabilities
 James Rixner – Commission of Persons with Disabilities
 Gary Schriver – Commission of Persons with Disabilities
 Harry Van Grevenhof – Commission of Persons with Disabilities
 LaSheila Yates – Commission of Persons with Disabilities

Sal Alaniz – Commission of Latino Affairs
 Ramon Cantu – Commission of Latino Affairs
 Joan Jaimes – Commission of Latino Affairs
 Paula Martinez – Commission of Latino Affairs
 Sandra Sanchez-Naert – Commission of Latino Affairs

Laurel Phipps – Mental Health and Disabilities Services Commission

NATURAL RESOURCES AND ENVIRONMENT

Diana Bruemmer – Environmental Protection Commission
 John Glenn – Environmental Protection Commission

Dawn Carlson – Iowa Comprehensive Petroleum Underground Storage Tank Fund Board

Carol Balvanz – Renewable Fuel Infrastructure Board

GOVERNOR'S APPOINTEES PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the Individual Confirmation Calendar with recommendation for confirmation:

HUMAN RESOURCES

Donna Harvey – Director of the Department on Aging

NATURAL RESOURCES AND ENVIRONMENT

Roger Lande – Director of the Department of Natural Resources

AMENDMENT FILED

S-3010 S.F. 209 Appropriations

JOURNAL OF THE SENATE

THIRTY-EIGHTH CALENDAR DAY
TWENTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 16, 2011

The Senate met in regular session at 9:05 a.m., President Kibbie presiding.

Prayer was offered by Pastor Rick Biedermann of the Holy Trinity Lutheran Church in Ankeny, Iowa. He was the guest of Senator Dix.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Austin Pappan.

The Journal of Tuesday, February 15, 2011, was approved.

INTRODUCTION OF GOVERNOR'S APPOINTEES

The Secretary of the Senate introduced Dave Jamison, the governor's appointee to be the Executive Director of the Iowa Finance Authority. He was the guest of Senator Danielson and the committee on Economic Growth/Rebuild Iowa.

The Secretary of the Senate introduced Roger Lande, the governor's appointee to be the Director of the Department of Natural Resources. He was the guest of Senator Dearden and the committee on Natural Resources and Environment.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 15, 2011, **passed** the following bills in which the concurrence of the Senate is asked:

House File 243, a bill for an act relating to instruments used to update the county transfer books and index maintained by the county auditor.

Read first time and attached to **companion Senate File 156**.

House File 245, a bill for an act relating to the status of posthumously conceived and born children in the context of legitimacy, inheritance, rights to claim an after-born child's share, and other rights.

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

The Senate stood at ease at 9:13 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:46 a.m., President Kibbie presiding.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to receive the Senate in joint convention.

In accordance with House Concurrent Resolution 6, duly adopted, the Senate proceeded to the House chamber under the direction of the Secretary of the Senate and the Sergeant-at-Arms.

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 6, duly adopted, the joint convention was called to order at 9:53 a.m., President Kibbie presiding.

Senator Gronstal moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present, which motion prevailed by a voice vote.

Senator Gronstal moved that a committee of six, three members from the Senate and three members from the House, be appointed to escort Governor Terry E. Branstad to the House chamber.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Jochum, Dandekar, and Bertrand on the

part of the Senate, and Representatives Forristall, Hager, and Hall on the part of the House.

Senator Gronstal moved that a committee of six, three members from the Senate and three members from the House, be appointed to notify the Adjutant General of the Iowa National Guard, Major General Tim Orr, that the joint convention was ready to receive him.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Soddors, Wilhelm, and Ernst on the part of the Senate, and Representatives Chambers, Shaw, and Kearns on the part of the House.

Secretary of State, Matt Schultz, State Auditor David Vaudt, Treasurer of State Michael Fitzgerald, and Attorney General Tom Miller were escorted into the House chamber.

Lieutenant Governor Kim Reynolds was escorted into the House chamber.

Major General Tim Orr's wife, Suzanne Orr, was escorted into the House chamber.

The committee waited upon Governor Terry E. Branstad and escorted him into the House chamber.

The committee waited upon Major General Tim Orr, Adjutant General of the Iowa National Guard, and escorted him to the Speaker's station.

President Kibbie presented Major General Tim Orr, Adjutant General of the Iowa National Guard. Major General Orr provides command and control for 105 Army and Air National Guard Units and over 9,500 Army and Air National Guard members in the state of Iowa.

Major General Tim Orr delivered the following Condition of the Iowa National Guard Message:

Good Morning ladies and gentleman – thank you for that warm welcome.

I am honored and privileged once again to stand before you and provide this annual report on the Condition of the Iowa National Guard.

Your Iowa National Guard has evolved from a State Militia created in 1836 into a full-spectrum operational force prepared to defend our state and nation during an era of persistent conflict.

Your Iowa National Guard has executed every mission assigned, served their state here at home, and deployed wherever needed in a moment's notice. Your Iowa National Guard is truly making a difference every day.

Speaker Paulsen, President Kibbie – thank you for your gracious invitation to address this joint convention of the Eighty-fourth General Assembly of the Iowa Legislature.

Governor Branstad, Lieutenant Governor Reynolds, members of the General Assembly, distinguished guests and fellow Iowans.

I want to begin by saying thank you to Governor Branstad and Lieutenant Governor Reynolds for your support and confidence in me to continue leading the Iowa National Guard in the future. I also want to thank you for devoting your first day in office and all the Inaugural events to the men and women serving in the Iowa National Guard. You demonstrated from the very beginning your strong support for the Iowa National Guard by signing your Salute to the Iowa National Guard Executive Proclamation on January 14, 2011, honoring the service of the men and women of the Iowa National Guard, their families, and employers.

I want to thank Governor Culver and Lieutenant Governor Judge for their strong leadership during this most significant period of time in the history of the Iowa National Guard. Thank you for your efforts to attend our homecoming and sendoff events, your strong support of our families and employers, and your willingness to travel overseas to visit our deployed warriors.

I would also like to give a special thank you to our citizen-legislators, who have done so much to honor and support the Iowa National Guard over the years. Through your legislative programs and participation in our community events, you have embodied unwavering support for our soldiers and airmen. The state of Iowa has one of the strongest traditions of any state for its commitment to their National Guard. Our success is directly attributable to what you have done for your Iowa National Guard – we humbly thank you.

But above all, I want to thank the people of Iowa. Last year I asked all Iowans for their support in helping our deployed families and warriors. I am pleased to report that the citizens of Iowa have delivered. The support we have received can be summed up in two words – simply incredible. What they have done and continue to do for our soldiers, airmen, and their families throughout our combat deployments and state emergency response missions is a true testament to the unmatched community support we are so privileged to enjoy in this state.

Through all the efforts of our soldiers, airmen, families, employers, elected leaders, and our citizens, we have demonstrated that Iowa is a state that truly serves together.

Over this past year, I've had the privilege of visiting our men and women at their local armories, annual training locations, community sendoffs and welcome home events. In addition, Command Sergeant Major John Breitsprecker and I have traveled outside of Iowa to visit soldiers preparing for mobilization at the Camp Shelby and the National Training Center, and overseas to places like Kosovo, Germany, Kuwait, Iraq and Afghanistan to visit our deployed troops, seeing first-hand the readiness and strong resolve of the Iowa National Guard.

We have also visited our injured and ill soldiers all across the nation at Walter Reed Medical Center, Brooke Army Medical Center, Bethesda Naval Hospital, Fort Gordon, Fort Riley, Fort Leonard Wood, the National Institute of Health, and the Regional Warrior Transition Battalions. Despite the high operational tempo, mission requirements, and daily challenges for our Iowa National Guard soldiers and airmen, we remain unconditionally "Mission Focused, Warrior Ready!"

Today, I deliver my second Condition of the Guard address. Over the next several minutes I want to focus on two important areas:

Where we have come over the last year;
And what we are doing to care for the force.

It's been nearly nine and a half years since the United States and our allies responded to the attacks of September 11, 2001. The soldiers and airmen of the Iowa National Guard answered the call on 9/11 and have served continuously since, working side by side with their Army and Air Force counterparts to help liberate nearly 50 million people from tyranny and terror in Iraq and Afghanistan, maintain peace in Egypt, Israel, and Kosovo, and protect the United States of America.

Since 9/11, the soldiers and airmen of the Iowa National Guard, their families, and their employers have made significant sacrifices on behalf of the American people. More than sixty-five percent of our soldiers and airmen currently serving are combat veterans. More than 16,000 of our men and women have served in the ongoing campaigns in Iraq and Afghanistan, peacekeeping duties in the Balkans and the Sinai Peninsula, and during emergency response missions in Iowa and across the country.

Through multiple combat deployments and domestic support missions, the men and women currently serving in the Iowa National Guard are among the most seasoned and experienced military professionals our state has ever fielded in the more than 170-year history of the Iowa National Guard.

The demand for National Guard forces over the past two decades has required almost continuous use of Active, National Guard, and Reserve forces in order to meet the operational requirements of our armed forces. Our experience during this timeframe has validated the Total Force concept in support of our national security interests. We are now at a point where current and projected demands for Army and Air Force assets will require continued access to the National Guard and Reserve forces, making very real what has been a policy for some time. This means that the mobilization and operational use of National Guard Soldiers, airmen, and units will continue for the foreseeable future, despite ongoing reductions in U.S. forces overseas. The National Guard of the 21st century will require a versatile mix of tailorable, modular, and adaptable organizations, interdependently operating on a predictable, rotational deployment cycle. This new concept is what we call the Operational Force, which is part of the Department of Defense's Total Force Policy.

Over this last year, the Iowa National Guard has remained a national leader in many categories, consistently ranking near the top among the 54 states and territories.

The Iowa National Guard remains a national leader in personnel recruiting and retention. Both the Iowa Air and Army National Guard began fiscal year 2011 with over 100 percent of authorized strength. And our retention rates exceed national goals and are among the highest in the nation. We have been at or exceeded 100 percent strength every year since 2003 – a significant accomplishment considering that we have been at war as a nation with an all-volunteer force for nearly ten years.

Last year, the Iowa Air and Army National Guard executed the largest construction program in our history with more than 148 million dollars in military construction projects in Iowa. Those projects totaled 134 million dollars, or more than 91 percent, in federal funds. Additionally, we received nearly 9.3 million dollars in federal stimulus funding allowing us to complete twenty-six infrastructure projects around Iowa. We also started the process of replacing armories in Muscatine, Burlington and Cedar Rapids, totaling more than \$77 million in federal funding.

As part of our requirement as an operational force, the Iowa National Guard prepared, deployed, and returned to Iowa several Army and Air National Guard units this past year, and announced several unit notifications for mobilization in support of upcoming Overseas Contingency Operations in 2012.

The 185th Air Refueling Wing from Sioux City continues to provide ongoing support of real-world missions to the Air Force, Army, Navy, and Marine Corps. Of the 185th's

many world-wide missions, evacuating wounded warriors from a combat zone is one of the most important and unique missions that it executes. These Aeromedical evacuation missions provide timely and efficient movement and mobile care to wounded servicemen and women being evacuated from the battlefield to Landstuhl, Germany. In the past year, the 185th has deployed nearly 400 airmen around the globe for operational missions.

As we gather together today, more than 120 airmen from the Iowa Air National Guard's 132nd Fighter Wing, based in Des Moines, and the 185th Air Refueling Wing are 8,000 miles away from home participating in Sentry Down Under, a three-week exercise with our coalition partner, Australia. These Iowa Airmen will conduct numerous flight missions, maintain high-performance fighter aircraft to exacting standards, and learn about the capabilities and operations of the Royal Australian Air Force so we can more effectively operate with them during combat missions.

The 135th Mobile Public Affairs Detachment returned to Iowa from Iraq in late October. During their deployment, they provided public affairs support to the U.S. Army's 3rd Infantry Division. The mission of the 135th was to collect, produce and disseminate video, audio, and print stories, as well as online stories, to civilian and military media organizations.

The Information Operations Field Support Team deployed last March and has been operating in both Afghanistan and Iraq. Their expertise in processing and utilizing multiple sources of information has created opportunities for successful coalition operations. We look forward to welcoming them back in Iowa later this spring.

Company C, 2nd Battalion, 147th Aviation from Boone is currently deployed to Kosovo where they are conducting peacekeeping missions for that fledgling democracy. They've flown more than 150 missions and 2,000 accident-free flight hours while providing around-the-clock aviation support. In their spare time, many unit members teach English to local students and also interact with the local community members.

The 734th Agribusiness Development Team, comprised of 60 soldiers and airmen, is the first ever overseas combat deployment with both Army National Guard Soldiers and Air National Guard Airmen serving together in the history of the Iowa National Guard. This team's mission is the revitalization of the agricultural and livestock sector within Kunar Province, Afghanistan. Our team provides expertise, advice, and training in agricultural-related specialties to various provincial ministries and local farmers. During their pre-deployment preparation, the team established a partnership with Iowa State University and received training on a variety of agricultural topics. They also spent time training at Living History Farms and with the Amish community to gain a hands-on experience into past farming techniques and practices.

Soldiers from Company B, 2nd of the 211th General Support Aviation Battalion based in Davenport have recently arrived in Iraq and will be providing airlift capabilities in support of coalition forces with their Chinook helicopters.

But by far the most significant and anticipated deployment was the 2nd Brigade Combat Team's mission to Afghanistan, with more than 3,000 soldiers deployed.

The 2nd Brigade Combat Team deployment was the largest single unit call-up of its type in Iowa since World War II. Almost every community in Iowa has been affected in some way by this mission.

To properly prepare, train, certify, send off and deploy all these forces to standard, it takes a team effort from everyone, including our families, employers, and communities. As part of last summer's surge of forces, we conducted our first State Annual Training Exercise in more than 30 years, at Camp Ripley, Minnesota. This event involved nearly all Iowa Army National Guard units to provide logistical and training support to assist the 2nd Brigade in their mobilization preparation over a three-week period.

In late July and early August last year, we conducted nearly 30 community send offs all across Iowa for the soldiers of the 2nd Brigade. The community support and participation by loyal Iowans was outstanding. At every major community send off event, Boy Scouts, Girl Scouts, Patriot Guard and Legion Riders, members of veterans' organizations, local law enforcement, fire departments, veterans from all services, and community members showed up by the hundreds and in some cases thousands, to show their respect and appreciation for our deploying warriors and their families.

Members of the 2nd Brigade Combat Team serving in Afghanistan currently operate in five provinces across Regional Command-East. These soldiers execute missions ranging from security, cordon and search, and convoy operations, to counterinsurgency, key leader engagements, and numerous other tasks. But one of the most important and unique missions conducted by this Iowa unit is the Female Engagement Team initiative.

Led by Captain Jodi Marti, this hand-picked team of female Iowa soldiers works with coalition forces to gather intelligence and provide security for Afghan females in accordance with Islamic culture. Members of the Female Engagement Team serve side-by-side with their male counterparts during combat operations in some of the most rugged terrain in the world. The dedication, courage, skill, and professionalism of these Iowa women inspire male and female soldiers alike.

Every day, we continue to see acts of kindness and generosity coming from our communities and businesses.

When Sgt. Bryan Pfeiler from Dyersville, Iowa, was wounded and lost part of his leg when he stepped on an anti-personnel mine in Afghanistan, the communities of Dyersville and Earlville immediately stepped up to the plate. The Earlville American Legion gave his family donations of over \$2100 to assist with expenses, while Beckman High School in Dyersville and the Earlville American Legion sponsored spaghetti suppers to raise money for the family. In addition, members of these communities have mowed the grass and shoveled snow for SGT Pfeiler's family since he mobilized last August.

Recently, Sgt. Adam Craig from Cherokee returned to the U.S. from Afghanistan with a very aggressive form of cancer. He is currently undergoing medical treatment at the National Institute of Health in Bethesda, Maryland. In order for his mother, a long-time Hy-Vee employee with the Cherokee Hy-Vee store, to remain with her son while he receives medical care, Hy-Vee sponsored a spaghetti feed and silent auction to raise funds for the family. In addition, the Store Director, Tim Hoppert, and fellow co-workers have filled in at Hy-Vee during the absence of Sgt. Craig's mother so she doesn't have to worry about taking extensive sick leave and family leave in order to be with her son.

We have companies like Charles Gabus Ford of Des Moines, who donated more than one hundred thousand dollars to support the Officers' Auxiliary deployment teddy bear project. This program provides all children of deployed soldiers and airmen with a teddy bear during the unit send off event.

Dr. Pepper-Snapple of Des Moines donated over \$45,000 to purchase phone cards and post-exchange gift cards for our soldiers and airmen to use overseas.

These are just several of many efforts that so vividly demonstrate the profound and heartfelt generosity of our citizens. Iowa is a state that is truly serving together.

Another important priority for the Iowa National Guard is ensuring that we can provide an effective and timely emergency response capability right here in Iowa. Since the days of the Iowa Territory in the late 1830s, we have been deeply committed to protecting Iowans and safeguarding critical infrastructure in a moment's notice.

With the large number of Iowa Army National Guard Soldiers deployed in 2010 and 2011, our Joint Staff developed the Guard Emergency Situational Assessment Contact,

or GESAC, program to bring back National Guard retirees on a voluntary basis for critical assistance during local emergencies. Ironically, we had just completed training our first group of retirees when the Lake Delhi dam breached. We immediately called retired Command Sergeant Major Lowell Tiedt from Anamosa, who quickly traveled to Lake Delhi and provided us with a situation report and assessed possible future requirements. As of today we have more than 75 trained retirees ready to provide assistance all across the state.

Two weeks ago, during the winter blizzard that hit the southeastern corner of Iowa, we deployed 18 soldiers as part of our Highway Assistance Team operations. We partnered with the Iowa Department of Transportation and Iowa Department of Public Safety to travel the highways and assist stranded motorists. During this two-day operation, the Highway Assistance Teams rescued 36 motorists from the blizzard.

Finally, an area of significant importance is how we are caring for soldiers, airmen, families and employers.

Since the start of the war, we have shown significant progress in resourcing and manning our Warrior Services. One area we're particularly proud of our efforts is the creation of the Survivor Outreach Support program. The purpose of this program is to provide unparalleled support to the families of Iowa's fallen service members in every possible way. This includes assisting them with understanding and procuring benefits and entitlements, receiving counseling services, connecting with other families of fallen warriors through support groups, or assisting with any other issues that result from the loss of a loved one. Through this program, our staff will help ensure these survivors receive all benefits they are entitled to and encourage them to remain an integral part of our military family for as long as they desire.

We recognize that the mental and emotional wellness of our force is as important as physical health. We are implementing a new program called Comprehensive Soldier Fitness, which increases the resilience of soldiers and families by strengthening their spiritual, emotional, and family well-being, in addition to living physically healthy lives.

We are also training soldiers to be Master Resiliency Trainers at the unit level, in order to provide immediate support for our warriors during deployments, as well as at home. The focus of this program will ultimately help us to maintain the long-term total health of our force.

As part of our preparation for the 2nd Brigade Combat Team's deployment, we added three more Family Assistance Specialists, bringing the total to seven. These specialists help family members connect to military, community and veterans' resources, provide financial counseling, get answers to military health insurance questions, and provide military identification cards for dependents. During mobilizations, the Family Assistance Specialists regularly check in with the families of deployed service members to ensure they are coping well and receiving any needed services. We currently have Family Assistance Specialists located at Camp Dodge, Iowa City, Council Bluffs, and Waterloo, as well as new offices in Sioux City, Ft. Dodge and Davenport.

Finally, let me say "thank you" for what the Legislature and Senate does every day to support the men and women of the Iowa National Guard.

We deeply appreciate your efforts to provide critical state funding to the Iowa National Guard to support our men and women in this challenging fiscal environment. We are extremely grateful for your continued support of our National Guard Educational Assistance Program, which is helping nearly 1,200 Iowa National Guard Soldiers and Airmen defray their college or trade school educational expenses this academic year.

The Home Ownership Assistance Program and the Injured Veteran Grant Program are highly effective programs that keep faith with those who have sacrificed to protect our state and defend our nation. There are currently more than 125 soldiers and airmen that have used the Home Ownership Assistance Program to purchase their first home in Iowa. We have over 18 military families like the families of Sergeant Pfeiler and Sergeant Craig that received Injured Veteran Grants due to injuries sustained during deployments by their loved ones.

The Home Ownership Assistance program, coupled with membership in the Iowa National Guard and participation in the Tuition Assistance Program, help create powerful opportunities for our soldiers, airmen and their families to live, learn and lead happy and fulfilling lives right here in Iowa. These young men and women join Iowa National Guard units, they attend Iowa trade schools, colleges, and universities, they are hired by Iowa employers, and they buy Iowa homes, all of which creates a solid foundation for maintaining quality Iowa roots. None of this would be possible without the efforts of our Legislature and Senate.

Throughout the missions of the Iowa National Guard since our inception, Iowans from across the state have shown unbelievable kindness and encouragement to our members and we are so grateful for their continued support.

For the last eight years, the Iowa National Guard has been tested like few times in its history – and this year is shaping up to be the most challenging yet.

It's no small feat to prepare, train, equip and deploy more than 3,300 soldiers and airmen, while maintaining our organizational readiness, preparing trained war fighters for future missions, and taking care of our soldiers, airmen, families, and their employers, all while providing a robust domestic emergency response capability for Iowa.

Yet despite these incredible challenges, I am confident that the Iowa National Guard will continue to set the example for all states; we will be there for Iowa whenever we're called. And as a force, we will remain "Mission Focused and Warrior Ready."

May God bless you and your families, and God bless our men and women serving in harm's way.

Thank you.

Major General Tim Orr was escorted from the House chamber by the committee previously appointed.

Governor Terry E. Branstad was escorted from the House chamber by the committee previously appointed.

Representative Upmeyer moved that the joint convention be dissolved, which motion prevailed by a voice vote.

The Senate returned to the Senate chamber.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:33 a.m. until 6:00 p.m.

APPENDIX—1

CERTIFICATES OF RECOGNITION

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

Dean and Ruby Humphrey, Williamsburg—For celebrating their 70th wedding anniversary. Senator Rielly (2/15/11).

Patrician Washburn, Lawton—For being named 2010 City Clerk of the Year by the Iowa Rural Water Association. Senator Anderson (2/16/11).

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: Wednesday, February 16, 2011, 1:10 p.m.

Members Present: Quirmbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Bowman, Dvorsky, Feenstra, Johnson, Smith, Soddors, and Wilhelm.

Members Absent: Hogg (excused).

Committee Business: Approved SSBs 1104 and 1105. Interview with governor's appointee.

Adjourned: 2:00 p.m.

JUDICIARY

Convened: Tuesday, February 15, 2011, 5:15 p.m.

Members Present: Fraise, Chair; Hogg, Vice Chair; Boettger, Ranking Member; Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, and Whitver.

Members Absent: None.

Committee Business: Approved SSB 1072. Approved SSBs 1042 and 1045, both as amended. Presentation by governor's appointee.

Adjourned: 5:35 p.m.

STATE GOVERNMENT

Convened: Wednesday, February 16, 2011, 2:05 p.m.

Members Present: Danielson, Chair; Kibbie, Vice Chair; Feenstra, Ranking Member; Behn, Bertrand, Courtney, Dearden, Dix, Fraise, Hatch, Horn, Jochum, Smith, Soddors, and Sorenson.

Members Absent: None.

Committee Business: Considered governor's appointees.

Adjourned: 2:30 p.m.

WAYS AND MEANS

Convened: Wednesday, February 16, 2011, 3:00 p.m.

Members Present: Bolkom, Chair; Seng, Vice Chair; Zaun, Ranking Member; Anderson, Bartz, Black, Chelgren, Dandekar, Dotzler, Feenstra, Jochum, Quirnbach, and Smith.

Members Absent: Hogg and McCoy (both excused).

Committee Business: Passed SF 109. Approved SSB 1082. Presentation on the Property Assessment Appeals Board.

Adjourned: 4:00 p.m.

INTRODUCTION OF BILLS

Senate File 226, by Danielson, a bill for an act relating to the licensure of orthotists, prosthetists, and pedorthists and providing for fees and penalties.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 227, by Kibbie, Bartz, Fraise, McKinley, Courtney, and Kapucian, a bill for an act relating to drainage districts, by providing for the assessment of benefits by state agencies, and including effective date provisions.

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

Senate File 228, by McKinley, a bill for an act creating a small business advocate's office and a solutions-to-minimize-unreasonable-government committee and providing for an appropriation.

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

Senate File 229, by McKinley, a bill for an act relating to the review of administrative rules for their impact on small business.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 230, by McKinley, a bill for an act amending the Iowa administrative procedure Act as it relates to public participation in the rulemaking process, the adoption and effectiveness of administrative rules, and the delegation of rulemaking authority to administrative agencies.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 231, by McKinley, a bill for an act requiring a regulatory analysis of administrative rules impacting small business.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 232, by McKinley, a bill for an act requiring periodic review of administrative rules by administrative agencies.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 233, by committee on Human Resources, a bill for an act relating to entitling mental health counselors to payment for behavioral health services provided under the Medicaid program.

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

Senate File 234, by committee on Human Resources, a bill for an act relating to reimbursement for services provided under a medical assistance home and community-based services waiver for the elderly.

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

Senate File 235, by Rielly, a bill for an act authorizing the establishment of health insurance exchanges in the state and including effective date provisions.

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

Senate File 236, by committee on Judiciary, a bill for an act relating to the practices and procedures of the department of public safety including the state fire service and emergency response council, the state building code commissioner, fingerprint records, disposition records, the sex offender registry, and access to deferred judgment docket records.

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

Senate File 237, by committee on Economic Growth/Rebuild Iowa, a bill for an act relating to community development by allocating tax credits for redevelopment of brownfields and grayfields and by making an appropriation for certain community partnership programs designed to support community beautification projects.

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

STUDY BILLS RECEIVED

SSB 1120 Judiciary

Relating to the conveyance or encumbrance of a homestead by a spouse.

SSB 1121 Judiciary

Relating to the boards of directors of public corporations, and including effective date provisions.

SSB 1122 Labor and Business Relations

Relating to unemployment compensation extended benefits and including effective date and retroactive applicability provisions.

SSB 1123 Veterans Affairs

Relating to the duties of the commission of veterans affairs.

SUBCOMMITTEE ASSIGNMENTS**Senate Joint Resolution 14**

STATE GOVERNMENT: Dearden, Chair; Courtney and Dix

Senate File 192

WAYS AND MEANS: Black, Chair; Chelgren and Seng

Senate File 208

TRANSPORTATION: Danielson, Chair; Kapucian and Rielly

Senate File 210

STATE GOVERNMENT: Courtney, Chair; Dix and Fraise

Senate File 214

STATE GOVERNMENT: Rielly, Chair; Ernst and Hancock

Senate File 215

STATE GOVERNMENT: Kibbie, Chair; Behn and Jochum

Senate File 216

STATE GOVERNMENT: Dearden, Chair; Courtney and Smith

Senate File 217

STATE GOVERNMENT: Dearden, Chair; Courtney and Sorenson

Senate File 218

STATE GOVERNMENT: Hatch, Chair; Behn and Dearden

Senate File 219

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Black and Hahn

Senate File 220

ECONOMIC GROWTH/REBUILD IOWA: Sodders, Chair; Dotzler and Whitver

Senate File 221

WAYS AND MEANS: Bolkcom, Chair; Feenstra and Quirmbach

Senate File 222

EDUCATION: Dvorsky, Chair; Hogg and Smith

Senate File 223

STATE GOVERNMENT: Jochum, Chair; Horn and Smith

Senate File 224

WAYS AND MEANS: Bolkcom, Chair; Quirmbach and Smith

Senate File 226

STATE GOVERNMENT: Sodders, Chair; Courtney and Smith

Senate File 229

STATE GOVERNMENT: Danielson, Chair; Bertrand and Sodders

Senate File 230

STATE GOVERNMENT: Kibbie, Chair; Courtney and Feenstra

Senate File 231

STATE GOVERNMENT: Kibbie, Chair; Courtney and Feenstra

Senate File 232

STATE GOVERNMENT: Kibbie, Chair; Courtney and Feenstra

SSB 1120

JUDICIARY: Hogg, Chair; Horn and Whitver

SSB 1121

JUDICIARY: Hogg, Chair; Sodders and Whitver

SSB 1122

LABOR AND BUSINESS RELATIONS: Jochum, Chair; Anderson and Hatch

SSB 1123

VETERANS AFFAIRS: Kibbie, Chair; Beall and Seymour

FINAL COMMITTEE REPORTS OF BILL ACTION**ECONOMIC GROWTH/REBUILD IOWA**

Bill Title: *SENATE FILE 237 (formerly SF 178), a bill for an act relating to community development by allocating tax credits for redevelopment of brownfields and grayfields and by making an appropriation for certain community partnership programs designed to support community beautification projects.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Sodders, Dotzler, Bacon, Bertrand, Bowman, Chelgren, Dandekar, Danielson, Horn, Rielly, Ward, Whitver, and Wilhelm. Nays, 1: Greiner. Absent, 1: Hatch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Economic Growth/Rebuild Iowa Committee on Senate File 237, and they were attached to the committee report.

HUMAN RESOURCES

Bill Title: SENATE FILE 233 (formerly SF 152), a bill for an act relating to entitling mental health counselors to payment for behavioral health services provided under the Medicaid program.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkom, Dotzler, Dvorsky, Jochum, Johnson, Quirnbach, and Whitver. Nays, none. Absent, 1: Hatch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 234 (formerly SF 126), a bill for an act relating to reimbursement for services provided under a medical assistance home and community-based services waiver for the elderly.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Ragan, Wilhelm, Bolkcom, Dotzler, Dvorsky, Jochum, and Quirnbach. Nays, 5: Seymour, Bacon, Boettger, Johnson, and Whitver. Absent, 1: Hatch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: SENATE FILE 236 (SSB 1072), a bill for an act relating to the practices and procedures of the department of public safety including the state fire service and emergency response council, the state building code commissioner, fingerprint records, disposition records, the sex offender registry, and access to deferred judgment docket records.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EVENING SESSION

The Senate reconvened at 6:16 p.m., President Kibbie presiding.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 167 and 166.

Senate File 167

On motion of Senator Wilhelm, **Senate File 167**, a bill for an act establishing the state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 167), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

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

Senate File 166

On motion of Senator Sodders, **Senate File 166**, a bill for an act establishing the categorical state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 166), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 166** and **167** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:55 p.m. until 8:00 a.m., Thursday, February 17, 2011.

APPENDIX—2

REPORT OF COMMITTEE MEETING

VETERANS AFFAIRS

Convended: Wednesday, February 16, 2011, 4:10 p.m.

Members Present: Beall, Chair; Danielson, Vice Chair; Seymour, Ranking Member; Bacon, Black, Ernst, Greiner, Horn, Ragan, and Soddors.

Members Absent: Kibbie (excused).

Committee Business: Subcommittee reports on governor's appointees.

Adjourned: 4:20 p.m.

INTRODUCTION OF BILLS

Senate File 238, by committee on Education, a bill for an act delaying the establishment of the state percent of growth for the budget year beginning July 1, 2012, for purposes of the state school foundation program, and including effective date provisions.

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

Senate File 239, by committee on Education, a bill for an act delaying the establishment of the categorical state percent of growth for the budget year beginning July 1, 2012, for purposes of the state school foundation program, and including effective date provisions.

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

Senate File 240, by committee on Commerce, a bill for an act relating to matters under the purview of the alcoholic beverages division of the department of commerce, and making penalties applicable.

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

Senate File 241, by committee on Human Resources, a bill for an act relating to the amount of certain civil penalties that may be imposed by the board of pharmacy.

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

Senate File 242, by committee on Commerce, a bill for an act relating to matters under the purview of the alcoholic beverages division of the department of commerce, and including effective date provisions.

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

Senate File 243, by committee on Commerce, a bill for an act expanding the definition of alternate energy production facility for purposes of compliance with electric utility rate regulation requirements.

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

Senate File 244, by committee on Judiciary, a bill for an act relating to the release and satisfaction of judgments.

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

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: *SENATE FILE 240 (SSB 1086), a bill for an act relating to matters under the purview of the alcoholic beverages division of the department of commerce, and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Dandekar, Rielly, Behn, Anderson, Beall, Courtney, Feenstra, Kettering, McCoy, Schoenjahn, Seng, Ward, Wilhelm, and Zaun. Nays, 1: Bolkcom. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Commerce Committee on Senate File 240, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 242 (SSB 1087), a bill for an act relating to matters under the purview of the alcoholic beverages division of the department of commerce, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Dandekar, Rielly, Behn, Anderson, Beall, Bolkcom, Courtney, Feenstra, Kettering, McCoy, Schoenjahn, Seng, Ward, Wilhelm, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Commerce Committee on Senate File 242, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 243 (SSB 1048), a bill for an act expanding the definition of alternate energy production facility for purposes of compliance with electric utility rate regulation requirements.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Dandekar, Rielly, Behn, Anderson, Beall, Bolkcom, Courtney, Feenstra, Kettering, McCoy, Schoenjahn, Seng, Ward, Wilhelm, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Commerce Committee on Senate File 243, and they were attached to the committee report.

EDUCATION

Bill Title: SENATE FILE 238 (SSB 1105), a bill for an act delaying the establishment of the state percent of growth for the budget year beginning July 1, 2012, for purposes of the state school foundation program, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Quirmbach, Schoenjahn, Beall, Bowman, Dvorsky, Soddors, and Wilhelm. Nays, 5: Hamerlinck, Boettger, Feenstra, Johnson, and Smith. Absent, 1: Hogg.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 239 (SSB 1104), a bill for an act delaying the establishment of the categorical state percent of growth for the budget year beginning July 1, 2012, for purposes of the state school foundation program, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Quirmbach, Schoenjahn, Beall, Bowman, Dvorsky, Soddors, and Wilhelm. Nays, 5: Hamerlinck, Boettger, Feenstra, Johnson, and Smith. Absent, 1: Hogg.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Bill Title: *SENATE FILE 241 (formerly SF 103), a bill for an act relating to the amount of certain civil penalties that may be imposed by the board of pharmacy.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Jochum, Johnson, Quirmbach, and Whitver. Nays, none. Absent, 1: Hatch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 241, and they were attached to the committee report.

JUDICIARY

Bill Title: *SENATE FILE 244 (SSB 1042), a bill for an act relating to the release and satisfaction of judgments.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 244, and they were attached to the committee report.

GOVERNOR'S APPOINTEES PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the Individual Confirmation Calendar with recommendation for confirmation:

VETERANS AFFAIRS

Brigadier General Jodi Tymeson – Executive Director of the Commission of Veterans Affairs

David Worley – Commandant of the Iowa Veterans Home

REFERRAL TO INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the “En Bloc Confirmation Calendar” and placed on the “Individual Confirmation Calendar”:

David Roederer – Director of the Department of Management

ROBERT E. DVORSKY

AMENDMENTS FILED

S-3011	S.F.	209	Robert E. Dvorsky
S-3012	H.F.	45	Robert M. Hogg
			Joe Bolkcom
			Steven J. Soddors
			Wally E. Horn
			William A. Dotzler, Jr.
S-3013	H.F.	45	Matt McCoy
			Shawn Hamerlinck

JOURNAL OF THE SENATE

THIRTY-NINTH CALENDAR DAY
TWENTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 17, 2011

The Senate met in regular session at 8:04 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Nancy J. Boettger, member of the Senate from Shelby County, Harlan, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Austin Pappan.

The Journal of Wednesday, February 16, 2011, was approved.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 45.

House File 45

On motion of Senator Danielson, **House File 45**, a bill for an act relating to public funding and regulatory matters and making, reducing, and transferring appropriations and revising fund amounts and including effective, retroactive, and other applicability date provisions, and making penalties applicable, with report of committee recommending amendment and passage, was taken up for consideration.

(House File 45 was deferred.)

The Senate stood at ease at 8:10 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:04 a.m., President Kibbie presiding.

INTRODUCTION OF GOVERNOR'S APPOINTEES

The Secretary of the Senate introduced Chuck Palmer, the governor's appointee to be the Director of the Department of Human Services. He was the guest of Senators Ragan and Hatch and the committee on Human Resources.

The Secretary of the Senate introduced Sam Langholz, the governor's appointee to be the State Public Defender. He was the guest of Senator Hogg and the committee on Judiciary.

The Secretary of the Senate introduced David Worley, the governor's appointee to be the Commandant of the Iowa Veterans Home. He was the guest of Senator Beall and the committee on Veterans Affairs.

The Secretary of the Senate introduced Brigadier General Jodi Tymeson, the governor's appointee to be the Executive Director of the Commission of Veterans Affairs. She was the guest of Senator Beall and the committee on Veterans Affairs.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 16, 2011, **passed** the following bills in which the concurrence of the Senate is asked:

House File 194, a bill for an act providing for a reduction in the individual income tax rates and including effective date and applicability provisions.

Read first time and referred to committee on **Ways and Means**.

House File 260, a bill for an act relating to the exercise, by school districts, of any broad and implied powers except as expressly prohibited or prescribed by the Constitution of the State of Iowa or by statute, and to the construction of statutes related to school district boards and school districts, and providing an exception.

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

BUSINESS PENDING

House File 45

The Senate resumed consideration of **House File 45**, a bill for an act relating to public funding and regulatory matters and making, reducing, and transferring appropriations and revising fund amounts and including effective, retroactive, and other applicability date provisions, and making penalties applicable, previously deferred.

Senator Dvorsky offered amendment S-3009, filed by the committee on Appropriations on February 14, 2011, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Danielson asked and received unanimous consent that action on amendment S-3009 and **House File 45** be **deferred**.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 209.

Senate File 209

On motion of Senator Jochum, **Senate File 209**, a bill for an act relating to public funding and regulatory matters by making appropriations, providing for updated Code references to the Internal Revenue Code, increasing the state earned income tax credit, and including effective date and retroactive applicability provisions, was taken up for consideration.

Senator Dvorsky offered amendment S-3010, filed by the committee on Appropriations on February 15, 2011, to pages 9 and 10 of the bill.

Senator Dvorsky asked and received unanimous consent that action on amendment S-3010 be deferred.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Greiner, for the day, on request of Senator McKinley.

Senator Feenstra offered amendment S-3028, filed by him from the floor to page 7 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3028 be adopted?" (S.F. 209), the vote was:

Yeas, 23:

Anderson	Chelgren	Houser	Smith
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Hahn	McKinley	Zaun
Boettger	Hamerlinck	Seymour	

Nays, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Absent, 1:

Greiner

Amendment S-3028 lost.

Senator Jochum moved the adoption of amendment S-3010, previously deferred.

Amendment S-3010 was adopted by a voice vote.

Senator Feenstra offered amendment S-3027, filed by him from the floor to page 11 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3027 be adopted?" (S.F. 209), the vote was:

Yeas, 23:

Anderson	Chelgren	Houser	Smith
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Hahn	McKinley	Zaun
Boettger	Hamerlinck	Seymour	

Nays, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Absent, 1:

Greiner

Amendment S-3027 lost.

Senator Gronstal asked and received unanimous consent that action on **Senate File 209** be **deferred**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:12 a.m. until 11:30 a.m.

RECONVENED

The Senate reconvened at 11:35 a.m., President Kibbie presiding.

QUORUM CALL

Senator Danielson requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent, and a quorum present.

BUSINESS PENDING

House File 45

The Senate resumed consideration of **House File 45**, a bill for an act relating to public funding and regulatory matters and making, reducing, and transferring appropriations and revising fund amounts and including effective, retroactive, and other applicability date provisions, and making penalties applicable, and amendment S-3009, previously deferred.

Senator Anderson offered amendment S-3020, filed by him from the floor to page 1 of amendment S-3009, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3020 to amendment S-3009 be adopted?" (H.F. 45), the vote was:

Yeas, 23:

Anderson	Chelgren	Houser	Smith
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Hahn	McKinley	Zaun
Boettger	Hamerlinck	Seymour	

Nays, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders

Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Absent, 1:

Greiner

Amendment S-3020 lost.

Senator Kapucian offered amendment S-3024, filed by him from the floor to pages 1 and 2 of amendment S-3009, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3024 to amendment S-3009 be adopted?" (H.F. 45), the vote was:

Yeas, 23:

Anderson	Chelgren	Houser	Smith
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Hahn	McKinley	Zaun
Boettger	Hamerlinck	Seymour	

Nays, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Absent, 1:

Greiner

Amendment S-3024 lost.

Senator Dix offered amendment S-3023, filed by him from the floor to page 2 of amendment S-3009, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–3023 to amendment S–3009 be adopted?” (H.F. 45), the vote was:

Yeas, 23:

Anderson	Chelgren	Houser	Smith
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Hahn	McKinley	Zaun
Boettger	Hamerlinck	Seymour	

Nays, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Absent, 1:

Greiner

Amendment S–3023 lost.

Senator McCoy offered amendment S–3013, filed by Senators McCoy and Hamerlinck on February 16, 2011, to pages 2–4 of amendment S–3009.

Senator Kettering asked and received unanimous consent that action on amendment S–3013 to amendment S–3009 be deferred.

Senator Danielson withdrew amendment S–3015, filed by him from the floor to pages 2, 3, and 12–16 of amendment S–3009.

Senator Danielson offered amendment S–3032, filed by him from the floor to pages 2, 3, and 12–16 of amendment S–3009.

Senator Kettering asked and received unanimous consent that action on amendment S–3032 to amendment S–3009 be deferred.

Senator Behn offered amendment S–3033, filed by him from the floor to page 4 of amendment S–3009, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–3033 to amendment S–3009 be adopted?” (H.F. 45), the vote was:

Yeas, 25:

Anderson	Dandekar	Johnson	Sorenson
Bacon	Dix	Kapucian	Ward
Bartz	Ernst	Kettering	Whitver
Behn	Feenstra	McCoy	Zaun
Bertrand	Hahn	McKinley	
Boettger	Hamerlinck	Seymour	
Chelgren	Houser	Smith	

Nays, 24:

Beall	Dearden	Hatch	Ragan
Black	Dotzler	Hogg	Rielly
Bolkcom	Dvorsky	Horn	Schoenjahn
Bowman	Fraise	Jochum	Seng
Courtney	Gronstal	Kibbie	Sodders
Danielson	Hancock	Quirmbach	Wilhelm

Absent, 1:

Greiner

Amendment S–3033 was adopted.

(House File 45 and amendment S–3009 were deferred.)

The Senate stood at ease at 12:15 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 1:25 p.m., President Kibbie presiding.

The Senate resumed consideration of House File 45 and amendment S–3009.

Senator Dix offered amendment S–3022, filed by him from the floor to pages 4, 9, and 16 of amendment S–3009, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–3022 to amendment S–3009 be adopted?” (H.F. 45), the vote was:

Yeas, 23:

Anderson	Chelgren	Houser	Smith
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Hahn	McKinley	Zaun
Boettger	Hamerlinck	Seymour	

Nays, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Absent, 1:

Greiner

Amendment S–3022 lost.

Senator Boettger offered amendment S–3016, filed by her from the floor to pages 4 and 5 of amendment S–3009, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–3016 to amendment S–3009 be adopted?” (H.F. 45), the vote was:

Yeas, 23:

Anderson	Chelgren	Houser	Smith
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Hahn	McKinley	Zaun
Boettger	Hamerlinck	Seymour	

Nays, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng

Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Absent, 1:

Greiner

Amendment S–3016 lost.

Senator Hamerlinck withdrew amendment S–3025, filed by him from the floor to page 5 of amendment S–3009.

Senator Whitver offered amendment S–3021, filed by him from the floor to page 5 of amendment S–3009, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–3021 to amendment S–3009 be adopted?” (H.F. 45), the vote was:

Yeas, 23:

Anderson	Chelgren	Houser	Smith
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Hahn	McKinley	Zaun
Boettger	Hamerlinck	Seymour	

Nays, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Absent, 1:

Greiner

Amendment S–3021 lost.

Senator Bolkcom asked and received unanimous consent that action on amendment S-3009 and **House File 45** be **deferred**.

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 February 17, 2011, **passed** the following bill in which the concurrence of the Senate is asked:

House File 267, a bill for an act relating to the identification of historic properties by certain rural electric cooperatives.

Read first time and referred to committee on **Economic Growth/Rebuild Iowa**.

RECESS

On motion of Senator Bolkcom, the Senate recessed at 2:08 p.m. until the completion of a meeting of the committee on Commerce.

RECONVENED

The Senate reconvened at 2:34 p.m., President Kibbie presiding.

The Senate resumed consideration of House File 45 and amendment S-3009, previously deferred.

Senator Johnson offered amendment S-3017, filed by him from the floor to page 6 of amendment S-3009, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3017 to amendment S-3009 be adopted?" (H.F. 45), the vote was:

Yeas, 24:

Anderson	Chelgren	Hancock	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson

Behn	Feenstra	Kapucian	Ward
Bertrand	Hahn	Kettering	Whitver
Boettger	Hamerlinck	McKinley	Zaun

Nays, 25:

Beall	Dearden	Horn	Schoenjahn
Black	Dotzler	Jochum	Seng
Bolkcom	Dvorsky	Kibbie	Sodders
Bowman	Fraise	McCoy	Wilhelm
Courtney	Gronstal	Quirmbach	
Dandekar	Hatch	Ragan	
Danielson	Hogg	Rielly	

Absent, 1:

Greiner

Amendment S-3017 lost.

Senator Kettering offered amendment S-3019, filed by him from the floor to page 6 of amendment S-3009, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3019 to amendment S-3009 be adopted?" (H.F. 45), the vote was:

Yeas, 23:

Anderson	Chelgren	Houser	Smith
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Hahn	McKinley	Zaun
Boettger	Hamerlinck	Seymour	

Nays, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Absent, 1:

Greiner

Amendment S-3019 lost.

Senator Dix offered amendment S-3031, filed by him from the floor to page 6 of amendment S-3009, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3031 to amendment S-3009 be adopted?" (H.F. 45), the vote was:

Yeas, 23:

Anderson	Chelgren	Houser	Smith
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Hahn	McKinley	Zaun
Boettger	Hamerlinck	Seymour	

Nays, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Absent, 1:

Greiner

Amendment S-3031 lost.

Senator Zaun offered amendment S-3030, filed by him from the floor to page 7 of amendment S-3009, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3030 to amendment S-3009 be adopted?" (H.F. 45), the vote was:

Yeas, 22:

Anderson	Chelgren	Houser	Sorenson
Bacon	Dix	Johnson	Ward
Bartz	Ernst	Kapucian	Whitver
Behn	Feenstra	Kettering	Zaun
Bertrand	Hahn	McKinley	
Boettger	Hamerlinck	Seymour	

Nays, 27:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Smith
Courtney	Gronstal	McCoy	Sodders
Dandekar	Hancock	Quirmbach	Wilhelm
Danielson	Hatch	Ragan	

Absent, 1:

Greiner

Amendment S-3030 lost.

Senator Hogg asked and received unanimous consent to withdraw amendment S-3012, filed by Senator Hogg, et al., on February 16, 2011, to pages 8 and 9 of amendment S-3009.

Senator Hogg offered amendment S-3034, filed by him from the floor to pages 8 and 9 of amendment S-3009, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3034 to amendment S-3009 be adopted?" (H.F. 45), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 23:

Anderson	Chelgren	Houser	Smith
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Hahn	McKinley	Zaun
Boettger	Hamerlinck	Seymour	

Absent, 1:

Greiner

Amendment S-3034 was adopted.

Senator Hatch offered amendment S-3014, filed by him from the floor to page 10 of amendment S-3009, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3014 to amendment S-3009 be adopted?" (H.F. 45), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 23:

Anderson	Chelgren	Houser	Smith
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Hahn	McKinley	Zaun
Boettger	Hamerlinck	Seymour	

Absent, 1:

Greiner

Amendment S-3014 was adopted.

Senator Feenstra withdrew amendment S-3018, filed by him from the floor to page 16 of amendment S-3009.

Senator Hamerlinck withdrew amendment S-3035, filed by him from the floor to page 16 of amendment S-3009.

Senator McCoy moved the adoption of amendment S-3013 to amendment S-3009, previously deferred.

Amendment S-3013 was adopted by a voice vote.

Senator Danielson moved the adoption of amendment S-3032 to amendment S-3009, previously deferred.

Senator Bartz called for the following division of amendment S–3032:

Division S–3032A: Page 1, lines 4–15 and Page 1, lines 21 through Page 2, line 43; and

Division S–3032B: Page 1, lines 16–20.

Senator Bartz asked and received unanimous consent that action on division S–3032A be deferred.

Senator Danielson moved the adoption of division S–3032B.

A record roll call was requested.

On the question “Shall division S–3032B to amendment S–3009 be adopted?” (H.F. 45), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 23:

Anderson	Chelgren	Houser	Smith
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Hahn	McKinley	Zaun
Boettger	Hamerlinck	Seymour	

Absent, 1:

Greiner

Division S–3032B was adopted.

Senator Danielson moved the adoption of division S–3032A.

Division S–3032A was adopted by a voice vote.

Senator Danielson moved the adoption of amendment S-3009, as amended.

A record roll call was requested.

On the question "Shall amendment S-3009, as amended, be adopted?" (H.F. 45), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, 23:

Anderson	Chelgren	Houser	Smith
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Hahn	McKinley	Zaun
Boettger	Hamerlinck	Seymour	

Absent, 1:

Greiner

Amendment S-3009, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 45), the vote was:

Yeas, 48:

Anderson	Danielson	Hatch	Ragan
Bacon	Dearden	Hogg	Rielly
Bartz	Dix	Horn	Schoenjahn
Beall	Dotzler	Houser	Seng
Behn	Dvorsky	Jochum	Seymour
Bertrand	Ernst	Johnson	Smith
Black	Feenstra	Kapucian	Sodders

Boettger	Fraise	Kettering	Sorenson
Bolkcom	Gronstal	Kibbie	Ward
Bowman	Hahn	McCoy	Whitver
Courtney	Hamerlinck	McKinley	Wilhelm
Dandekar	Hancock	Quirmbach	Zaun

Nays, 1:

Chelgren

Absent, 1:

Greiner

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 45** be **immediately messaged** to the House.

BUSINESS PENDING

Senate File 209

The Senate resumed consideration of **Senate File 209**, a bill for an act relating to public funding and regulatory matters by making appropriations, providing for updated Code references to the Internal Revenue Code, increasing the state earned income tax credit, and including effective date and retroactive applicability provisions, previously deferred.

Senator Dvorsky offered amendment S-3011, filed by him on February 16, 2011, to page 20 of the bill, and moved its adoption.

Amendment S-3011 was adopted by a voice vote.

Senator Dvorsky offered amendment S-3026, filed by him from the floor to page 20 of the bill, and moved its adoption.

Amendment S-3026 was adopted by a voice vote.

Senator Johnson offered amendment S-3029, filed by him from the floor to page 20 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3029 be adopted?" (S.F. 209), the vote was:

Yeas, 23:

Anderson	Chelgren	Houser	Smith
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Hahn	McKinley	Zaun
Boettger	Hamerlinck	Seymour	

Nays, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Absent, 1:

Greiner

Amendment S-3029 lost.

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

On the question "Shall the bill pass?" (S.F. 209), the vote was:

Yeas, 49:

Anderson	Danielson	Hogg	Schoenjahn
Bacon	Dearden	Horn	Seng
Bartz	Dix	Houser	Seymour
Beall	Dotzler	Jochum	Smith
Behn	Dvorsky	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward

Boettger	Fraise	Kibbie	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Quirnbach	
Courtney	Hancock	Ragan	
Dandekar	Hatch	Rielly	

Nays, none.

Absent, 1:

Greiner

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 209** be **immediately messaged** to the House.

REFERRAL TO INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following names be removed from the “En Bloc Confirmation Calendar” and placed on the “Individual Confirmation Calendar”:

Diana Bruemmer – Environmental Protection Commission
John Glenn – Environmental Protection Commission

DAVID JOHNSON

CONFIRMATION OF GOVERNOR’S APPOINTMENTS

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

Judith Bevers, Commission on Aging
Ralph Wolf, Commission on Aging

Erik Oostenink, Board of Behavioral Science

Aida Bogaczyk, Commission of Persons with Disabilities
Michelle Ray-Michalec, Commission of Persons with Disabilities
James Rixner, Commission of Persons with Disabilities
Gary Schriver, Commission of Persons with Disabilities

Harry Van Grevenhof, Commission of Persons with Disabilities
 LaSheila Yates, Commission of Persons with Disabilities

Brent Hinson, Generation Iowa Commission
 Benjamin Rogers, Generation Iowa Commission

Rod Roberts, Director of the Department of Inspections and Appeals

Sal Alaniz, Commission of Latino Affairs
 Ramon Cantu, Commission of Latino Affairs
 Joan Jaimes, Commission of Latino Affairs
 Paula Martinez, Commission of Latino Affairs
 Sandra Sanchez-Naert, Commission of Latino Affairs

Laurel Phipps, Mental Health and Disabilities Services Commission

Dawn Carlson, Iowa Comprehensive Petroleum Underground Storage Tank Fund Board

Carol Balvanz, Renewable Fuel Infrastructure Board

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

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

Yeas, 49:

Anderson	Danielson	Hogg	Schoenjahn
Bacon	Dearden	Horn	Seng
Bartz	Dix	Houser	Seymour
Beall	Dotzler	Jochum	Smith
Behn	Dvorsky	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Quirmbach	
Courtney	Hancock	Ragan	
Dandekar	Hatch	Rielly	

Nays, none.

Absent, 1:

Greiner

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

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:30 p.m. until 1:00 p.m., Monday, February 21, 2011.

APPENDIX

PRESENTATION OF VISITORS

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

Seniors from Friendship Haven and the Elderbridge Area Agency on Aging, accompanied by former state representative Norman Munday. Senator Beall.

CERTIFICATES OF RECOGNITION

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

Judd Anderson, Coach of the Muscatine High School Boys Swim Team—For leading his team to victory at the State Championships. Senator Hahn (2/17/11).

Haden Calegan, Muscatine—For swimming a school record in the 200 individual medley at the State Championships. Senator Hahn (2/17/11).

Tyler Calegan, Muscatine—For swimming a lifetime best in the 100 butterfly at the State Championships. Senator Hahn (2/17/11).

Travis Greenwald, Muscatine—For swimming a lifetime best in the 100 breast stroke at the State Championships. Senator Hahn (2/17/11).

Trent Jackson, Muscatine—For shaving 23-plus seconds off time in the 500 freestyle at the State Championships. Senator Hahn (2/17/11).

Paul Jindrich, Muscatine—For anchoring the winning medley relay and swimming legs on the third and fourth place freestyle relays at the State Championships. Senator Hahn (2/17/11).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: Thursday, February 17, 2011, 2:10 p.m.

Members Present: Dandekar, Chair; Rielly, Vice Chair; Behn, Ranking Member; Anderson, Beall, Courtney, Feenstra, Kettering, McCoy, Schoenjahn, Seng, Ward, Wilhelm, and Zaun.

Members Absent: Bolkcom (excused).

Committee Business: Presentation by Clean Line Energy.

Adjourned: 2:25 p.m.

GOVERNMENT OVERSIGHT

Convened: Thursday, February 17, 2011, 10:15 a.m.

Members Present: Courtney, Chair; Soddors, Vice Chair; Sorenson, Ranking Member; and Kibbie.

Members Absent: Greiner (excused).

Committee Business: Presentation by Iowa Prison Industries.

Adjourned: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Thursday, February 17, 2011, 10:20 a.m.

Members Present: Jochum, Chair; Danielson, Vice Chair; Bartz, Ranking Member; Bowman and Ernst.

Members Absent: None.

Committee Business: None.

Adjourned: 10:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Thursday, February 17, 2011, 10:20 a.m.

Members Present: Schoenjahn, Chair; Quirnbach, Vice Chair; Dix, Ranking Member; and Horn.

Members Absent: Hamerlinck (excused).

Committee Business: Presentation by Iowa Public Television.

Adjourned: 10:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Thursday, February 17, 2011, 10:25 a.m.

Members Present: Hancock, Chair; Hogg, Vice Chair; Seymour, Ranking Member; Fraise and Smith.

Members Absent: None.

Committee Business: Presentation by the Department of Corrections.

Adjourned: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: Thursday, February 17, 2011, 10:10 a.m.

Members Present: McCoy, Chair; Beall, Vice Chair; Kapucian, Ranking Member; Anderson and Dvorsky.

Members Absent: None.

Committee Business: Presentations by Board of Regents institutions and Easter Seals Iowa.

Adjourned: 11:40 a.m.

INTRODUCTION OF BILLS

Senate File 245, by Jochum, a bill for an act allowing qualified organizations to lease electronic bingo equipment in order to assist disabled participants.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 246, by Jochum, a bill for an act relating to violations of the open records and public meetings laws and the creation of the Iowa public information board, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 247, by Soddors, Seng, Hatch, Courtney, Kibbie, and Black, a bill for an act relating to the allowable uses for modified allowable growth for programs for returning dropouts and dropout prevention.

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

Senate File 248, by Soddors, a bill for an act providing for a small employer health insurance tax credit as a percentage of the federal credit and including retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 249, by Jochum, a bill for an act relating to recycling by repealing beverage container control laws, creating universal recycling requirements, increasing littering fines, changing waste volume reduction goals, implementing a recycling fee, making appropriations, and making penalties applicable.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 250, by Jochum, a bill for an act relating to long-term residential living options.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 251, by Kibbie, a bill for an act relating to the duty of care owed to certain persons operating a snowmobile, establishing the criminal offense of dangerous condition manslaughter, and providing criminal penalties.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

Senate File 252, by Bolkcom, Dvorsky, Dotzler, Seng, Dearden, Gronstal, Kibbie, Jochum, Ragan, and Hatch, a bill for an act relating to mobile homes and manufactured homes by making changes to certain residential landlord and tenant laws, requiring disclosures during the sale of manufactured and mobile homes, amending provisions relating to forcible entry and detainer actions, providing penalties, and including applicability provisions.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 253, by Hogg, a bill for an act relating to county attorney duties when representing the department of human services in juvenile court.

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

Senate File 254, by Ward, a bill for an act relating to the interest rate on weekly workers' compensation payments that are not paid when due and including applicability date provisions.

Read first time under Rule 28 and referred to committee on **Labor and Business Relations**.

Senate File 255, by Ward, a bill for an act relating to stays of decrees or judgments in workers' compensation cases pending judicial review.

Read first time under Rule 28 and referred to committee on **Labor and Business Relations**.

Senate File 256, by McCoy, a bill for an act relating to school reorganization by establishing an office of county school superintendent in each county, requiring the reorganization of certain school districts and the approval of certain expenditures of supplemental school infrastructure revenues, and including effective date and applicability provisions.

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

Senate File 257, by Johnson, a bill for an act providing for voting methods which may be utilized by members of cooperative associations.

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

Senate File 258, by Kettering, a bill for an act relating to issuance of policies of individual accident and sickness insurance or subscriber contracts that provide Medicare supplement coverage and including applicability provisions.

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

Senate File 259, by committee on Judiciary, a bill for an act relating to mental health and substance abuse histories conducted in a presentence investigation report and the standards for release on probation in a criminal proceeding.

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

Senate File 260, by committee on Ways and Means, a bill for an act eliminating the transfer tax imposed on insurers organized in other states who elect to become domestic insurers in Iowa.

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

Senate File 261, by committee on Ways and Means, a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including the administration of income taxes, sales and use taxes, franchise fees, property taxes, the environmental protection charge, and notification of annexation or severance by cities and including retroactive applicability provisions.

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

STUDY BILLS RECEIVED

SSB 1124 Local Government

Relating to drainage and levee districts by providing for the delivery of a written communication to state and local government.

SSB 1125 State Government

Relating to medication therapy management, providing an appropriation, and including effective date provisions.

SSB 1126 Agriculture

Transferring the water resources coordinating council from the office of the governor to the department of agriculture and land stewardship.

SSB 1127 Agriculture

Placing the agricultural development authority within the department of agriculture and land stewardship.

SSB 1128 Agriculture

Relating to preferred stock issued by cooperative associations.

SSB 1129 Agriculture

Relating to the regulation of egg production.

SSB 1130 Agriculture

Relating to the certification of milk, and the transfer of duties from the department of public health to the department of agriculture and land stewardship.

SSB 1131 Agriculture

Providing for the transfer of duties relating to the certification of milk from the department of public health to the department of agriculture and land stewardship, providing for the transition, and providing an appropriation.

SSB 1132 Commerce

Relating to the disapproval of rate filings of certain casualty insurers.

SSB 1133 Commerce

Relating to automobile or motor vehicle insurance coverage of liability arising from uninsured, underinsured, or hit-and-run motorists.

SSB 1134 Veterans Affairs

Relating to the injured veterans grant program.

SSB 1135 Economic Growth

Relating to the organization of the executive branch agencies responsible for administering economic development programs, making certain properly related changes, and including effective date and transition provisions.

SSB 1136 Local Government

Modifying water service requirements for rural water providers.

SSB 1137 Transportation

Relating to the licensing of salvage pools, establishing fees, and making penalties applicable.

SSB 1138 Transportation

Restricting the practice of parking and displaying motor vehicles for sale, hire, or rental on public or private property and providing for local enforcement.

SUBCOMMITTEE ASSIGNMENTS

Senate File 235

COMMERCE: Rielly, Chair; Behn, Dandekar, McCoy, and Ward

Senate File 250

HUMAN RESOURCES: Dotzler, Chair; Boettger and Jochum

Senate File 254

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Dearden and Ward

Senate File 255

LABOR AND BUSINESS RELATIONS: Courtney, Chair; Dotzler and Ward

House File 194

WAYS AND MEANS: Bolkcom, Chair; Dotzler and Zaun

House File 245

JUDICIARY: Jochum, Chair; Soddors and Whitver

SSB 1124

LOCAL GOVERNMENT: Bartz, Chair; Schoenjahn and Wilhelm

SSB 1125

STATE GOVERNMENT: Danielson, Chair; Jochum and Behn

SSB 1126

AGRICULTURE: Black, Chair; Bowman and Hahn

SSB 1127

AGRICULTURE: Black, Chair; Bowman and Hahn

SSB 1128

AGRICULTURE: Fraise, Chair; Kapucian and Seng

SSB 1129

AGRICULTURE: Seng, Chair; Hancock and Johnson

SSB 1130

AGRICULTURE: Seng, Chair; Courtney and Houser

SSB 1131

AGRICULTURE: Seng, Chair; Courtney and Houser

SSB 1132

COMMERCE: McCoy, Chair; Dandekar and Feenstra

SSB 1133

COMMERCE: Rielly, Chair; Feenstra and Wilhelm

SSB 1134

VETERANS AFFAIRS: Sodders, Chair; Danielson and Seymour

SSB 1135

ECONOMIC GROWTH/REBUILD IOWA: Sodders, Chair; Bertrand, Chelgren, Dotzler, and Hatch

SSB 1136

LOCAL GOVERNMENT: Rielly, Chair; Bartz and Bowman

SSB 1137

TRANSPORTATION: Dearden, Chair; Hancock and Kapucian

SSB 1138

TRANSPORTATION: Dearden, Chair; Hancock and Houser

FINAL COMMITTEE REPORTS OF BILL ACTION

JUDICIARY

Bill Title: *SENATE FILE 259 (SSB 1045), a bill for an act relating to mental health and substance abuse histories conducted in a presentence investigation report and the standards for release on probation in a criminal proceeding.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 259, and they were attached to the committee report.

WAYS AND MEANS

Bill Title: SENATE FILE 260 (formerly SF 109), a bill for an act eliminating the transfer tax imposed on insurers organized in other states who elect to become domestic insurers in Iowa.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Bolkcom, Seng, Zaun, Anderson, Bartz, Black, Chelgren, Dandekar, Dotzler, Feenstra, Jochum, Quirmbach, and Smith. Nays, none. Absent, 2: Hogg and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 261 (SSB 1082), a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including the administration of income taxes, sales and use taxes, franchise fees, property taxes, the environmental protection charge, and notification of annexation or severance by cities and including retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Bolkcom, Seng, Zaun, Anderson, Bartz, Black, Chelgren, Dandekar, Dotzler, Feenstra, Jochum, Quirmbach, and Smith. Nays, none. Absent, 2: Hogg and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

**GOVERNOR'S APPOINTEE PLACED ON
EN BLOC CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

ECONOMIC GROWTH/REBUILD IOWA

Debi Durham – Director of the Department of Economic Development

ARTICLE 3, SECTION 10 PROTEST/REASONS FOR DISSENT

The following reasons for dissent were received in the office of the Secretary of the Senate for entry hereon:

I am submitting my official protest vote with regards to House File 45 on the seventeenth day of February in the 2011 year of our Lord Jesus Christ.

This bill is injurious to the voters of Iowa not because of any specific content in the bill, instead because of the title of the bill and the fact that it does not comport to Article III, Section 29 of the Iowa Constitution. Section 29 states: "Every act shall embrace but one subject, and matters properly connected therewith; which subject shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title." I believe it is my duty to remind my fellow legislators of our oath to support the Constitution of the United States, and the Constitution of the State of Iowa.

MARK CHELGREN
DISTRICT 47

AMENDMENTS FILED

S-3014	H.F.	45	Jack Hatch
S-3015	H.F.	45	Jeff Danielson
S-3016	H.F.	45	Nancy J. Boettger
S-3017	H.F.	45	David Johnson
S-3018	H.F.	45	Randy Feenstra
S-3019	H.F.	45	Steve Kettering
S-3020	H.F.	45	Bill Anderson
S-3021	H.F.	45	Jack Whitver
S-3022	H.F.	45	Bill Dix
S-3023	H.F.	45	Bill Dix
S-3024	H.F.	45	Tim L. Kapucian

S-3025	H.F.	45	Shawn Hamerlinck
S-3026	S.F.	209	Robert E. Dvorsky
S-3027	S.F.	209	Randy Feenstra
S-3028	S.F.	209	Randy Feenstra
S-3029	S.F.	209	David Johnson
S-3030	H.F.	45	Brad Zaun
S-3031	H.F.	45	Bill Dix
S-3032	H.F.	45	Jeff Danielson
S-3033	H.F.	45	Jerry Behn
S-3034	H.F.	45	Robert M. Hogg
S-3035	H.F.	45	Shawn Hamerlinck

JOURNAL OF THE SENATE

FORTY-THIRD CALENDAR DAY
TWENTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 21, 2011

The Senate met in regular session at 1:09 p.m., President Kibbie presiding.

Prayer was offered by the Honorable Gene Fraise, member of the Senate from Lee County, Fort Madison, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Alicia Schalla.

The Journal of Thursday, February 17, 2011, was approved.

INTRODUCTION OF GOVERNOR'S APPOINTEE

The Secretary of the Senate introduced Mark Schouten, the governor's appointee to be the Drug Policy Coordinator. He was the guest of Senators Soddors and Sorenson and the committee on Judiciary.

BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate Files 125 and 234** be referred from the Regular Calendar to the committee on **Appropriations**; and that **Senate File 237** be referred from the Regular Calendar to the committee on **Ways and Means**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:20 p.m. until 9:00 a.m., Tuesday, February 22, 2011.

APPENDIX

PRESENTATION OF VISITORS

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

Fifty students from Davenport and Bettendorf schools, accompanied by Richard Clewell. Senators Hamerlinck, Seng, and Smith.

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 PUBLIC HEALTH

Direct Care Worker Advisory Council Interim Progress Report, pursuant to 2010 Iowa Acts, HF 2526. Report received on February 21, 2011.

CERTIFICATES OF RECOGNITION

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

James and Virginia Abernathy, Evansdale—For celebrating their 70th wedding anniversary. Senator Dotzler (2/21/11).

Dylan Blanchard, Waterloo—For achieving the rank of Eagle Scout. Senator Dotzler (2/21/11).

Brandon Bock, Mason City—For achieving the rank of Eagle Scout. Senator Ragan (2/21/11).

John and Carmin Blake, Maquoketa—For celebrating their 50th wedding anniversary. Senator Bowman (2/21/11).

Zach Fincher, Denmark Troop 19—For achieving the rank of Eagle Scout. Senator Fraise (2/21/11).

Veronic Krug, Dubuque—For celebrating her 100th birthday. Senator Hancock (2/21/11).

Joe and Viola Sailor, Waterloo—For celebrating their 64th wedding anniversary. Senator Dotzler (2/21/11).

Brianna Sleezer, Cherokee—For being crowned Miss Pigtail 2011 at the Cherokee County Pork Producers Annual Banquet. Senator Anderson (2/21/11).

Gene and Donna Waldorf, Clinton—For celebrating their 50th wedding anniversary. Senator Bowman (2/21/11).

REPORTS OF COMMITTEE MEETINGS

LOCAL GOVERNMENT

Convened: Monday, February 21, 2011, 2:15 p.m.

Members Present: Wilhelm, Chair; Beall, Vice Chair; Bacon, Bowman, Ernst, McCoy, Quirnbach, Rielly, and Schoenjahn.

Members Absent: Bartz, Ranking Member; and Hamerlinck (both excused).

Committee Business: Adjourned for caucuses.

Adjourned: 2:20 p.m.

STATE GOVERNMENT

Convened: Monday, February 21, 2011, 2:15 p.m.

Members Present: Danielson, Chair; Kibbie, Vice Chair; Feenstra, Ranking Member; Behn, Bertrand, Courtney, Dearden, Dix, Fraise, Hatch, Horn, Jochum, Smith, Soddors, and Sorenson.

Members Absent: None.

Committee Business: Passed SF 25 and approved SSB 1066.

Adjourned: 3:00 p.m.

INTRODUCTION OF BILLS

Senate File 262, by Ward, a bill for an act relating to the demonstration of a reasonable or probable cause or excuse for the denial, delay in payment, or termination of workers' compensation benefits.

Read first time under Rule 28 and referred to committee on **Labor and Business Relations**.

Senate File 263, by Sorenson, Hamerlinck, Behn, Kettering, Bacon, Johnson, Kapucian, Chelgren, Boettger, Zaun, Bartz, Ernst, Smith, Whitver, Anderson, and Bertrand, a bill for an act relating to the justifiable use of reasonable force.

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

Senate File 264, by Sorenson, Hamerlinck, Anderson, Chelgren, Whitver, Ernst, and Behn, a bill for an act eliminating the requirement of an annual permit to acquire a pistol or revolver.

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

Senate File 265, by Danielson, a bill for an act creating a blue alert program within the department of public safety for the apprehension of a person suspected of killing or seriously injuring a peace officer in the line of duty.

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

Senate File 266, by Bolkcom, a bill for an act relating to the creation of a medical marijuana Act including the creation of nonprofit dispensaries, and providing for civil and criminal penalties and fees.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 267, by Danielson, McCoy, and Beall, a bill for an act relating to close clearances and safe spaces around railroad tracks and railroad facilities, and providing penalties and including effective date provisions.

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

Senate File 268, by Danielson, a bill for an act relating to the purchase of flood damaged structures under the federal hazard mitigation grant program.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 269, by Seng, Johnson, Seymour, Houser, Kibbie, Rielly, Kapucian, Hahn, Hancock, and Fraise, a bill for an act relating to wastewater discharges by on-farm processing operations.

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

STUDY BILLS RECEIVED

SSB 1139 Commerce

Relating to the licensing and regulation of real estate brokers and salespersons.

SSB 1140 Labor and Business Relations

Requiring certain weekly workers' compensation benefits to be calculated by including an employee's overtime and premium pay, and to include an annual cost-of-living adjustment.

SSB 1141 Labor and Business Relations

Requiring additional workers' compensation payments for scheduled injuries that result in a reduction in the injured employee's earning capacity.

SSB 1142 State Government

Permitting the limited gambling licensing of individuals as representatives of certain nonprofit organizations.

SSB 1143 Commerce

Relating to hearings conducted with regard to petitions for an electric transmission line franchise.

SSB 1144 Commerce

Relating to the permitting, licensing, construction, and operation of nuclear generation facilities.

SSB 1145 Commerce

Modifying provisions relating to utilization of the Iowa communications network.

SUBCOMMITTEE ASSIGNMENTS**Senate File 186**

ECONOMIC GROWTH/REBUILD IOWA: Sodders, Chair; Dandekar and Whitver

Senate File 207

STATE GOVERNMENT: Danielson, Chair; Dix and Jochum

Senate File 245

STATE GOVERNMENT: Jochum, Chair; Danielson and Smith

Senate File 246

STATE GOVERNMENT: Jochum, Chair; Danielson and Sorenson

Senate File 247

EDUCATION: Bowman, Chair; Feenstra and Sodders

Senate File 249

STATE GOVERNMENT: Jochum, Chair; Bertrand and Dearden

Senate File 251

NATURAL RESOURCES AND ENVIRONMENT: Schoenjahn, Chair; Hahn and Hancock

Senate File 252

STATE GOVERNMENT: Courtney, Chair; Feenstra and Fraise

Senate File 253

JUDICIARY: Hogg, Chair; Dvorsky and Ward

Senate File 256

EDUCATION: Schoenjahn, Chair; Boettger and Bowman

House File 260

EDUCATION: Dvorsky, Chair; Hogg and Smith

House File 267

ECONOMIC GROWTH/REBUILD IOWA: Rielly, Chair; Bacon and Bowman

SSB 1139

COMMERCE: Dandekar, Chair; McCoy and Zaun

SSB 1140

LABOR AND BUSINESS RELATIONS: Courtney, Chair; Bertrand and Fraise

SSB 1141

LABOR AND BUSINESS RELATIONS: Dearden, Chair; Anderson and Fraise

SSB 1142

STATE GOVERNMENT: Danielson, Chair; Bertrand and Soddors

SSB 1143

COMMERCE: McCoy, Chair; Behn and Dandekar

SSB 1144

COMMERCE: Schoenjahn, Chair; Behn, Dandekar, McCoy, and Ward

SSB 1145

COMMERCE: McCoy, Chair; Behn, and Dandekar

AMENDMENT FILED

S-3036 S.F. 261 Pam Jochum

JOURNAL OF THE SENATE

FORTY-FOURTH CALENDAR DAY
TWENTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 22, 2011

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

Prayer was offered by Father Wally Helms of St. Thomas More Catholic Church in Coralville, Iowa. He was the guest of Senator Dvorsky.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Alicia Schalla.

The Journal of Monday, February 21, 2011, was approved.

INTRODUCTION OF GOVERNOR'S APPOINTEES

The Secretary of the Senate introduced James Schipper, the governor's appointee to be the Superintendent of Banking. He was the guest of Senators Rielly and Kettering and the committee on Commerce.

The Secretary of the Senate introduced Mary Cownie, the governor's appointee to be the Director of the Department of Cultural Affairs. She was the guest of Senators Rielly and Chelgren and the committee on Economic Growth/Rebuild Iowa.

SPECIAL GUEST

President Kibbie introduced to the Senate chamber U.S. Congressman Dave Loebsack.

The Senate rose and expressed its welcome.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:34 a.m. until 9:00 a.m., Wednesday, February 23, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Ryan Adair, Davenport—For achieving the rank of Eagle Scout. Senator Seng (2/22/11).

Anna Brown, Winterset—For celebrating her 98th birthday. Senator Sorenson (2/22/11).

Helen Prall, Carlisle—For celebrating her 80th birthday. Senator Sorenson (2/22/11).

Bill and Dorothy Shannon, Harlan—For celebrating their 65th wedding anniversary. Senator Boettger (2/22/11).

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH/REBUILD IOWA

Convened: Tuesday, February 22, 2011, 2:05 p.m.

Members Present: Soddors, Chair; Dotzler, Vice Chair; Greiner, Ranking Member; Bacon, Bertrand, Bowman, Chelgren, Dandekar, Danielson, Hatch, Horn, Rielly, Ward, Whitver, and Wilhelm.

Members Absent: None.

Committee Business: Passed SF 161. Approved governor's appointees.

Adjourned: 2:45 p.m.

EDUCATION

Convened: Monday, February 21, 2011, 3:10 p.m.

Members Present: Quirnbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Bowman, Feenstra, Hogg, Johnson, Smith, Soddors, and Wilhelm.

Members Absent: Dvorsky (excused).

Committee Business: Presentations from STEM planners.

Adjourned: 4:05 p.m.

ETHICS

Convened: Tuesday, February 22, 2011, 11:45 a.m.

Members Present: Kibbie, Chair; Fraise, Vice Chair; McKinley, Ranking Member; Behn, Kettering, and Seng.

Members Absent: None.

Committee Business: Passed HF 126 and approved LSB 2681.

Adjourned: 12:00 p.m.

JUDICIARY

Convened: Monday, February 21, 2011, 4:10 p.m.

Members Present: Fraise, Chair; Hogg, Vice Chair; Boettger, Ranking Member; Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, and Whitver.

Members Absent: None.

Committee Business: Passed SF 165 and approved SSB 1094. Approved governor's appointees.

Adjourned: 4:40 p.m.

LABOR AND BUSINESS RELATIONS

Convened: Monday, February 21, 2011, 3:05 p.m.

Members Present: Horn, Chair; Jochum, Vice Chair; Ward, Ranking Member; Anderson, Bertrand, Chelgren, Courtney, Dearden, Dotzler, Fraise, and Hatch.

Members Absent: None.

Committee Business: Approved governor's appointee. Passed SF 116 and approved SSBs 1037 and 1038.

Adjourned: 3:50 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Tuesday, February 22, 2011, 2:00 p.m.

Members Present: Dearden, Chair; Black, Vice Chair; Hahn, Ranking Member; Behn, Bolkcom, Hamerlinck, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson.

Members Absent: None.

Committee Business: Approved SSB 1078, as amended, and SSB 1046. Presentation by the DNR Rivers Program.

Adjourned: 2:55 p.m.

TRANSPORTATION

Convened: Monday, February 21, 2011, 5:00 p.m.

Members Present: Rielly, Chair; Bowman, Vice Chair; Kapucian, Ranking Member; Beall, Dandekar, Danielson, Ernst, Hahn, Hancock, Houser, and Zaun.

Members Absent: Dearden and McCoy (both excused).

Committee Business: Approved governor's appointee.

Adjourned: 5:15 p.m.

WAYS AND MEANS

Convened: Tuesday, February 22, 2011, 1:00 p.m.

Members Present: Bolkcom, Chair; Seng, Vice Chair; Zaun, Ranking Member; Anderson, Bartz, Black, Chelgren, Dandekar, Dotzler, Feenstra, Hogg, Jochum, McCoy, Quirnbach, and Smith.

Members Absent: None.

Committee Business: Passed SF 118, as amended. Approved governor's appointee. Presentation by the Department of Revenue.

Adjourned: 1:20 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Tuesday, February 22, 2011, 10:15 a.m.

Members Present: Jochum, Chair; Danielson, Vice Chair; Bartz, Ranking Member; Bowman and Ernst.

Members Absent: None.

Committee Business: Presentation by the Department of Administrative Services.

Adjourned: 11:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Tuesday, February 22, 2011, 10:10 a.m.

Members Present: Hancock, Chair; Hogg, Vice Chair; Seymour, Ranking Member; and Fraise.

Members Absent: Smith (excused).

Committee Business: Adjourned early for caucuses.

Adjourned: 10:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: Tuesday, February 22, 2011, 10:15 a.m.

Members Present: McCoy, Chair; Beall, Vice Chair; Kapucian, Ranking Member; Anderson and Dvorsky.

Members Absent: None.

Committee Business: Presentations by the Blank Park Zoo and the Department of Public Safety.

Adjourned: 11:00 a.m.

INTRODUCTION OF BILLS

Senate File 270, by Soddors, a bill for an act establishing parole for certain persons serving a class “A” felony sentence and including effective date provisions.

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

Senate File 271, by Sorenson, a bill for an act relating to the harvesting of grass within the right-of-way of a noninterstate highway by the owner of property adjacent to the highway.

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

Senate File 272, by Sorenson, a bill for an act relating to the production or manufacture of goods retained within the state of Iowa and federal authority in relation thereto, providing penalties, and including effective date and applicability provisions.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 273, by McCoy, a bill for an act requiring the commission for the blind to enter into certain contracts to provide news and information services for the blind and print handicapped and making an appropriation.

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

Senate File 274, by Rielly and Beall, a bill for an act providing that a rural water district may declare bankruptcy, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Local Government**.

Senate File 275, by Soddors, a bill for an act relating to provider requirements for participation in the state child care assistance program.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 276, by Soddors, a bill for an act relating to reciprocal preferences for bidders on public improvement contracts and including effective date and applicability provisions.

Read first time under Rule 28 and referred to committee on **Labor and Business Relations**.

Senate File 277, by Bolkcom, a bill for an act relating to an agreement among the states to elect the president by national popular vote and including effective date provisions.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 278, by Sorenson, a bill for an act allowing certain milk and products using milk to be transferred directly by operators of dairy farms, and making penalties applicable.

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

Senate File 279, by committee on Human Resources, a bill for an act relating to child support recovery.

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

Senate File 280, by committee on Human Resources, a bill for an act relating to fees to fund programs to aid impaired pharmacists, pharmacist-interns, and pharmacy technicians.

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

Senate File 281, by committee on Human Resources, a bill for an act relating to dissolvable products and providing penalties.

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

Senate File 282, by Feenstra, a bill for an act relating to the administration of the tax and related laws by updating the Code references to the Internal Revenue Code and including effective date and retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 283, by Feenstra, a bill for an act prohibiting smoking throughout gambling structures, excursion gambling boats, and racetrack enclosures.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 284, by Kibbie and Houser, a bill for an act relating to motor fuel by establishing standards for the sale of such fuel, providing tax credits for ethanol blended gasoline, and making penalties applicable.

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

STUDY BILLS RECEIVED

SSB 1146 Judiciary

Restricting claims involving mineral rights underlying land owned by another person.

SSB 1147 Agriculture

Relating to motor fuel, including ethanol blended gasoline and biodiesel or biodiesel blended motor fuel, by providing for regulation and taxes.

SSB 1148 Agriculture

Relating to the promotion of biodiesel fuel, by providing for tax credits to retail dealers and payments to biodiesel producers, making an appropriation, providing a penalty and including effective date provisions.

SSB 1149 Agriculture

Relating to ethanol by providing for tax credits and reporting for ethanol blended gasoline, and including effective date and applicability provisions.

SSB 1150 State Government

Authorizing the Iowa state fair board to establish an endowment fund to receive gifts in trust dedicated to the maintenance and improvement of the Iowa state fairgrounds.

SSB 1151 State Government

Relating to the authority of the county auditor to consolidate or divide election precincts or establish voting centers.

SSB 1152 State Government

Relating to the duties of the county auditor.

SSB 1153 State Government

Relating to filling a vacancy in an elective city office.

SUBCOMMITTEE ASSIGNMENTS

Senate File 225

COMMERCE: Dandekar, Chair; Beall, Behn, Courtney, and Ward

Senate File 227

AGRICULTURE: Kibbie, Chair; Courtney and Hahn

Senate File 257

AGRICULTURE: Johnson, Chair; Black and Bowman

Senate File 258

COMMERCE: Dandekar, Chair; Courtney and Kettering

Senate File 263

JUDICIARY: Fraise, Chair; Quirnbach and Sorenson

Senate File 264

JUDICIARY: Fraise, Chair; Quirnbach and Sorenson

Senate File 265

JUDICIARY: Hogg, Chair; Boettger and Soddors

Senate File 266

HUMAN RESOURCES: Bolkcom, Chair; Hatch and Seymour

Senate File 267

TRANSPORTATION: McCoy, Chair; Beall and Houser

Senate File 268

STATE GOVERNMENT: Horn, Chair; Danielson and Sorenson

Senate File 269

AGRICULTURE: Houser, Chair; Rielly and Seng

Senate File 272

STATE GOVERNMENT: Danielson, Chair; Behn and Kibbie

SSB 1146

JUDICIARY: Sodders, Chair; Dix and Fraise

SSB 1147

AGRICULTURE: Kibbie, Chair; Black and Greiner

SSB 1148

AGRICULTURE: Kibbie, Chair; Bowman and Houser

SSB 1149

AGRICULTURE: Kibbie, Chair; Black and Hahn

SSB 1150

STATE GOVERNMENT: Dearden, Chair; Kibbie and Smith

SSB 1151

STATE GOVERNMENT: Danielson, Chair; Dix and Jochum

SSB 1152

STATE GOVERNMENT: Danielson, Chair; Dix and Jochum

SSB 1153

STATE GOVERNMENT: Danielson, Chair; Behn and Jochum

FINAL COMMITTEE REPORTS OF BILL ACTION

ETHICS

Bill Title: HOUSE FILE 126 (HSB 14), a bill for an act relating to the filing of lobbyist registrations and lobbyist's client reports with the general assembly.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Kibbie, Fraise, McKinley, Behn, Kettering, and Seng. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Bill Title: SENATE FILE 279 (SSB 1101), a bill for an act relating to child support recovery.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, Johnson, Quirmbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 280 (SSB 1017), a bill for an act relating to fees to fund programs to aid impaired pharmacists, pharmacist-interns, and pharmacy technicians.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, Johnson, Quirmbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 281 (formerly SF 154), a bill for an act relating to dissolvable products and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Ragan, Wilhelm, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, and Quirmbach. Nays, 5: Seymour, Bacon, Boettger, Johnson, and Whitver. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendation for confirmation:

ECONOMIC GROWTH/REBUILD IOWA

Mary Cownie – Director of the Department of Cultural Affairs

Dave Jamison – Executive Director of the Iowa Finance Authority

Adam Feiges – Iowa Great Places Board

Lee Clancey – Iowa Power Fund Board

JUDICIARY

Stephanie Fawkes-Lee – Criminal and Juvenile Justice Planning Advisory Council

LABOR AND BUSINESS RELATIONS

Francis Giunta II – Iowa Workforce Development Board

STATE GOVERNMENT

Michael Carroll – Director of the Department of Administrative Services

Mary Junge – Iowa Lottery Authority Board of Directors

TRANSPORTATION

Larry Noble – Commissioner of Public Safety

GOVERNOR'S APPOINTEES PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the Individual Confirmation Calendar with recommendation for confirmation:

HUMAN RESOURCES

Chuck Palmer – Director of the Department of Human Services

JUDICIARY

Beth Townsend – Director of the Iowa State Civil Rights Commission

Sam Langholz – State Public Defender

WAYS AND MEANS

Courtney Kay-Decker – Director of the Department of Revenue

JOURNAL OF THE SENATE

FORTY-FIFTH CALENDAR DAY
TWENTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 23, 2011

The Senate met in regular session at 9:03 a.m., President Kibbie presiding.

Prayer was offered by Pastor Ron Burcham of Gloria Dei Lutheran Church in Urbandale, Iowa. He was the guest of Senator Zaun.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Alicia Schalla.

The Journal of Tuesday, February 22, 2011, was approved.

The Senate stood at ease at 9:17 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:40 a.m., President Kibbie presiding.

HOUSE MESSAGE RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 21, 2011, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

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

SPECIAL GUEST

President Kibbie introduced to the Senate chamber the Honorable Mike Sexton, former member of the Senate from Calhoun County, Rockwell City, Iowa.

The Senate rose and expressed its welcome.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Behn and Johnson, until they arrive, on request of Senator McKinley.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 121, 120, 130, 205, and 122.

Senate File 121

On motion of Senator Fraise, **Senate File 121**, a bill for an act relating to donations made in a criminal proceeding, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 121), the vote was:

Yeas, 48:

Anderson	Danielson	Hancock	Ragan
Bacon	Dearden	Hatch	Rielly
Bartz	Dix	Hogg	Schoenjahn
Beall	Dotzler	Horn	Seng
Bertrand	Dvorsky	Houser	Seymour
Black	Ernst	Jochum	Smith
Boettger	Feenstra	Kapucian	Sodders
Bolkcom	Fraise	Kettering	Sorenson
Bowman	Greiner	Kibbie	Ward

Chelgren	Gronstal	McCoy	Whitver
Courtney	Hahn	McKinley	Wilhelm
Dandekar	Hamerlinck	Quirmbach	Zaun

Nays, none.

Absent, 2:

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

Senate File 120

On motion of Senator Schoenjahn, **Senate File 120**, a bill for an act relating to the grounds for which the board of educational examiners is required to disqualify an applicant for licensure or revoke a license, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 120), the vote was:

Yeas, 48:

Anderson	Danielson	Hancock	Ragan
Bacon	Dearden	Hatch	Rielly
Bartz	Dix	Hogg	Schoenjahn
Beall	Dotzler	Horn	Seng
Bertrand	Dvorsky	Houser	Seymour
Black	Ernst	Jochum	Smith
Boettger	Feenstra	Kapucian	Sodders
Bolkcom	Fraise	Kettering	Sorenson
Bowman	Greiner	Kibbie	Ward
Chelgren	Gronstal	McCoy	Whitver
Courtney	Hahn	McKinley	Wilhelm
Dandekar	Hamerlinck	Quirmbach	Zaun

Nays, none.

Absent, 2:

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

Senate File 130

On motion of Senator Dearden, **Senate File 130**, a bill for an act relating to raccoon hunting, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 130), the vote was:

Yeas, 48:

Anderson	Danielson	Hancock	Ragan
Bacon	Dearden	Hatch	Rielly
Bartz	Dix	Hogg	Schoenjahn
Beall	Dotzler	Horn	Seng
Bertrand	Dvorsky	Houser	Seymour
Black	Ernst	Jochum	Smith
Boettger	Feenstra	Kapucian	Sodders
Bolkcom	Fraise	Kettering	Sorenson
Bowman	Greiner	Kibbie	Ward
Chelgren	Gronstal	McCoy	Whitver
Courtney	Hahn	McKinley	Wilhelm
Dandekar	Hamerlinck	Quirmbach	Zaun

Nays, none.

Absent, 2:

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

Senate File 205

On motion of Senator Ernst, **Senate File 205**, a bill for an act relating to matters under the purview of the department of transportation, including provisions relating to the regulation of motor vehicles and motor vehicle operations and provisions relating to the coordination of public transit funding programs, and making penalties applicable, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 205), the vote was:

Yeas, 48:

Anderson	Danielson	Hancock	Ragan
Bacon	Dearden	Hatch	Rielly
Bartz	Dix	Hogg	Schoenjahn
Beall	Dotzler	Horn	Seng
Bertrand	Dvorsky	Houser	Seymour
Black	Ernst	Jochum	Smith
Boettger	Feenstra	Kapucian	Sodders
Bolkcom	Fraise	Kettering	Sorenson
Bowman	Greiner	Kibbie	Ward
Chelgren	Gronstal	McCoy	Whitver
Courtney	Hahn	McKinley	Wilhelm
Dandekar	Hamerlinck	Quirmbach	Zaun

Nays, none.

Absent, 2:

Behn Johnson

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

Senate File 122

On motion of Senator Quirmbach, **Senate File 122**, a bill for an act relating to the duties of the college student aid commission and to requirements regarding certain financial aid programs administered by the commission, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on **Senate File 122** be **deferred**.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 120, 121, 130, and 205** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:13 a.m. until 9:00 a.m., Thursday, February 24, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Marvin Davis, West Burlington—For celebrating his 80th birthday. Senator Courtney (2/23/11).

Harold Glasgow, West Burlington—For celebrating his 80th birthday. Senator Courtney (2/23/11).

Bill and Celia McElhinney, Morning Sun—For celebrating their 50th wedding anniversary. Senator Courtney (2/23/11).

Cody Meserole, Washington—For achieving the rank of Eagle Scout, Troop 233. Senator Greiner (2/23/11).

Robert Ojile, Burlington—For celebrating his 90th birthday. Senator Courtney (2/23/11).

Evelyn Rowley, Burlington—For celebrating her 94th birthday. Senator Courtney (2/23/11).

Nevah Schenk, Burlington—For celebrating her 80th birthday. Senator Courtney (2/23/11).

Charese Yanney, Sioux City—In honor of her appointment to the Transportation Commission. Senators Anderson and Bertrand (2/23/11).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: Tuesday, February 22, 2011, 4:05 p.m.

Members Present: Dandekar, Chair; Rielly, Vice Chair; Behn, Ranking Member; Bolkcom, Feenstra, Kettering, McCoy, Schoenjahn, Seng, Wilhelm, and Zaun.

Members Absent: Anderson, Beall, Courtney, and Ward (all excused).

Committee Business: Approved governor's appointee.

Adjourned: 4:10 p.m.

HUMAN RESOURCES

Convened: Monday, February 21, 2011, 5:00 p.m.

Members Present: Ragan, Chair; Wilhelm, Vice Chair; Seymour, Ranking Member; Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, Johnson, Quirmbach, and Whitver.

Members Absent: None.

Committee Business: Passed SF 56, as amended, and SF 154. Approved SSBs 1017, 1018, and 1101.

Adjourned: 5:45 p.m.

ALSO:

Convened: Wednesday, February 23, 2011, 3:05 p.m.

Members Present: Ragan, Chair; Wilhelm, Vice Chair; Seymour, Ranking Member; Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, Quirmbach, and Whitver.

Members Absent: Johnson (excused).

Committee Business: Approved SSB 1100, as amended. Approved governor's appointee.

Adjourned: 4:00 p.m.

LABOR AND BUSINESS RELATIONS

Convened: Wednesday, February 23, 2011, 1:05 p.m.

Members Present: Horn, Chair; Jochum, Vice Chair; Ward, Ranking Member; Anderson, Bertrand, Chelgren, Courtney, Dearden, Dotzler, Fraise, and Hatch.

Members Absent: None.

Committee Business: Approved SSB 1122. Presentation by Iowa Workforce Development.

Adjourned: 2:05 p.m.

LOCAL GOVERNMENT

Convened: Wednesday, February 23, 2011, 2:05 p.m.

Members Present: Wilhelm, Chair; Beall, Vice Chair; Bartz, Ranking Member; Bacon, Bowman, Ernst, Hamerlinck, McCoy, Quirmbach, Rielly, and Schoenjahn.

Members Absent: None.

Committee Business: Approved SSBs 1061 and 162, both as amended.

Adjourned: 2:35 p.m.

RULES AND ADMINISTRATION

Convened: Tuesday, February 22, 2011, 5:00 p.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; McKinley, Ranking Member; Bartz, Courtney, Danielson, Dearden, Kettering, Ragan, and Zaun.

Members Absent: Dvorsky (excused).

Committee Business: Passed SCR 4. Approved LSB 2061SC. Deferred SCR 5 and HCR 7. Approved gubernatorial staff access to the Senate floor.

Adjourned: 5:15 p.m.

TRANSPORTATION

Convened: Wednesday, February 23, 2011, 3:00 p.m.

Members Present: Rielly, Chair; Bowman, Vice Chair; Beall, Danielson, Dearden, Ernst, Hahn, Hancock, and Zaun.

Members Absent: Kapucian, Ranking Member; Dandekar, Houser, and McCoy (all excused).

Committee Business: Passed SF 9.

Adjourned: 3:10 p.m.

VETERANS AFFAIRS

Convened: Tuesday, February 22, 2011, 3:00 p.m.

Members Present: Beall, Chair; Danielson, Vice Chair; Seymour, Ranking Member; Bacon, Black, Ernst, Greiner, Horn, Kibbie, Ragan, and Soddors.

Members Absent: None.

Committee Business: Approved SSB 1123. Approved governor's appointee.

Adjourned: 3:10 p.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Wednesday, February 23, 2011, 10:25 a.m.

Members Present: Hancock, Chair; Hogg, Vice Chair; Seymour, Ranking Member; Fraise and Smith.

Members Absent: None.

Committee Business: Adjourned early for caucus.

Adjourned: 10:30 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,
INFRASTRUCTURE, AND CAPITALS**

Convened: Wednesday, February 23, 2011, 10:20 a.m.

Members Present: McCoy, Chair; Beall, Vice Chair; Kapucian, Ranking Member; Anderson and Dvorsky.

Members Absent: None.

Committee Business: Presentations by the Department of Corrections and LSA's Fiscal Services Division.

Adjourned: 11:35 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 6, by committee on Rules and Administration, a concurrent resolution to approve and confirm the appointment of Ruth H. Cooperrider as Citizens' Aide.

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

Senate Concurrent Resolution 7, by committee on Ethics, a concurrent resolution relating to the joint rules governing lobbyists of the Senate and House of Representatives of the Eighty-fourth General Assembly.

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

INTRODUCTION OF BILLS

Senate File 285, by committee on Labor and Business Relations, a bill for an act relating to employment services laws administered by the division of labor services of the department of workforce development.

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

Senate File 286, by committee on Human Resources, a bill for an act relating to the Iowa prescription monitoring program and including an effective date provision.

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

Senate File 287, by Sorenson, a bill for an act relating to the determination of when life begins and acknowledging the rights, privileges, and immunities of an unborn child.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 288, by Kibbie, a bill for an act providing for services related to veterinary care, and providing for penalties.

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

Senate File 289, by committee on State Government, a bill for an act relating to open records and public meetings and including effective date provisions.

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

Senate File 290, by committee on Labor and Business Relations, a bill for an act relating to asbestos regulations administered by the division of labor services of the department of workforce development.

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

Senate File 291, by committee on Judiciary, a bill for an act relating to the discovery of privileged medical records, including mental health records, in a criminal case and including effective date provisions.

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

Senate File 292, by committee on Judiciary, a bill for an act relating to scheduled violations that require a court appearance.

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

Senate File 293, by committee on State Government, a bill for an act relating to the licensure of the practice of naturopathic medicine.

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

Senate File 294, by committee on Veterans Affairs, a bill for an act relating to the duties of the commission of veterans affairs.

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

Senate File 295, by committee on Human Resources, a bill for an act relating to donation of newborn umbilical cord blood.

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

Senate File 296, by Ernst, a bill for an act relating to the nonreversion of funds appropriated to the national guard educational assistance program and including effective date and retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Veterans Affairs**.

Senate File 297, by Jochum, a bill for an act relating to the actions of certain nonprofit corporations and horizontal property regimes and including applicability provisions.

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

Senate File 298, by Jochum, a bill for an act relating to the property tax exemption for property owned by certain municipalities and the Iowa national guard and including applicability provisions.

Read first time under Rule 28 and referred to committee on **Local Government**.

STUDY BILLS RECEIVED**SSB 1154 Natural Resources and Environment**

Providing for an alternative motor fuel facility tax credit and including effective date and applicability provisions.

SSB 1155 Labor and Business Relations

Prohibiting an employer from retaliation against employees that is related to the pursuit of workers' compensation claims.

SUBCOMMITTEE ASSIGNMENTS**Senate File 237**

WAYS AND MEANS: Dotzler, Chair; Anderson and Dandekar

Senate File 248

WAYS AND MEANS: McCoy, Chair; Bolkcom and Chelgren

Senate File 270

JUDICIARY: Horn, Chair; Hogg and Whitver

Senate File 271

TRANSPORTATION: Danielson, Chair; Houser and Rielly

Senate File 274

LOCAL GOVERNMENT: Rielly, Chair; Bartz and Beall

Senate File 275

HUMAN RESOURCES: Bolkcom, Chair; Boettger and Ragan

Senate File 276

LABOR AND BUSINESS RELATIONS: Courtney, Chair; Chelgren and Dotzler

Senate File 277

STATE GOVERNMENT: Fraise, Chair; Feenstra and Horn

Senate File 283

STATE GOVERNMENT: Kibbie, Chair; Danielson and Smith

House File 267
(Reassigned)

ECONOMIC GROWTH/REBUILD IOWA: Rielly, Chair; Bacon, Bowman, Dotzler, and Ward

SSB 1154

NATURAL RESOURCES AND ENVIRONMENT: Bolkcom, Chair; Hogg and Kapucian

SSB 1155

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Fraise and Ward

FINAL COMMITTEE REPORTS OF BILL ACTION**ETHICS**

Bill Title: SENATE CONCURRENT RESOLUTION 7, a concurrent resolution relating to the joint rules governing lobbyists of the Senate and House of Representatives of the Eighty-fourth General Assembly.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Kibbie, Fraise, McKinley, Behn, Kettering, and Seng. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Bill Title: SENATE FILE 286 (SSB 1018), a bill for an act relating to the Iowa prescription monitoring program and including an effective date provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, Johnson, Quirmbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 295 (formerly SF 56), a bill for an act relating to donation of newborn umbilical cord blood.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, Johnson, Quirmbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 295, and they were attached to the committee report.

JUDICIARY

Bill Title: *SENATE FILE 291 (SSB 1094), a bill for an act relating to the discovery of privileged medical records, including mental health records, in a criminal case and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 291, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 292 (formerly SF 165), a bill for an act relating to scheduled violations that require a court appearance.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 292, and they were attached to the committee report.

LABOR AND BUSINESS RELATIONS

Bill Title: SENATE FILE 285 (SSB 1038), a bill for an act relating to employment services laws administered by the division of labor services of the department of workforce development.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Horn, Jochum, Ward, Anderson, Bertrand, Chelgren, Courtney, Dearden, Dotzler, Fraise, and Hatch. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 290 (SSB 1037), a bill for an act relating to asbestos regulations administered by the division of labor services of the department of workforce development.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Horn, Jochum, Ward, Anderson, Bertrand, Chelgren, Courtney, Dearden, Dotzler, Fraise, and Hatch. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Labor and Business Relations Committee on Senate File 290, and they were attached to the committee report.

RULES AND ADMINISTRATION

Bill Title: SENATE CONCURRENT RESOLUTION 4, a concurrent resolution directing the Office of Citizens' Aide/Ombudsman to perform mediation services, under the direction of the Legislative Council, to resolve a dispute between the board of trustees of a drainage district and residents of land in the district.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-3037.

Final Vote: Ayes, 10: Gronstal, Kibbie, McKinley, Bartz, Courtney, Danielson, Dearden, Kettering, Ragan, and Zaun. Nays, none. Absent, 1: Dvorsky.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE CONCURRENT RESOLUTION 6, a concurrent resolution to approve and confirm the appointment of Ruth H. Cooperrider as Citizens' Aide.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Gronstal, Kibbie, McKinley, Bartz, Courtney, Danielson, Dearden, Kettering, Ragan, and Zaun. Nays, none. Absent, 1: Dvorsky.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: *SENATE FILE 289 (formerly SF 25), a bill for an act relating to open records and public meetings and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Danielson, Kibbie, Feenstra, Behn, Bertrand, Courtney, Dearden, Dix, Fraise, Hatch, Horn, Jochum, Smith, Soddors, and Sorenson. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on Senate File 289, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 293 (SSB 1066), a bill for an act relating to the licensure of the practice of naturopathic medicine.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Danielson, Kibbie, Feenstra, Bertrand, Courtney, Fraise, Hatch, Jochum, and Soddors. Nays, 5: Behn, Dearden, Horn, Smith, and Sorenson. Present, 1: Dix. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on Senate File 293, and they were attached to the committee report.

VETERANS AFFAIRS

Bill Title: SENATE FILE 294 (SSB 1123), a bill for an act relating to the duties of the commission of veterans affairs.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Beall, Danielson, Seymour, Bacon, Black, Ernst, Greiner, Horn, Kibbie, Ragan, and Soddors. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

**GOVERNOR'S APPOINTEE PLACED ON
EN BLOC CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

VETERANS AFFAIRS

Willard Wallace – Commission of Veterans Affairs

**GOVERNOR'S APPOINTEE PLACED ON
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

LABOR AND BUSINESS RELATIONS

Teresa Wahlert – Director of Workforce Development

AMENDMENTS FILED

S-3037	S.C.R.	4	Rules and Administration
S-3038	S.F.	240	Brian Schoenjahn

JOURNAL OF THE SENATE

FORTY-SIXTH CALENDAR DAY
TWENTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 24, 2011

The Senate met in regular session at 9:10 a.m., President Kibbie presiding.

Prayer was offered by Reverend Rick Jenkins, chaplain of the Anamosa State Penitentiary in Anamosa, Iowa. He was the guest of Senator Hancock.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Alicia Schalla.

The Journal of Wednesday, February 23, 2011, was approved.

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 February 23, 2011, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 12, a concurrent resolution relating to joint rules of the Senate and House of Representatives for the Eighty-fourth General Assembly.

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

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:15 a.m. until 1:00 p.m., Monday, February 28, 2011.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Thursday, February 24, 2011, 12:30 p.m.

Members Present: Seng, Chair; Fraise, Vice Chair; Black, Bowman, Greiner, Hahn, Hancock, Houser, Kapucian, Kibbie, and Rielly.

Members Absent: Johnson, Ranking Member; and Courtney (both excused).

Committee Business: Passed SFs 193 and 269. Approved governor's appointee. Presentation by the Department of Natural Resources.

Adjourned: 1:00 p.m.

COMMERCE

Convened: Thursday, February 24, 2011, 1:05 p.m.

Members Present: Dandekar, Chair; Rielly, Vice Chair; Behn, Ranking Member; Anderson, Feenstra, Schoenjahn, Seng, Wilhelm, and Zaun.

Members Absent: Beall, Bolkcom, Courtney, Kettering, McCoy, and Ward (all excused).

Committee Business: Approved governor's appointee.

Adjourned: 1:10 p.m.

EDUCATION

Convened: Wednesday, February 23, 2011, 1:00 p.m.

Members Present: Quirnbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Smith, Soddors, and Wilhelm.

Members Absent: Johnson (excused).

Committee Business: Passed SF 202. Presentation by NICC.

Recessed: 2:00 p.m.

Reconvened: 4:00 p.m.

Adjourned: 4:25 p.m.

JUDICIARY

Convened: Thursday, February 24, 2011, 2:00 p.m.

Members Present: Fraise, Chair; Hogg, Vice Chair; Boettger, Ranking Member; Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, and Whitver.

Members Absent: None.

Committee Business: Passed HF 245. Approved SSBs 1010 and 1057, both as amended, and SSB 1121. Approved governor's appointees.

Adjourned: 2:45 p.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Thursday, February 24, 2011, 10:10 a.m.

Members Present: Hancock, Chair; Hogg, Vice Chair; Seymour, Ranking Member; Fraise and Smith.

Members Absent: None.

Committee Business: Adjourned early for House subcommittee meeting.

Adjourned: 10:15 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,
INFRASTRUCTURE, AND CAPITALS**

Convened: Thursday, February 24, 2011, 10:10 a.m.

Members Present: McCoy, Chair; Beall, Vice Chair; Kapucian, Ranking Member; Anderson and Dvorsky.

Members Absent: None.

Committee Business: Approved LSB 1007. Presentations by the Lake Delhi Watershed Committee and the Department of Natural Resources.

Adjourned: 11:35 a.m.

INTRODUCTION OF BILLS

Senate File 299, by committee on Natural Resources and Environment, a bill for an act relating to environmental protection, including solid waste, sewage works, hazardous waste, infectious medical waste, and pesticide and fertilizer contamination.

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

Senate File 300, by committee on Natural Resources and Environment, a bill for an act relating to wind energy development and production.

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

Senate File 301, by committee on Economic Growth/Rebuild Iowa, a bill for an act relating to economic development by making changes to the administration of the save our small businesses fund and program and including effective date provisions.

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

Senate File 302, by committee on Ways and Means, a bill for an act increasing the amount of tax credits available under the endow Iowa program and including effective date and retroactive applicability provisions.

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

Senate File 303, by committee on Labor and Business Relations, a bill for an act relating to unemployment compensation extended benefits and including effective date and retroactive applicability provisions.

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

Senate File 304, by Sodders, a bill for an act creating a child and school communication protection registry, providing for a fee, creating a fund, providing an appropriation, and providing a penalty.

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

Senate File 305, by Quirnbach, a bill for an act relating to times of operation of certain satellite absentee voting stations.

Read first time under Rule 28 and referred to committee on **Local Government**.

Senate File 306, by Feenstra, a bill for an act relating to property taxation by establishing a method for determining property assessment limitations.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 307, by Feenstra, a bill for an act relating to the operation of all-terrain vehicles on highways and making a penalty applicable.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

Senate File 308, by Hancock, a bill for an act providing a sales tax exemption for certain equipment used in making and grooming snow.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 309, by Black, a bill for an act prohibiting certain disability payments related to military service from being used as offsets within the Iowa public employees' retirement system.

Read first time under Rule 28 and referred to committee on **Veterans Affairs**.

Senate File 310, by Boettger and Schoenjahn, a bill for an act relating to the planning, approval, supplementary weighting, and operation of regional academies and including effective date and applicability provisions.

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

Senate File 311, by committee on Labor and Business Relations, a bill for an act relating to wage payment collection issues arising between employers and individuals who provide services to employers, providing penalties and remedies, and including effective date provisions.

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

Senate File 312, by committee on Transportation, a bill for an act concerning registration plates issued for business-trade trucks and special trucks, and including applicability date provisions.

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

STUDY BILLS RECEIVED

SSB 1156 State Government

Relating to financial responsibilities of local emergency management commissions.

SSB 1157 State Government

Relating to the statewide fire and police retirement system.

SSB 1158 Economic Growth/Rebuild Iowa

Relating to alternate and renewable energy production by creating an alternate and renewable energy incentive program applicable to alternate energy production facilities under specified circumstances.

SSB 1159 State Government

Relating to guidelines and procedures for local fire investigators when conducting certain fire and explosion investigations.

SSB 1160 Judiciary

Relating to the operations of certain common interest communities.

SSB 1161 Education

Prohibiting use by any student enrolled in a school district and use on school grounds of nicotine products and providing restrictions for violation of the prohibition.

SSB 1162 Education

Modifying the funding requirements for whole grade sharing agreements.

SUBCOMMITTEE ASSIGNMENTS**Senate File 278**

AGRICULTURE: Courtney, Chair; Greiner and Hancock

Senate File 282

WAYS AND MEANS: Jochum, Chair; Bolkcom and Feenstra

Senate File 284

AGRICULTURE: Kibbie, Chair; Houser and Rielly

Senate File 287

HUMAN RESOURCES: Hatch, Chair; Boettger and Bolkcom

Senate File 288

AGRICULTURE: Kibbie, Chair; Hahn and Seng

Senate File 297

JUDICIARY: Jochum, Chair; Dvorsky and Whitver

Senate File 298

LOCAL GOVERNMENT: Quirnbach, Chair; Bowman and Ernst

Senate File 304

COMMERCE: Courtney, Chair; Anderson and Beall

SSB 1156

STATE GOVERNMENT: Jochum, Chair; Feenstra and Soddors

SSB 1157

STATE GOVERNMENT: Kibbie, Chair; Bertrand and Danielson

SSB 1158

ECONOMIC GROWTH/REBUILD IOWA: Dotzler, Chair; Greiner and Wilhelm

SSB 1159

STATE GOVERNMENT: Danielson, Chair; Bertrand and Sodders

SSB 1160

JUDICIARY: Jochum, Chair; Dvorsky and Whitver

SSB 1161

EDUCATION: Quirnbach, Chair; Beall and Smith

SSB 1162

EDUCATION: Bowman, Chair; Schoenjahn and Smith

FINAL COMMITTEE REPORTS OF BILL ACTION

ECONOMIC GROWTH/REBUILD IOWA

Bill Title: *SENATE FILE 301 (formerly SF 161), a bill for an act relating to economic development by making changes to the administration of the save our small businesses fund and program and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Sodders, Dotzler, Bowman, Dandekar, Danielson, Hatch, Horn, Rielly, and Wilhelm. Nays, 6: Greiner, Bacon, Bertrand, Chelgren, Ward, and Whitver. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Economic Growth/Rebuild Iowa Committee on Senate File 301, and they were attached to the committee report.

LABOR AND BUSINESS RELATIONS

Bill Title: SENATE FILE 303 (SSB 1122), a bill for an act relating to unemployment compensation extended benefits and including effective date and retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Horn, Jochum, Ward, Anderson, Bertrand, Chelgren, Courtney, Dearden, Dotzler, Fraise, and Hatch. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 311 (formerly SF 116), a bill for an act relating to wage payment collection issues arising between employers and individuals who provide services to employers, providing penalties and remedies, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Horn, Jochum, Courtney, Dearden, Dotzler, Fraise, and Hatch. Nays, 4: Ward, Anderson, Bertrand, and Chelgren. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Labor and Business Relations Committee on Senate File 311, and they were attached to the committee report.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: SENATE FILE 299 (SSB 1046), a bill for an act relating to environmental protection, including solid waste, sewage works, hazardous waste, infectious medical waste, and pesticide and fertilizer contamination.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dearden, Black, Hahn, Behn, Bolkom, Hamerlinck, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 300 (SSB 1078), a bill for an act relating to wind energy development and production.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dearden, Black, Hahn, Behn, Bolkom, Hamerlinck, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on Senate File 300, and they were attached to the committee report.

TRANSPORTATION

Bill Title: SENATE FILE 312 (formerly SF 9), a bill for an act concerning registration plates issued for business-trade trucks and special trucks, and including applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Rielly, Bowman, Beall, Danielson, Dearden, Ernst, Hahn, and Zaun. Present, 1: Hancock. Absent, 4: Kapucian, Dandekar, Houser, and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: *SENATE FILE 302 (formerly SF 118), a bill for an act increasing the amount of tax credits available under the endow Iowa program and including effective date and retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Bolkcom, Seng, Zaun, Anderson, Bartz, Chelgren, Dandekar, Dotzler, Feenstra, Hogg, McCoy, Quirnbach, and Smith. Nays, none. Absent, 2: Black and Jochum.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 302, and they were attached to the committee report.

**GOVERNOR'S APPOINTEES PLACED ON
EN BLOC CALENDAR**

The following appointees, assigned to standing committee for investigation, were placed on the En Bloc Calendar with recommendation for confirmation:

JUDICIARY

James Felker – Board of Parole
Doris Kelley – Board of Parole
W. Thomas Phillips – Board of Parole

**GOVERNOR'S APPOINTEE PLACED ON
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

JUDICIARY

Mark Schouten – Drug Policy Coordinator

REFERRAL TO INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the “En Bloc Confirmation Calendar” and placed on the “Individual Confirmation Calendar”:

Dave Jamison – Executive Director of the Iowa Finance Authority

ROBERT M. HOGG

JOURNAL OF THE SENATE

FIFTIETH CALENDAR DAY
TWENTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 28, 2011

The Senate met in regular session at 1:05 p.m., President Kibbie presiding.

Prayer was offered by Sandy Salmon, who sang “Blessed Assurance”. She was the guest of Senator Dix.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Hannah Walsh.

The Journal of Thursday, February 24, 2011, was approved.

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 February 24, 2011, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 11, a concurrent resolution relating to Pioneer Lawmakers.

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

BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate Files 280 and 300** be referred from the Regular Calendar to the committee on **Ways and Means**; and that **Senate File 301** be referred from the Regular Calendar to the committee on **Appropriations**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:10 p.m. until 9:00 a.m., Tuesday, March 1, 2011.

APPENDIX**REPORTS OF COMMITTEE MEETINGS****APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES**

Convened: Tuesday, February 1, 2011, 10:15 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; Bacon and Bolkom.

Members Absent: None.

Committee Business: Budget presentation by LSA.

Adjourned: 10:55 a.m.

ALSO:

Convened: Wednesday, February 2, 2011, 10:20 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; Bacon and Bolkom.

Members Absent: None.

Committee Business: Presentations on Medicaid.

Adjourned: 11:20 a.m.

ALSO:

Convened: Thursday, February 3, 2011, 10:15 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; Bacon and Bolckom.

Members Absent: None.

Committee Business: Discussion of the mental health system.

Adjourned: 11:25 a.m.

ALSO:

Convened: Tuesday, February 8, 2011, 10:10 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; Bacon and Bolckom.

Members Absent: None.

Committee Business: Presentations by the Iowa Insurance Division and the Department of Public Health.

Adjourned: 11:30 a.m.

ALSO:

Convened: Wednesday, February 9, 2011, 10:00 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; Bacon and Bolckom.

Members Absent: None.

Committee Business: Presentations on the Department of Human Services reorganization, child care issues, and TANF.

Adjourned: 11:15 a.m.

ALSO:

Convened: Thursday, February 10, 2011, 10:10 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; Bacon and Bolckom.

Members Absent: None.

Committee Business: Presentations on IowaCare.

Adjourned: 11:30 a.m.

ALSO:

Convened: Tuesday, February 15, 2011, 10:10 a.m.

Members Present: Ragan, Vice Chair; Johnson, Ranking Member; Bacon and Bolkcom.

Members Absent: Hatch, Chair (excused).

Committee Business: Presentations by the Department on Aging, the Long-term Care Ombudsman's Office, the Iowa Association of Homes and Services for the Aging, and Coon Rapids-area nursing facilities.

Adjourned: 11:35 a.m.

ALSO:

Convened: Thursday, February 17, 2011, 10:10 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Bacon and Bolkcom.

Members Absent: Johnson, Ranking Member (excused).

Committee Business: Presentations by the Department of Veterans Affairs, the Iowa Veterans Home, and Veterans Empowerment and Training.

Adjourned: 11:25 a.m.

ALSO:

Convened: Tuesday, February 22, 2011, 10:15 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; Bacon and Bolkcom.

Members Absent: None.

Committee Business: Presentations by the Coalition of Family and Children's Services, Boystown, the Department of Human Services, and juvenile courts officers.

Adjourned: 11:40 a.m.

ALSO:

Convened: Wednesday, February 23, 2011, 10:20 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Bacon and Bolkcom.

Members Absent: Johnson, Ranking Member (excused).

Committee Business: Presentations by the Legislative Health Care Coverage Commission and the Brain Injury Association.

Adjourned: 11:20 a.m.

ALSO:

Convened: Thursday, February 24, 2011, 10:00 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Bacon and Bolkcom.

Members Absent: Johnson, Ranking Member (excused).

Committee Business: Presentations by the Department of Public Health and the Department of Human Services.

Adjourned: 11:10 a.m.

INTRODUCTION OF BILLS

Senate File 313, by committee on Human Resources, a bill for an act relating to medical assistance program-related provisions.

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

Senate File 314, by committee on Local Government, a bill for an act relating to the procedures to be followed for certain county projects involving the judicial branch.

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

Senate File 315, by committee on Local Government, a bill for an act relating to emergency management planning.

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

Senate File 316, by Sodders, a bill for an act making an appropriation to the governor's office of drug control policy for the establishment of a grant program for the purchase of a mobile device forensic analysis system.

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

Senate File 317, by Sodders, a bill for an act relating to the examination requirements for an applicant for a noncommercial driver's license.

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

Senate File 318, by Sorenson, a bill for an act relating to jurors acting as finders of facts in a trial as well as judging the law.

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

Senate File 319, by Seng, a bill for an act providing for the possession of cats classified as bengals and savannahs.

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

Senate File 320, by committee on Agriculture, a bill for an act relating to equipment dealership agreements by providing for supplier liability.

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

Senate File 321, by committee on Agriculture, a bill for an act relating to wastewater discharges by on-farm processing operations.

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

Senate File 322, by McCoy, a bill for an act imposing a surcharge applicable to telecommunications carriers to administer the national federation for the blind newswire.

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

Senate File 323, by McCoy, a bill for an act relating to the criminal or attempted criminal transmission of the human immunodeficiency virus, and providing a penalty.

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

Senate File 324, by Sodders, a bill for an act providing for family disability leave benefits, establishing a task force, and providing penalties.

Read first time under Rule 28 and referred to committee on **Labor and Business Relations**.

Senate File 325, by committee on Judiciary, a bill for an act relating to the boards of directors of public corporations, and including effective date provisions.

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

Senate File 326, by committee on Judiciary, a bill for an act relating to the appointment of judicial officers and senior judges.

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

Senate File 327, by committee on Judiciary, a bill for an act relating to the disposition of a child with mental illness or mental retardation in juvenile court.

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

Senate File 328, by committee on Education, a bill for an act relating to education and employment training by establishing the pathways for academic career and employment program and fund and the gap tuition assistance program and fund and making an appropriation.

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

Senate File 329, by Gronstal, a bill for an act regulating the advertising of veterans benefits appeal services by requiring certain disclosures and including a civil penalty.

Read first time under Rule 28 and referred to committee on **Veterans Affairs**.

Senate File 330, by Bowman, a bill for an act establishing an annual appropriation to the property tax equity and relief fund and including effective date and applicability provisions.

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

Senate File 331, by Hogg, a bill for an act relating to energy efficiency by providing income tax credits, and including effective date and retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 332, by Soddors, a bill for an act relating to the distribution formula used for the juvenile detention home fund.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 333, by Soddors, a bill for an act relating to the provision of absentee ballots to residents or patients of certain health care facilities and hospitals.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 334, by Hogg, a bill for an act relating to potential energy and capacity savings assessments conducted by specified gas and electric public utilities.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

Senate File 335, by Hogg, a bill for an act relating to the consumer credit code and actions by a creditor against a consumer arising from a consumer credit transaction.

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

Senate File 336, by Quirmbach, a bill for an act relating to the meetings and actions of the governing boards of certain nonprofit corporations and horizontal property regimes and including applicability provisions.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 337, by Soddors, a bill for an act authorizing the establishment of a philanthropy account within a student activity fund.

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

Senate File 338, by Anderson, a bill for an act relating to incentives for wind energy production and development.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 339, by Hancock, a bill for an act increasing the wireless communications surcharge and appropriating surcharge revenue for the establishment of a bandwidth frequency compliance grant program.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 340, by Kapucian, a bill for an act relating to the disposition of revenue derived from the use of automated traffic enforcement systems by cities or counties.

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

Senate File 341, by Rielly, a bill for an act relating to offenses involving agricultural operations, and providing penalties and remedies.

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

Senate File 342, by Anderson, a bill for an act providing continuing education opportunities for plumbers, mechanical professionals, and contractors.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 343, by Hatch and Dearden, a bill for an act providing for the restoration of the right to register to vote and to vote and hold elective office for certain persons and including effective date and retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 344, by Black, a bill for an act relating to the duties of the department of human services when serving as a guardian or conservator.

Read first time under Rule 28 and referred to committee on **Human Resources**.

STUDY BILLS RECEIVED

SSB 1163 Education

Relating to the demonstration of proficiency by students receiving competent private instruction for purposes of senior year plus program eligibility.

SSB 1164 Education

Relating to the use of certain revenues resulting from the physical plant and equipment levies and including applicability provisions.

SSB 1165 State Government

Relating to certain forms of gambling, including horse racing, pari-mutuel wagering, gambling games, and intrastate internet poker, creating regulatory and tax structures, and providing penalties.

SSB 1166 Commerce

Relating to charity beer and wine auctions, by authorizing spirits to be included in an auction.

SSB 1167 Commerce

Relating to activities of licensed private investigation businesses in regard to abandoned property.

SSB 1168 Commerce

Relating to residential contractors and providing a penalty.

SSB 1169 Judiciary

Relating to nonsubstantive Code corrections and including effective date and retroactive applicability provisions.

SSB 1170 Economic Growth/Rebuild Iowa

Relating to reciprocal preferences for public improvement contract bidders and including effective date and applicability provisions.

SSB 1171 Human Resources

Relating to quality standards for children in a foster care, preadoption or adoption, or subsidized guardianship placement.

SUBCOMMITTEE ASSIGNMENTS**Senate File 304**
(Reassigned)

COMMERCE: Courtney, Chair; Anderson, Beall, Feenstra, and Schoenjahn

Senate File 305

LOCAL GOVERNMENT: Quirmbach, Chair; Bowman and Ernst

Senate File 307

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Black and Hahn

Senate File 310

EDUCATION: Schoenjahn, Chair; Boettger and Wilhelm

Senate File 317

TRANSPORTATION: Rielly, Chair; Danielson and Zaun

Senate File 318

JUDICIARY: Fraise, Chair; Dvorsky and Sorenson

Senate File 319

AGRICULTURE: Seng, Chair; Bowman and Hahn

SSB 1163

EDUCATION: Quirmbach, Chair; Bowman and Hamerlinck

SSB 1164

EDUCATION: Quirmbach, Chair; Hamerlinck and Schoenjahn

SSB 1165

STATE GOVERNMENT: Danielson, Chair; Behn and Horn

SSB 1166

COMMERCE: Dandekar, Chair; Anderson and Wilhelm

SSB 1167

COMMERCE: Dandekar, Chair; Anderson and Courtney

SSB 1168

COMMERCE: Dandekar, Chair; Behn and McCoy

SSB 1169

JUDICIARY: Whitver, Chair; Dix and Hancock

SSB 1170

ECONOMIC GROWTH/REBUILD IOWA: Sodders, Chair; Bacon and Dandekar

SSB 1171

HUMAN RESOURCES: Jochum, Chair; Ragan and Whitver

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: *SENATE FILE 320 (formerly SF 193), a bill for an act relating to equipment dealership agreements by providing for supplier liability.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Seng, Fraise, Black, Bowman, Greiner, Hahn, Hancock, Houser, Kapucian, Kibbie, and Rielly. Nays, none. Absent, 2: Johnson and Courtney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Agriculture Committee on Senate File 320, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 321 (formerly SF 269), a bill for an act relating to wastewater discharges by on-farm processing operations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Seng, Fraise, Black, Bowman, Greiner, Hahn, Hancock, Houser, Kapucian, Kibbie, and Rielly. Nays, none. Absent, 2: Johnson and Courtney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Agriculture Committee on Senate File 321, and they were attached to the committee report.

EDUCATION

Bill Title: *SENATE FILE 328 (formerly SF 202), a bill for an act relating to education and employment training by establishing the pathways for academic career and employment program and fund and the gap tuition assistance program and fund and making an appropriation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Smith, Soddors, and Wilhelm. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on Senate File 328, and they were attached to the committee report.

HUMAN RESOURCES

Bill Title: *SENATE FILE 313 (SSB 1100), a bill for an act relating to medical assistance program-related provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolcom, Dotzler, Hatch, Jochum, Quirnbach, and Whitver. Nays, none. Absent, 2: Dvorsky and Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 313, and they were attached to the committee report.

JUDICIARY

Bill Title: SENATE FILE 325 (SSB 1121), a bill for an act relating to the boards of directors of public corporations, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 326 (SSB 1010), a bill for an act relating to the appointment of judicial officers and senior judges.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 326, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 327 (SSB 1057), a bill for an act relating to the disposition of a child with mental illness or mental retardation in juvenile court.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 327, and they were attached to the committee report.

ALSO:

Bill Title: HOUSE FILE 245 (formerly HF 63), a bill for an act relating to the status of posthumously conceived and born children in the context of legitimacy, inheritance, rights to claim an after-born child's share, and other rights.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Bill Title: *SENATE FILE 314 (SSB 1062), a bill for an act relating to the procedures to be followed for certain county projects involving the judicial branch.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Wilhelm, Beall, Bowman, McCoy, Quirnbach, and Schoenjahn. Nays, 4: Bartz, Bacon, Ernst, and Hamerlinck. Absent, 1: Rielly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Local Government Committee on Senate File 314, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 315 (SSB 1061), a bill for an act relating to emergency management planning.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Wilhelm, Beall, Bartz, Bacon, Bowman, Ernst, Hamerlinck, McCoy, Quirnbach, Rielly, and Schoenjahn. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Local Government Committee on Senate File 315, and they were attached to the committee report.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendation for confirmation:

COMMERCE

James Schipper – Superintendent of Banking

David Lingren – Executive Director of the Iowa Telecommunications and Technology Commission

EDUCATION

Michael Knedler – State Board of Education

**GOVERNOR'S APPOINTEES PLACED ON
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the Individual Confirmation Calendar with recommendation for confirmation:

EDUCATION

Jason Glass – Director of the Department of Education

HUMAN RESOURCES

Mariannette Miller-Meeks – Director of Public Health

AMENDMENT FILED

S-3039 S.F. 240 Brian Schoenjahn

JOURNAL OF THE SENATE

FIFTY-FIRST CALENDAR DAY
THIRTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 1, 2011

The Senate met in regular session at 9:05 a.m., President Kibbie presiding.

Prayer was offered by Cejae Jacobsen, who sang “God Bless America.” She was the guest of Senators Courtney and Whitver.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Hannah Walsh.

The Journal of Monday, February 28, 2011, was approved.

INTRODUCTION OF GOVERNOR’S APPOINTEE

The Secretary of the Senate introduced Courtney Kay-Decker, the governor’s appointee to be the Director of the Department of Revenue. She was the guest of Senator Dandekar and the committee on Ways and Means.

SPECIAL GUEST

President Kibbie introduced to the Senate chamber the Honorable Larry McKibben, former member of the Senate from Marshall County, Marshalltown, Iowa.

The Senate rose and expressed its welcome.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 303.

Senate File 303

On motion of Senator Jochum, **Senate File 303**, a bill for an act relating to unemployment compensation extended benefits and including effective date and retroactive applicability provisions, was taken up for consideration.

(Senate File 303 was deferred.)

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:31 a.m. until 1:00 p.m.

APPENDIX—1

CERTIFICATES OF RECOGNITION

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

Duane Acker, Atlantic—For celebrating his 80th birthday. Senator Boettger (3/1/11).

Homer and Helen Long—For celebrating their 70th wedding anniversary. Senator Rielly (3/1/11).

Kenneth Meacham, Mason City—For being inducted into the Wrestling Hall of Fame. Senator Ragan (3/1/11).

Cody Puetz, New Vienna—For achieving the rank of Eagle Scout. Senator Hancock (3/1/11).

Susan Thien, Ames—For celebrating her 57th birthday. Senator Hancock (3/1/11).

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: Monday, February 28, 2011, 1:00 p.m.

Members Present: Quirmbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Sodders, and Wilhelm.

Members Absent: Johnson and Smith (both excused).

Committee Business: Passed SF 153, as amended.

Recessed: 1:15 p.m.

Reconvened: 2:35 p.m.

Adjourned: 2:55 p.m.

JUDICIARY

Convened: Monday, February 28, 2011, 5:05 p.m.

Members Present: Fraise, Chair; Hogg, Vice Chair; Boettger, Ranking Member; Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Sodders, Sorenson, Ward, and Whitver.

Members Absent: None.

Committee Business: Approved SSBs 1043, 1056, and 1120, all as amended, and SSB 1092.

Recessed: 5:10 p.m.

Reconvened: 5:40 p.m.

Adjourned: 5:55 p.m.

LOCAL GOVERNMENT

Convened: Monday, February 28, 2011, 3:35 p.m.

Members Present: Wilhelm, Chair; Beall, Vice Chair; Bartz, Ranking Member; Bacon, Bowman, Ernst, Hamerlinck, Quirmbach, Rielly, and Schoenjahn.

Members Absent: McCoy (excused).

Committee Business: Passed SF 98. Approved SSBs 1050 and 1124.

Recessed: 3:40 p.m.

Reconvened: 3:50 p.m.

Adjourned: 4:10 p.m.

STATE GOVERNMENT

Convened: Monday, February 28, 2011, 3:35 p.m.

Members Present: Danielson, Chair; Kibbie, Vice Chair; Feenstra, Ranking Member; Behn, Bertrand, Courtney, Dearden, Dix, Fraise, Hatch, Horn, Jochum, Soddors, and Sorenson.

Members Absent: Smith (excused).

Committee Business: Passed SFs 226, 230, 232, and 252. Approved SSBs 1063, 1068, 1091, and 1150.

Recessed: 3:40 p.m.

Reconvened: 4:00 p.m.

Adjourned: 4:30 p.m.

TRANSPORTATION

Convened: Tuesday, March 1, 2011, 9:40 a.m.

Members Present: Rielly, Chair; Bowman, Vice Chair; Kapucian, Ranking Member; Beall, Dandekar, Danielson, Dearden, Ernst, Hahn, Hancock, Houser, McCoy, and Zaun.

Members Absent: None.

Committee Business: Passed SFs 201 and 267. Approved SSBs 1117 and 1138.

Adjourned: 10:15 a.m.

INTRODUCTION OF BILLS

Senate File 345, by Dvorsky, a bill for an act relating to misconduct by a school employee and providing related duties, responsibilities, or civil and criminal immunity for other persons, accredited public and private schools, the department of education, and the board of educational examiners.

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

Senate File 346, by Sorenson, a bill for an act relating to agricultural land acquired by the department of natural resources, by providing for restrictions on the acquisition of new land, directing the sale of existing land, and authorizing the expenditure of sale proceeds for the benefit of state parks.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

Senate File 347, by Sorenson, a bill for an act designating silver and gold coin as legal tender in payment of specified debts.

Read first time under Rule 28 and referred to committee on **State Government**.

SUBCOMMITTEE ASSIGNMENTS

Senate File 280

WAYS AND MEANS: Dotzler, Chair; Anderson and Dandekar

Senate File 296

VETERANS AFFAIRS: Ernst, Chair; Horn and Ragan

Senate File 300

WAYS AND MEANS: Hogg, Chair; Bolkom and Zaun

Senate File 306

WAYS AND MEANS: Quirmbach, Chair; Feenstra and Jochem

Senate File 308

WAYS AND MEANS: Dotzler, Chair; Bartz and Seng

Senate File 309

VETERANS AFFAIRS: Black, Chair; Danielson and Seymour

Senate File 322

COMMERCE: McCoy, Chair; Behn and Dandekar

Senate File 323

JUDICIARY: Dvorsky, Chair; Boettger and Hogg

Senate File 324

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Chelgren and Hatch

Senate File 329

VETERANS AFFAIRS: Beall, Chair; Kibbie and Seymour

Senate File 330

EDUCATION: Bowman, Chair; Hamerlinck and Quirmbach

Senate File 331

WAYS AND MEANS: Hogg, Chair; Bolkcom and Smith

Senate File 333

STATE GOVERNMENT: Danielson, Chair; Soddors and Sorenson

Senate File 334

NATURAL RESOURCES AND ENVIRONMENT: Hogg, Chair; Bolkcom and Sorenson

Senate File 335

JUDICIARY: Hogg, Chair; Horn and Ward

Senate File 336

STATE GOVERNMENT: Jochum, Chair; Danielson and Feenstra

Senate File 337

EDUCATION: Soddors, Chair; Beall and Hamerlinck

Senate File 339

STATE GOVERNMENT: Danielson, Chair; Bertrand and Jochum

Senate File 342

STATE GOVERNMENT: Danielson, Chair; Behn and Soddors

Senate File 343

STATE GOVERNMENT: Dearden, Chair; Hatch and Sorenson

Senate File 345

EDUCATION: Dvorsky, Chair; Beall and Hamerlinck

FINAL COMMITTEE REPORT OF BILL ACTION

STATE GOVERNMENT

Bill Title: SENATE FILE 252, a bill for an act relating to mobile homes and manufactured homes by making changes to certain residential landlord and tenant laws, requiring disclosures during the sale of manufactured and mobile homes, amending provisions relating to forcible entry and detainer actions, providing penalties, and including applicability provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Danielson, Kibbie, Bertrand, Courtney, Dix, Fraise, Hatch, Horn, Jochum, and Sodders. Nays, 4: Feenstra, Behn, Dearden, and Sorenson. Absent, 1: Smith.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AFTERNOON SESSION

The Senate reconvened at 1:08 p.m., President Kibbie presiding.

BUSINESS PENDING

Senate File 303

The Senate resumed consideration of **Senate File 303**, a bill for an act relating to unemployment compensation extended benefits and including effective date and retroactive applicability provisions, previously deferred.

(Senate File 303 was deferred.)

The Senate stood at ease at 1:10 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 1:55 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Johnson, until he arrives, on request of Senator McKinley.

The Senate resumed consideration of Senate File 303.

Senator Feenstra offered amendment S-3040, filed by him from the floor to page 2 and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3040 be adopted?" (S.F. 303), the vote was:

Yeas, 23:

Anderson	Chelgren	Hamerlinck	Smith
Bacon	Dix	Houser	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Greiner	McKinley	Zaun
Boettger	Hahn	Seymour	

Nays, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Absent, 1:

Johnson

Amendment S-3040 lost.

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

On the question "Shall the bill pass?" (S.F. 303), the vote was:

Yeas, 27:

Bartz	Danielson	Hatch	Ragan
Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng

Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	

Nays, 22:

Anderson	Dix	Houser	Sorenson
Bacon	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Greiner	McKinley	Zaun
Boettger	Hahn	Seymour	
Chelgren	Hamerlinck	Smith	

Absent, 1:

Johnson

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 303** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 185, 233, and 291.

Senate File 185

On motion of Senator Wilhelm, **Senate File 185**, a bill for an act relating to the membership of the medical assistance advisory council, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 185), the vote was:

Yeas, 49:

Anderson	Danielson	Hatch	Schoenjahn
Bacon	Dearden	Hogg	Seng
Bartz	Dix	Horn	Seymour
Beall	Dotzler	Houser	Smith

Behn	Dvorsky	Jochum	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hahn	Quirmbach	
Courtney	Hamerlinck	Ragan	
Dandekar	Hancock	Rielly	

Nays, none.

Absent, 1:

Johnson

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

Senate File 233

On motion of Senator Wilhelm, **Senate File 233**, a bill for an act relating to entitling mental health counselors to payment for behavioral health services provided under the Medicaid program, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 233), the vote was:

Yeas, 49:

Anderson	Danielson	Hatch	Schoenjahn
Bacon	Dearden	Hogg	Seng
Bartz	Dix	Horn	Seymour
Beall	Dotzler	Houser	Smith
Behn	Dvorsky	Jochum	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm

Bowman	Gronstal	McKinley	Zaun
Chelgren	Hahn	Quirnbach	
Courtney	Hamerlinck	Ragan	
Dandekar	Hancock	Rielly	

Nays, none.

Absent, 1:

Johnson

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

Senate File 291

On motion of Senator Hancock, **Senate File 291**, a bill for an act relating to the discovery of privileged medical records, including mental health records, in a criminal case and including effective date provisions, was taken up for consideration.

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

On the question “Shall the bill pass?” (S.F. 291), the vote was:

Yeas, 49:

Anderson	Danielson	Hatch	Schoenjahn
Bacon	Dearden	Hogg	Seng
Bartz	Dix	Horn	Seymour
Beall	Dotzler	Houser	Smith
Behn	Dvorsky	Jochum	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hahn	Quirnbach	
Courtney	Hamerlinck	Ragan	
Dandekar	Hancock	Rielly	

Nays, none.

Absent, 1:

Johnson

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

UNFINISHED BUSINESS
(Deferred February 23, 2011)

Senate File 122

The Senate resumed consideration of **Senate File 122**, a bill for an act relating to the duties of the college student aid commission and to requirements regarding certain financial aid programs administered by the commission, deferred February 23, 2011.

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

On the question "Shall the bill pass?" (S.F. 122), the vote was:

Yeas, 49:

Anderson	Danielson	Hatch	Schoenjahn
Bacon	Dearden	Hogg	Seng
Bartz	Dix	Horn	Seymour
Beall	Dotzler	Houser	Smith
Behn	Dvorsky	Jochum	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hahn	Quirnbach	
Courtney	Hamerlinck	Ragan	
Dandekar	Hancock	Rielly	

Nays, none.

Absent, 1:

Johnson

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

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 155 and 123.

Senate File 155

On motion of Senator Hogg, **Senate File 155**, a bill for an act relating to procedural requirements in in rem forfeiture proceedings, was taken up for consideration.

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

On the question “Shall the bill pass?” (S.F. 155), the vote was:

Yeas, 49:

Anderson	Danielson	Hatch	Schoenjahn
Bacon	Dearden	Hogg	Seng
Bartz	Dix	Horn	Seymour
Beall	Dotzler	Houser	Smith
Behn	Dvorsky	Jochum	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hahn	Quirmbach	
Courtney	Hamerlinck	Ragan	
Dandekar	Hancock	Rielly	

Nays, none.

Absent, 1:

Johnson

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

Senate File 123

On motion of Senator Schoenjahn, **Senate File 123**, a bill for an act providing for immunity from civil liability for members and employees of the board of educational examiners, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 123), the vote was:

Yeas, 49:

Anderson	Danielson	Hatch	Schoenjahn
Bacon	Dearden	Hogg	Seng
Bartz	Dix	Horn	Seymour
Beall	Dotzler	Houser	Smith
Behn	Dvorsky	Jochum	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hahn	Quirmbach	
Courtney	Hamerlinck	Ragan	
Dandekar	Hancock	Rielly	

Nays, none.

Absent, 1:

Johnson

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

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 1, 2011, **passed** the following bills in which the concurrence of the Senate is asked:

House File 195, a bill for an act relating to assignment of visitation or physical care parenting time for children of military service members on active duty and including effective date provisions.

Read first time and attached to **similar Senate File 198**.

House File 323, a bill for an act relating to the rulemaking authority and voting requirements of the environmental protection commission.

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

House File 329, a bill for an act relating to equipment dealership agreements by providing for supplier liability.

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

House File 364, a bill for an act relating to veterans records managed by the department of veterans affairs.

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

ALSO: That the House has on March 1, 2011, **passed** the following bill in which the concurrence of the House was asked:

Senate File 72, a bill for an act relating to professions which may practice together in professional limited liability companies and including effective and applicability date provisions.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 122, 123, 155, 185, 233, and 291** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 2:33 p.m. until 9:00 a.m., Wednesday, March 2, 2011.

APPENDIX—2**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:

IOWA COUNTY ENGINEERS ASSOCIATION SERVICE BUREAU

2010 Annual Report, pursuant to Iowa Code section 312.3B. Report received on January 25, 2011.

REPORTS OF COMMITTEE MEETINGS**ECONOMIC GROWTH/REBUILD IOWA**

Convened: Tuesday, March 1, 2011, 2:40 p.m.

Members Present: Soddors, Chair; Dotzler, Vice Chair; Greiner, Ranking Member; Bacon, Bertrand, Bowman, Chelgren, Dandekar, Danielson, Hatch, Horn, Rielly, Ward, and Wilhelm.

Members Absent: Whitver (excused).

Committee Business: Discussed SF 145.

Recessed: 2:45 p.m.

Reconvened: 3:00 p.m.

Adjourned: 3:05 p.m.

HUMAN RESOURCES

Convened: Tuesday, March 1, 2011, 9:35 a.m.

Members Present: Ragan, Chair; Wilhelm, Vice Chair; Seymour, Ranking Member; Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, Quirmbach, and Whitver.

Members Absent: Johnson (excused).

Committee Business: Considered SFs 60 and 113 and SSBs 1030, 1039, and 1060.

Recessed: 9:40 p.m.

Reconvened: 10:20 a.m.

Adjourned: 11:00 a.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Tuesday, March 1, 2011, 2:40 p.m.

Members Present: Dearden, Chair; Black, Vice Chair; Hahn, Ranking Member; Behn, Bolkcom, Hamerlinck, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson.

Members Absent: None.

Committee Business: Passed SF 11, as amended, and SF 53.

Adjourned: 3:20 p.m.

INTRODUCTION OF BILLS

Senate File 348, by committee on State Government, a bill for an act relating to establishment of an Iowa health benefit exchange, abolishment of the Iowa insurance information exchange, and including effective date provisions.

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

Senate File 349, by Chelgren, Whitver, and Sorenson, a bill for an act relating to the identification of historic properties by certain rural electric cooperatives.

Read first time under Rule 28 and referred to committee on **Economic Growth**.

Senate File 350, by Chelgren, Greiner, Zaun, Whitver, Bacon, Hahn, Behn, Houser, Anderson, Hamerlinck, Seymour, Ernst, Bertrand, Sorenson, McKinley, and Bartz, a bill for an act relating to contract payments made by the state or an agency of the state.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 351, by Chelgren, Zaun, Dix, Whitver, Bacon, Hahn, Behn, Houser, Anderson, Hamerlinck, Seymour, Ernst, Bertrand, Sorenson, and McKinley, a bill for an act relating to the tax rates imposed on corporations and including retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 352, by Chelgren, Zaun, and Sorenson, a bill for an act relating to an exemption for smoking in public places, places of employment, and outdoor areas meeting certain conditions.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 353, by McKinley, a bill for an act to require state agencies to accept public comments on proposed rulemaking in an electronic format.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 354, by Behn, a bill for an act providing an exception from alcoholic beverage control business interest limitations for specified individuals.

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

Senate File 355, by Danielson, McCoy, and Beall, a bill for an act relating to the construction and maintenance of walkways in rail yards and providing a penalty.

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

Senate File 356, by Danielson, a bill for an act establishing new residency restrictions for sex offenders, and providing penalties.

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

Senate File 357, by Black, a bill for an act relating to public access to founded dependent adult abuse information.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 358, by committee on State Government, a bill for an act amending the Iowa administrative procedure Act as it relates to public participation in the rulemaking process, the adoption and effectiveness of administrative rules, and the delegation of rulemaking authority to administrative agencies.

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

Senate File 359, by committee on Local Government, a bill for an act relating to the county recorder fees charged for each recorded transaction.

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

Senate File 360, by committee on Judiciary, a bill for an act relating to bail restrictions placed on criminal defendants.

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

Senate File 361, by committee on State Government, a bill for an act authorizing the Iowa state fair board to establish an endowment fund to receive gifts in trust dedicated to the maintenance and improvement of the Iowa state fairgrounds.

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

Senate File 362, by Beall, Kibbie, Danielson, Behn, Feenstra, Dix, Smith, and Sorenson, a bill for an act relating to the use of adult stem cells in this state, including uses relating to the practice of medicine, the practice of pharmacy, and clinical research.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 363, by Bacon, a bill for an act relating to the use of a flashing blue light on certain funeral escort vehicles and making a penalty applicable.

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

STUDY BILLS RECEIVED

SSB 1172 Commerce

Relating to the regulation of indemnification provisions in construction contracts.

SSB 1173 Veterans Affairs

Creating a post-Vietnam Conflict veterans' bonus fund, providing penalties, and making appropriations.

SSB 1174 Agriculture

Relating to motor fuel, including ethanol and biodiesel used in the formulation of motor fuel, by providing for related infrastructure, tax credits, and appropriations, and including effective date and applicability provisions.

SSB 1175 State Government

Relating to bond requirements for the construction of subdivision improvements.

SSB 1176 Commerce

Relating to the utilization of energy by modifying and expanding the energy city designation program.

SSB 1177 Judiciary

Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies

and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and retroactive applicability provisions.

SSB 1178 Local Government

Relating to property taxes and fees by modifying provisions relating to receipts for the payment of property taxes and provisions relating to delinquent rates and charges and by specifying certain dates for notices and delinquency.

SSB 1179 Agriculture

Providing for a local food and farm program initiative and making appropriations.

SUBCOMMITTEE ASSIGNMENTS

Senate File 332

HUMAN RESOURCES: Bolkcom, Chair; Whitver and Wilhelm

Senate File 338

WAYS AND MEANS: Hogg, Chair; Anderson and Bolkcom

Senate File 341

AGRICULTURE: Rielly, Chair; Greiner and Hancock

Senate File 346

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Black and Sorenson

Senate File 354

COMMERCE: Schoenjahn, Chair; Behn and Dandekar

SSB 1172

COMMERCE: McCoy, Chair; Dandekar and Zaun

SSB 1173

VETERANS AFFAIRS: Kibbie, Chair; Beall and Seymour

SSB 1174

AGRICULTURE: Kibbie, Chair; Black, Hahn, Houser, and Seng

SSB 1175

STATE GOVERNMENT: Danielson, Chair; Bertrand and Soddors

SSB 1176

COMMERCE: Dandekar, Chair; Behn and McCoy

SSB 1177

JUDICIARY: Whitver, Chair; Dix and Hancock

SSB 1178

LOCAL GOVERNMENT: Wilhelm, Chair; Ernst and Schoenjahn

SSB 1179

AGRICULTURE: Seng, Chair; Houser and Rielly

FINAL COMMITTEE REPORTS OF BILL ACTION

JUDICIARY

Bill Title: SENATE FILE 360 (SSB 1092), a bill for an act relating to bail restrictions placed on criminal defendants.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Bill Title: SENATE FILE 359 (SSB 1050), a bill for an act relating to the county recorder fees charged for each recorded transaction.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 8: Wilhelm, Beall, Bartz, Bacon, Bowman, Ernst, Quirnbach, and Schoenjahn. Nays, 2: Hamerlinck and Rielly. Absent, 1: McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: SENATE FILE 348 (SSB 1063), a bill for an act relating to establishment of an Iowa health benefit exchange, abolishment of the Iowa insurance information exchange, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Danielson, Kibbie, Courtney, Dearden, Fraise, Hatch, Horn, Jochum, and Soddors. Nays, 5: Feenstra, Behn, Bertrand, Dix, and Sorenson. Absent, 1: Smith.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 358 (formerly SF 230), a bill for an act amending the Iowa administrative procedure Act as it relates to public participation in the rulemaking process, the adoption and effectiveness of administrative rules, and the delegation of rulemaking authority to administrative agencies.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Danielson, Kibbie, Feenstra, Behn, Bertrand, Courtney, Dearden, Dix, Fraise, Hatch, Horn, Jochum, Soddors, and Sorenson. Nays, none. Absent, 1: Smith.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 361 (SSB 1150), a bill for an act authorizing the Iowa state fair board to establish an endowment fund to receive gifts in trust dedicated to the maintenance and improvement of the Iowa state fairgrounds.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Danielson, Kibbie, Feenstra, Behn, Bertrand, Courtney, Dearden, Dix, Fraise, Hatch, Horn, Jochum, Soddors, and Sorenson. Nays, none. Absent, 1: Smith.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Bill Title: SENATE FILE 201, a bill for an act restricting the designation of certain portions of an interstate highway as part of a scenic byway.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Rielly, Bowman, Kapucian, Beall, Dandekar, Danielson, Dearden, Ernst, Hahn, Hancock, Houser, McCoy, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 267, a bill for an act relating to close clearances and safe spaces around railroad tracks and railroad facilities, and providing penalties and including effective date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Rielly, Bowman, Beall, Dandekar, Danielson, Dearden, Hancock, and McCoy. Nays, 5: Kapucian, Ernst, Hahn, Houser, and Zaun. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNOR'S APPOINTEE PLACED ON EN BLOC CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

AGRICULTURE

Charles McCullough – State Soil Conservation Committee

GOVERNOR'S APPOINTEES PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

Pursuant to Senate Rule 59, the State Government committee having failed to file its report within the prescribed time, the nominee, Isaiah McGee as Director of the Department of Human Rights, is now automatically placed, without recommendation, upon the individual confirmation calendar.

Pursuant to Senate Rule 59, the State Government committee having failed to file its report within the prescribed time, the nominee, Douglas Hoelscher as Director of Office for State-Federal Relations is now automatically placed, without recommendation, upon the individual confirmation calendar.

AMENDMENT FILED

S-3040 S.F. 303 Randy Feenstra

JOURNAL OF THE SENATE

FIFTY-SECOND CALENDAR DAY
THIRTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 2, 2011

The Senate met in regular session at 9:07 a.m., President Pro Tempore Danielson presiding.

The Senate observed a moment of silence.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Hannah Walsh.

The Journal of Tuesday, March 1, 2011, was approved.

INTRODUCTION OF GOVERNOR'S APPOINTEE

The Secretary of the Senate introduced Douglas Hoelscher, the governor's appointee to be the Director of Office for State-Federal Relations. He was the guest of Senators Hatch and Smith and the committee on State Government.

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 March 1, 2011, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 209, a bill for an act relating to public funding and regulatory matters by making appropriations, providing for updated Code references to the Internal Revenue Code, increasing the state

earned income tax credit, and including effective date and retroactive applicability provisions. (S-3041)

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 328** be referred from the Regular Calendar to the committee on **Appropriations**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:15 a.m. until 9:00 a.m., Thursday, March 3, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Tom Ferguson, Waterloo—For celebrating his 80th birthday. Senator Dotzler (3/2/11).

Roger and Norma Klemz—For celebrating their 50th wedding anniversary. Senator Dotzler (3/2/11).

Marlys Konrardy, Waterloo—For celebrating her 80th birthday. Senator Dotzler (3/2/11).

Veronica Krug, Dubuque—For celebrating her 100th birthday. Senator Jochum (3/2/11).

Gladys McKenna, Waterloo—For celebrating her 90th birthday. Senator Dotzler (3/2/11).

Avice Potter, Evansdale—For celebrating her 85th birthday. Senator Dotzler (3/2/11).

Milt Roth, Waterloo—For celebrating his 93rd birthday. Senator Dotzler (3/2/11).

Milo Van Schoyck, Waterloo—For celebrating his 80th birthday. Senator Dotzler (3/2/11).

Dylan Schwers—For achieving the rank of Eagle Scout, Troop 5200. Senator Horn. (3/2/11).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Wednesday, March 2, 2011, 11:35 a.m.

Members Present: Seng, Chair; Fraise, Vice Chair; Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, and Rielly.

Members Absent: Johnson, Ranking Member; and Kibbie (both excused).

Committee Business: Passed SFs 227, 257, and 341. Approved SSBs 1127, 1128, 1129, 1131, 1179, and 1180.

Adjourned: 12:15 p.m.

COMMERCE

Convened: Tuesday, March 1, 2011, 4:05 p.m.

Members Present: Dandekar, Chair; Rielly, Vice Chair; Behn, Ranking Member; Anderson, Beall, Bolkcom, Courtney, Feenstra, Kettering, McCoy, Schoenjahn, Seng, Ward, Wilhelm, and Zaun.

Members Absent: None.

Committee Business: Passed SF 235. Approved SSBs 1088, 1089, 1097, 1098, 1102, 1144, and 1172.

Adjourned: 5:05 p.m.

EDUCATION

Convened: Wednesday, March 2, 2011, 1:35 p.m.

Members Present: Quirnbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Smith, Soddors, and Wilhelm.

Members Absent: Johnson (excused).

Committee Business: Passed SFs 36, 66, 70, 74, 85, 190, 247, 310, 330, 337, 345, and 382. Approved SSBs 1021, 1106, 1108, 1109, 1110, 1114, 1161, 1162, 1163, and 1164.

Recessed: 1:45 p.m.

Reconvened: 2:30 p.m.

Adjourned: 3:20 p.m.

LOCAL GOVERNMENT

Convened: Wednesday, March 2, 2011, 9:40 a.m.

Members Present: Wilhelm, Chair; Beall, Vice Chair; Bartz, Ranking Member; Bacon, Bowman, Ernst, Hamerlinck, McCoy, Quirmbach, Rielly, and Schoenjahn.

Members Absent: None.

Committee Business: Considered SFs 98 and 305 and SSBs 1178 and 1181.

Recessed: 9:45 a.m.

Reconvened: 10:00 a.m.

Adjourned: 10:30 a.m.

STATE GOVERNMENT

Convened: Wednesday, March 2, 2011, 9:55 a.m.

Members Present: Danielson, Chair; Feenstra, Ranking Member; Behn, Bertrand, Courtney, Dearden, Dix, Fraise, Hatch, Jochum, Smith, Soddors, and Sorenson.

Members Absent: Kibbie, Vice Chair; and Horn (both excused).

Committee Business: Passed SFs 163, 245, and 246. Approved SSB 1156.

Adjourned: 10:15 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 15, by Sorenson, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the use of eminent domain.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate Joint Resolution 16, by Sorenson, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to standing to file an action challenging the constitutionality of a law.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate Resolution 5, by Boettger, a resolution recognizing March 2011 as Iowa Women's History Month.

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

INTRODUCTION OF BILLS

Senate File 364, by committee on State Government, a bill for an act relating to the licensure of orthotists, prosthetists, and pedorthists and providing for fees and penalties.

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

Senate File 365, by committee on Judiciary, a bill for an act relating to the placement of a juvenile on youthful offender status in district court.

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

Senate File 366, by committee on State Government, a bill for an act requiring periodic review of administrative rules by administrative agencies.

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

Senate File 367, by committee on Education, a bill for an act concerning the protection of student athletes from concussions and other brain injuries.

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

Senate File 368, by Sorenson, a bill for an act requiring birth certificates to be filed with affidavits of candidacy for presidential and vice presidential candidates.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 369, by Sorenson, a bill for an act providing for a moratorium on regulations affecting the sale of unprocessed food, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 370, by Sorenson, a bill for an act authorizing refusal of vaccinations and immunizations.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 371, by Zaun, a bill for an act relating to liability cases involving licensed professionals.

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

Senate File 372, by Chelgren, Whitver, Bacon, Hahn, Anderson, Hamerlinck, Seymour, Ernst, Sorenson, and McKinley, a bill for an act relating to the issuance of a permit to carry weapons.

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

Senate File 373, by Ernst, a bill for an act providing an exemption from the computation of the individual state income tax of all pay received for military service and including retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Veterans Affairs**.

Senate File 374, by Zaun, a bill for an act providing for the licensure of operators authorized to purchase, use, and explode fireworks, and including penalties.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 375, by McKinley, a bill for an act providing for negotiated rulemaking.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 376, by McKinley, a bill for an act relating to requests for a regulatory analysis.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 377, by Zaun, a bill for an act increasing the amount of the tuition tax credit and including retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 378, by Zaun, a bill for an act relating to the use of automated traffic enforcement systems.

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

Senate File 379, by Hancock, a bill for an act relating to service brake requirements for certain trailers used to transport construction materials or equipment.

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

Senate File 380, by Ragan and Jochum, a bill for an act relating to the sealing of juvenile delinquency records.

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

Senate File 381, by Chelgren, a bill for an act relating to the department of human rights by prohibiting the department from providing advocacy or services on the basis of race or ethnicity and finding that such advocacy or services may be provided on the basis of gender.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 382, by Boettger, a bill for an act establishing a pilot program relating to state aid funding for special education support services, media services, educational services, area education agency professional development supplement, and area education agency teacher salary supplement, allowing certain school districts to select the method of providing services the funding supports, and including applicability provisions.

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

Senate File 383, by Chelgren, a bill for an act repealing the grow Iowa values fund, reverting appropriations and prohibiting further obligating of moneys, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Economic Growth/Rebuild Iowa**.

Senate File 384, by Boettger, a bill for an act relating to service of notice of a proposed involuntary guardianship upon parents of an adult ward.

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

Senate File 385, by Chelgren, Boettger, Hamerlinck, Zaun, Whitver, Bertrand, Anderson, Kettering, Hahn, Sorenson, and Bacon, a bill for an act relating to the production or manufacture of goods retained within the state of Iowa and applicable federal authority, providing penalties, and including applicability provisions.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 386, by committee on Natural Resources and Environment, a bill for an act relating to disaster mitigation and predisaster planning by providing for comprehensive watershed management planning, creating a watershed management grant program, providing floodplain management regulation incentives, creating a predisaster hazard mitigation grant program, and making appropriations.

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

Senate File 387, by committee on Economic Growth/Rebuild Iowa, a bill for an act providing for a manufacturing jobs program and including retroactive applicability provisions.

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

Senate File 388, by committee on Human Resources, a bill for an act modifying provisions relating to the regulation of delayed deposit services businesses, providing penalties, and including effective date provisions.

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

Senate File 389, by committee on Veterans Affairs, a bill for an act relating to the nonreversion of funds appropriated to the national guard educational assistance program and including effective date and retroactive applicability provisions.

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

Senate File 390, by committee on Commerce, a bill for an act relating to the permitting, licensing, construction, and operation of nuclear generation facilities.

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

Senate File 391, by committee on Commerce, a bill for an act authorizing the establishment of health insurance exchanges in the state and including effective date provisions.

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

Senate File 392, by McCoy, a bill for an act relating to whistleblower protection for state employees and making penalties applicable.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 393, by committee on Local Government, a bill for an act relating to drainage and levee districts by providing for the delivery of a written communication to state and local government.

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

Senate File 394, by committee on State Government, a bill for an act creating a high performance certification program applicable to certain public buildings.

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

Senate File 395, by committee on Commerce, a bill for an act relating to the assessment of certain subdivided real property and including applicability provisions.

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

Senate File 396, by committee on Commerce, a bill for an act relating to the regulation of indemnification provisions in construction contracts.

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

Senate File 397, by committee on Veterans Affairs, a bill for an act creating criminal offenses for falsely claiming the receipt of certain military medals or decorations and providing penalties.

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

Senate File 398, by committee on Veterans Affairs, a bill for an act creating a post-Vietnam Conflict veterans' bonus fund, providing penalties, and making appropriations.

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

Senate File 399, by committee on Veterans Affairs, a bill for an act regulating the advertising of veterans benefits appeal services by requiring certain disclosures and including a civil penalty.

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

Senate File 400, by committee on Judiciary, a bill for an act relating to the conveyance or encumbrance of a homestead by a spouse.

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

Senate File 401, by committee on Human Resources, a bill for an act relating to the penalty for the unlawful practice of dentistry.

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

Senate File 402, by committee on Veterans Affairs, a bill for an act relating to the injured veterans grant program.

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

STUDY BILLS RECEIVED

SSB 1180 Agriculture

Relating to livestock by providing for their feeding and care when the livestock are deemed to be neglected.

SSB 1181 Local Government

Relating to the powers and governance of benefited recreational lake districts, water quality districts, and combined recreational lake and water quality districts.

SSB 1182 Human Resources

Relating to requirements of the department of human services involving individuals and families.

SSB 1183 Judiciary

Relating to persons prohibited from possessing or receiving firearms because of mental health commitments or adjudications and to petitions for relief from such prohibitions, and including effective date and applicability provisions.

SUBCOMMITTEE ASSIGNMENTS**Senate File 301**

APPROPRIATIONS: Dotzler, Chair; Houser and McCoy

Senate File 328

APPROPRIATIONS: Schoenjahn, Chair; Boettger and Hogg

Senate File 340

TRANSPORTATION: Rielly, Chair; Danielson and Kapucian

Senate File 344

HUMAN RESOURCES: Hatch, Chair; Bacon and Bolkcom

Senate File 347

STATE GOVERNMENT: Dearden, Chair; Fraise and Sorenson

Senate File 349

ECONOMIC GROWTH/REBUILD IOWA: Rielly, Chair; Bacon, Bowman, Dotzler, and Ward

Senate File 350

STATE GOVERNMENT: Danielson, Chair; Dix and Fraise

Senate File 351

WAYS AND MEANS: Jochum, Chair; Chelgren and Quirmbach

Senate File 352

STATE GOVERNMENT: Danielson, Chair; Jochum and Sorenson

Senate File 353

STATE GOVERNMENT: Kibbie, Chair; Courtney and Feenstra

Senate File 356

JUDICIARY: Dvorsky, Chair; Fraise and Ward

Senate File 357

HUMAN RESOURCES: Bolkcom, Chair; Bacon and Dotzler

Senate File 362

STATE GOVERNMENT: Danielson, Chair; Feenstra and Sodders

Senate File 371

JUDICIARY: Dvorsky, Chair; Fraise and Whitver

Senate File 372

JUDICIARY: Dvorsky, Chair; Fraise and Sorenson

Senate File 383

ECONOMIC GROWTH/REBUILD IOWA: Dotzler, Chair; Greiner and Sodders

House File 323

NATURAL RESOURCES AND ENVIRONMENT: Hamerlinck, Chair; Ragan and Schoenjahn

SSB 1180

AGRICULTURE: Rielly, Chair; Kapucian and Seng

SSB 1181

LOCAL GOVERNMENT: Wilhelm, Chair; Bacon, Bartz, Beall, Bowman, Ernst, Hamerlinck, McCoy, Quirmbach, Rielly, and Schoenjahn

SSB 1182

HUMAN RESOURCES: Dotzler, Chair; Ragan and Seymour

SSB 1183

JUDICIARY: Dvorsky, Chair; Fraise and Sorenson

FINAL COMMITTEE REPORTS OF BILL ACTION**COMMERCE**

Bill Title: SENATE FILE 390 (SSB 1144), a bill for an act relating to the permitting, licensing, construction, and operation of nuclear generation facilities.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dandekar, Rielly, Behn, Anderson, Beall, Courtney, Feenstra, Kettering, McCoy, Schoenjahn, Seng, Ward, and Zaun. Nays, 2: Bolkcom and Wilhelm. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 391 (formerly SF 235), a bill for an act authorizing the establishment of health insurance exchanges in the state and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Dandekar, Rielly, Behn, Anderson, Beall, Bolkcom, Courtney, Feenstra, Kettering, McCoy, Schoenjahn, Seng, Ward, Wilhelm, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 395 (SSB 1102), a bill for an act relating to the assessment of certain subdivided real property and including applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Dandekar, Rielly, Behn, Anderson, Beall, Bolkcom, Courtney, Feenstra, Kettering, McCoy, Schoenjahn, Seng, Ward, Wilhelm, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 396 (SSB 1172), a bill for an act relating to the regulation of indemnification provisions in construction contracts.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dandekar, Rielly, Behn, Anderson, Beall, Feenstra, Kettering, McCoy, Schoenjahn, Seng, Ward, Wilhelm, and Zaun. Nays, 2: Bolkcom and Courtney. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ECONOMIC GROWTH/REBUILD IOWA

Bill Title: SENATE FILE 387 (formerly SF 145), a bill for an act providing for a manufacturing jobs program and including retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Soddors, Dotzler, Greiner, Bacon, Bertrand, Bowman, Chelgren, Dandekar, Danielson, Hatch, Horn, Rielly, Ward, and Wilhelm. Nays, none. Absent, 1: Whitver.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Bill Title: *SENATE FILE 367 (formerly SF 153), a bill for an act concerning the protection of student athletes from concussions and other brain injuries.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Soddors, and Wilhelm. Nays, none. Absent, 2: Johnson and Smith.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on Senate File 367, and they were attached to the committee report.

HUMAN RESOURCES

Bill Title: *SENATE FILE 388 (formerly SF 113), a bill for an act modifying provisions relating to the regulation of delayed deposit services businesses, providing penalties, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Ragan, Wilhelm, Bacon, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, and Quirmbach. Nays, 3: Seymour, Boettger, and Whitver. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 388, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 401 (SSB 1030), a bill for an act relating to the penalty for the unlawful practice of dentistry.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, Quirmbach, and Whitver. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 401, and they were attached to the committee report.

JUDICIARY

Bill Title: *SENATE FILE 365 (SSB 1043), a bill for an act relating to the placement of a juvenile on youthful offender status in district court.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 365, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 400 (SSB 1120), a bill for an act relating to the conveyance or encumbrance of a homestead by a spouse.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 400, and they were attached to the committee report.

LOCAL GOVERNMENT

Bill Title: *SENATE FILE 393 (SSB 1124), a bill for an act relating to drainage and levee districts by providing for the delivery of a written communication to state and local government.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Wilhelm, Beall, Bartz, Bacon, Bowman, Ernst, Hamerlinck, Quirnbach, Rielly, and Schoenjahn. Nays, none. Absent, 1: McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Local Government Committee on Senate File 393, and they were attached to the committee report.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: SENATE FILE 386 (formerly SF 53), a bill for an act relating to disaster mitigation and predisaster planning by providing for comprehensive watershed management planning, creating a watershed management grant program, providing floodplain management regulation incentives, creating a predisaster hazard mitigation grant program, and making appropriations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Dearden, Black, Hahn, Bolkcom, Hancock, Hogg, Ragan, Schoenjahn, and Seng. Nays, 4: Behn, Hamerlinck, Kapucian, and Sorenson. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: *SENATE FILE 364 (formerly SF 226), a bill for an act relating to the licensure of orthotists, prosthetists, and pedorthists and providing for fees and penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Danielson, Kibbie, Feenstra, Behn, Bertrand, Courtney, Dearden, Dix, Fraise, Hatch, Horn, Jochum, Soddors, and Sorenson. Nays, none. Absent, 1: Smith.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on Senate File 364, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 366 (formerly SF 232), a bill for an act requiring periodic review of administrative rules by administrative agencies.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Danielson, Kibbie, Feenstra, Behn, Bertrand, Courtney, Dearden, Dix, Fraise, Hatch, Horn, Jochum, Soddors, and Sorenson. Nays, none. Absent, 1: Smith.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on Senate File 366, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 394 (SSB 1091), a bill for an act creating a high performance certification program applicable to certain public buildings.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Danielson, Kibbie, Feenstra, Bertrand, Courtney, Dearden, Dix, Fraise, Hatch, Horn, Jochum, and Soddors. Nays, 2: Behn and Sorenson. Absent, 1: Smith.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on Senate File 394, and they were attached to the committee report.

VETERANS AFFAIRS

Bill Title: SENATE FILE 389 (formerly SF 296), a bill for an act relating to the nonreversion of funds appropriated to the national guard educational assistance program and including effective date and retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Beall, Danielson, Seymour, Bacon, Black, Ernst, Greiner, Horn, Kibbie, Ragan, and Sodders. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 397 (formerly SF 87), a bill for an act creating criminal offenses for falsely claiming the receipt of certain military medals or decorations and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Beall, Danielson, Seymour, Bacon, Black, Ernst, Greiner, Horn, Kibbie, Ragan, and Sodders. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 398 (SSB 1173), a bill for an act creating a post-Vietnam Conflict veterans' bonus fund, providing penalties, and making appropriations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Beall, Danielson, Seymour, Bacon, Black, Ernst, Greiner, Horn, Kibbie, Ragan, and Sodders. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 399 (formerly SF 329), a bill for an act regulating the advertising of veterans benefits appeal services by requiring certain disclosures and including a civil penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Beall, Danielson, Seymour, Bacon, Black, Ernst, Greiner, Horn, Kibbie, Ragan, and Sodders. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 402 (SSB 1134), a bill for an act relating to the injured veterans grant program.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Beall, Danielson, Seymour, Bacon, Black, Ernst, Greiner, Horn, Kibbie, Ragan, and Soddors. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS ASSIGNED TO COMMITTEE

President Kibbie announced the assignment of the following bills to committees:

H.F.	323	Natural Resources and Environment
H.F.	329	Commerce
H.F.	364	Veterans Affairs

AMENDMENT FILED

S-3041	S.F.	209	House
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JOURNAL OF THE SENATE

FIFTY-THIRD CALENDAR DAY
THIRTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 3, 2011

The Senate met in regular session at 9:00 a.m., President Kibbie presiding.

Prayer was offered by Lance V. Mack, "Mister Lincoln," of Cedar Rapids, Iowa. He was the guest of Senator Hogg.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Hannah Walsh.

The Journal of Wednesday, March 2, 2011, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 2, 2011, **passed** the following bills in which the concurrence of the Senate is asked:

House File 290, a bill for an act to allow the use of motorcycles equipped with detachable stabilizing rear wheels on Iowa roads.

Read first time and attached to **companion Senate File 78**.

House File 322, a bill for an act relating to the creation of a task force concerning drug product selection relative to antiepileptic drugs for the treatment of epileptic seizures and including effective date provisions.

Read first time and referred to committee on **Human Resources**.

House File 328, a bill for an act relating to matters under the purview of the division of banking of the department of commerce, and including effective date provisions.

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

BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate Files 386 and 398** be referred from the Regular Calendar to the committee on **Appropriations**; and that **Senate File 387** be referred from the Regular Calendar to the committee on **Ways and Means**.

The Senate stood at ease at 9:15 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:50 a.m., President Kibbie presiding.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 8, by Committee on Rules and Administration, a concurrent resolution supporting the reuse and repurposing of the former Veterans Affairs Hospital campus in Knoxville, Iowa in order to provide services to veterans of the United States armed forces.

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

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE CONCURRENT RESOLUTION 8, a concurrent resolution supporting the reuse and repurposing of the former Veterans Affairs Hospital campus in Knoxville, Iowa in order to provide services to veterans of the United States armed forces.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Gronstal, Kibbie, Bartz, Courtney, Danielson, Dearden, Dvorsky, Kettering, and Ragan. Nays, None. Absent, 1: Zaun.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 8.

Senate Concurrent Resolution 8

On motion of Senator Beall, **Senate Concurrent Resolution 8**, a concurrent resolution supporting the reuse and repurposing of the former Veterans Affairs Hospital campus in Knoxville, Iowa in order to provide services to veterans of the United States armed forces, was taken up for consideration.

Senator Beall moved the adoption of Senate Concurrent Resolution 8, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Concurrent Resolution 8** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:53 a.m. until 1:00 p.m., Monday, March 7, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

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

LeRoy and Sandra Bickel, West Burlington—For celebrating their 50th wedding anniversary. Senator Courtney (3/3/11).

Mike Braden, Oskaloosa—For being inducted into the Iowa High School Athletic Association's Wrestling Officials Hall of Fame. Senator Rielly (3/3/11).

Iva Nell Dinan—For celebrating her 90th birthday. Senator Schoenjahn (3/3/11).

Ruth Hingst, Burlington—For celebrating her 98th birthday. Senator Courtney (3/3/11).

Douglas Kennedy, Clinton—For achieving the rank of Eagle Scout, Troop 642. Senator Bowman (3/3/11).

Audrey Klein, Burlington—For celebrating her 90th birthday. Senator Courtney (3/3/11).

Philip Matthew Oleksa—For achieving the rank of Eagle Scout, Troop 5200. Senator Horn (3/3/11).

Wayne Weaver, Burlington—For celebrating his 95th birthday. Senator Courtney (3/3/11).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Thursday, March 3, 2011, 1:05 p.m.

Members Present: Seng, Chair; Fraise, Vice Chair; Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, Kibbie, and Rielly.

Members Absent: Johnson, Ranking Member (excused).

Committee Business: Passed SF 319. Approved SSBs 1126, 1148, and 1174.

Adjourned: 1:40 p.m.

COMMERCE

Convened: Thursday, March 3, 2011, 10:05 a.m.

Members Present: Dandekar, Chair; Rielly, Vice Chair; Behn, Ranking Member; Anderson, Beall, Bolkom, Courtney, Feenstra, Kettering, McCoy, Schoenjahn, Seng, Wilhelm, and Zaun.

Members Absent: Ward (excused).

Committee Business: Approved SSBs 1139, 1145, and 1168.

Adjourned: 11:05 a.m.

HUMAN RESOURCES

Convened: Thursday, March 3, 2011, 1:05 p.m.

Members Present: Ragan, Chair; Wilhelm, Vice Chair; Seymour, Ranking Member; Bacon, Boettger, Bolkom, Dotzler, Dvorsky, Hatch, Jochum, Quirnbach, and Whitver.

Members Absent: Johnson (excused).

Committee Business: Passed SFs 117 and 344, both as amended. Approved SSBs 1077, 1103, 1115, 1182, all as amended, and SSB 1184.

Adjourned: 2:30 p.m.

JUDICIARY

Convened: Thursday, March 3, 2011, 2:35 p.m.

Members Present: Fraise, Chair; Hogg, Vice Chair; Boettger, Ranking Member; Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Sorenson, and Whitver.

Members Absent: Ward (excused).

Committee Business: Approved SSBs 1041, 1160, 1169, and 1177, all as amended, and SSBs 1055 and 1183.

Recessed: 2:40 p.m.

Reconvened: 2:50 p.m.

Adjourned: 3:10 p.m.

RULES AND ADMINISTRATION

Convened: Thursday, March 3, 2011, 8:30 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; McKinley, Ranking Member; Bartz, Courtney, Danielson, Dearden, Dvorsky, Kettering, and Ragan.

Members Absent: Zaun (excused).

Committee Business: Considered HCRs 11 and 12 and LSBs 2731xc and 2721xc.

Adjourned: 8:45 a.m.

STATE GOVERNMENT

Convened: Wednesday, March 2, 2011, 4:35 p.m.

Members Present: Danielson, Chair; Kibbie, Vice Chair; Feenstra, Ranking Member; Behn, Bertrand, Courtney, Dearden, Dix, Fraise, Hatch, Horn, Jochum, Smith, Soddors, and Sorenson.

Members Absent: None.

Committee Business: Passed SFs 26, 179, 182, 207, 339, 343, and 375. Approved SSBs 1019, 1065, 1125, 1152, 1165, and 1111.

Recessed: 4:40 p.m.

Reconvened: 5:15 p.m.

Adjourned: 6:35 p.m.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 9, by Bolkcom, a concurrent resolution urging the United States Congress to modernize the Toxic Substances Control Act of 1976.

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

INTRODUCTION OF BILLS

Senate File 403, by Kettering, a bill for an act relating to the statewide fire and police retirement system by providing for the transition of the system and its members into the Iowa public employees' retirement system.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 404, by committee on Human Resources, a bill for an act relating to health information technology including the creation of a statewide health information exchange, providing for fees, and including effective date provisions.

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

Senate File 405, by committee on Human Resources, a bill for an act relating to the use of bisphenol a in certain products, providing penalties, and including effective date provisions.

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

Senate File 406, by committee on Commerce, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce.

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

Senate File 407, by committee on Natural Resources and Environment, a bill for an act delegating to counties the permitting and enforcement powers of the department of natural resources in relation to the construction of semipublic sewage disposal systems and authorizing penalties.

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

Senate File 408, by committee on Transportation, a bill for an act relating to railroad crossing violations by providing for investigations, and providing penalties.

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

Senate File 409, by committee on Transportation, a bill for an act restricting the practice of parking and displaying motor vehicles for sale, hire, or rental on public or private property and providing for local enforcement.

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

Senate File 410, by committee on State Government, a bill for an act relating to the duties and operations of the state commission of libraries, the division of libraries and information services, and the library service areas.

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

Senate File 411, by committee on Local Government, a bill for an act relating to times of operation of certain satellite absentee voting stations.

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

Senate File 412, by committee on Local Government, a bill for an act relating to the powers and governance of benefited recreational lake districts, water quality districts, and combined recreational lake and water quality districts.

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

Senate File 413, by committee on State Government, a bill for an act relating to financial responsibilities of local emergency management commissions.

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

Senate File 414, by Zaun, a bill for an act relating to developer fees for federal low-income housing tax credits.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 415, by committee on Human Resources, a bill for an act allowing an advanced registered nurse practitioner and a physician assistant to sign a death certificate.

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

Senate File 416, by committee on Commerce, a bill for an act relating to the scope of duty of an insurance producer in procuring insurance for a client.

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

Senate File 417, by committee on Commerce, a bill for an act relating to matters under the purview of the division of banking of the department of commerce, and including effective date provisions.

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

Senate File 418, by committee on Commerce, a bill for an act relating to disclosure of specified information in connection with new motor vehicle repairs.

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

Senate File 419, by committee on Education, a bill for an act authorizing the establishment of a philanthropy account within a student activity fund.

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

Senate File 420, by committee on Education, a bill for an act relating to the planning, approval, supplementary weighting, and operation of regional academies and including effective date and applicability provisions.

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

Senate File 421, by committee on Education, a bill for an act establishing a pilot program relating to state aid funding for special education support services, media services, educational services, area education agency professional development supplement, and area education agency teacher salary supplement, allowing certain school districts to select the method of providing services the funding supports, and including applicability provisions.

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

Senate File 422, by committee on Education, a bill for an act relating to the use of certain revenues resulting from the physical plant and equipment levies and including applicability provisions.

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

Senate File 423, by committee on Education, a bill for an act relating to the demonstration of proficiency by students receiving competent private instruction for purposes of senior year plus program eligibility.

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

Senate File 424, by committee on Education, a bill for an act relating to the use of statewide school infrastructure funding.

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

Senate File 425, by committee on Education, a bill for an act establishing an annual appropriation to the property tax equity and relief fund and including effective date and applicability provisions.

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

Senate File 426, by committee on Education, a bill for an act modifying the funding requirements for whole grade sharing agreements.

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

STUDY BILLS RECEIVED

SSB 1184 Human Resources

Relating to the long-term care ombudsman program.

SSB 1185 Appropriations

Relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants and other nonstate sources, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

SSB 1186 Natural Resources and Environment

Relating to operations and procedures of the department of natural resources and the environmental protection commission.

SSB 1187 Natural Resources and Environment

Relating to the transfer of certain administrative duties from the department of natural resources to the department of agriculture and land stewardship, making appropriations, and including effective date provisions.

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 15

STATE GOVERNMENT: Hatch, Chair; Bertrand and Dearden

Senate Joint Resolution 16

STATE GOVERNMENT: Danielson, Chair; Courtney and Sorenson

Senate File 355

TRANSPORTATION: Rielly, Chair; Hancock and Houser

Senate File 363

TRANSPORTATION: Rielly, Chair; Hancock and Kapucian

Senate File 368

STATE GOVERNMENT: Hatch, Chair; Dearden and Dix

Senate File 369

STATE GOVERNMENT: Jochum, Chair; Behn and Horn

Senate File 370

HUMAN RESOURCES: Bolkom, Chair; Boettger and Hatch

Senate File 374

STATE GOVERNMENT: Danielson, Chair; Horn and Smith

Senate File 376

STATE GOVERNMENT: Danielson, Chair; Dix and Kibbie

Senate File 378

TRANSPORTATION: Rielly, Chair; Hancock and Zaun

Senate File 379

TRANSPORTATION: Rielly, Chair; Danielson and Hahn

Senate File 381

STATE GOVERNMENT: Jochum, Chair; Bertrand and Soddors

Senate File 385

STATE GOVERNMENT: Hatch, Chair; Behn and Horn

Senate File 392

STATE GOVERNMENT: Courtney, Chair; Fraise and Sorenson

Senate File 403

STATE GOVERNMENT: Danielson, Chair; Kibbie and Smith

House File 364

VETERANS AFFAIRS: Ragan, Chair; Horn and Seymour

SSB 1184

HUMAN RESOURCES: Wilhelm, Chair; Bacon and Ragan

SSB 1185

APPROPRIATIONS: Ragan, Chair; Bolkcom and Seymour

SSB 1186

NATURAL RESOURCES AND ENVIRONMENT: Black, Chair; Hahn and Seng

SSB 1187

NATURAL RESOURCES AND ENVIRONMENT: Black, Chair; Behn and Dearden

FINAL COMMITTEE REPORTS OF BILL ACTION**COMMERCE**

Bill Title: *SENATE FILE 406 (SSB 1089), a bill for an act relating to various matters under the purview of the insurance division of the department of commerce.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Dandekar, Rielly, Behn, Anderson, Beall, Bolkcom, Courtney, Feenstra, Kettering, McCoy, Schoenjahn, Seng, Ward, Wilhelm, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Commerce Committee on Senate File 406, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 416 (SSB 1097), a bill for an act relating to the scope of duty of an insurance producer in procuring insurance for a client.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Dandekar, Rielly, Behn, Anderson, Beall, Feenstra, Kettering, McCoy, Schoenjahn, Ward, and Zaun. Nays, none. Present, 4: Bolkcom, Courtney, Seng, and Wilhelm. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Commerce Committee on Senate File 416, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 417 (SSB 1088), a bill for an act relating to matters under the purview of the division of banking of the department of commerce, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Dandekar, Rielly, Behn, Anderson, Beall, Bolkcom, Courtney, Feenstra, Kettering, McCoy, Schoenjahn, Seng, Ward, Wilhelm, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Commerce Committee on Senate File 417, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 418 (SSB 1098), a bill for an act relating to disclosure of specified information in connection with new motor vehicle repairs.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Dandekar, Rielly, Behn, Anderson, Beall, Bolkcom, Courtney, Feenstra, Kettering, McCoy, Schoenjahn, Seng, Ward, Wilhelm, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Commerce Committee on Senate File 418, and they were attached to the committee report.

EDUCATION

Bill Title: SENATE FILE 419 (formerly SF 337), a bill for an act authorizing the establishment of a philanthropy account within a student activity fund.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Smith, Soddors, and Wilhelm. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 420 (formerly SF 310), a bill for an act relating to the planning, approval, supplementary weighting, and operation of regional academies and including effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Smith, Soddors, and Wilhelm. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 421 (formerly SF 382), a bill for an act establishing a pilot program relating to state aid funding for special education support services, media services, educational services, area education agency professional development supplement, and area education agency teacher salary supplement, allowing certain school districts to select the method of providing services the funding supports, and including applicability provisions.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 7: Quirnbach, Hamerlinck, Boettger, Dvorsky, Feenstra, Hogg, and Smith. Nays, none. Present, 5: Schoenjahn, Beall, Bowman, Soddors, and Wilhelm. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 422 (SSB 1164), a bill for an act relating to the use of certain revenues resulting from the physical plant and equipment levies and including applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Smith, Soddors, and Wilhelm. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 423 (SSB 1163), a bill for an act relating to the demonstration of proficiency by students receiving competent private instruction for purposes of senior year plus program eligibility.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Quirnbach, Schoenjahn, Beall, Bowman, Dvorsky, Hogg, Soddors, and Wilhelm. Nays, 4: Hamerlinck, Boettger, Feenstra, and Smith. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 424 (formerly SF 66), a bill for an act relating to the use of statewide school infrastructure funding.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Smith, Soddors, and Wilhelm. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 425 (formerly SF 330), a bill for an act establishing an annual appropriation to the property tax equity and relief fund and including effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Smith, Soddors, and Wilhelm. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 426 (SSB 1162), a bill for an act modifying the funding requirements for whole grade sharing agreements.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Smith, Soddors, and Wilhelm. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Bill Title: *SENATE FILE 404 (SSB 1060), a bill for an act relating to health information technology including the creation of a statewide health information exchange, providing for fees, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, and Quirnbach. Nays, 1: Whitver. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 404, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 405 (formerly SF 60), a bill for an act relating to the use of bisphenol a in certain products, providing penalties, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Ragan, Wilhelm, Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, Quirmbach, and Whitver. Nays, 1: Seymour. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 405, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 415 (SSB 1039), a bill for an act allowing an advanced registered nurse practitioner and a physician assistant to sign a death certificate.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, Quirmbach, and Whitver. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 415, and they were attached to the committee report.

LOCAL GOVERNMENT

Bill Title: SENATE FILE 411 (formerly SF 305), a bill for an act relating to times of operation of certain satellite absentee voting stations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Wilhelm, Beall, Bowman, McCoy, Quirmbach, Rielly, and Schoenjahn. Nays, 4: Bartz, Bacon, Ernst, and Hamerlinck. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 412 (SSB 1181), a bill for an act relating to the powers and governance of benefited recreational lake districts, water quality districts, and combined recreational lake and water quality districts.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 11: Wilhelm, Beall, Bartz, Bacon, Bowman, Ernst, Hamerlinck, McCoy, Quirmbach, Rielly, and Schoenjahn. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: *SENATE FILE 407 (formerly SF 11), a bill for an act delegating to counties the permitting and enforcement powers of the department of natural resources in relation to the construction of semipublic sewage disposal systems and authorizing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Dearden, Black, Bolkcom, Hancock, Hogg, Ragan, Schoenjahn, and Seng. Nays, 5: Hahn, Behn, Hamerlinck, Kapucian, and Sorenson. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Natural Resources and Committee on Senate File 407, and they were attached to the committee report.

RULES AND ADMINISTRATION

Bill Title: HOUSE CONCURRENT RESOLUTION 11, a concurrent resolution relating to Pioneer Lawmakers.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Kibbie, McKinley, Bartz, Courtney, Danielson, Dearden, Dvorsky, Kettering, and Ragan. Nays, none. Absent, 1: Zaun.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE CONCURRENT RESOLUTION 12, a concurrent resolution relating to joint rules of the Senate and House of Representatives for the Eighty-fourth General Assembly.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Kibbie, McKinley, Bartz, Courtney, Danielson, Dearden, Dvorsky, Kettering, and Ragan. Nays, none. Absent, 1: Zaun.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: SENATE FILE 410 (formerly SF 163), a bill for an act relating to the duties and operations of the state commission of libraries, the division of libraries and information services, and the library service areas.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Danielson, Feenstra, Behn, Bertrand, Courtney, Dearden, Dix, Fraise, Hatch, Jochum, Smith, Soddors, and Sorenson. Nays, none. Absent, 2: Kibbie and Horn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 413 (SSB 1156), a bill for an act relating to financial responsibilities of local emergency management commissions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Danielson, Feenstra, Behn, Bertrand, Courtney, Dearden, Dix, Fraise, Hatch, Jochum, Smith, Soddors, and Sorenson. Nays, none. Absent, 2: Kibbie and Horn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on Senate File 413, and they were attached to the committee report.

TRANSPORTATION

Bill Title: *SENATE FILE 408 (SSB 1117), a bill for an act relating to railroad crossing violations by providing for investigations, and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Rielly, Bowman, Kapucian, Beall, Dandekar, Danielson, Dearden, Ernst, Hahn, Hancock, Houser, McCoy, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Transportation Committee on Senate File 408, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 409 (SSB 1138), a bill for an act restricting the practice of parking and displaying motor vehicles for sale, hire, or rental on public or private property and providing for local enforcement.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Rielly, Bowman, Kapucian, Beall, Dandekar, Danielson, Dearden, Hahn, Hancock, Houser, and McCoy. Nays, 2: Ernst and Zaun. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Transportation Committee on Senate File 409, and they were attached to the committee report.

AMENDMENT FILED

S-3042 S.F. 299 Robert M. Hogg

JOURNAL OF THE SENATE

FIFTY-SEVENTH CALENDAR DAY
THIRTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 7, 2011

The Senate met in regular session at 1:06 p.m., President Kibbie presiding.

Prayer was offered by the Honorable Daryl Beall, member of the Senate from Webster County, Fort Dodge, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Natasha Dutta.

The Journal of Thursday, March 3, 2011, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 3, 2011, **passed** the following bills in which the concurrence of the Senate is asked:

House File 132, a bill for an act relating to the filing requirements for certain ordinances relating to a division of revenue.

Read first time and referred to committee on **Local Government**.

House File 190, a bill for an act relating to the appointment of a district associate judge.

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

House File 271, a bill for an act relating to criminal defendants and inmates by modifying bail restrictions placed on criminal defendants and applying credit for time served.

Read first time and attached to **similar Senate File 360**.

House File 299, a bill for an act relating to the unlawful possession of or entry upon specified personal and public utility property, and providing penalties.

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

House File 363, a bill for an act relating to the duties and rulemaking authority of the commission on veterans affairs.

Read first time and attached to **similar Senate File 294**.

BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that the following bills on the Regular Calendar be referred to the following committees:

S.F. 359	Ways and Means
S.F. 388	Commerce
S.F. 411	State Government
S.F. 425	Appropriations

The Senate stood at ease at 1:15 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:05 p.m., President Kibbie presiding.

HOUSE AMENDMENT CONSIDERED

Senate File 209

Senator Jochum called up for consideration **Senate File 209**, a bill for an act relating to public funding and regulatory matters by making appropriations, providing for updated Code references to the

Internal Revenue Code, increasing the state earned income tax credit, and including effective date and retroactive applicability provisions, amended by the House in House amendment S-3041, filed March 2, 2011.

Senator Jochum moved that the Senate concur in the House amendment and requested that the senators vote “No.”

A record roll call was requested.

On the question “Shall the motion to concur be adopted?” (S.F. 209), the vote was:

Yeas, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Nays, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Absent, none.

The motion failed and the Senate **refused to concur** in the House amendment.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 241, 292, 325, and 299.

Senate File 241

On motion of Senator Jochum, **Senate File 241**, a bill for an act relating to the amount of certain civil penalties that may be imposed by the board of pharmacy, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 241), the vote was:

Yeas, 47:

Anderson	Dearden	Hatch	Ragan
Bacon	Dix	Hogg	Rielly
Bartz	Dotzler	Horn	Schoenjahn
Beall	Dvorsky	Houser	Seng
Behn	Ernst	Jochum	Seymour
Black	Feenstra	Johnson	Smith
Boettger	Fraise	Kapucian	Sodders
Bolkcom	Greiner	Kettering	Ward
Bowman	Gronstal	Kibbie	Whitver
Courtney	Hahn	McCoy	Wilhelm
Dandekar	Hamerlinck	McKinley	Zaun
Danielson	Hancock	Quirmbach	

Nays, 3:

Bertrand	Chelgren	Sorenson
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Absent, none.

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

Senate File 292

On motion of Senator Hancock, **Senate File 292**, a bill for an act relating to scheduled violations that require a court appearance, was taken up for consideration.

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

On the question “Shall the bill pass?” (S.F. 292), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Soddors
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, 1:

Chelgren

Absent, none.

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

Senate File 325

On motion of Senator Hogg, **Senate File 325**, a bill for an act relating to the boards of directors of public corporations, and including effective date provisions, was taken up for consideration.

Senator Hogg offered amendment S-3045, filed by Senators Hogg and Whitver from the floor to pages 3-5 of the bill, and moved its adoption.

Amendment S-3045 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 325), the vote was:

Yeas, 40:

Bartz	Dix	Hogg	Ragan
Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Houser	Schoenjahn
Boettger	Feenstra	Jochum	Seng
Bolkcom	Fraise	Johnson	Seymour
Bowman	Greiner	Kapucian	Smith
Courtney	Gronstal	Kibbie	Sodders
Dandekar	Hahn	McCoy	Ward
Danielson	Hancock	McKinley	Whitver
Dearden	Hatch	Quirmbach	Wilhelm

Nays, 10:

Anderson	Bertrand	Hamerlinck	Zaun
Bacon	Chelgren	Kettering	
Behn	Ernst	Sorenson	

Absent, none.

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

Senate File 299

On motion of Senator Hogg, **Senate File 299**, a bill for an act relating to environmental protection, including solid waste, sewage works, hazardous waste, infectious medical waste, and pesticide and fertilizer contamination, was taken up for consideration.

Senator Hogg offered amendment S-3042, filed by him on March 3, 2011, to pages 1-3 of the bill, and moved its adoption.

Amendment S-3042 was adopted by a voice vote.

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

On the question “Shall the bill pass?” (S.F. 299), the vote was:

Yeas, 46:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Black	Feenstra	Kapucian	Sodders
Boettger	Fraise	Kettering	Ward
Bolkcom	Gronstal	Kibbie	Whitver
Bowman	Hahn	McCoy	Wilhelm
Courtney	Hamerlinck	McKinley	Zaun
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 4:

Bertrand	Chelgren	Greiner	Sorenson
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Absent, none.

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 209, 241, 292, 299, and 325** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 321, 315, 313, 320, and 93.

Senate File 321

On motion of Senator Houser, **Senate File 321**, a bill for an act relating to wastewater discharges by on-farm processing operations, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 321), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

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

Senate File 315

On motion of Senator Beall, **Senate File 315**, a bill for an act relating to emergency management planning, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 315), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour

Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

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

President Pro Tempore Danielson took the chair at 2:50 p.m.

Senate File 313

On motion of Senator Ragan, **Senate File 313**, a bill for an act relating to medical assistance program-related provisions, was taken up for consideration.

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

On the question “Shall the bill pass?” (S.F. 313), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm

Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

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

Senate File 320

On motion of Senator Kibbie, **Senate File 320**, a bill for an act relating to equipment dealership agreements by providing for supplier liability, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 320), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

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

Senate File 93

On motion of Senator Quirmbach, **Senate File 93**, a bill for an act enhancing the penalty for certain domestic abuse assault cases and providing a penalty, was taken up for consideration.

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

On the question “Shall the bill pass?” (S.F. 93), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 93, 313, 315, 320, and 321** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 3:05 p.m. until 4:00 p.m.

RECONVENED

The Senate reconvened at 4:06 p.m., President Kibbie presiding.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 290, 286, 285, 267, 259, 243, and 149.

Senate File 290

On motion of Senator Courtney, **Senate File 290**, a bill for an act relating to asbestos regulations administered by the division of labor services of the department of workforce development, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 290), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

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

Senate File 286

On motion of Senator Wilhelm, **Senate File 286**, a bill for an act relating to the Iowa prescription monitoring program and including an effective date provision, was taken up for consideration.

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

On the question “Shall the bill pass?” (S.F. 286), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

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

Senate File 285

On motion of Senator Dotzler, **Senate File 285**, a bill for an act relating to employment services laws administered by the division of labor services of the department of workforce development, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 285), the vote was:

Yeas, 49:

Anderson	Danielson	Hatch	Schoenjahn
Bacon	Dearden	Hogg	Seng
Bartz	Dix	Horn	Seymour
Beall	Dotzler	Houser	Smith
Behn	Dvorsky	Jochum	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hahn	Quirmbach	
Courtney	Hamerlinck	Ragan	
Dandekar	Hancock	Rielly	

Nays, 1:

Johnson

Absent, none.

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

Senate File 267

On motion of Senator McCoy, **Senate File 267**, a bill for an act relating to close clearances and safe spaces around railroad tracks and railroad facilities, and providing penalties and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 267), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders

Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

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

Senate File 259

On motion of Senator Sodders, **Senate File 259**, a bill for an act relating to mental health and substance abuse histories conducted in a presentence investigation report and the standards for release on probation in a criminal proceeding, was taken up for consideration.

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

On the question “Shall the bill pass?” (S.F. 259), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm

Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

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

Senate File 243

On motion of Senator Courtney, **Senate File 243**, a bill for an act expanding the definition of alternate energy production facility for purposes of compliance with electric utility rate regulation requirements, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 243), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

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

Senate File 149

On motion of Senator Danielson, **Senate File 149**, a bill for an act allowing the department of transportation to accept reports from advanced registered nurse practitioners and physician assistants disclosing a physical or mental condition that renders a person incompetent to operate a motor vehicle, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 149), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 149, 243, 259, 267, 285, 286, and 290** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:35 p.m. until 9:00 a.m., Tuesday, March 8, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Ray Obermiller, Grinnell—For his 29 years of service as Grinnell's head swimming and diving coach and for his continued service as an assistant coach. Senator Rielly (3/7/11).

Gary W. Thomas, State of Iowa's "Car Czar"—For his 30 years of service to the Iowa Automobile Dealers Association. Senator Dandekar (3/7/11).

INTRODUCTION OF BILLS

Senate File 427, by committee on State Government, a bill for an act allowing qualified organizations to lease certain electronic bingo equipment in order to assist disabled participants.

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

Senate File 428, by committee on Agriculture, a bill for an act relating to drainage districts, by providing for the assessment of benefits by state agencies, and including effective date provisions.

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

Senate File 429, by committee on Agriculture, a bill for an act placing the agricultural development authority within the department of agriculture and land stewardship.

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

Senate File 430, by committee on State Government, a bill for an act relating to violations of the open records and public meetings laws and the creation of the Iowa public information board, and including effective date provisions.

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

Senate File 431, by committee on Agriculture, a bill for an act relating to offenses involving agricultural operations, and providing penalties and remedies.

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

Senate File 432, by Dix, a bill for an act creating, within the department of public health, a Lyme disease task force.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 433, by committee on Agriculture, a bill for an act providing for the transfer of duties relating to the certification of milk from the department of public health to the department of agriculture and land stewardship, providing for the transition, and providing an appropriation.

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

Senate File 434, by committee on Local Government, a bill for an act relating to property taxes and fees by modifying provisions relating to receipts for the payment of property taxes and provisions relating to delinquent rates and charges and by specifying certain dates for notices and delinquency.

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

Senate File 435, by committee on State Government, a bill for an act relating to the duties of the county auditor.

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

Senate File 436, by committee on State Government, a bill for an act requiring certain not-for-profit organizations to file campaign disclosure reports and making penalties applicable.

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

Senate File 437, by committee on Education, a bill for an act establishing the Iowa online advanced placement academy science, technology, engineering, and mathematics initiative.

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

Senate File 438, by committee on State Government, a bill for an act relating to licensing by reciprocity for dentists.

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

Senate File 439, by committee on State Government, a bill for an act providing for negotiated rulemaking.

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

Senate File 440, by committee on Education, a bill for an act relating to the powers and duties of the college student aid commission in administering certain federal postsecondary financial aid initiatives.

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

Senate File 441, by committee on Agriculture, a bill for an act providing for a local food and farm program initiative and making appropriations.

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

Senate File 442, by committee on Agriculture, a bill for an act providing for voting methods which may be utilized by members of cooperative associations.

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

Senate File 443, by committee on Agriculture, a bill for an act relating to preferred stock issued by cooperative associations.

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

Senate File 444, by committee on Education, a bill for an act relating to oversight functions performed by the college student aid commission regarding certain restrictions and requirements for schools offering postsecondary educational programs, providing for fees, and making penalties applicable.

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

Senate File 445, by committee on Education, a bill for an act relating to state and local government recommendations concerning the educational needs of children who are deaf or hard-of-hearing.

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

Senate File 446, by committee on State Government, a bill for an act relating to medication therapy management, providing an appropriation, and including effective date provisions.

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

Senate File 447, by committee on State Government, a bill for an act providing for the restoration of the right to register to vote and to vote and hold elective office for certain persons and including effective date and retroactive applicability provisions.

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

Senate File 448, by committee on State Government, a bill for an act increasing the wireless communications surcharge and appropriating surcharge revenue for the establishment of a bandwidth frequency compliance grant program.

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

Senate File 449, by committee on State Government, a bill for an act related to candidacy and service in elective public office of public employees.

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

Senate File 450, by committee on Local Government, a bill for an act relating to the authority of certain counties to provide emergency medical service and including effective date provisions.

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

Senate File 451, by committee on Education, a bill for an act relating to the allowable uses for modified allowable growth for programs for returning dropouts and dropout prevention.

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

Senate File 452, by committee on Education, a bill for an act providing a sales tax exemption for textbooks used in attending a postsecondary educational institution.

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

Senate File 453, by committee on Education, a bill for an act relating to high school graduation requirements.

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

Senate File 454, by committee on Education, a bill for an act relating to misconduct by a school employee and providing related duties, responsibilities, or civil and criminal immunity for other persons, accredited public and private schools, area education agencies, and the board of educational examiners.

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

Senate File 455, by committee on Education, a bill for an act relating to the period of ineligibility for participation in interscholastic athletic contests and competitions by high school students and requesting a report.

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

Senate File 456, by committee on Judiciary, a bill for an act relating to persons prohibited from possessing or receiving firearms because of mental health commitments or adjudications and to petitions for relief from such prohibitions, and including effective date and applicability provisions.

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

Senate File 457, by committee on Judiciary, a bill for an act relating to the possession and carrying of weapons and persons prohibited from possessing or receiving firearms due to mental health court orders or judgments and including effective date and applicability provisions.

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

Senate File 458, by committee on State Government, a bill for an act relating to certain forms of gambling, including horse racing, pari-mutuel wagering, gambling games, and intrastate internet poker, creating regulatory and tax structures, and providing penalties.

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

Senate File 459, by committee on Commerce, a bill for an act modifying provisions relating to utilization of the Iowa communications network.

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

Senate File 460, by committee on Commerce, a bill for an act relating to the licensing and regulation of real estate brokers and salespersons.

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

Senate File 461, by committee on Rules and Administration, a bill for an act relating to certain boards and commissions with legislative appointments.

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

Senate File 462, by committee on Judiciary, a bill for an act making certain synthetic cannabinoids schedule I controlled substances, providing penalties, and including effective date provisions.

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

Senate File 463, by committee on Natural Resources and Environment, a bill for an act providing for an alternative motor fuel facility tax credit and including effective date and applicability provisions.

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

Senate File 464, by committee on Natural Resources and Environment, a bill for an act allowing the establishment of an open season for hunting mourning doves.

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

Senate File 465, by committee on Human Resources, a bill for an act relating to assisted living programs, including voluntary cessation of program operations and decertification, and providing penalties.

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

Senate File 466, by committee on Commerce, a bill for an act relating to residential contractors and providing a penalty.

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

Senate File 467, by committee on Education, a bill for an act relating to the duties and operations of the department of education, the school budget review committee, and local school boards and to student eligibility under the senior year plus program, and including effective date and applicability provisions.

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

Senate File 468, by committee on Education, a bill for an act prohibiting use by any student enrolled in a school district and use on school grounds of nicotine products and providing restrictions for violation of the prohibition.

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

Senate File 469, by committee on Education, a bill for an act relating to vehicular transportation for students and making penalties applicable.

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

Senate File 470, by committee on Education, a bill for an act relating to the duties and operations of the state's community colleges.

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

Senate File 471, by committee on State Government, a bill for an act creating the red tape commission.

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

SUBCOMMITTEE ASSIGNMENTS

Senate File 380

JUDICIARY: Jochum, Chair; Boettger and Quirmbach

Senate File 384

JUDICIARY: Hogg, Chair; Boettger and Jochum

House File 322

HUMAN RESOURCES: Bolkcom, Chair; Boettger and Ragan

House File 329

COMMERCE: Wilhelm, Chair; Anderson and Courtney

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: SENATE FILE 428 (formerly SF 227), a bill for an act relating to drainage districts, by providing for the assessment of benefits by state agencies, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Seng, Fraise, Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, and Rielly. Nays, none. Absent, 2: Johnson and Kibbie.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 429 (SSB 1127), a bill for an act placing the agricultural development authority within the department of agriculture and land stewardship.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Seng, Fraise, Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, and Rielly. Nays, none. Absent, 2: Johnson and Kibbie.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 431 (formerly SF 341), a bill for an act relating to offenses involving agricultural operations, and providing penalties and remedies.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Seng, Fraise, Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, and Rielly. Nays, none. Absent, 2: Johnson and Kibbie.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 433 (SSB 1131), a bill for an act providing for the transfer of duties relating to the certification of milk from the department of public health to the department of agriculture and land stewardship, providing for the transition, and providing an appropriation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Seng, Fraise, Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, and Rielly. Nays, none. Absent, 2: Johnson and Kibbie.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 441 (SSB 1179), a bill for an act providing for a local food and farm program initiative and making appropriations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Seng, Fraise, Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, and Rielly. Nays, none. Absent, 2: Johnson and Kibbie.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 442 (formerly SF 257), a bill for an act providing for voting methods which may be utilized by members of cooperative associations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Seng, Fraise, Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, and Rielly. Nays, none. Absent, 2: Johnson and Kibbie.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 443 (SSB 1128), a bill for an act relating to preferred stock issued by cooperative associations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Seng, Fraise, Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, and Rielly. Nays, none. Absent, 2: Johnson and Kibbie.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

COMMERCE

Bill Title: SENATE FILE 459 (SSB 1145), a bill for an act modifying provisions relating to utilization of the Iowa communications network.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Dandekar, Rielly, Behn, Anderson, Beall, Bolkom, Courtney, Feenstra, Kettering, McCoy, Schoenjahn, Seng, Wilhelm, and Zaun. Nays, none. Absent, 1: Ward.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 460 (SSB 1139), a bill for an act relating to the licensing and regulation of real estate brokers and salespersons.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Dandekar, Rielly, Behn, Anderson, Beall, Bolkom, Courtney, Feenstra, Kettering, McCoy, Schoenjahn, Seng, Wilhelm, and Zaun. Nays, none. Absent, 1: Ward.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 466 (SSB 1168), a bill for an act relating to residential contractors and providing a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Dandekar, Rielly, Behn, Anderson, Beall, Bolkom, Courtney, Feenstra, Kettering, McCoy, Schoenjahn, Seng, Wilhelm, and Zaun. Nays, none. Absent, 1: Ward.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Bill Title: *SENATE FILE 437 (formerly SF 85), a bill for an act establishing the Iowa online advanced placement academy science, technology, engineering, and mathematics initiative.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Smith, Soddors, and Wilhelm. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on Senate File 437, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 440 (SSB 1021), a bill for an act relating to the powers and duties of the college student aid commission in administering certain federal postsecondary financial aid initiatives.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Quirnbach, Schoenjahn, Beall, Bowman, Feenstra, Hogg, Smith, Soddors, and Wilhelm. Nays, 2: Hamerlinck and Boettger. Absent, 2: Dvorsky and Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on Senate File 440, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 444 (SSB 1106), a bill for an act relating to oversight functions performed by the college student aid commission regarding certain restrictions and requirements for schools offering postsecondary educational programs, providing for fees, and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Bowman, Feenstra, Hogg, Smith, Soddors, and Wilhelm. Nays, none. Absent, 2: Dvorsky and Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on Senate File 444, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 445 (formerly SF 190), a bill for an act relating to state and local government recommendations concerning the educational needs of children who are deaf or hard-of-hearing.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Smith, Soddors, and Wilhelm. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on Senate File 445, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 451 (formerly SF 247), a bill for an act relating to the allowable uses for modified allowable growth for programs for returning dropouts and dropout prevention.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Smith, Soddors, and Wilhelm. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on Senate File 451, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 452 (SSB 1114), a bill for an act providing a sales tax exemption for textbooks used in attending a postsecondary educational institution.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Smith, Soddors, and Wilhelm. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on Senate File 452, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 453 (formerly SF 36), a bill for an act relating to high school graduation requirements.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Smith, Soddors, and Wilhelm. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on Senate File 453, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 454 (formerly SF 345), a bill for an act relating to misconduct by a school employee and providing related duties, responsibilities, or civil and criminal immunity for other persons, accredited public and private schools, area education agencies, and the board of educational examiners.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Smith, Soddors, and Wilhelm. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on Senate File 454, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 455 (formerly SF 74), a bill for an act relating to the period of ineligibility for participation in interscholastic athletic contests and competitions by high school students and requesting a report.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Feenstra, Smith, Soddors, and Wilhelm. Nays, 2: Dvorsky and Hogg. Present, 1: Bowman. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on Senate File 455, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 467 (SSB 1108), a bill for an act relating to the duties and operations of the department of education, the school budget review committee, and local school boards and to student eligibility under the senior year plus program, and including effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Quirnbach, Schoenjahn, Beall, Bowman, Hogg, Soddors, and Wilhelm. Nays, 4: Hamerlinck, Boettger, Feenstra, and Smith. Absent, 2: Dvorsky and Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on Senate File 467, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 468 (SSB 1161), a bill for an act prohibiting use by any student enrolled in a school district and use on school grounds of nicotine products and providing restrictions for violation of the prohibition.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Smith, Soddors, and Wilhelm. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on Senate File 468, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 469 (SSB 1110), a bill for an act relating to vehicular transportation for students and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Quirnbach, Schoenjahn, Beall, Bowman, Hogg, Soddors, and Wilhelm. Nays, none. Present, 4: Hamerlinck, Boettger, Feenstra, and Smith. Absent, 2: Dvorsky and Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on Senate File 469, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 470 (SSB 1109), a bill for an act relating to the duties and operations of the state's community colleges.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Bowman, Feenstra, Hogg, Smith, Soddors, and Wilhelm. Nays, none. Absent, 2: Dvorsky and Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on Senate File 470, and they were attached to the committee report.

HUMAN RESOURCES

Bill Title: *SENATE FILE 465 (SSB 1103), a bill for an act relating to assisted living programs, including voluntary cessation of program operations and decertification, and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolcom, Dotzler, Dvorsky, Hatch, Jochum, Quirnbach, and Whitver. Nays, none. Absent, 1: Johnson.

Fiscal Note:

JUDICIARY

Bill Title: SENATE FILE 456 (SSB 1183), a bill for an act relating to persons prohibited from possessing or receiving firearms because of mental health commitments or adjudications and to petitions for relief from such prohibitions, and including effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Sorenson, and Whitver. Nays, none. Absent, 1: Ward.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 457 (SSB 1056), a bill for an act relating to the possession and carrying of weapons and persons prohibited from possessing or receiving firearms due to mental health court orders or judgments and including effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Fraise, Hogg, Dvorsky, Hancock, Jochum, Quirnbach, and Soddors. Nays, 6: Boettger, Dix, Horn, Sorenson, Ward, and Whitver. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 457, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 462 (SSB 1055), a bill for an act making certain synthetic cannabinoids schedule I controlled substances, providing penalties, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Sorenson, and Whitver. Nays, none. Absent, 1: Ward.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Bill Title: *SENATE FILE 434 (SSB 1178), a bill for an act relating to property taxes and fees by modifying provisions relating to receipts for the payment of property taxes and provisions relating to delinquent rates and charges and by specifying certain dates for notices and delinquency.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Wilhelm, Beall, Bartz, Bacon, Bowman, Ernst, Hamerlinck, McCoy, Quirnbach, Rielly, and Schoenjahn. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Local Government Committee on Senate File 434, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 450 (formerly SF 98), a bill for an act relating to the authority of certain counties to provide emergency medical service and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Wilhelm, Beall, Bowman, McCoy, Quirnbach, Rielly, and Schoenjahn. Nays, 4: Bartz, Bacon, Ernst, Hamerlinck. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Local Government Committee on Senate File 450, and they were attached to the committee report.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: SENATE FILE 463 (SSB 1154), a bill for an act providing for an alternative motor fuel facility tax credit and including effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dearden, Black, Hahn, Behn, Bolkcom, Hamerlinck, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 464 (formerly SF 83), a bill for an act allowing the establishment of an open season for hunting mourning doves.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Dearden, Black, Hahn, Behn, Hamerlinck, Hancock, Kapucian, Ragan, Schoenjahn, and Sorenson. Nays, 3: Bolkcom, Hogg, and Seng. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Bill Title: SENATE FILE 461 (LSB 2721SV), a bill for an act relating to certain boards and commissions with legislative appointments.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Gronstal, Kibbie, McKinley, Bartz, Courtney, Danielson, Dearden, Dvorsky, Kettering, and Ragan. Nays, none. Absent, 1: Zaun.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: *SENATE FILE 427 (formerly SF 245), a bill for an act allowing qualified organizations to lease certain electronic bingo equipment in order to assist disabled participants.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Danielson, Feenstra, Behn, Bertrand, Courtney, Dearden, Dix, Fraise, Hatch, Jochum, Smith, Soddors, and Sorenson. Nays, none. Absent, 2: Kibbie and Horn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on Senate File 427, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 430 (formerly SF 246), a bill for an act relating to violations of the open records and public meetings laws and the creation of the Iowa public information board, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Danielson, Feenstra, Bertrand, Courtney, Dearden, Dix, Fraise, Hatch, Jochum, Smith, Soddors, and Sorenson. Nays, 1: Behn. Absent, 2: Kibbie and Horn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on Senate File 430, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 435 (SSB 1152), a bill for an act relating to the duties of the county auditor.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Danielson, Kibbie, Courtney, Dearden, Fraise, Hatch, Horn, Jochum, and Soddors. Nays, 6: Feenstra, Behn, Bertrand, Dix, Smith, and Sorenson. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 436 (formerly SF 207), a bill for an act requiring certain not-for-profit organizations to file campaign disclosure reports and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Danielson, Kibbie, Courtney, Dearden, Fraise, Hatch, Horn, Jochum, and Soddors. Nays, 6: Feenstra, Behn, Bertrand, Dix, Smith, and Sorenson. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 438 (SSB 1111), a bill for an act relating to licensing by reciprocity for dentists.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Danielson, Kibbie, Feenstra, Behn, Bertrand, Courtney, Dearden, Dix, Fraise, Hatch, Horn, Jochum, Smith, Soddors, and Sorenson. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 439 (formerly SF 375), a bill for an act providing for negotiated rulemaking.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Danielson, Kibbie, Feenstra, Behn, Bertrand, Courtney, Dearden, Dix, Fraise, Hatch, Horn, Jochum, Smith, Soddors, and Sorenson. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 446 (SSB 1125), a bill for an act relating to medication therapy management, providing an appropriation, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Danielson, Kibbie, Feenstra, Behn, Bertrand, Courtney, Dearden, Dix, Fraise, Hatch, Horn, Jochum, Smith, Soddors, and Sorenson. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 447 (formerly SF 343), a bill for an act providing for the restoration of the right to register to vote and to vote and hold elective office for certain persons and including effective date and retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Danielson, Kibbie, Courtney, Dearden, Fraise, Hatch, Horn, Jochum, and Sodders. Nays, 5: Feenstra, Bertrand, Dix, Smith, and Sorenson. Absent, 1: Behn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 448 (formerly SF 339), a bill for an act increasing the wireless communications surcharge and appropriating surcharge revenue for the establishment of a bandwidth frequency compliance grant program.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Danielson, Kibbie, Courtney, Dearden, Fraise, Hatch, Horn, Jochum, and Sodders. Nays, 6: Feenstra, Behn, Bertrand, Dix, Smith, and Sorenson. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 449 (formerly SF 182), a bill for an act related to candidacy and service in elective public office of public employees.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Danielson, Kibbie, Courtney, Dearden, Fraise, Hatch, Horn, Jochum, and Sodders. Nays, 5: Feenstra, Bertrand, Dix, Smith, and Sorenson. Absent, 1: Behn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 458 (SSB 1165), a bill for an act relating to certain forms of gambling, including horse racing, pari-mutuel wagering, gambling games, and intrastate internet poker, creating regulatory and tax structures, and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Danielson, Kibbie, Bertrand, Courtney, Dearden, Dix, Fraise, Horn, and Jochum. Nays, 6: Feenstra, Behn, Hatch, Smith, Sodders, and Sorenson. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 471 (formerly SF 179), a bill for an act creating the red tape commission.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Danielson, Kibbie, Courtney, Dearden, Fraise, Hatch, Horn, Jochum, and Sodders. Nays, 6: Feenstra, Behn, Bertrand, Dix, Smith, and Sorenson. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on Senate File 471, and they were attached to the committee report.

REFERRAL TO INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar":

Debi Durham – Director of the Department of Economic Development

STEVEN J. SODDERS

AMENDMENTS FILED

S-3043	S.F.	177	Steven J. Sodders
S-3044	S.F.	402	Steven J. Sodders
S-3045	S.F.	325	Robert M. Hogg Jack Whitver
S-3046	S.F.	409	Dick L. Dearden

JOURNAL OF THE SENATE

FIFTY-EIGHTH CALENDAR DAY
THIRTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 8, 2011

The Senate met in regular session at 9:03 a.m., President Pro Tempore Danielson presiding.

Prayer was offered by Pastor John Seitz of Antioch Christian Church in Marion, Iowa. He was the guest of Senator Dvorsky.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Natasha Dutta.

The Journal of Monday, March 7, 2011, was approved.

The Senate stood at ease at 9:20 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:09 a.m., President Pro Tempore Danielson presiding.

BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate Files 198** (attached to H.F. 195) **and 294** (attached to H.F. 363) be referred from the Regular Calendar to the committee on **Veterans Affairs**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hahn, until he arrives, on request of Senator Boettger.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 393.

Senate File 393

On motion of Senator Kibbie, **Senate File 393**, a bill for an act relating to drainage and levee districts by providing for the delivery of a written communication to state and local government, was taken up for consideration.

Senator Kibbie offered amendment S-3050, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-3050 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 393), the vote was:

Yeas, 49:

Anderson	Danielson	Hogg	Schoenjahn
Bacon	Dearden	Horn	Seng
Bartz	Dix	Houser	Seymour
Beall	Dotzler	Jochum	Smith
Behn	Dvorsky	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hamerlinck	Quirmbach	
Courtney	Hancock	Ragan	
Dandekar	Hatch	Rielly	

Nays, none.

Absent, 1:

Hahn

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

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 4.

Senate Concurrent Resolution 4

On motion of Senator Kibbie, **Senate Concurrent Resolution 4**, a concurrent resolution directing the Office of Citizens' Aide/Ombudsman to perform mediation services, under the direction of the Legislative Council, to resolve a dispute between the board of trustees of a drainage district and residents of land in the district, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Kibbie offered amendment S-3037, filed by the committee on Rules and Administration on February 23, 2011, to pages 1 and 2 of the resolution, and moved its adoption.

Amendment S-3037 was adopted by a voice vote.

Senator Kibbie moved the adoption of Senate Concurrent Resolution 4, which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 7.

Senate Concurrent Resolution 7

On motion of President Kibbie, **Senate Concurrent Resolution 7**, a concurrent resolution relating to the joint rules governing lobbyists of the Senate and House of Representatives of the Eighty-fourth General Assembly, was taken up for consideration.

Senator Kibbie moved the adoption of Senate Concurrent Resolution 7, which motion prevailed by a voice vote.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 124 and 175.

Senate File 124

On motion of Senator Sodders, **Senate File 124**, a bill for an act relating to the criminal offense of possessing electronic contraband or failing to report electronic contraband at a jail, municipal holding facility, or correctional facility and providing penalties, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 124), the vote was:

Yeas, 49:

Anderson	Danielson	Hogg	Schoenjahn
Bacon	Dearden	Horn	Seng
Bartz	Dix	Houser	Seymour
Beall	Dotzler	Jochum	Smith
Behn	Dvorsky	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hamerlinck	Quirmbach	
Courtney	Hancock	Ragan	
Dandekar	Hatch	Rielly	

Nays, none.

Absent, 1:

Hahn

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

Senate File 175

On motion of Senator Jochum, **Senate File 175**, a bill for an act extending the repeal date for the prevention of disabilities policy council, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 175), the vote was:

Yeas, 49:

Anderson	Danielson	Hogg	Schoenjahn
Bacon	Dearden	Horn	Seng
Bartz	Dix	Houser	Seymour
Beall	Dotzler	Jochum	Smith
Behn	Dvorsky	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hamerlinck	Quirmbach	
Courtney	Hancock	Ragan	
Dandekar	Hatch	Rielly	

Nays, none.

Absent, 1:

Hahn

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Concurrent Resolutions 4 and 7** and **Senate Files 124, 175, and 393** be **immediately messaged** to the House.

President Kibbie took the chair at 11:30 a.m.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 6.

Senate Concurrent Resolution 6

On motion of Senator Gronstal, **Senate Concurrent Resolution 6**, a concurrent resolution to approve and confirm the appointment of Ruth H. Cooperrider as Citizens' Aide, was taken up for consideration.

Senator Gronstal moved the adoption of Senate Concurrent Resolution 6, which motion prevailed by a voice vote.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 177, 184, 197, 236, and 244.

Senate File 177

On motion of Senator Soddors, **Senate File 177**, a bill for an act relating to the director of the Iowa law enforcement academy and the membership of the Iowa law enforcement academy council and including applicability provisions, was taken up for consideration.

Senator Soddors offered amendment S-3043, filed by him on March 7, 2011, to pages 1 and 2 of the bill, and moved its adoption.

Amendment S-3043 was adopted by a voice vote.

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

On the question “Shall the bill pass?” (S.F. 177), the vote was:

Yeas, 49:

Anderson	Danielson	Hogg	Schoenjahn
Bacon	Dearden	Horn	Seng
Bartz	Dix	Houser	Seymour
Beall	Dotzler	Jochum	Smith
Behn	Dvorsky	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hamerlinck	Quirmbach	
Courtney	Hancock	Ragan	
Dandekar	Hatch	Rielly	

Nays, none.

Absent, 1:

Hahn

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

Senate File 184

On motion of Senator Bowman, **Senate File 184**, a bill for an act relating to intermediate driver’s licenses and special minor’s licenses, making a penalty applicable, and including effective date provisions, was taken up for consideration.

Senator Zaun offered amendment S–3053, filed by Senator Zaun, et al., from the floor to page 1 and amending the title page of the bill.

Senator Dvorsky raised the point of order that amendment S–3053 was not germane to the bill.

The Chair ruled the point not well-taken and amendment S–3053 in order.

Senator Zaun moved the adoption of amendment S–3053.

A record roll call was requested.

On the question “Shall amendment S–3053 be adopted?” (S.F. 184), the vote was:

Yeas, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dandekar	Houser	Smith
Bartz	Dix	Johnson	Sorenson
Behn	Ernst	Kapucian	Ward
Bertrand	Feenstra	Kettering	Whitver
Boettger	Greiner	McKinley	Zaun

Nays, 25:

Beall	Dotzler	Horn	Schoenjahn
Black	Dvorsky	Jochum	Seng
Bolkcom	Fraise	Kibbie	Sodders
Bowman	Gronstal	McCoy	Wilhelm
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	
Dearden	Hogg	Rielly	

Absent, 1:

Hahn

Amendment S–3053 lost.

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

On the question “Shall the bill pass?” (S.F. 184), the vote was:

Yeas, 38:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Beall	Dotzler	Houser	Seng
Black	Dvorsky	Jochum	Seymour
Boettger	Ernst	Johnson	Smith
Bolkcom	Feenstra	Kapucian	Sodders
Bowman	Fraise	Kibbie	Whitver
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 11:

Bartz	Chelgren	Kettering	Ward
Behn	Greiner	McKinley	Zaun
Bertrand	Hamerlinck	Sorenson	

Absent, 1:

Hahn

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

Senate File 197

On motion of Senator Bertrand, **Senate File 197**, a bill for an act relating to the performance of routine maintenance of a fire protection system and including effective date provisions, was taken up for consideration.

Senator Bertrand asked and received unanimous consent that action on **Senate File 197** be **deferred**.

Senate File 236

On motion of Senator Hancock, **Senate File 236**, a bill for an act relating to the practices and procedures of the department of public safety including the state fire service and emergency response council, the state building code commissioner, fingerprint records, disposition records, the sex offender registry, and access to deferred judgment docket records, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 236), the vote was:

Yeas, 49:

Anderson	Danielson	Hogg	Schoenjahn
Bacon	Dearden	Horn	Seng
Bartz	Dix	Houser	Seymour
Beall	Dotzler	Jochum	Smith
Behn	Dvorsky	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hamerlinck	Quirnbach	
Courtney	Hancock	Ragan	
Dandekar	Hatch	Rielly	

Nays, none.

Absent, 1:

Hahn

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

Senate File 244

On motion of Senator Hogg, **Senate File 244**, a bill for an act relating to the release and satisfaction of judgments, was taken up for consideration.

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

On the question “Shall the bill pass?” (S.F. 244), the vote was:

Yeas, 49:

Anderson	Danielson	Hogg	Schoenjahn
Bacon	Dearden	Horn	Seng
Bartz	Dix	Houser	Seymour
Beall	Dotzler	Jochum	Smith
Behn	Dvorsky	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hamerlinck	Quirmbach	
Courtney	Hancock	Ragan	
Dandekar	Hatch	Rielly	

Nays, none.

Absent, 1:

Hahn

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Concurrent Resolution 6** and **Senate Files 177, 184, 236, and 244** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 12:20 p.m. until 2:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 2:07 p.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Hahn and Zaun, until they return, on request of Senator McKinley.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 289, 295, 311, 327, and 361.

Senate File 289

On motion of Senator Jochum, **Senate File 289**, a bill for an act relating to open records and public meetings and including effective date provisions, was taken up for consideration.

Senator Jochum offered amendment S-3049, filed by her from the floor to page 7 of the bill, and moved its adoption.

Amendment S-3049 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 289), the vote was:

Yeas, 48:

Anderson	Dandekar	Hancock	Quirnbach
Bacon	Danielson	Hatch	Ragan
Bartz	Dearden	Hogg	Rielly

Beall	Dix	Horn	Schoenjahn
Behn	Dotzler	Houser	Seng
Bertrand	Dvorsky	Jochum	Seymour
Black	Ernst	Johnson	Smith
Boettger	Feenstra	Kapucian	Sodders
Bolkcom	Fraise	Kettering	Sorenson
Bowman	Greiner	Kibbie	Ward
Chelgren	Gronstal	McCoy	Whitver
Courtney	Hamerlinck	McKinley	Wilhelm

Nays, none.

Absent, 2:

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

Senate File 295

On motion of Senator Bolkcom, **Senate File 295**, a bill for an act relating to donation of newborn umbilical cord blood, was taken up for consideration.

Senator Whitver offered amendment S-3056, filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S-3056 be adopted?” (S.F. 295), the vote was:

Yeas, 23:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	

Nays, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders

Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Absent, 1:

Zaun

Amendment S-3056 lost.

Senator Johnson offered amendment S-3058, filed by him from the floor to page 1 of the bill.

Senator Johnson asked and received unanimous consent that action on amendment S-3058 and **Senate File 295** be **deferred**.

Senate File 311

On motion of Senator Dotzler, **Senate File 311**, a bill for an act relating to wage payment collection issues arising between employers and individuals who provide services to employers, providing penalties and remedies, and including effective date provisions, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 311), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, 23:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson

Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	

Absent, 1:

Zaun

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

Senate File 327

On motion of Senator Hogg, **Senate File 327**, a bill for an act relating to the disposition of a child with mental illness or mental retardation in juvenile court, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 327), the vote was:

Yeas, 49:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, 1:

Zaun

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

Senate File 361

On motion of Senator Dearden, **Senate File 361**, a bill for an act authorizing the Iowa state fair board to establish an endowment fund to receive gifts in trust dedicated to the maintenance and improvement of the Iowa state fairgrounds, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 361), the vote was:

Yeas, 43:

Bartz	Dix	Horn	Rielly
Beall	Dotzler	Houser	Schoenjahn
Behn	Dvorsky	Jochum	Seng
Black	Feenstra	Johnson	Seymour
Boettger	Fraise	Kapucian	Smith
Bolkcom	Gronstal	Kettering	Sodders
Bowman	Hahn	Kibbie	Sorenson
Courtney	Hamerlinck	McCoy	Ward
Dandekar	Hancock	McKinley	Whitver
Danielson	Hatch	Quirnbach	Wilhelm
Dearden	Hogg	Ragan	

Nays, 6:

Anderson	Bertrand	Ernst
Bacon	Chelgren	Greiner

Absent, 1:

Zaun

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 289, 311, 327, and 361** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 389, 399, 401, and 405.

Senate File 389

On motion of Ernst, **Senate File 389**, a bill for an act relating to the nonreversion of funds appropriated to the national guard educational assistance program and including effective date and retroactive applicability provisions, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 389), the vote was:

Yeas, 49:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, 1:

Zaun

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

Senate File 399

On motion of Senator Beall, **Senate File 399**, a bill for an act regulating the advertising of veterans benefits appeal services by requiring certain disclosures and including a civil penalty, was taken up for consideration.

Senator Beall offered amendment S-3051, filed by him from the floor to page 2 of the bill, and moved its adoption.

Amendment S-3051 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 399), the vote was:

Yeas, 49:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, 1:

Zaun

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

Senate File 401

On motion of Senator Dvorsky, **Senate File 401**, a bill for an act relating to the penalty for the unlawful practice of dentistry, was taken up for consideration.

Senator Dvorsky asked and received unanimous consent that action on **Senate File 401** be **deferred**.

Senate File 405

On motion of Senator Bolkcom, **Senate File 405**, a bill for an act relating to the use of bisphenol A in certain products, providing penalties, and including effective date provisions, was taken up for consideration.

Senator Bolkcom offered amendment S-3054, filed by Senators Bolkcom and Bacon from the floor to page 1 of the bill, and moved its adoption.

Amendment S-3054 was adopted by a voice vote.

Senator Bolkcom asked and received unanimous consent that action on **Senate File 405** be **deferred**.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 394, 407, 410, and 426.

Senate File 394

On motion of Senator Soddors, **Senate File 394**, a bill for an act creating a high performance certification program applicable to certain public buildings, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 394), the vote was:

Yeas, 36:

Anderson	Danielson	Hatch	Rielly
Bartz	Dearden	Hogg	Schoenjahn
Beall	Dix	Horn	Seng
Bertrand	Dotzler	Jochum	Seymour
Black	Dvorsky	Kapucian	Smith
Bolkcom	Ernst	Kibbie	Sodders
Bowman	Fraise	McCoy	Sorenson
Courtney	Gronstal	Quirnbach	Ward
Dandekar	Hancock	Ragan	Wilhelm

Nays, 13:

Bacon	Feenstra	Houser	Whitver
Behn	Greiner	Johnson	
Boettger	Hahn	Kettering	
Chelgren	Hamerlinck	McKinley	

Absent, 1:

Zaun

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

Senate File 407

On motion of Senator Bolkcom, **Senate File 407**, a bill for an act delegating to counties the permitting and enforcement powers of the department of natural resources in relation to the construction of semipublic sewage disposal systems and authorizing penalties, was taken up for consideration.

Senator Bartz asked and received unanimous consent that action on **Senate File 407** be **deferred**.

Senate File 410

On motion of Senator Jochum, **Senate File 410**, a bill for an act relating to the duties and operations of the state commission of libraries, the division of libraries and information services, and the library service areas, was taken up for consideration.

Senator Chelgren offered amendment S-3057, filed by him from the floor to page 6 of the bill.

Senator Kettering asked and received unanimous consent that action on amendment S-3057 and **Senate File 410** be **deferred**.

Senate File 426

On motion of Senator Bowman, **Senate File 426**, a bill for an act modifying the funding requirements for whole grade sharing agreements, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 426), the vote was:

Yeas, 49:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, 1:

Zaun

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 389, 394, 399, and 426** be **immediately messaged** to the House.

The Senate stood at ease at 3:18 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:20 p.m., President Kibbie presiding.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS
(Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Debi Durham as Director of the Department of Economic Development, placed on the Individual Confirmation Calendar on March 7, 2011, found on page 523 of the Senate Journal.

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

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

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

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

Senator Gronstal called up the appointment of Chuck Palmer as Director of the Department of Human Services, placed on the Individual Confirmation Calendar on February 22, 2011, found on page 374 of the Senate Journal.

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

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

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

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

BUSINESS PENDING

Senate File 197

The Senate resumed consideration of **Senate File 197**, a bill for an act relating to the performance of routine maintenance of a fire protection system and including effective date provisions, previously deferred.

Senator Anderson withdrew amendment S-3055, filed by him from the floor to page 1 and amending the title page of the bill.

Senator Anderson offered amendment S-3059, filed by Senators Anderson and Danielson from the floor to page 1 and amending the title page of the bill, and moved its adoption.

Amendment S-3059 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 197), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 197** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:30 p.m. until 9:00 a.m., Wednesday, March 9, 2011.

APPENDIX

COMMUNICATION RECEIVED

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

DEPARTMENT OF NATURAL RESOURCES

Report on Manure on Frozen and Snow-Covered Ground, pursuant to Iowa Code section 459.313B. Report received on March 8, 2011.

CERTIFICATES OF RECOGNITION

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

Harmon H. Dochterman, West Burlington—For celebrating his 80th birthday. Senator Courtney (3/8/11).

Joyce and Herb Kay, Holstein—For celebrating their 60th wedding anniversary. Senator Seymour (3/8/11).

Corey Stone, Iowa City—For his fourth consecutive National Debate Tournament qualification. Senator Dvorsky (3/8/11).

West High Wrestling, Iowa City—For winning the Class 3A State Duals. Senator Dvorsky (3/8/11).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: Tuesday, February 15, 2011, 4:25 p.m.

Members Present: Dandekar, Chair; Rielly, Vice Chair; Behn, Ranking Member; Anderson, Beall, Bolkcom, Courtney, Feenstra, Kettering, McCoy, Schoenjahn, Seng, Ward, Wilhelm, and Zaun.

Members Absent: None.

Committee Business: Approved SSBs 1048, 1086, and 1087.

Adjourned: 4:55 p.m.

EDUCATION

Convened: Wednesday, February 2, 2011, 1:10 p.m.

Members Present: Quirmbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Johnson, Smith, Sodders, and Wilhelm.

Members Absent: None.

Committee Business: Discussed allowable growth.

Adjourned: 2:00 p.m.

GOVERNMENT OVERSIGHT

Convened: Tuesday, February 1, 2011, 10:10 a.m.

Members Present: Courtney, Chair; Sodders, Vice Chair; Sorenson, Ranking Member; Greiner and Kibbie.

Members Absent: None.

Committee Business: Questions for audit firm.

Adjourned: 11:00 a.m.

ALSO:

Convened: Wednesday, February 23, 2011, 10:20 a.m.

Members Present: Courtney, Chair; Sodders, Vice Chair; Sorenson, Ranking Member; Greiner and Kibbie.

Members Absent: None.

Committee Business: Presentation by Iowa Workforce Development.

Adjourned: 11:20 a.m.

RULES AND ADMINISTRATION

Convened: Tuesday, March 8, 2011, 1:30 p.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; McKinley, Ranking Member; Bartz, Courtney, Danielson, Dearden, Dvorsky, Kettering, and Ragan.

Members Absent: Zaun (excused).

Committee Business: Discussed governor's appointees.

Adjourned: 1:40 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Tuesday, February 8, 2011, 10:00 a.m.

Members Present: Dotzler, Chair; Dandekar, Vice Chair; Boettger, Ranking Member; Bertrand and Seng.

Members Absent: None.

Committee Business: General discussion.

Adjourned: 11:25 a.m.

ALSO:

Convened: Thursday, February 17, 2011, 10:20 a.m.

Members Present: Dotzler, Chair; Dandekar, Vice Chair; Boettger, Ranking Member; Bertrand and Seng.

Members Absent: None.

Committee Business: Presentation by Iowa Workforce Development.

Adjourned: 11:35 a.m.

ALSO:

Convened: Wednesday, February 23, 2011, 10:20 a.m.

Members Present: Dotzler, Chair; Dandekar, Vice Chair; Boettger, Ranking Member; Bertrand and Seng.

Members Absent: None.

Committee Business: General discussion.

Adjourned: 11:30 a.m.

INTRODUCTION OF BILLS

Senate File 472, by Seng, a bill for an act increasing the amount of total approved tax credits available under the school tuition organization tax credit program.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 473, by Ragan, a bill for an act providing a deduction for certain casualty losses and including effective and retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 474, by committee on Judiciary, a bill for an act relating to nonsubstantive Code corrections and including effective date and retroactive applicability provisions.

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

Senate File 475, by committee on Judiciary, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and retroactive applicability provisions.

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

Senate File 476, by committee on Agriculture, a bill for an act relating to motor fuel, including ethanol and biodiesel used in the formulation of motor fuel, by providing for related infrastructure, tax credits, and appropriations, and including effective date and applicability provisions.

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

Senate File 477, by committee on Agriculture, a bill for an act relating to the regulation of egg production, and including effective date provisions.

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

Senate File 478, by committee on Agriculture, a bill for an act relating to livestock by providing for their feeding and care when the livestock are deemed to be neglected.

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

Senate File 479, by committee on Agriculture, a bill for an act providing for the possession of cats classified as bengals and savannahs.

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

Senate File 480, by committee on Human Resources, a bill for an act relating to health care and policy, and health care infrastructure and integration of public and private programs, and related matters, and including effective date provisions.

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

Senate File 481, by committee on Human Resources, a bill for an act relating to reforming state and county responsibilities for mental health and disabilities services, making appropriations, and including effective date provisions.

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

Senate File 482, by committee on Human Resources, a bill for an act relating to requirements of the department of human services involving individuals and families.

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

Senate File 483, by committee on Education, a bill for an act relating to licensure by the board of educational examiners of persons who complete an administrator preparation program offered by a regionally accredited or board of educational examiners' approved non-Iowa institution.

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

Senate File 484, by committee on State Government, a bill for an act relating to midwife licensure and providing for a fee and a penalty, and including effective date provisions.

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

Senate File 485, by Feenstra, a bill for an act making changes to the percentage of actual value at which certain classifications of property are assessed for property tax purposes and including applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 486, by Feenstra, a bill for an act providing a reduction in the income tax rates for corporations doing business in the state and including retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 487, by Feenstra, a bill for an act relating to property assessment and taxation by establishing a method for determining property assessment limitations and including applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 488, by Feenstra, a bill for an act relating to property taxation by establishing a method for determining certain property assessment limitations, and including applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 489, by committee on State Government, a bill for an act relating to local and regional planning and creating a state office of planning and geographic information systems within the homeland security and emergency management division of the department of public defense and making appropriations.

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

Senate File 490, by committee on State Government, a bill for an act authorizing and regulating savings promotion raffles, and granting licensing authority to the department of inspections and appeals.

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

Senate File 491, by committee on Human Resources, a bill for an act relating to the child abuse registry administered by the department of human services.

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

Senate File 492, by committee on Human Resources, a bill for an act relating to the duties of a guardian or conservator.

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

Senate File 493, by committee on Judiciary, a bill for an act relating to the operations of certain common interest communities.

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

Senate File 494, by committee on Judiciary, a bill for an act relating to the foreclosure of a real estate mortgage.

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

Senate File 495, by committee on Human Resources, a bill for an act relating to the long-term care ombudsman program.

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

Senate File 496, by committee on Agriculture, a bill for an act relating to the promotion of biodiesel fuel, by providing for tax credits to retail dealers and payments to biodiesel producers, making an appropriation, providing a penalty and including effective date provisions.

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

Senate File 497, by committee on State Government, a bill for an act relating to residential property by establishing a home inspector registration program, establishing surety bond requirements for certain contractors, providing penalties, and including effective date provisions.

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

Senate File 498, by Bolkcom, a bill for an act establishing a meatpacking industry workers bill of rights.

Read first time under Rule 28 and referred to committee on **Labor and Business Relations**.

STUDY BILL RECEIVED

SSB 1188 Transportation

Relating to property assessment and property taxation by creating a recreational class of property.

SUBCOMMITTEE ASSIGNMENTS

Senate File 359

WAYS AND MEANS: Quirnbach, Chair; Anderson and Seng

Senate File 377

WAYS AND MEANS: Jochum, Chair; Quirnbach and Zaun

Senate File 387

WAYS AND MEANS: Bolkcom, Chair; Bartz and Dotzler

Senate File 414

WAYS AND MEANS: Jochum, Chair; Quirnbach and Zaun

Senate File 432

HUMAN RESOURCES: Bolkcom, Chair; Johnson and Ragan

Senate File 472

WAYS AND MEANS: Bolkcom, Chair; Quirnbach and Zaun

Senate File 473

WAYS AND MEANS: Bolkcom, Chair; Chelgren and Hogg

Senate File 485

WAYS AND MEANS: Jochum, Chair; Bolkcom and Feenstra

Senate File 486

WAYS AND MEANS: Bolkcom, Chair; Dotzler and Feenstra

Senate File 487

WAYS AND MEANS: Jochum, Chair; Bolkcom and Feenstra

Senate File 488

WAYS AND MEANS: Jochum, Chair; Feenstra and Quirmbach

House File 190

JUDICIARY: Hogg, Chair; Boettger and Fraise

SSB 1188

TRANSPORTATION: Rielly, Chair; Hancock and Kapucian

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: SENATE FILE 476 (SSB 1174), a bill for an act relating to motor fuel, including ethanol and biodiesel used in the formulation of motor fuel, by providing for related infrastructure, tax credits, and appropriations, and including effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Seng, Fraise, Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, Kibbie, and Rielly. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 477 (SSB 1129), a bill for an act relating to the regulation of egg production, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Seng, Fraise, Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, and Rielly. Nays, none. Absent, 2: Johnson and Kibbie.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Agriculture Committee on Senate File 477, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 478 (SSB 1180), a bill for an act relating to livestock by providing for their feeding and care when the livestock are deemed to be neglected.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Seng, Fraise, Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, and Rielly. Nays, none. Absent, 2: Johnson and Kibbie.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 479 (formerly SF 319), a bill for an act providing for the possession of cats classified as bengals and savannahs.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Seng, Fraise, Black, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, Kibbie, and Rielly. Nays, 1: Bowman. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 496 (SSB 1148), a bill for an act relating to the promotion of biodiesel fuel, by providing for tax credits to retail dealers and payments to biodiesel producers, making an appropriation, providing a penalty and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Seng, Fraise, Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, Kibbie, and Rielly. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Bill Title: HOUSE FILE 184 (HSB 32), a bill for an act establishing the categorical state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-3047.

Final Vote: Ayes, 8: Quirnbach, Schoenjahn, Beall, Bowman, Dvorsky, Hogg, Soddors, and Wilhelm. Nays, 5: Hamerlinck, Boettger, Feenstra, Johnson, and Smith. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 185 (HSB 28), a bill for an act establishing the state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-3048.

Final Vote: Ayes, 8: Quirnbach, Schoenjahn, Beall, Bowman, Dvorsky, Hogg, Soddors, and Wilhelm. Nays, 5: Hamerlinck, Boettger, Feenstra, Johnson, and Smith. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 483 (formerly SF 70), a bill for an act relating to licensure by the board of educational examiners of persons who complete an administrator preparation program offered by a regionally accredited or board of educational examiners' approved non-Iowa institution.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Smith, Soddors, and Wilhelm. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on Senate File 483, and they were attached to the committee report.

HUMAN RESOURCES

Bill Title: *SENATE FILE 480 (formerly SF 117), a bill for an act relating to health care and policy, and health care infrastructure and integration of public and private programs, and related matters, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Ragan, Wilhelm, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, and Quirnbach. Nays, 4: Seymour, Bacon, Boettger, and Whitver. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 480, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 481 (SSB 1077), a bill for an act relating to reforming state and county responsibilities for mental health and disabilities services, making appropriations, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, Quirnbach, and Whitver. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 481, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 482 (SSB 1182), a bill for an act relating to requirements of the department of human services involving individuals and families.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, Quirnbach, and Whitver. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 482, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 491 (SSB 1115), a bill for an act relating to the child abuse registry administered by the department of human services.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, Quirmbach, and Whitver. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 491, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 492 (formerly SF 344), a bill for an act relating to the duties of a guardian or conservator.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, Quirmbach, and Whitver. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 492, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 495 (SSB 1184), a bill for an act relating to the long-term care ombudsman program.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, Quirmbach, and Whitver. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: SENATE FILE 474 (SSB 1169), a bill for an act relating to nonsubstantive Code corrections and including effective date and retroactive applicability provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-3064.

Final Vote: Ayes, 12: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, and Whitver. Nays, none. Absent, 1: Ward.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 475 (SSB 1177), a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and retroactive applicability provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-3065.

Final Vote: Ayes, 12: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, and Whitver. Nays, none. Absent, 1: Ward.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 493 (SSB 1160), a bill for an act relating to the operations of certain common interest communities.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, and Whitver. Nays, none. Absent, 1: Ward.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 493, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 494 (SSB 1041), a bill for an act relating to the foreclosure of a real estate mortgage.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, and Whitver. Nays, none. Absent, 1: Ward.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 494, and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: *SENATE FILE 484 (SSB 1065), a bill for an act relating to midwife licensure and providing for a fee and a penalty, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Danielson, Kibbie, Behn, Bertrand, Courtney, Fraise, Hatch, Horn, Jochum, and Sorenson. Nays, 5: Feenstra, Dearden, Dix, Smith, and Soddors. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on Senate File 484, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 497 (formerly SF 26), a bill for an act relating to residential property by establishing a home inspector registration program, establishing surety bond requirements for certain contractors, providing penalties, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Danielson, Kibbie, Courtney, Dearden, Fraise, Hatch, Horn, Jochum, and Soddors. Nays, 6: Feenstra, Behn, Bertrand, Dix, Smith, and Sorenson. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on Senate File 497, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 489 (SSB 1068), a bill for an act relating to local and regional planning and creating a state office of planning and geographic information systems within the homeland security and emergency management division of the department of public defense and making appropriations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Danielson, Kibbie, Courtney, Dearden, Fraise, Hatch, Horn, Jochum, and Soddors. Nays, 5: Feenstra, Behn, Bertrand, Dix, and Sorenson. Absent, 1: Smith.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on Senate File 489, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 490 (SSB 1019), a bill for an act authorizing and regulating savings promotion raffles, and granting licensing authority to the department of inspections and appeals.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Danielson, Kibbie, Courtney, Dearden, Fraise, Hatch, Horn, Jochum, Soddors, and Sorenson. Nays, 5: Feenstra, Behn, Bertrand, Dix, and Smith. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on Senate File 490, and they were attached to the committee report.

REFERRALS TO INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the “En Bloc Confirmation Calendar” and placed on the “Individual Confirmation Calendar”:

Michael Carroll – Director of the Department of Administrative Services

JEFF DANIELSON

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the “En Bloc Confirmation Calendar” and placed on the “Individual Confirmation Calendar”:

James Schipper – Superintendent of Banking

THOMAS G. COURTNEY

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the “En Bloc Confirmation Calendar” and placed on the “Individual Confirmation Calendar”:

Mary Cownie – Director of the Department of Cultural Affairs

STEVEN J. SODDERS

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the “En Bloc Confirmation Calendar” and placed on the “Individual Confirmation Calendar”:

Larry Noble – Commissioner of Public Safety

TOM HANCOCK

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the “En Bloc Confirmation Calendar” and placed on the “Individual Confirmation Calendar”:

Lee Clancey – Iowa Power Fund Board

SANDRA GREINER

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the “En Bloc Confirmation Calendar” and placed on the “Individual Confirmation Calendar”:

David Lingren – Executive Director of the Iowa Telecommunications and Technology Commission

PAM JOCHUM

APPOINTMENTS

The following appointees were submitted to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

BY THE GOVERNOR

TERM

ACCOUNTANCY EXAMINING BOARD (542.4)

Shelley Laracuente, Ankeny

05/01/2011 - 04/30/2014

Robert W. Williams, Mason City

05/01/2011 - 04/30/2014

AGING, COMMISSION ON (231.11)

Betty Grandquist, Des Moines

05/01/2011 - 04/30/2015

Fred Schuster, Cedar Rapids

05/01/2011 - 04/30/2015

AGRICULTURAL DEVELOPMENT AUTHORITY, EXECUTIVE DIRECTOR OF THE (175.7)

Jeffrey Ward, Urbandale

05/01/2011 - Pleasure of the Governor

ALCOHOLIC BEVERAGES COMMISSION (123.5)

Richard Hunsaker, Carroll

05/01/2011 - 04/30/2016

ARCHITECTURAL EXAMINING BOARD (544A.1)

Terry Allers, Fort Dodge	05/01/2011 - 04/30/2014
Thomas Clause, Winterset	05/01/2011 - 04/30/2014
Sue Jarboe, Urbandale	05/01/2011 - 04/30/2014

ATHLETIC TRAINING, BOARD OF (147.14(1)(r))

Pamela Davis, Davenport	05/01/2011 - 04/30/2014
Melody Higgins, Dubuque	05/01/2011 - 04/30/2014
William Jacobson, Waukeo	05/01/2011 - 04/30/2014
Christina Taylor, West Des Moines	03/01/2011 - 04/30/2012

AUTISM COUNCIL, IOWA (256.35A)

Jeff Gitchel, Des Moines	03/01/2011 - 04/30/2012
Rachel Heiss, West Des Moines	05/01/2011 - 04/30/2014
Robin Sampson, Iowa Falls	05/01/2011 - 04/30/2014
Danielle Sharpe, West Des Moines	05/01/2011 - 04/30/2014
Jan Turbes, Sioux City	05/01/2011 - 04/30/2014

BARBERING, BOARD OF (147.14(1)(a))

Dennis Rafdal, Ankeny	05/01/2011 - 04/30/2014
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BEHAVIORAL SCIENCE, BOARD OF (147.14(1)(m))

Daniel Harkness, Waukee	05/01/2011 - 04/30/2014
Vickie Miene, Dubuque	05/01/2011 - 04/30/2014
Sarah Thomas, Clear Lake	03/08/2011 - 04/30/2013
Sherill Whisenand, Des Moines	05/01/2011 - 04/30/2014

BLIND, COMMISSION FOR THE (216B.2)

Peggy Elliot, Grinnell	05/01/2011 - 04/30/2014
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BOILER AND PRESSURE VESSEL BOARD (89.14)

Susan Oltrogge, Des Moines	05/01/2011 - 04/30/2015
Keith Taeger, West Burlington	05/01/2011 - 04/30/2015

CHILD ADVOCACY BOARD (237.16)

Bruce Johnson, Cedar Rapids	05/01/2011 - 04/30/2015
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CHIROPRACTIC, BOARD OF (147.14(1)(h))

David Gehling, Ossian	05/01/2011 - 04/30/2014
Nancy Kahle, Cedar Rapids	05/01/2011 - 04/30/2014
Julie Mueller, Pella	05/01/2011 - 04/30/2014

CIVIL RIGHTS COMMISSION, IOWA STATE (216.3)

David Chung, Cedar Rapids	05/01/2011 - 04/30/2015
Randy Moore, Davenport	03/01/2011 - 04/30/2013
Mary Ann Spicer, Des Moines	05/01/2011 - 04/30/2015
Angela Williams, Urbandale	05/01/2011 - 04/30/2015

COMMUNITY ACTION AGENCIES, COMMISSION ON (216A.92A)

Patti Brown, Des Moines	05/01/2011 - 04/30/2014
Tom Quiner, Des Moines	05/01/2011 - 04/30/2014

CORRECTIONS, DIRECTOR OF THE DEPARTMENT OF (904.107)

John Baldwin

04/26/2011 - Pleasure of the Governor

CORRECTIONS, BOARD OF (904.104)

John Chalstrom, Cherokee

05/01/2011 - 04/30/2015

Michael Coleman, Waterloo

05/01/2011 - 04/30/2015

Charles Larson, Sr., Cedar Rapids

05/01/2011 - 04/30/2015

Nancy Turner, Corning

05/01/2011 - 04/30/2015

COSMETOLOGY ARTS AND SCIENCES, BOARD OF (147.14(1)(n))

Dana Atkins, Burlington

05/01/2011 - 04/30/2014

Mary Clausen, Webster City

05/01/2011 - 04/30/2014

Richard Mosley, Urbandale

05/01/2011 - 04/30/2014

Nicole Schultz, West Des Moines

05/01/2011 - 04/30/2014

Kimberly Setzer, Algona

05/01/2011 - 04/30/2014

COUNTY FINANCE COMMITTEE (333A.2)

Richard Heidloff, George

05/01/2011 - 04/30/2015

Jane Heun, Jefferson

05/01/2011 - 04/30/2015

Grant Veeder, Waterloo

05/01/2011 - 04/30/2015

CREDIT UNION REVIEW BOARD (533.107)

Janet Pepper, Des Moines

05/01/2011 - 04/30/2014

CREDIT UNIONS, SUPERINTENDENT OF (533.104)

JoAnn Johnson, Panora

02/14/2011 - 04/30/2011

JoAnn Johnson, Panora

05/01/2011 - 04/30/2015

CULTURAL TRUST, BOARD OF TRUSTEES OF THE IOWA (303A.5)

Mary Ellen Kimball, Osceola

05/01/2011 - 04/30/2016

Connie Schmett, Clive

05/01/2011 - 04/30/2016

Chad Umland, Sioux City

05/01/2011 - 04/30/2016

DEAF SERVICES, COMMISSION OF (216A.113(1))

Nathaniel Garrels, Emmetsburg

05/01/2011 - 04/30/2014

Tina Kastendieck, Fort Dodge

05/01/2011 - 04/30/2014

Jennifer Keaton, Mount Vernon

05/01/2011 - 04/30/2014

DENTISTRY, BOARD OF (147.14(1)(d))

Steven Fuller, Bondurant

05/01/2011 - 04/30/2014

Mary Kelly Grief, Des Moines

05/01/2011 - 04/30/2014

Diane Meier, Iowa Falls

05/01/2011 - 04/30/2014

DIETETICS, BOARD OF (147.14(1)(k))

Daniel Deutschman, Pella

05/01/2011 - 04/30/2014

Bridget Drapeaux, North Liberty

03/16/2011 - 04/30/2012

Stacey Loftus, Missouri Valley

05/01/2011 - 04/30/2014

DISABILITIES POLICY COUNCIL, PREVENTION OF (225B.3)

Joan Bruhn, Sioux City

05/01/2011 - 04/30/2014

Randy Horn, West Des Moines

05/01/2011 - 04/30/2014

DRUG POLICY ADVISORY COUNCIL, IOWA (80E.2)

Warren Hunsberger, West Des Moines	05/01/2011 - 04/30/2015
Jane Larkin, Ames	05/01/2011 - 04/30/2015

EARLY CHILDHOOD IOWA STATE BOARD (256I.3)

Mikeal Cass, Fontanelle	05/01/2011 - 04/30/2014
James Christensen, Waterloo	05/01/2011 - 04/30/2014
Donald Doudna, Johnston	05/01/2011 - 04/30/2014
Jean Stadtlander, Manning	03/01/2011 - 04/30/2012

EDUCATION, STATE BOARD OF (256.3)

Eric Goranson, Des Moines	03/01/2011 - 04/30/2012
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EDUCATIONAL EXAMINERS, BOARD OF (272.3)

Larry Hill, Thompson	05/01/2011 - 04/30/2015
Merle Johnson, Ankeny	05/01/2011 - 04/30/2015
Marianne Mickelson, West Des Moines	05/01/2011 - 04/30/2015

ELECTRICAL EXAMINING BOARD (103.2)

Valynda Akin, Cedar Rapids	05/01/2011 - 04/30/2013
Ritchie Kurtenbach, Waterloo	05/01/2011 - 04/30/2014
Chad Layland, Ankeny	05/01/2011 - 04/30/2013
Lori Mease, Des Moines	05/01/2011 - 04/30/2014
Barbara Mentzer, Carlisle	05/01/2011 - 04/30/2013
Kay Pence, Eldridge	05/01/2011 - 04/30/2014
Raymond Reynolds, Indianola	03/01/2011 - Pleasure of the Governor
Randy VanVoorst, Sioux Center	05/01/2011 - 04/30/2013

ELEVATOR SAFETY BOARD (89A.13)

Candace Biddle, Des Moines	03/01/2011 - 04/30/2014
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ENGINEERING AND LAND SURVEYING EXAMINING BOARD (542B.3)

Judy Davidson, Bettendorf	05/01/2011 - 04/30/2014
Jerry Shellberg, Red Oak	05/01/2011 - 04/30/2014
Marlon Vogt, Marion	05/01/2011 - 04/30/2014

ENVIRONMENTAL PROTECTION COMMISSION (455A.6)

Mary Boote, Des Moines	05/01/2011 - 04/30/2015
Dolores Mertz, Ottosen	05/01/2011 - 04/30/2015
Brent Rastetter, Ames	05/01/2011 - 04/30/2015
Eugene Ver Steeg, Inwood	05/01/2011 - 04/30/2015

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA (68B.32)

Jonathan Roos, Polk City	05/01/2011 - 04/30/2017
Mary Rueter, De Witt	05/01/2011 - 04/30/2017

FINANCE AUTHORITY, IOWA (16.2(1))

David Greenspon, Clive	05/01/2011 - 04/30/2017
Michel Nelson, Carroll	05/01/2011 - 04/30/2017
Eric Peterson, Radcliffe	05/01/2011 - 04/30/2017
Ruth Randleman, Carlisle	05/01/2011 - 04/30/2017

GRAIN INDEMNITY FUND BOARD, IOWA (203D.4)

Lori Goetzinger, Carroll	05/01/2011 - 04/30/2014
Sharon Smith, Knoxville	05/01/2011 - 04/30/2014

HEALTH FACILITIES COUNCIL (135.62)

Vergene Donovan, Spirit Lake	05/01/2011 - 04/30/2017
Robert Lundin, Le Claire	05/01/2011 - 04/30/2017
William Thatcher, Fort Dodge	03/01/2011 - 04/30/2015

HEALTHY AND WELL KIDS IN IOWA (HAWK-I) BOARD (514I.5)

Kathy Pearson, Cedar Rapids	05/01/2011 - 04/30/2013
Bob Skow, Dallas Center	05/01/2011 - 04/30/2013

HEARING AID DISPENSERS, BOARD OF (154A.2)

Catherine Dangelser, Ames	05/01/2011 - 04/30/2014
Jon McAvoy, Adel	05/01/2011 - 04/30/2014

HIGHER EDUCATION LOAN AUTHORITY, IOWA (261A.6)

Gary Steinke, Urbandale	05/01/2011 - 04/30/2017
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HUMAN SERVICES, COUNCIL ON (217.2)

Mark Anderson, Waverly	05/01/2011 - 04/30/2017
Mark Peltan, Mason City	05/01/2011 - 04/30/2017
Sally Stutsman, Riverside	05/01/2011 - 04/30/2017

INTERIOR DESIGN EXAMINING BOARD (544C.2)

Katherine Erion, Sioux City	05/01/2011 - 04/30/2014
Dorothy Fowles, Iowa City	05/01/2011 - 04/30/2014

IPERS, INVESTMENT BOARD OF THE (97B.8A)

Marlene Sprouse, Ottumwa	05/01/2011 - 04/30/2017
Lisa Stange, West Des Moines	05/01/2011 - 04/30/2017

JUDICIAL NOMINATING COMMISSION, STATE (46.1)

William Gustoff, Des Moines	05/01/2011 - 04/30/2017
Helen Sinclair, Melrose	05/01/2011 - 04/30/2017

JUDICIAL QUALIFICATIONS, COMMISSION ON (602.2102)

Duane Cottingham, Peosta	05/01/2011 - 04/30/2017
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LABOR COMMISSIONER (91.2)

Michael Mauro, Des Moines	05/01/2011 - 04/30/2017
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LANDSCAPE ARCHITECTURAL EXAMINING BOARD (544B.3)

Laura Hawks, Iowa City	05/01/2011 - 04/30/2014
Catherine Huggins, Urbandale	05/01/2011 - 04/30/2014
Mark Ripplinger, Cedar Falls	05/01/2011 - 04/30/2014

LATINO AFFAIRS, COMMISSION OF (216A.12)

Rebecca Jackson, Denison	05/01/2011 - 04/30/2014
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LAW ENFORCEMENT ACADEMY COUNCIL, IOWA (80B.6)

Francis Donchez, Davenport	05/01/2011 - 04/30/2015
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LOTTERY AUTHORITY BOARD OF DIRECTORS, IOWA (99G.8)

Deborah Burnight, Sioux City	05/01/2011 - 04/30/2015
Herman Richter, Milford	05/01/2011 - 04/30/2015

MASSAGE THERAPY, BOARD OF (147.14(1)(q))

William (Bill) Cameron, Bettendorf	05/01/2011 - 04/30/2014
Larry Dallenbach, Arlington	05/01/2011 - 04/30/2014
Adam Schweers, Carroll	05/01/2011 - 04/30/2014

MEDICINE, BOARD OF (147.14(1)(b))

Diane Clark, Lake Mills	05/01/2011 - 04/30/2014
Greg Hoversten, Sioux City	05/01/2011 - 04/30/2014
Hamed Tewfik, Iowa City	05/01/2011 - 04/30/2014

MENTAL HEALTH AND DISABILITY SERVICES COMMISSION (225C.5(1))

Lynn Grobe, Oakland	05/01/2011 - 04/30/2014
Chris Hoffman, Waterloo	05/01/2011 - 04/30/2014
David Hudson, Windsor Heights	05/01/2011 - 04/30/2014
Susan Koch-Seechase, Sumner	05/01/2011 - 04/30/2014
Gary Lippe, Davenport	03/01/2011 - 04/30/2013
Zvia McCormick, Glenwood	05/01/2011 - 04/30/2014
John Willey, Maquoketa	05/01/2011 - 04/30/2014

MENTAL HEALTH RISK POOL BOARD (426B.5(2)(c))

Teresa Kanning, Atlantic	05/01/2011 - 04/30/2014
Peggy Rice, Humboldt	05/01/2011 - 04/30/2014
Shane Walter, Orange City	05/01/2011 - 04/30/2014

MORTUARY SCIENCE, BOARD OF (147.14(1)(p))

Rebecca Ervin, Urbandale	05/01/2011 - 04/30/2014
Thomas Lange, Centerville	05/01/2011 - 04/30/2014
Martin Mitchell, Marshalltown	05/01/2011 - 04/30/2014

NATIVE AMERICAN AFFAIRS, COMMISSION OF (216A.162)

Tiffany Lewis, Ankeny	05/01/2011 - 04/30/2015
Franklin Phillips, Sioux City	05/01/2011 - 04/30/2015
Marla Ramaekers, Humbolt	05/01/2011 - 04/30/2015
Judy Yellowbank, Sioux City	05/01/2011 - 04/30/2015

NATURAL RESOURCE COMMISSION (455A.5)

Conrad Clement, Cresco	05/01/2011 - 04/30/2017
Sally Prickett, Glenwood	05/01/2011 - 04/30/2017
Margo Underwood, Clear Lake	05/01/2011 - 04/30/2017

NURSING, BOARD OF (147.14(1)(c))

Jennifer Neeley, Grinnell	05/01/2011 - 04/30/2014
LeRoy Strohman, Algona	05/01/2011 - 04/30/2014
Gwen Suntken, Meservey	05/01/2011 - 04/30/2014

NURSING HOME ADMINISTRATORS, BOARD OF (155.2)

Daniel Boor, Des Moines	05/01/2011 - 04/30/2014
Maureen Cahill, West Des Moines	03/01/2011 - 04/30/2012
Shane Gaukel, Ankeny	05/01/2011 - 04/30/2014

OPTOMETRY, BOARD OF (147.14(1)(f))

Scott Ihrke, Le Mars	05/01/2011 - 04/30/2014
Michael Portz, Red Oak	05/01/2011 - 04/30/2014
Carolyn Warkentin, North Liberty	05/01/2011 - 04/30/2014

PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD, IOWA COMPREHENSIVE (455G.4(4))

Karen Andeweg, Urbandale	05/01/2011 - 04/30/2015
Dawn Carlson, Dallas Center	05/01/2011 - 04/30/2015

PHARMACY, BOARD OF (147.14(1)(e))

LaDonna Gratias, Clive	05/01/2011 - 04/30/2014
Edward Maier, Mapleton	05/01/2011 - 04/30/2014
James Miller, Dubuque	05/01/2011 - 04/30/2014

PHYSICAL AND OCCUPATIONAL THERAPY, BOARD OF (147.14(1)(j))

Morris Blankespoor, Pella	05/01/2011 - 04/30/2014
Bradley Earp, West Des Moines	05/01/2011 - 04/30/2014
Jaclyn Fleming, Urbandale	05/01/2011 - 04/30/2012
Jenifer Furness, Davenport	05/01/2011 - 04/30/2014

PHYSICIAN ASSISTANTS, BOARD OF (147.14(1)(l))

Jon Ahrendsen, Clarion	05/01/2011 - 04/30/2014
Gary Nystrom, Boone	05/01/2011 - 04/30/2014

PLUMBING AND MECHANICAL SYSTEMS EXAMINING BOARD (105.3)

Jim Cooper, Urbandale	05/01/2011 - 04/30/2014
Ronald Masters, Ankeny	05/01/2011 - 04/30/2014
Jenny Pitts, Des Moines	05/01/2011 - 04/30/2014

PODIATRY, BOARD OF (147.14(1)(s))

John Bennett, West Des Moines	05/01/2011 - 04/30/2014
Gerald Edgar, Garner	05/01/2011 - 04/30/2014

PROPERTY ASSESSMENT APPEAL BOARD, CHAIR OF THE (421.1A)

Richard Stradley, Ankeny	05/01/2011 - 04/30/2013
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PROPERTY ASSESSMENT APPEAL BOARD (421.1A)

Richard Stradley, Ankeny	05/01/2011 - 04/30/2017
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PSYCHOLOGY, BOARD OF (147.14(1)(g))

Sarah Henderson, Cedar Rapids	05/01/2011 - 04/30/2014
Ralph Scott, Cedar Falls	05/01/2011 - 04/30/2014
Heidi Vermeer-Quist, Urbandale	05/01/2011 - 04/30/2014

RACING AND GAMING COMMISSION, STATE (99D.5)

Carl Heinrich, Council Bluffs	05/01/2011 - 04/30/2014
Jeffrey Lamberti, Ankeny	05/01/2011 - 04/30/2014

REAL ESTATE APPRAISER EXAMINING BOARD (543D.4)

Gene Nelsen, Johnston	05/01/2011 - 04/30/2014
Joan Scotter, Marion	03/01/2011 - 04/30/2012
Caryl Swaim, West Des Moines	05/01/2011 - 04/30/2014

REAL ESTATE COMMISSION (543B.8)

Robert Broomfield, Harlan	05/01/2011 - 04/30/2014
Gail Flagel, West Des Moines	05/01/2011 - 04/30/2014
Susan Sanders, Waukee	05/01/2011 - 04/30/2014
Michael Telford, Dallas Center	05/01/2011 - 04/30/2014

REGENTS, STATE BOARD OF (262.1)

Nicole Carroll, Carroll	05/01/2011 - 04/30/2017
Kathleen Mulholland, Marion	05/01/2011 - 04/30/2017
Bruce Rastetter, Hubbard	05/01/2011 - 04/30/2017

RENEWABLE FUEL INFRASTRUCTURE BOARD (15G.202)

Jill Reams-Widder, Johnston	05/01/2011 - 04/30/2016
Eric Seuren, West Des Moines	05/01/2011 - 04/30/2016
Keith Sexton, Rockwell City	05/01/2011 - 04/30/2016

RESPIRATORY CARE, BOARD OF (147.14(1)(o))

Akshay Mahadevia, Bettendorf	05/01/2011 - 04/30/2014
Mary Tyrrel, West Des Moines	05/01/2011 - 04/30/2014

SCHOOL BUDGET REVIEW COMMITTEE (257.30)

Gina Primmer, Council Bluffs	03/01/2011 - 04/30/2013
Brian Thilges, Woden	05/01/2011 - 04/30/2014

SIGN LANGUAGE INTERPRETERS AND TRANSLITERATORS, BOARD OF (147.14(1)(u))

Cindy Crawford, Pleasantville	05/01/2011 - 04/30/2014
Stephanie Lyons, Ankeny	03/01/2011 - 04/30/2012
Brent Welsch, Council Bluffs	05/01/2011 - 04/30/2014

SOCIAL WORK, BOARD OF (147.14(1)(t))

Mark Hudson, Marion	05/01/2011 - 04/30/2014
David Stone, Des Moines	05/01/2011 - 04/30/2014

SOIL CONSERVATION COMMITTEE, STATE (161A.4)

Dale Farnham, Ames	05/01/2011 - 04/30/2017
Charles McCullough, Bernard	05/01/2011 - 04/30/2017
Harold Whipple, Lacona	05/01/2011 - 04/30/2017

SPEECH PATHOLOGY AND AUDIOLOGY, BOARD OF (147.14(1)(i))

Christine Donner-Tiernan, Fort Dodge	05/01/2011 - 04/30/2014
Alison Lemke, Newton	05/01/2011 - 04/30/2014
Denise Renaud, Iowa Falls	03/01/2011 - 04/30/2012

TAX REVIEW, STATE BOARD OF (421.1)	
Jeffrey Elgin, Cedar Rapids	05/01/2011 - 04/30/2017
TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA (8D.3)	
Richard Bruner, Ventura	02/10/2011 - 04/30/2013
Shannon Cofield, Des Moines	02/10/2011 - 04/30/2016
Timothy Lapointe, Mason City	05/01/2011 - 04/30/2017
TITLE GUARANTY DIVISION BOARD (16.2A)	
Kimberly Downing-Manning, Ankeny	05/01/2011 - 04/30/2017
Charles Winkleblack, Ames	05/01/2011 - 04/30/2017
TRANSPORTATION COMMISSION, STATE (307.3)	
David Rose, Clinton	05/01/2011 - 04/30/2015
Charese Yanney, Sioux City	02/10/2011 - 04/30/2012
UTILITIES BOARD, CHAIR OF (474.1)	
Libby Jacobs, West Des Moines	05/01/2011 - 04/30/2013
UTILITIES BOARD (474.1)	
Libby Jacobs, West Des Moines	05/01/2011 - 04/30/2017
VETERANS AFFAIRS, COMMISSION OF (35A.2)	
Dan Gannon, Ankeny	05/01/2011 - 04/30/2015
Kathleen Myers, Cedar Rapids	05/01/2011 - 04/30/2015
Larry Spencer, West Des Moines	05/01/2011 - 04/30/2015
VETERINARY MEDICINE, IOWA BOARD OF (169.5)	
Betty Gustafson, Cumming	05/01/2011 - 04/30/2014
James Kenyon, Cedar Falls	05/01/2011 - 04/30/2014
Kelli Madson, West Des Moines	05/22/2011 - 04/30/2012
WOMEN, COMMISSION ON THE STATUS OF (216A.53)	
Elizabeth Coonan, Des Moines	03/01/2011 - 04/30/2012
WORKFORCE DEVELOPMENT BOARD, IOWA (84A.1A)	
Robert Gilmore, Dawson	03/01/2011 - 04/30/2014
Rita Grimm, Sioux City	05/01/2011 - 04/30/2015

BY THE IOWA DEPARTMENT OF JUSTICE

CONSUMER ADVOCATE (475A.1(1))	
Mark Schuling, Des Moines	05/01/2011 - 04/30/2015

The appointments were referred to the committee on **Rules and Administration**.

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor's appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on March 8, 2011:

AGRICULTURE

Jeffrey Ward – Executive Director of the Agricultural Development Authority

Lori Goetzinger – Iowa Grain Indemnity Fund Board
Sharon Smith – Iowa Grain Indemnity Fund Board

Dale Farnham – State Soil Conservation Committee
Charles McCullough – State Soil Conservation Committee
Harold Whipple – State Soil Conservation Committee

COMMERCE

Mark Schuling – Consumer Advocate

Janet Pepper – Credit Union Review Board

JoAnn Johnson – Superintendent of Credit Unions

Richard Bruner – Iowa Telecommunications and Technology Commission
Shannon Cofield – Iowa Telecommunications and Technology Commission
Timothy Lapointe – Iowa Telecommunications and Technology Commission

Kimberly Downing-Manning – Title Guaranty Division Board
Charles Winkleblack – Title Guaranty Division Board

Libby Jacobs – Chair of Utilities Board

Libby Jacobs – Utilities Board

ECONOMIC GROWTH/REBUILD IOWA

David Greenspon – Iowa Finance Authority
Michel Nelson – Iowa Finance Authority
Eric Peterson – Iowa Finance Authority
Ruth Randleman – Iowa Finance Authority

EDUCATION

Jeff Gitchel – Iowa Autism Council
Rachel Heiss – Iowa Autism Council
Robin Sampson – Iowa Autism Council

Danielle Sharpe – Iowa Autism Council
Jan Turbes – Iowa Autism Council

Mikeal Cass – Early Childhood Iowa State Board
James Christensen – Early Childhood Iowa State Board
Donald Doudna – Early Childhood Iowa State Board
Jean Stadlander – Early Childhood Iowa State Board

Eric Goranson – State Board of Education

Larry Hill – Board of Educational Examiners
Merle Johnson – Board of Educational Examiners
Marianne Mickelson – Board of Educational Examiners

Gary Steinke – Iowa Higher Education Loan Authority

Nicole Carroll – State Board of Regents
Kathleen Mulholland – State Board of Regents
Bruce Rastetter – State Board of Regents

Gina Primmer – School Budget Review Committee
Brian Thilges – School Budget Review Committee

HUMAN RESOURCES

Betty Grandquist – Commission on Aging
Fred Schuster – Commission on Aging

Pamela Davis – Board of Athletic Training
Melody Higgins – Board of Athletic Training
William Jacobson – Board of Athletic Training
Christina Taylor – Board of Athletic Training

Daniel Harkness – Board of Behavioral Science
Vickie Miene – Board of Behavioral Science
Sarah Thomas – Board of Behavioral Science
Sherill Whisenand – Board of Behavioral Science

Bruce Johnson – Child Advocacy Board

Joan Bruhn – Prevention of Disabilities Policy Council
Randy Horn – Prevention of Disabilities Policy Council

Vergene Donovan – Health Facilities Council
Robert Lundin – Health Facilities Council
William Thatcher – Health Facilities Council

Kathy Pearson – Healthy and Well Kids in Iowa (HAWK-I) Board
Bob Skow – Healthy and Well Kids in Iowa (HAWK-I) Board

Mark Anderson – Council on Human Services
 Mark Peltan – Council on Human Services
 Sally Stutsman – Council on Human Services

Rebecca Jackson – Commission of Latino Affairs

Lynn Grobe – Mental Health and Disability Services Commission
 Chris Hoffman – Mental Health and Disability Services Commission
 David Hudson – Mental Health and Disability Services Commission
 Susan Koch-Seehase – Mental Health and Disability Services Commission
 Gary Lippe – Mental Health and Disability Services Commission
 Zvia McCormick – Mental Health and Disability Services Commission
 John Willey – Mental Health and Disability Services Commission

Cindy Crawford – Board of Sign Language Interpreters and Transliterators
 Stephanie Lyons – Board of Sign Language Interpreters and Transliterators
 Brent Welsch – Board of Sign Language Interpreters and Transliterators

JUDICIARY

David Chung – Iowa State Civil Rights Commission
 Randy Moore – Iowa State Civil Rights Commission
 Mary Ann Spicer – Iowa State Civil Rights Commission
 Angela Williams – Iowa State Civil Rights Commission

John Baldwin – Director of the Department of Corrections

John Chalstrom – Board of Corrections
 Michael Coleman – Board of Corrections
 Charles Larson, Sr. – Board of Corrections
 Nancy Turner – Board of Corrections

Warren Hunsberger – Iowa Drug Policy Advisory Council
 Jane Larkin – Iowa Drug Policy Advisory Council

William Gustoff – State Judicial Nominating Commission
 Helen Sinclair – State Judicial Nominating Commission

Duane Cottingham – Commission on Judicial Qualifications

Francis Donchez – Iowa Law Enforcement Academy Council

LABOR AND BUSINESS RELATIONS

Michael Mauro – Labor Commissioner

Jim Cooper – Plumbing and Mechanical Systems Examining Board
 Ronald Masters – Plumbing and Mechanical Systems Examining Board
 Jenny Pitts – Plumbing and Mechanical Systems Examining Board

Robert Gilmore – Iowa Workforce Development Board
 Rita Grimm – Iowa Workforce Development Board

LOCAL GOVERNMENT

Richard Heidloff – County Finance Committee
Jane Heun – County Finance Committee
Grant Veeder – County Finance Committee

Teresa Kanning – Mental Health Risk Pool Board
Peggy Rice – Mental Health Risk Pool Board
Shane Walter – Mental Health Risk Pool Board

Richard Stradley – Chair of the Property Assessment Appeal Board

Richard Stradley – Property Assessment Appeal Board

NATURAL RESOURCES AND ENVIRONMENT

Mary Boote – Environmental Protection Commission
Dolores Mertz – Environmental Protection Commission
Brent Rastetter – Environmental Protection Commission
Eugene Ver Steeg – Environmental Protection Commission

Conrad Clement – Natural Resource Commission
Sally Prickett – Natural Resource Commission
Margo Underwood – Natural Resource Commission

Karen Andeweg – Iowa Comprehensive Petroleum Underground Storage Tank Fund Board

Dawn Carlson – Iowa Comprehensive Petroleum Underground Storage Tank Fund Board

Jill Reams-Widder – Renewable Fuel Infrastructure Board
Eric Seuren – Renewable Fuel Infrastructure Board
Keith Sexton – Renewable Fuel Infrastructure Board

STATE GOVERNMENT

Shelley Laracuente – Accountancy Examining Board
Robert W. Williams – Accountancy Examining Board

Richard Hunsaker – Alcoholic Beverages Commission

Terry Allers – Architectural Examining Board
Thomas Clause – Architectural Examining Board
Sue Jarboe – Architectural Examining Board

Dennis Rafdal – Board of Barbering

Peggy Elliot – Commission for the Blind

Susan Oltrogge – Boiler and Pressure Vessel Board
Keith Taeger – Boiler and Pressure Vessel Board

David Gehling – Board of Chiropractic
Nancy Kahle – Board of Chiropractic
Julie Mueller – Board of Chiropractic

Patti Brown – Commission on Community Action Agencies
Tom Quiner – Commission on Community Action Agencies

Dana Atkins – Board of Cosmetology Arts and Sciences
Mary Clausen – Board of Cosmetology Arts and Sciences
Richard Mosley – Board of Cosmetology Arts and Sciences
Nicole Schultz – Board of Cosmetology Arts and Sciences
Kimberly Setzer – Board of Cosmetology Arts and Sciences

Mary Ellen Kimball – Board of Trustees of the Iowa Cultural Trust
Connie Schmett – Board of Trustees of the Iowa Cultural Trust
Chad Umland – Board of Trustees of the Iowa Cultural Trust

Nathaniel Garrels – Commission of Deaf Services
Tina Kastendieck – Commission of Deaf Services
Jennifer Keaton – Commission of Deaf Services

Steven Fuller – Board of Dentistry
Mary Kelly Grief – Board of Dentistry
Diane Meier – Board of Dentistry

Daniel Deutschman – Board of Dietetics
Bridget Drapeaux – Board of Dietetics
Stacey Loftus – Board of Dietetics

Valynda Akin – Electrical Examining Board
Ritchie Kurtenbach – Electrical Examining Board
Chad Layland – Electrical Examining Board
Lori Mease – Electrical Examining Board
Barbara Mentzer – Electrical Examining Board
Kay Pence – Electrical Examining Board
Raymond Reynolds – Electrical Examining Board
Randy VanVoorst – Electrical Examining Board

Candace Biddle – Elevator Safety Board

Judy Davidson – Engineering and Land Surveying Examining Board
Jerry Shellberg – Engineering and Land Surveying Examining Board
Marlon Vogt – Engineering and Land Surveying Examining Board

Jonathan Roos – Iowa Ethics and Campaign Disclosure Board
Mary Rueter – Iowa Ethics and Campaign Disclosure Board

Catherine Dangelser – Board of Hearing Aid Dispensers
Jon McAvoy – Board of Hearing Aid Dispensers

Katherine Erion – Interior Design Examining Board
Dorothy Fowles – Interior Design Examining Board

Marlene Sprouse – Investment Board of the IPERS

Lisa Stange – Investment Board of the IPERS

Laura Hawks – Landscape Architectural Examining Board

Catherine Huggins – Landscape Architectural Examining Board

Mark Ripplinger – Landscape Architectural Examining Board

Deborah Burnight – Iowa Lottery Authority Board of Directors

Herman Richter – Iowa Lottery Authority Board of Directors

William (Bill) Cameron – Board of Massage Therapy

Larry Dallenbach – Board of Massage Therapy

Adam Schweers – Board of Massage Therapy

Diane Clark – Board of Medicine

Greg Hoversten – Board of Medicine

Hamed Tewfik – Board of Medicine

Rebecca Ervin – Board of Mortuary Science

Thomas Lange – Board of Mortuary Science

Martin Mitchell – Board of Mortuary Science

Tiffany Lewis – Commission of Native American Affairs

Franklin Phillips – Commission of Native American Affairs

Marla Ramaekers – Commission of Native American Affairs

Judy Yellowbank – Commission of Native American Affairs

Jennifer Neeley – Board of Nursing

LeRoy Strohman – Board of Nursing

Gwen Suntken – Board of Nursing

Daniel Boor – Board of Nursing Home Administrators

Maureen Cahill – Board of Nursing Home Administrators

Shane Gaukel – Board of Nursing Home Administrators

Scott Ihrke – Board of Optometry

Michael Portz – Board of Optometry

Carolyn Warkentin – Board of Optometry

LaDonna Gratias – Board of Pharmacy

Edward Maier – Board of Pharmacy

James Miller – Board of Pharmacy

Morris Blankespoor – Board of Physical and Occupational Therapy

Bradley Earp – Board of Physical and Occupational Therapy

Jaclyn Fleming – Board of Physical and Occupational Therapy

Jenifer Furness – Board of Physical and Occupational Therapy

Jon Ahrendsen – Board of Physician Assistants

Gary Nystrom – Board of Physician Assistants

John Bennett – Board of Podiatry
 Gerald Edgar – Board of Podiatry

Sarah Henderson – Board of Psychology
 Ralph Scott – Board of Psychology
 Heidi Vermeer-Quist – Board of Psychology

Carl Heinrich – State Racing and Gaming Commission
 Jeffrey Lamberti – State Racing and Gaming Commission

Gene Nelsen – Real Estate Appraiser Examining Board
 Joan Scotter – Real Estate Appraiser Examining Board
 Caryl Swaim – Real Estate Appraiser Examining Board

Robert Broomfield – Real Estate Commission
 Gail Flagel – Real Estate Commission
 Susan Sanders – Real Estate Commission
 Michael Telford – Real Estate Commission

Akshay Mahadevia – Board of Respiratory Care
 Mary Tyrrel – Board of Respiratory Care

Mark Hudson – Board of Social Work
 David Stone – Board of Social Work

Christine Donner-Tiernan – Board of Speech Pathology and Audiology
 Alison Lemke – Board of Speech Pathology and Audiology
 Denise Renaud – Board of Speech Pathology and Audiology

Betty Gustafson – Iowa Board of Veterinary Medicine
 James Kenyon – Iowa Board of Veterinary Medicine
 Kelli Madson – Iowa Board of Veterinary Medicine

Elizabeth Coonan – Commission on the Status of Women

TRANSPORTATION

David Rose – State Transportation Commission
 Charese Yanney – State Transportation Commission

VETERANS AFFAIRS

Dan Gannon – Commission of Veterans Affairs
 Kathleen Myers – Commission of Veterans Affairs
 Larry Spencer – Commission of Veterans Affairs

WAYS AND MEANS

Jeffrey Elgin – State Board of Tax Review

GOVERNOR'S DEFERRAL LETTERS

The following letters from the Governor were received in the office of the Secretary of the Senate on March 01, 2011:

Pursuant to Iowa Code section 15E.63, please accept this letter as the notice of deferment of the appointment to the Iowa Capital Investment Board, formerly held by Eugene Blanshan. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 15E.63, please accept this letter as the notice of deferment of the appointment to the Iowa Capital Investment Board, formerly held by Gordon Neumann. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 216A.92A, please accept this letter as the notice of deferment of the appointment to the Commission on Community Action Agencies, formerly held by Amy Peiffer. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 333A.2, please accept this letter as the notice of deferment of the appointment to the County Finance Committee, formerly held by Ben Lacey. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 421C.1(a), please accept this letter as the notice of deferment of the appointment of a State Debt Coordinator. This appointment has been deferred because our Administration has determined to not fill this position at this time.

Pursuant to Iowa Code section 256I.3, please accept this letter as the notice of deferment of the appointment to the Early Childhood Iowa State Board, formerly held by Ruth Krueger. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 256I.3, please accept this letter as the notice of deferment of the appointment to the Early Childhood Iowa State Board, formerly held by Daniel Vogeler. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 15.103, please accept this letter as the notice of deferment of the appointment to the Iowa Economic Development Board, formerly held by Joni Boone. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 15.103, please accept this letter as the notice of deferment of the appointment to the Iowa Economic Development Board, formerly held by Ruth MacDonald. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 15.421, please accept this letter as the notice of deferment of the appointment to the Generation Iowa Commission, formerly held by Erik Christian. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 15.421, please accept this letter as the notice of deferment of the appointment to the Generation Iowa Commission, formerly held by Christian Fong. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 15.421, please accept this letter as the notice of deferment of the appointment to the Generation Iowa Commission, formerly held by Emiliano Lerda. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 15.421, please accept this letter as the notice of deferment of the appointment to the Generation Iowa Commission, formerly held by Sarah Hinzman. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 15.421, please accept this letter as the notice of deferment of the appointment to the Generation Iowa Commission, formerly held by Ragen Cote. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 303.3C(2)(a), please accept this letter as the notice of deferment of the appointment to the Iowa Great Places Board, formerly held by Adam Feiges. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 303.3C(2)(a), please accept this letter as the notice of deferment of the appointment to the Iowa Great Places Board, formerly held by Thomas Hanafan. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 303.3C(2)(a), please accept this letter as the notice of deferment of the appointment to the Iowa Great Places Board, formerly held by Robert Fritsch. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 303.3C(2)(a), please accept this letter as the notice of deferment of the appointment to the Iowa Great Places Board, formerly held by Dustin Heland-Embree. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 8A.201A, please accept this letter as the notice of deferment of the appointment of a Chief Information Officer. This appointment has been deferred because our Administration has determined to not fill this position at this time.

Pursuant to Iowa Code section 16.191, please accept this letter as the notice of deferment of the appointment to the Iowa Jobs Board, formerly held by Willard Boyd. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 16.191, please accept this letter as the notice of deferment of the appointment to the Iowa Jobs Board, formerly held by Joni Dittmer. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 216A.12, please accept this letter as the notice of deferment of the appointment to the Commission of Latino Affairs, formerly held by Juan Hernandez-Santana. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 147.14(1)(q), please accept this letter as the notice of deferment of the appointment to the Board of Massage Therapy, formerly held by Kathy Spencer-Jensen. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 469.6, please accept this letter as the notice of deferment of the appointment to the Iowa Power Fund Board, formerly held by Patricia Higby. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 469.6, please accept this letter as the notice of deferment of the appointment to the Iowa Power Fund Board, formerly held by Thomas Wind. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 20.5, please accept this letter as the notice of deferment of the appointment to the Public Employment Relations Board, formerly held by M. Sue Warner. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 15G.202, please accept this letter as the notice of deferment of the appointment to the Renewable Fuel Infrastructure Board, formerly held by Brenda Neville. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 15G.202, please accept this letter as the notice of deferment of the appointment to the Renewable Fuel Infrastructure Board, formerly held by Sandy Simpson. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

The public member seat on the Technology Advisory Council, formerly the Technology Governance Council, is being deferred. This appointment has been deferred because our Administration has initiated review as to the need for a council consisting primarily of state agencies.

The public member seat on the Technology Advisory Council, formerly the Technology Governance Council, is being deferred. This appointment has been deferred because our Administration has initiated review as to the need for a council consisting primarily of state agencies.

Pursuant to Iowa Code section 142A.3, please accept this letter as the notice of deferment of the appointment to the Commission on Tobacco Use Prevention and Control, formerly held by Andrea Coziahr. This appointment has been deferred because of pending legislation which will eliminate this position from the Commission.

Pursuant to Iowa Code section 142A.3, please accept this letter as the notice of deferment of the appointment to the Commission on Tobacco Use Prevention and Control, formerly held by Nora Kurtovic. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 142A.3, please accept this letter as the notice of deferment of the appointment to the Commission on Tobacco Use Prevention and Control, formerly held by Christopher Squier. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 15F.102, please accept this letter as the notice of deferment of the appointment to the Vision Iowa Board, formerly held by Charles Graf. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 15F.102, please accept this letter as the notice of deferment of the appointment to the Vision Iowa Board, formerly held by Terry Lutz. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 15F.102, please accept this letter as the notice of deferment of the appointment to the Vision Iowa Board, formerly held by David Odekirk. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 15F.102, please accept this letter as the notice of deferment of the appointment to the Vision Iowa Board, formerly held by Tammy Robinson. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 84A.1A, please accept this letter as the notice of deferment of the appointment to the Iowa Workforce Development Board, formerly held by Jerome Amos, Jr. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Sincerely,
TERRY E. BRANSTAD
Governor

APPOINTMENT AND WITHDRAWAL OF GOVERNOR'S APPOINTEES

The following letters from the Governor were received in the office of the Secretary of the Senate on March 1, 2011:

It is my pleasure to submit to the Senate for their consideration, the name of Paula Carroll from the city of Clive in Polk County, Iowa, for appointment as a member of the Board of Behavioral Science, pursuant to Iowa Code Section 147.14(1)(m), for a term beginning 05/01/2011 and term ending 04/30/2014.

I am withdrawing the name of Paula Carroll to serve as a Board of Behavioral Science member from further consideration by the Senate.

It is my pleasure to submit to the Senate for their consideration, the name of Matthew Alcazar from the city of Fort Dodge in Webster County, Iowa, for appointment as a member of the Commission of Veterans Affairs, pursuant to Iowa Code Section 35A.2, for a term beginning 05/01/2011 and term ending 04/30/2015.

I am withdrawing the name of Matthew Alcazar to serve as a Commission of Veterans Affairs board member from further consideration by the Senate.

Sincerely,
TERRY E. BRANSTAD
Governor

APPOINTMENT, WITHDRAWAL, AND DEFERRAL OF GOVERNOR'S APPOINTEES

The following letters from the Governor were received in the office of the Secretary of the Senate on March 01, 2011:

It is my pleasure to submit to the Senate for their consideration, the name of Robert Van Vooren from the city of Durant in Cedar County, Iowa, for appointment as a member of the Board of Barbering, pursuant to Iowa Code Section 147.14(1)(a), for a term beginning 05/01/2011 and term ending 04/30/2014.

I am withdrawing the name of Robert Van Vooren to serve as a Board of Barbering member from further consideration by the Senate.

Pursuant to Iowa Code section 147.14(1)(a), please accept this letter as the notice of deferment of the appointment to the Board of Barbering, formerly held by Robert Van Vooren. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

It is my pleasure to submit to the Senate for their consideration, the name of Thomas Putnam from the city of Boone in Boone County, Iowa, for appointment as a member of the Commission of Native American Affairs, pursuant to Iowa Code Section 216A.162, for a term beginning 05/01/2011 and term ending 04/30/2015. (position formerly held by George Leduc)

I am withdrawing the name of Thomas Putnam to serve as a Commission of Native American Affairs member from further consideration by the Senate.

Pursuant to Iowa Code section 216A.162, please accept this letter as the notice of deferment of the appointment to the Commission of Native American Affairs, formerly held by George Leduc. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Sincerely,
TERRY E. BRANSTAD
Governor

AMENDMENTS FILED

S-3047	H.F.	184	Education
S-3048	H.F.	185	Education
S-3049	S.F.	289	Pam Jochum
S-3050	S.F.	393	John P. Kibbie
S-3051	S.F.	399	Daryl Beall
S-3052	S.F.	240	Brian Schoenjahn
S-3053	S.F.	184	Brad Zaun
			Nancy J. Boettger
			Robert Bacon
			Sandra Greiner
			Mark Chelgren
			Kent Sorenson
			David Johnson
			Bill Dix
			Merlin Bartz
			Hubert Houser
			James A. Seymour
			Tim L. Kapucian
			Jerry Behn
			Paul McKinley
			Steve Kettering
			Bill Anderson
			Rick Bertrand
			Joni Ernst
			Shawn Hamerlinck
			James F. Hahn
			Randy Feenstra
			Jack Whitver
			Roby Smith

S-3054	S.F.	405	Joe Bolkom Robert Bacon
S-3055	S.F.	197	Bill Anderson
S-3056	S.F.	295	Jack Whitver
S-3057	S.F.	410	Mark Chelgren
S-3058	S.F.	295	David Johnson
S-3059	S.F.	197	Bill Anderson Jeff Danielson
S-3060	S.F.	410	Brad Zaun
S-3061	S.F.	410	Brad Zaun
S-3062	S.F.	458	Joe Bolkom Robert M. Hogg Matt McCoy Herman C. Quirnbach Jack Hatch Dick L. Dearden Robert E. Dvorsky
S-3063	S.F.	420	Nancy J. Boettger Brian Schoenjahn
S-3064	S.F.	474	Judiciary
S-3065	S.F.	475	Judiciary

JOURNAL OF THE SENATE

FIFTY-NINTH CALENDAR DAY
THIRTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 9, 2011

The Senate met in regular session at 9:04 a.m., President Kibbie presiding.

Prayer was offered by Pastor Albert Calaway of the First Assembly of God Church in Indianola, Iowa. He was the guest of Senator Sorenson.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Natasha Dutta.

The Journal of Tuesday, March 8, 2011, was approved.

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 March 8, 2011, **insisted** on its amendment (S-3041) to **Senate File 209**, a bill for an act relating to public funding and regulatory matters by making appropriations, providing for updated Code references to the Internal Revenue Code, increasing the state earned income tax credit, and including effective date and retroactive applicability provisions, and the Conference Committee members on the part of the House are: the Representative from Polk, Representative Raecker, Chair; the Representative from Polk, Representative Helland; the Representative from Johnson, Representative Jacoby; the Representative from Linn, Representative Tyler Olson; the Representative from Linn, Representative Wagner.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 209** on the part of the Senate: Senators Bolkcom, Chair; Jochum, Dvorsky, Kettering, and Zaun.

INTRODUCTION OF GOVERNOR'S APPOINTEES

The Secretary of the Senate introduced Teresa Wahlert, the governor's appointee to be the Director of Workforce Development. She was the guest of Senators Dotzler and Ward and the committee on Labor and Business Relations.

The Secretary of the Senate introduced Donna Harvey, the governor's appointee to be the Director of the Department on Aging. She was the guest of Senators Dotzler and Seymour and the committee on Human Resources.

BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate Files 433, 441, 446, and 481** be referred from the Regular Calendar to the committee on **Appropriations**; and that **Senate Files 448, 452, and 463** be referred from the Regular Calendar to the committee on **Ways and Means**.

The Senate stood at ease at 9:15 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:00 a.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Zaun, until he arrives, on request of Senator Behn.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

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

Stephanie Fawkes-Lee, Criminal and Juvenile Justice Planning Advisory Council

Barbara Faber, Commission of Persons with Disabilities

Michael Knedler, State Board of Education

Adam Feiges, Iowa Great Places Board

Mary Junge, Iowa Lottery Authority Board of Directors

James Felker, Board of Parole

Doris Kelley, Board of Parole

W. Thomas Phillips, Board of Parole

Charles McCullough, State Soil Conservation Committee

Willard Wallace, Commission of Veterans Affairs

Francis Giunta II, Iowa Workforce Development Board

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

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

Yeas, 49:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver

Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, 1:

Zaun

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

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:07 a.m. until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:35 p.m., President Kibbie presiding.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 458** be referred from the Regular Calendar to the committee on **Ways and Means**.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 434.

Senate File 434

On motion of Senator Wilhelm, **Senate File 434**, a bill for an act relating to property taxes and fees by modifying provisions relating to receipts for the payment of property taxes and provisions relating to delinquent rates and charges and by specifying certain dates for notices and delinquency, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 434), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

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

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 7, 2011, **passed** the following bills in which the concurrence of the Senate is asked:

House File 242, a bill for an act relating to gubernatorial appointments made to a district judicial nominating commission.

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

House File 348, a bill for an act providing for voting methods which may be utilized by members of cooperative associations.

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

House File 404, a bill for an act relating to payments for prepaid cemetery and funeral merchandise, and funeral services that are required to be placed in trust or secured by a surety bond.

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

House File 465, a bill for an act relating to the enforcement of weight limitations for vehicles with retractable axles.

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

House File 468, a bill for an act relating to preferred stock issued by cooperative associations.

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

House File 474, a bill for an act to designate August 7 of each year as Purple Heart Day.

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

House File 494, a bill for an act relating to visitation or interaction with siblings by children participating in the subsidized guardianship program administered by the department of human services and including effective date provisions.

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

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 429, 427, and 418.

Senate File 429

On motion of Senator Black, **Senate File 429**, a bill for an act placing the agricultural development authority within the department of agriculture and land stewardship, was taken up for consideration.

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

On the question “Shall the bill pass?” (S.F. 429), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

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

Senate File 427

On motion of Senator Jochum, **Senate File 427**, a bill for an act allowing qualified organizations to lease certain electronic bingo equipment in order to assist disabled participants, was taken up for consideration.

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

On the question “Shall the bill pass?” (S.F. 427), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour

Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

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

Senate File 418

On motion of Senator Anderson, **Senate File 418**, a bill for an act relating to disclosure of specified information in connection with new motor vehicle repairs, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 418), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 418, 427, 429, and 434** be **immediately messaged** to the House.

UNFINISHED BUSINESS
(Deferred March 8, 2011)**Senate File 407**

The Senate resumed consideration of **Senate File 407**, a bill for an act delegating to counties the permitting and enforcement powers of the department of natural resources in relation to the construction of semipublic sewage disposal systems and authorizing penalties, deferred March 8, 2011.

Senator Kettering asked and received unanimous consent that action on **Senate File 407** be **deferred**.

Senate File 405

The Senate resumed consideration of **Senate File 405**, a bill for an act relating to the use of bisphenol A in certain products, providing penalties, and including effective date provisions, deferred March 8, 2011.

The Chair ruled amendment S-3067, filed by Senator Hamerlinck from the floor to page 1 of amendment S-3054, out of order.

Senator Hamerlinck offered amendment S-3068, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-3068 was adopted by a voice vote.

Senator Hamerlinck offered amendment S-3076, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-3076 was adopted by a voice vote.

Senator Bolkcom offered amendment S-3071, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-3071 was adopted by a voice vote.

Senator Chelgren offered amendment S-3073, filed by him from the floor to page 1 of the bill.

Senator Chelgren called for the following division of amendment S-3073:

Division S-3073A: Page 1, line 2; and

Division S-3073B: Page 1, lines 2-5.

Senator Chelgren moved the adoption of division S-3073A.

Division S-3073A lost by a voice vote.

Senator Chelgren moved the adoption of division S-3073B.

Division S-3073B was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 405), the vote was:

Yeas, 48:

Anderson	Dandekar	Hamerlinck	Ragan
Bacon	Danielson	Hatch	Rielly
Bartz	Dearden	Hogg	Schoenjahn
Beall	Dix	Horn	Seng
Behn	Dotzler	Houser	Seymour
Bertrand	Dvorsky	Jochum	Smith
Black	Ernst	Kapucian	Sodders
Boettger	Feenstra	Kettering	Sorenson
Bolkcom	Fraise	Kibbie	Ward

Bowman	Greiner	McCoy	Whitver
Chelgren	Gronstal	McKinley	Wilhelm
Courtney	Hahn	Quirnbach	Zaun

Nays, 2:

Hancock Johnson

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 405** be **immediately messaged** to the House.

The Senate stood at ease at 2:45 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:52 p.m., President Pro Tempore Danielson presiding.

UNFINISHED BUSINESS (Deferred March 8, 2011)

Senate File 401

The Senate resumed consideration of **Senate File 401**, a bill for an act relating to the penalty for the unlawful practice of dentistry, deferred March 8, 2011.

Senator Dvorsky offered amendment S-3072, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-3072 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 401), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 401** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 428 and 194.

Senate File 428

On motion of Senator Kibbie, **Senate File 428**, a bill for an act relating to drainage districts, by providing for the assessment of benefits by state agencies, and including effective date provisions, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 428), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

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

Senate File 194

On motion of Senator Kibbie, **Senate File 194**, a bill for an act relating to the Iowa military code and military service by making changes related to the use and support of certain facilities, operations support, employment and rank of active and retired military personnel, the definition of performing military duty, tort claims protections, and including effective date provisions, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 194), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour

Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 194** and **428** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 8, 2011, **passed** the following bills in which the concurrence of the Senate is asked:

House File 186, a bill for an act adding hallucinogenic substances to the list of schedule I controlled substances, providing penalties, and including an effective date provision.

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

House File 212, a bill for an act relating to school district dress code policies and including effective date provisions.

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

House File 254, a bill for an act relating to the Iowa communications network by removing waiver provisions applicable to utilization of the network.

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

House File 268, a bill for an act relating to the issuance of special senior deer hunting licenses.

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

House File 535, a bill for an act creating an Iowa preschool scholarship program for four-year-old children, repealing the statewide preschool program for four-year-old children, and including effective date and applicability provisions.

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

ALSO: That the House has on March 9, 2011, **passed** the following bills in which the concurrence of the Senate is asked:

House File 321, a bill for an act modifying the duties of a county attorney relating to schools and to the extradition of criminal defendants and securing of certain witnesses.

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

House File 324, a bill for an act relating to the implementation of federal statute, regulation, or policy by state administrative agencies.

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

House File 389, a bill for an act relating to investigative costs of the Medicaid fraud control unit.

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

House File 405, a bill for an act relating to records requirements applicable to state banks and state credit unions, and causes of action and duties in relation thereto.

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

House File 406, a bill for an act concerning the types of motor vehicle speeding violations to be considered for purposes related to driver's license sanctions and motor vehicle insurance policies and including applicability provisions.

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

House File 453, a bill for an act relating to the regulation of egg production, and including effective date provisions.

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

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 3:12 p.m. until 9:00 a.m., Thursday, March 10, 2011.

APPENDIX

PRESENTATION OF VISITORS

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

Seniors from Spirit Lake High School, accompanied by teacher Roland Schmidt. Senator Johnson.

CERTIFICATES OF RECOGNITION

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

James Carlson, Jr., Fort Dodge—For celebrating his 100th birthday. Senator Beall (3/9/11).

Allan Glandon—For receiving the IDEA Award (Innovation, Determination, and Excellence in Action). Senator Rielly (3/9/11).

Al Hiland and Zach Simonson, University of Northern Iowa—For qualifying for the 2011 National Debate Tournament. Senator Dvorsky (3/9/11).

Ted and Sue Jessen, Anita—For celebrating their 50th wedding anniversary. Senator Boettger (3/9/11).

Mason City High School Girls' Basketball Team—For their state basketball qualification. Senator Ragan (3/9/11).

Mr. and Mrs. Clarence Swartz, Orient—For celebrating their 65th wedding anniversary. Senator Boettger (3/9/11).

Darold and Elaine Tessman, Audubon—For celebrating their 50th wedding anniversary. Senator Boettger (3/9/11).

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: Wednesday, March 9, 2011, 1:00 p.m.

Members Present: Quirnbach, Chair; Schoenjahn, Vice Chair; Beall, Boettger, Bowman, Hogg, Johnson, Smith, and Sodders.

Members Absent: Hamerlinck, Ranking Member; Dvorsky, Feenstra, and Wilhelm (all excused).

Committee Business: Presentations by educators.

Adjourned: 1:30 p.m.

RULES AND ADMINISTRATION

Convened: Wednesday, March 9, 2011, 3:10 p.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; McKinley, Ranking Member; Bartz, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun.

Members Absent: None.

Committee Business: Considered SR 6 and SCR 9.

Adjourned: 3:15 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Wednesday, March 9, 2011, 10:00 a.m.

Members Present: Black, Chair; Dearden, Vice Chair; Houser, Ranking Member; Hahn and Wilhelm.

Members Absent: None.

Committee Business: Discussed budget.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Wednesday, March 9, 2011, 10:05 a.m.

Members Present: Schoenjahn, Chair; Dix, Ranking Member; Hamerlinck and Horn.

Members Absent: Quirnbach, Vice Chair (excused).

Committee Business: Discussed budget spreadsheet.

Adjourned: 10:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Wednesday, March 9, 2011, 10:00 a.m.

Members Present: Hancock, Chair; Hogg, Vice Chair; Seymour, Ranking Member; Fraise and Smith.

Members Absent: None.

Committee Business: Discussed judicial branch and justice system appropriations bills.

Adjourned: 11:00 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 6, by Boettger and Bowman, a resolution to recognize March 2011 as Iowa Women's History Month.

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

Senate Resolution 7, by Bartz, Johnson, Kettering, Hahn, Soddors, Behn, Ragan, Hamerlinck, Bacon, Kibbie, Gronstal, Schoenjahn, Rielly, Kapucian, Boettger, Feenstra, Beall, Chelgren, Hancock, Wilhelm, Seymour, Dandekar, McKinley, Ernst, Fraise, and Sorenson, a resolution urging the nullification of rules adopted by the United States Environmental Protection Agency relating to national emissions standards for hazardous air pollutants for reciprocating internal combustion engines.

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

INTRODUCTION OF BILLS

Senate File 499, by committee on Veterans Affairs, a bill for an act prohibiting certain disability payments related to military service from being used as offsets within the Iowa public employees' retirement system.

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

Senate File 500, by committee on Agriculture, a bill for an act relating to environmental protection, by transferring certain powers and duties to the department of agriculture and land stewardship, providing an appropriation, and including effective date provisions.

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

Senate File 501, by Feenstra, a bill for an act relating to taxation by modifying provisions relating to the percentage of actual value at which certain classifications of property are assessed for property tax purposes, establishing tax credits for certain commercial property taxes paid, and including applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

STUDY BILLS RECEIVED

SSB 1189 Ways and Means

Providing for the exclusion of costs associated with installation of a geothermal heating or cooling system from a residence's property value for purposes of property taxation and including applicability provisions.

SSB 1190 Ways and Means

Relating to local government funding by authorizing cities and counties to impose a local public safety fee on the rental of certain lodging, authorizing the establishment of public safety districts, modifying certain city and township property tax levy rates, and including applicability provisions.

SSB 1191 Ways and Means

Modifying provisions relating to the property tax exemption for property owned by certain municipalities and the Iowa national guard and including applicability provisions.

SUBCOMMITTEE ASSIGNMENTS

Senate File 247 (Reassigned)

EDUCATION: Sodders, Chair; Bowman and Feenstra

Senate File 448

WAYS AND MEANS: Jochum, Chair; Bartz and McCoy

Senate File 452

WAYS AND MEANS: Quirmbach, Chair; Anderson and Bolkcom

Senate File 463

WAYS AND MEANS: Hogg, Chair; Bolkcom and Smith

Senate File 498

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Hatch and Ward

Senate File 501

WAYS AND MEANS: Jochum, Chair; Feenstra and Quirmbach

House File 184 (Reassigned)

EDUCATION: Sodders, Chair; Hamerlinck and Schoenjahn

House File 185 (Reassigned)

EDUCATION: Wilhelm, Chair; Beall and Hamerlinck

SSB 1189

WAYS AND MEANS: Quirmbach, Chair; Bartz and Hogg

SSB 1190

WAYS AND MEANS: Jochum, Chair; Feenstra and Quirmbach

SSB 1191

WAYS AND MEANS: Quirmbach, Chair; Black and Chelgren

FINAL COMMITTEE REPORTS OF BILL ACTION**AGRICULTURE**

Bill Title: *SENATE FILE 500 (SSB 1126), a bill for an act relating to environmental protection, by transferring certain powers and duties to the department of agriculture and land stewardship, providing an appropriation, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Seng, Fraise, Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, Kibbie, and Rielly. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Agriculture Committee on Senate File 500, and they were attached to the committee report.

APPROPRIATIONS

Bill Title: SENATE FILE 301 (formerly SF 161), a bill for an act relating to economic development by making changes to the administration of the save our small businesses fund and program and including effective date provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-3104 (amendment filed on 3/14/11).

Final Vote: Ayes, 12: Dvorsky, McCoy, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 8: Kettering, Bartz, Boettger, Dix, Houser, Johnson, Kapucian, and Seymour. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 328 (formerly SF 202), a bill for an act relating to education and employment training by establishing the pathways for academic career and employment program and fund and the gap tuition assistance program and fund and making an appropriation.

Recommendation: DO PASS.

Final Vote: Ayes, 18: Dvorsky, McCoy, Kettering, Bartz, Boettger, Bolkom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Houser, Jochum, Kapucian, Ragan, Schoenjahn, and Seymour. Nays, 2: Dix and Johnson. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 6, a resolution to recognize March 2011 as Iowa Women's History Month.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, McKinley, Bartz, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE CONCURRENT RESOLUTION 9, a concurrent resolution urging the United States to modernize the Toxic Substances Control Act of 1976.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Gronstal, Kibbie, Courtney, Danielson, Dearden, Dvorsky, and Ragan. Nays, 4: McKinley, Bartz, Kettering, and Zaun. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

VETERANS AFFAIRS

Bill Title: SENATE FILE 499 (formerly SF 309), a bill for an act prohibiting certain disability payments related to military service from being used as offsets within the Iowa public employees' retirement system.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Beall, Danielson, Seymour, Bacon, Black, Ernst, Greiner, Horn, Kibbie, Ragan, and Soddors. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on March 9, 2011, to investigate the appointment and reappointment of the following appointees:

AGRICULTURE

As Executive Director of the Agricultural Development Authority:

JEFFREY WARD – Fraise, Chair; Hancock and Johnson

As members of the Iowa Grain Indemnity Fund Board:

LORI GOETZINGER – Fraise, Chair; Hancock and Johnson

SHARON SMITH – Fraise, Chair; Hancock and Johnson

As members of the State Soil Conservation Committee:

DALE FARNHAM – Fraise, Chair; Hancock and Johnson

CHARLES MCCULLOUGH – Fraise, Chair; Hancock and Johnson

HAROLD WHIPPLE – Fraise, Chair; Hancock and Johnson

COMMERCE

As Consumer Advocate:

MARK SCHULING – Bolkcom, Chair; Wilhelm and Zaun

As a member of the Credit Union Review Board:

JANET PEPPER – McCoy, Chair; Courtney and Ward

As Superintendent of Credit Unions:

JOANN JOHNSON – Beall, Chair; Wilhelm and Anderson

As members of the Iowa Telecommunications and Technology Commission:

RICHARD BRUNER – Seng, Chair; Dandekar and Feenstra

SHANNON COFIELD – McCoy, Chair; Seng and Ward

TIMOTHY LAPOINTE – Beall, Chair; Rielly and Feenstra

As members of the Title Guaranty Division Board:

KIMBERLY DOWNING-MANNING – Courtney, Chair; Dandekar and Ward

CHARLES WINKLEBLACK – Wilhelm, Chair; Beall and Behn

As Chair of Utilities Board:

LIBBY JACOBS – Courtney, Chair; McCoy and Ward

As a member of the Utilities Board:

LIBBY JACOBS – Courtney, Chair; McCoy and Ward

ECONOMIC GROWTH/REBUILD IOWA

As members of the Iowa Finance Authority:

DAVID GREENSPON – Wilhelm, Chair; Bertrand and Horn

MICHEL NELSON – Wilhelm, Chair; Bertrand and Horn

ERIC PETERSON – Wilhelm, Chair; Bertrand and Horn

RUTH RANDLEMAN – Wilhelm, Chair; Bertrand and Horn

EDUCATION

As members of the Iowa Autism Council:

JEFF GITCHEL – Beall, Chair; Sodders and Smith

RACHEL HEISS – Beall, Chair; Sodders and Smith

ROBIN SAMPSON – Beall, Chair; Sodders and Smith

DANIELLE SHARPE – Beall, Chair; Sodders and Smith

JAN TURBES – Beall, Chair; Sodders and Smith

As members of the Early Childhood Iowa State Board:

MIKEAL CASS – Wilhelm, Chair; Hogg and Boettger

JAMES CHRISTENSEN – Wilhelm, Chair; Hogg and Boettger

DONALD DOUDNA – Wilhelm, Chair; Hogg and Boettger

JEAN STADTLANDER – Wilhelm, Chair; Hogg and Boettger

As a member of the State Board of Education:

ERIC GORANSON – Schoenjahn, Chair; Wilhelm and Hamerlinck

As members of the Board of Educational Examiners

LARRY HILL – Bowman, Chair; Schoenjahn and Johnson

MERLE JOHNSON – Bowman, Chair; Schoenjahn and Johnson

MARIANNE MICKELSON – Bowman, Chair; Schoenjahn and Johnson

As a member of the Iowa Higher Education Loan Authority:

GARY STEINKE – Quirnbach, Chair; Hogg and Hamerlinck

As members of the State Board of Regents:

NICOLE CARROLL – Quirnbach, Chair; Dvorsky and Johnson

KATHLEEN MULHOLLAND – Quirnbach, Chair; Dvorsky and Johnson

BRUCE RASTETTER – Quirnbach, Chair; Dvorsky and Johnson

As members of the School Budget Review Committee:

GINA PRIMMER – Dvorsky, Chair; Schoenjahn and Johnson
BRIAN THILGES – Dvorsky, Chair; Schoenjahn and Johnson

HUMAN RESOURCES

As members of the Commission on Aging:

BETTY GRANDQUIST – Dotzler, Chair; Dvorsky and Seymour
FRED SCHUSTER – Dotzler, Chair; Dvorsky and Seymour

As members of the Board of Athletic Training:

PAMELA DAVIS – Seymour, Chair; Dotzler and Dvorsky
MELODY HIGGINS – Whitver, Chair; Dvorsky and Dotzler
WILLIAM JACOBSON – Whitver, Chair; Jochum and Quirmbach
CHRISTINA TAYLOR – Whitver, Chair; Jochum and Quirmbach

As members of the Board of Behavioral Science:

DANIEL HARKNESS – Quirmbach, Chair; Jochum and Bacon
VICKIE MIENE – Quirmbach, Chair; Jochum and Johnson
SARAH THOMAS – Johnson, Chair; Bolkcom and Wilhelm
SHERILL WHISENAND – Johnson, Chair; Bolkcom and Wilhelm

As a member of the Child Advocacy Board:

BRUCE JOHNSON – Bolkcom, Chair; Wilhelm and Whitver

As members of the Prevention of Disabilities Policy Council:

JOAN BRUHN – Johnson, Chair; Wilhelm and Bolkcom
RANDY HORN – Hatch, Chair; Dotzler and Johnson

As members of the Health Facilities Council:

VERGENE DONOVAN – Hatch, Chair; Bacon and Dotzler
ROBERT LUNDIN – Bacon, Chair; Bolkcom and Ragan
WILLIAM THATCHER – Bolkcom, Chair; Ragan and Whitver

As members of the Healthy and Well Kids in Iowa (HAWK-I) Board:

KATHY PEARSON – Hatch, Chair; Dotzler and Boettger
BOB SKOW – Dotzler, Chair; Hatch and Whitver

As members of the Council on Human Services:

MARK ANDERSON – Bacon, Chair; Hatch and Ragan
MARK PELTAN – Ragan, Chair; Hatch and Whitver
SALLY STUTSMAN – Bacon, Chair; Hatch and Wilhelm

As a member of the Commission of Latino Affairs:

REBECCA JACKSON – Wilhelm, Chair; Bolkcom and Whitver

As members of the Mental Health and Disability Services Commission:

LYNN GROBE – Wilhelm, Chair; Bolkcom and Boettger
 CHRIS HOFFMAN – Boettger, Chair; Hatch and Wilhelm
 DAVID HUDSON – Boettger, Chair; Jochum and Quirnbach
 SUSAN KOCH-SEEHASE – Boettger, Chair; Jochum and Quirnbach
 GARY LIPPE – Quirnbach, Chair; Jochum and Boettger
 ZVIA MCCORMICK – Jochum, Chair; Quirnbach and Seymour
 JOHN WILLEY – Dvorsky, Chair; Seymour and Ragan

As members of the Board of Sign Language Interpreters and Translitterators:

CINDY CRAWFORD – Dvorsky, Chair; Ragan and Seymour
 STEPHANIE LYONS – Ragan, Chair; Dvorsky and Seymour
 BRENT WELSCH – Dvorsky, Chair; Ragan and Seymour

JUDICIARY

As members of the Iowa State Civil Rights Commission:

DAVID CHUNG – Hogg, Chair; Horn and Dix
 RANDY MOORE – Jochum, Chair; Quirnbach and Sorenson
 MARY ANN SPICER – Jochum, Chair; Quirnbach and Sorenson
 ANGELA WILLIAMS – Jochum, Chair; Quirnbach and Sorenson

As Director of the Department of Corrections:

JOHN BALDWIN – Fraise, Chair; Hancock and Boettger

As members of the Board of Corrections:

JOHN CHALSTROM – Fraise, Chair; Hancock and Boettger
 MICHAEL COLEMAN – Fraise, Chair; Hancock and Boettger
 CHARLES LARSON, SR. – Hogg, Chair; Horn and Dix
 NANCY TURNER – Fraise, Chair; Hancock and Boettger

As members of the Iowa Drug Policy Advisory Council:

WARREN HUNSBERGER – Quirnbach, Chair; Dvorsky and Ward
 JANE LARKIN – Quirnbach, Chair; Dvorsky and Ward

As members of the State Judicial Nominating Commission:

WILLIAM GUSTOFF – Hogg, Chair; Dvorsky and Whitver
 HELEN SINCLAIR – Hogg, Chair; Hancock and Whitver

As a member of the Commission on Judicial Qualifications:

DUANE COTTINGHAM – Hogg, Chair; Hancock and Whitver

As a member of the Iowa Law Enforcement Academy Council:

FRANCIS DONCHEZ – Sodders, Chair; Hancock and Ward

LABOR AND BUSINESS RELATIONS

As Labor Commissioner:

MICHAEL MAURO – Jochum, Chair; Horn and Ward

As members of the Plumbing and Mechanical Systems Examining Board:

JIM COOPER – Courtney, Chair; Dearden and Chelgren

RONALD MASTERS – Courtney, Chair; Dearden and Chelgren

JENNY PITTS – Courtney, Chair; Dearden and Chelgren

As members of the Iowa Workforce Development Board:

ROBERT GILMORE – Dotzler, Chair; Hatch and Anderson

RITA GRIMM – Dotzler, Chair; Hatch and Anderson

LOCAL GOVERNMENT

As members of the County Finance Committee:

RICHARD HEIDLOFF – Bowman, Chair; Schoenjahn and Hamerlinck

JANE HEUN – Ernst, Chair; Beall and Bowman

GRANT VEEDER – Ernst, Chair; Beall and Rielly

As members of the Mental Health Risk Pool Board:

TERESA KANNING – Bacon, Chair; Rielly and Wilhelm

PEGGY RICE – Ernst, Chair; Beall and Rielly

SHANE WALTER – Bowman, Chair; Beall and Bacon

As Chair of the Property Assessment Appeal Board:

RICHARD STRADLEY – Hamerlinck, Chair; Wilhelm and Schoenjahn

As a member of the Property Assessment Appeal Board:

RICHARD STRADLEY – Beall, Chair; Bacon and Quirmbach

NATURAL RESOURCES AND ENVIRONMENT

As members of the Environmental Protection Commission:

MARY BOOTE – Black, Chair; Bolkcom and Hahn

DOLORES MERTZ – Black, Chair; Bolkom and Hahn
 BRENT RASTETTER – Black, Chair; Bolkom and Hahn
 EUGENE VER STEEG – Black, Chair; Bolkom and Hahn

As members of the Natural Resource Commission:

CONRAD CLEMENT – Dearden, Chair; Hamerlinck and Ragan
 SALLY PRICKETT – Dearden, Chair; Hamerlinck and Ragan
 MARGO UNDERWOOD – Dearden, Chair; Hamerlinck and Ragan

As members of the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board:

KAREN ANDEWEG – Seng, Chair; Schoenjahn and Sorenson
 DAWN CARLSON – Seng, Chair; Schoenjahn and Sorenson

As members of the Renewable Fuel Infrastructure Board:

JILL REAMS-WIDDER – Hogg, Chair; Bolkom and Behn
 ERIC SEUREN – Hogg, Chair; Bolkom and Behn
 KEITH SEXTON – Hogg, Chair; Bolkom and Behn

STATE GOVERNMENT

As members of the Accountancy Examining Board:

SHELLEY LARACUENTE – Danielson, Chair; Horn and Smith
 ROBERT W. WILLIAMS – Danielson, Chair; Horn and Smith

As a member of the Alcoholic Beverages Commission:

RICHARD HUNSAKER – Soddors, Chair; Hatch and Smith

As members of the Architectural Examining Board:

TERRY ALLERS – Hatch, Chair; Courtney and Smith
 THOMAS CLAUSE – Hatch, Chair; Courtney and Smith
 SUE JARBOE – Hatch, Chair; Courtney and Smith

As a member of the Board of Barbering:

DENNIS RAFDAL – Dearden, Chair; Hatch and Smith

As a member of the Commission for the Blind:

PEGGY ELLIOT – Jochum, Chair; Soddors and Smith

As members of the Boiler and Pressure Vessel Board:

SUSAN OLTROGGE – Fraise, Chair; Horn and Smith
 KEITH TAEGER – Fraise, Chair; Horn and Smith

As members of the Board of Chiropractic:

DAVID GEHLING – Horn, Chair; Fraise and Smith
NANCY KAHLE – Horn, Chair; Fraise and Smith
JULIE MUELLER – Horn, Chair; Fraise and Smith

As members of the Commission on Community Action Agencies:

PATTI BROWN – Jochum, Chair; Sodders and Bertrand
TOM QUINER – Jochum, Chair; Sodders and Bertrand

As members of the Board of Cosmetology Arts and Sciences:

DANA ATKINS – Sodders, Chair; Hatch and Bertrand
MARY CLAUSEN – Sodders, Chair; Hatch and Bertrand
RICHARD MOSLEY – Sodders, Chair; Hatch and Bertrand
NICOLE SCHULTZ – Sodders, Chair; Hatch and Bertrand
KIMBERLY SETZER – Sodders, Chair; Hatch and Bertrand

As members of the Board of Trustees of the Iowa Cultural Trust:

MARY ELLEN KIMBALL – Sodders, Chair; Hatch and Bertrand
CONNIE SCHMETT – Sodders, Chair; Hatch and Bertrand
CHAD UMLAND – Sodders, Chair; Hatch and Bertrand

As members of the Commission of Deaf Services:

NATHANIEL GARRELS – Jochum, Chair; Dearden and Bertrand
TINA KASTENDIECK – Jochum, Chair; Dearden and Sorenson
JENNIFER KEATON – Jochum, Chair; Dearden and Sorenson

As members of the Board of Dentistry:

STEVEN FULLER – Danielson, Chair; Courtney and Sorenson
MARY KELLY GRIEF – Danielson, Chair; Courtney and Sorenson
DIANE MEIER – Danielson, Chair; Courtney and Sorenson

As members of the Board of Dietetics:

DANIEL DEUTSCHMAN – Kibbie, Chair; Courtney and Sorenson
BRIDGET DRAPEAUX – Kibbie, Chair; Courtney and Sorenson
STACEY LOFTUS – Kibbie, Chair; Courtney and Sorenson

As members of the Electrical Examining Board:

VALYNDA AKIN – Danielson, Chair; Horn and Sorenson
RITCHIE KURTENBACH – Danielson, Chair; Horn and Sorenson
CHAD LAYLAND – Danielson, Chair; Horn and Sorenson
LORI MEASE – Danielson, Chair; Horn and Sorenson
BARBARA MENTZER – Danielson, Chair; Horn and Sorenson
KAY PENCE – Danielson, Chair; Horn and Sorenson

RAYMOND REYNOLDS – Danielson, Chair; Horn and Sorenson
 RANDY VANVOORST – Danielson, Chair; Horn and Sorenson

As a member of the Elevator Safety Board:

CANDACE BIDDLE – Kibbie, Chair; Dearden and Sorenson

As members of the Engineering and Land Surveying Examining Board:

JUDY DAVIDSON – Courtney, Chair; Fraise and Sorenson
 JERRY SHELLBERG – Courtney, Chair; Fraise and Sorenson
 MARLON VOGT – Courtney, Chair; Fraise and Sorenson

As members of the Iowa Ethics and Campaign Disclosure Board:

JONATHAN ROOS – Danielson, Chair; Jochum and Sorenson
 MARY RUETER – Danielson, Chair; Jochum and Sorenson

As members of the Board of Hearing Aid Dispensers:

CATHERINE DANGELSER – Dearden, Chair; Hatch and Sorenson
 JON MCAVOY – Dearden, Chair; Hatch and Sorenson

As members of the Interior Design Examining Board:

KATHERINE ERION – Hatch, Chair; Fraise and Behn
 DOROTHY FOWLES – Hatch, Chair; Fraise and Behn

As members of the Investment Board of the IPERS:

MARLENE SPROUSE – Danielson, Chair; Kibbie and Behn
 LISA STANGE – Danielson, Chair; Kibbie and Behn

As members of the Landscape Architectural Examining Board:

LAURA HAWKS – Courtney, Chair; Dearden and Behn
 CATHERINE HUGGINS – Courtney, Chair; Dearden and Behn
 MARK RIPPLINGER – Courtney, Chair; Dearden and Behn

As members of the Iowa Lottery Authority Board of Directors:

DEBORAH BURNIGHT – Kibbie, Chair; Horn and Behn
 HERMAN RICHTER – Kibbie, Chair; Horn and Behn

As members of the Board of Massage Therapy:

WILLIAM (BILL) CAMERON – Sodders, Chair; Horn and Behn
 LARRY DALLENBACH – Sodders, Chair; Horn and Behn
 ADAM SCHWEERS – Sodders, Chair; Horn and Behn

As members of the Board of Medicine:

DIANE CLARK – Hatch, Chair; Fraise and Behn
GREG HOVERSTEN – Hatch, Chair; Fraise and Behn
HAMED TEWFIK – Hatch, Chair; Fraise and Behn

As members of the Board of Mortuary Science:

REBECCA ERVIN – Courtney, Chair; Dearden and Behn
THOMAS LANGE – Courtney, Chair; Dearden and Behn
MARTIN MITCHELL – Courtney, Chair; Dearden and Behn

As members of the Commission of Native American Affairs:

TIFFANY LEWIS – Soddors, Chair; Danielson and Behn
FRANKLIN PHILLIPS – Soddors, Chair; Danielson and Behn
MARLA RAMAEKERS – Soddors, Chair; Danielson and Behn
JUDY YELLOWBANK – Soddors, Chair; Danielson and Behn

As members of the Board of Nursing:

JENNIFER NEELEY – Hatch, Chair; Courtney and Feenstra
LEROY STROHMAN – Hatch, Chair; Courtney and Feenstra
GWEN SUNTKEN – Hatch, Chair; Courtney and Feenstra

As members of the Board of Nursing Home Administrators:

DANIEL BOOR – Jochum, Chair; Kibbie and Behn
MAUREEN CAHILL – Jochum, Chair; Kibbie and Behn
SHANE GAUKEL – Jochum, Chair; Kibbie and Feenstra

As members of the Board of Optometry:

SCOTT IHRKE – Fraise, Chair; Horn and Feenstra
MICHAEL PORTZ – Fraise, Chair; Horn and Feenstra
CAROLYN WARKENTIN – Fraise, Chair; Horn and Feenstra

As members of the Board of Pharmacy:

LaDONNA GRATIAS – Danielson, Chair; Kibbie and Feenstra
EDWARD MAIER – Danielson, Chair; Kibbie and Feenstra
JAMES MILLER – Danielson, Chair; Kibbie and Feenstra

As members of the Board of Physical and Occupational Therapy:

MORRIS BLANKESPOOR – Soddors, Chair; Horn and Feenstra
BRADLEY EARP – Soddors, Chair; Horn and Feenstra
JACLYN FLEMING – Soddors, Chair; Horn and Feenstra
JENIFER FURNESS – Soddors, Chair; Horn and Feenstra

As members of the Board of Physician Assistants:

JON AHRENSEN – Kibbie, Chair; Courtney and Feenstra
GARY NYSTROM – Kibbie, Chair; Courtney and Feenstra

As members of the Board of Podiatry:

JOHN BENNETT – Kibbie, Chair; Jochum and Feenstra
GERALD EDGAR – Kibbie, Chair; Jochum and Feenstra

As members of the Board of Psychology:

SARAH HENDERSON – Horn, Chair; Sodders and Feenstra
RALPH SCOTT – Horn, Chair; Sodders and Feenstra
HEIDI VERMEER-QUIST – Horn, Chair; Sodders and Feenstra

As members of the State Racing and Gaming Commission:

CARL HEINRICH – Danielson, Chair; Jochum and Feenstra
JEFFREY LAMBERTI – Danielson, Chair; Jochum and Feenstra

As members of the Real Estate Appraiser Examining Board:

GENE NELSEN – Courtney, Chair; Jochum and Feenstra
JOAN SCOTTER – Courtney, Chair; Jochum and Feenstra
CARYL SWAIM – Courtney, Chair; Jochum and Feenstra

As members of the Real Estate Commission:

ROBERT BROOMFIELD – Fraise, Chair; Dearden and Dix
GAIL FLAGEL – Fraise, Chair; Dearden and Dix
SUSAN SANDERS – Fraise, Chair; Dearden and Dix
MICHAEL TELFORD – Fraise, Chair; Dearden and Dix

As members of the Board of Respiratory Care:

AKSHAY MAHADEVIA – Courtney, Chair; Horn and Dix
MARY TYRREL – Courtney, Chair; Horn and Dix

As members of the Board of Social Work:

MARK HUDSON – Dearden, Chair; Kibbie and Dix
DAVID STONE – Dearden, Chair; Kibbie and Dix

As members of the Board of Speech Pathology and Audiology:

CHRISTINE DONNER-TIERNAN – Jochum, Chair; Fraise and Dix
ALISON LEMKE – Jochum, Chair; Fraise and Dix
DENISE RENAUD – Jochum, Chair; Fraise and Dix

As members of the Iowa Board of Veterinary Medicine:

BETTY GUSTAFSON – Kibbie, Chair; Fraise and Dix
 JAMES KENYON – Kibbie, Chair; Fraise and Dix
 KELLI MADSON – Kibbie, Chair; Fraise and Dix

As a member of the Commission on the Status of Women:

ELIZABETH COONAN – Jochum, Chair; Danielson and Dix

TRANSPORTATION

As members of the State Transportation Commission:

DAVID ROSE – Bowman, Chair; Beall and Kapucian
 CHARESE YANNEY – Beall, Chair; Bowman and Kapucian

VETERANS AFFAIRS

As members of the Commission of Veterans Affairs:

DAN GANNON – Seymour, Chair; Sodders and Beall
 KATHLEEN MYERS – Horn, Chair; Danielson and Ernst
 LARRY SPENCER – Black, Chair; Greiner and Ragan

WAYS AND MEANS

As a member of the State Board of Tax Review:

JEFFREY ELGIN – Dandekar, Chair; Hogg and Smith

AMENDMENTS FILED

S-3066	S.F.	467	Herman C. Quirmbach
S-3067	S.F.	405	Shawn Hamerlinck
S-3068	S.F.	405	Shawn Hamerlinck
S-3069	S.F.	431	Pam Jochum
S-3070	S.F.	240	Brian Schoenjahn
S-3071	S.F.	405	Joe Bolkcom
S-3072	S.F.	401	Robert E. Dvorsky
S-3073	S.F.	405	Mark Chelgren
S-3074	S.F.	364	Steven J. Sodders
S-3075	S.F.	410	Mark Chelgren
S-3076	S.F.	405	Shawn Hamerlinck
S-3077	S.F.	326	Robert M. Hogg

S-3078	S.F.	410	Tod R. Bowman
S-3079	S.F.	409	Dick L. Dearden

JOURNAL OF THE SENATE

SIXTIETH CALENDAR DAY
THIRTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 10, 2011

The Senate met in regular session at 9:02 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Robert Bacon, member of the Senate from Story County, Maxwell, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Natasha Dutta.

The Journal of Wednesday, March 9, 2011, was approved.

SPECIAL GUESTS

In celebration of Women's History Month, Senators Bowman and Boettger welcomed student winners of the 27th Annual "Write Women Back Into History" Essay Contest to the Senate chamber.

The contest is sponsored by the Iowa Commission on the Status of Women, the Iowa Department of Education, and the State Historical Society of Iowa.

Sixth and Seventh Grades:

First Place: Jessica Heims of Prairie Creek Intermediate School in Cedar Rapids

Second Place: Gracie Harmeyer of North Polk Central Elementary in Alleman

Third Place: Gabriella Baker of North Polk Middle School in Alleman

Eighth and Ninth Grades:

First Place: Emma Goodman of Taft Middle School in Cedar Rapids

Second Place: Hannah Ackerman of Cedar Falls

Third Place: Jack Hostager of Thomas Jefferson Middle School in Dubuque

Best Essay on Women in Science and Engineering for Sixth and Seventh Grades:

First Place: Lauren Kuch of Prairie Creek Intermediate School in Cedar Rapids

Second Place: Sondra Flockhart of Prairie Creek Intermediate School of Cedar Rapids

Best Essay on Women in Science and Engineering for Eighth and Ninth Grades:

First Place: Jessica Lowthorp of Sidney

Second Place: Nathan Yeager of Cardinal Community School in Eldon

The Senate rose and expressed its welcome.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 6.

Senate Resolution 6

On motion of Senator Bowman, **Senate Resolution 6**, a resolution to recognize March 2011 as Iowa Women's History Month, with report of committee recommending passage, was taken up for consideration.

Senator Bowman moved the adoption of Senate Resolution 6, which motion prevailed by a voice vote.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 8, 2011, **passed** the following bill in which the concurrence of the Senate is asked:

House File 148, a bill for an act relating to state expenditure requirements involving the revenue estimating conference and appropriation transfers and including effective date provisions.

Read first time and referred to committee on **State Government**.

ALSO: That the House has on March 9, 2011, **passed** the following bill in which the concurrence of the Senate is asked:

House File 393, a bill for an act allowing an advanced registered nurse practitioner to sign a death certificate.

Read first time and attached to **similar Senate File 415**.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 500** be referred from the Regular Calendar to the committee on **Appropriations**.

The Senate stood at ease at 9:18 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:09 a.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:10 a.m. until 12:45 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:21 p.m., President Kibbie presiding.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 475, 474, 461, 454, and 453.

Senate File 475

On motion of Senator Whitver, **Senate File 475**, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and retroactive applicability provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Whitver offered amendment S-3065, filed by the committee on Judiciary on March 8, 2011, to pages 25, 26, 48, 55, and 56 of the bill, and moved its adoption.

Amendment S-3065 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 475), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm

Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

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

Senate File 474

On motion of Senator Whitver, **Senate File 474**, a bill for an act relating to nonsubstantive Code corrections and including effective date and retroactive applicability provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Whitver offered amendment S-3064, filed by the committee on Judiciary on March 8, 2011, to pages 103 and 104 of the bill, and moved its adoption.

Amendment S-3064 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 474), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm

Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

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

Senate File 461

On motion of Senator Gronstal, **Senate File 461**, a bill for an act relating to certain boards and commissions with legislative appointments, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 461), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

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

Senate File 454

On motion of Senator Dvorsky, **Senate File 454**, a bill for an act relating to misconduct by a school employee and providing related duties, responsibilities, or civil and criminal immunity for other persons, accredited public and private schools, area education agencies, and the board of educational examiners, was taken up for consideration.

Senator Dvorsky offered amendment S-3080, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-3080 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 454), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

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

Senate File 453

On motion of Senator Hogg, **Senate File 453**, a bill for an act relating to high school graduation requirements, was taken up for consideration.

Senator Hogg asked and received unanimous consent that action on **Senate File 453** be **deferred**.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 454, 461, 474, and 475** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 445, 437, and 409.

Senate File 445

On motion of Senator Sodders, **Senate File 445**, a bill for an act relating to state and local government recommendations concerning the educational needs of children who are deaf or hard-of-hearing, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 445), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward

Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

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

Senate File 437

On motion of Senator Quirmbach, **Senate File 437**, a bill for an act establishing the Iowa online advanced placement academy science, technology, engineering, and mathematics initiative, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 437), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

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

CONSIDERATION OF BILL
(Regular Calendar)

Senator Dearden asked and received unanimous consent to take up for consideration Senate File 409.

Senate File 409

On motion of Senator Dearden, **Senate File 409**, a bill for an act restricting the practice of parking and displaying motor vehicles for sale, hire, or rental on public or private property and providing for local enforcement, was taken up for consideration.

Senator Dearden withdrew amendment S-3046, filed by him on March 7, 2011, to page 1 of the bill.

Senator Dearden offered amendment S-3079, filed by him on March 9, 2011, to pages 1 and 2 of the bill, and moved its adoption.

Amendment S-3079 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 409), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson

Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Courtney asked and received unanimous consent that **Senate Files 409, 437, and 445** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration Senate Files 408 and 402.

Senate File 408

On motion of Senator Beall, **Senate File 408**, a bill for an act relating to railroad crossing violations by providing for investigations, and providing penalties, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 408), the vote was:

Yeas, 27:

Bartz	Danielson	Hatch	Ragan
Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	

Nays, 23:

Anderson	Dix	Houser	Smith
Bacon	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Seymour	

Absent, none.

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

Senate File 402

On motion of Senator Sodders, **Senate File 402**, a bill for an act relating to the injured veterans grant program, was taken up for consideration.

Senator Sodders offered amendment S-3044, filed by him on March 7, 2011, to page 1 of the bill, and moved its adoption.

Amendment S-3044 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 402), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm

Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

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

UNFINISHED BUSINESS
(Deferred March 9, 2011)

Senate File 407

The Senate resumed consideration of **Senate File 407**, a bill for an act delegating to counties the permitting and enforcement powers of the department of natural resources in relation to the construction of semipublic sewage disposal systems and authorizing penalties, deferred March 9, 2011.

Senator Bartz offered amendment S-3085, filed by him from the floor to pages 1 and 2 and amending the title page of the bill.

Senator Bolkcom raised the point of order that amendment S-3085 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-3085 out of order.

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

On the question "Shall the bill pass?" (S.F. 407), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 402, 407, and 408** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 364 and 326.

Senate File 364

On motion of Senator Soddors, **Senate File 364**, a bill for an act relating to the licensure of orthotists, prosthetists, and pedorthists and providing for fees and penalties, was taken up for consideration.

Senator Soddors offered amendment S-3074, filed by him on March 9, 2011, to pages 3-5 and 9-11 of the bill.

Senator Smith asked and received unanimous consent that action on amendment S-3074 and **Senate File 364** be **deferred**.

Senate File 326

On motion of Senator Hogg, **Senate File 326**, a bill for an act relating to the appointment of judicial officers and senior judges, was taken up for consideration.

Senator Hogg offered amendment S–3077, filed by him on March 9, 2011, to pages 1 and 2 of the bill, and moved its adoption.

Amendment S–3077 was adopted by a voice vote.

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

On the question “Shall the bill pass?” (S.F. 326), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

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

UNFINISHED BUSINESS
(Deferred March 8, 2011)

Senate File 295

The Senate resumed consideration of **Senate File 295**, a bill for an act relating to donation of newborn umbilical cord blood, and amendment S–3058, deferred March 8, 2011.

Senator Johnson asked and received unanimous consent that action on amendment S–3058 and **Senate File 295** be **deferred**.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 326** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 279 and 206.

Senate File 279

On motion of Senator Ragan, **Senate File 279**, a bill for an act relating to child support recovery, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 279), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

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

Senate File 206

On motion of Senator Dandekar, **Senate File 206**, a bill for an act providing for waivers of certain community attraction and tourism program requirements and including retroactive applicability provisions, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 206), the vote was:

Yeas, 40:

Anderson	Dandekar	Hancock	Ragan
Bacon	Danielson	Hatch	Rielly
Beall	Dearden	Hogg	Schoenjahn
Behn	Dotzler	Horn	Seng
Bertrand	Dvorsky	Jochum	Seymour
Black	Ernst	Johnson	Sodders
Boettger	Fraise	Kapucian	Sorenson
Bolkcom	Greiner	Kibbie	Ward
Bowman	Gronstal	McCoy	Wilhelm
Courtney	Hahn	Quirnbach	Zaun

Nays, 10:

Bartz	Feenstra	Kettering	Whitver
Chelgren	Hamerlinck	McKinley	
Dix	Houser	Smith	

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 206** and **279** be **immediately messaged** to the House.

The Senate stood at ease at 3:08 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:25 p.m., President Kibbie presiding.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 204.

Senate File 204

On motion of Senator Beall, **Senate File 204**, a bill for an act establishing a task force on the prevention of sexual abuse of children and including effective date provisions, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 204), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

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

BUSINESS PENDING

Senate File 453

The Senate resumed consideration of **Senate File 453**, a bill for an act relating to high school graduation requirements, previously deferred.

Senator Chelgren offered amendment S-3087, filed by him from the floor to page 1 of the bill.

Senator Chelgren asked and received unanimous consent that action on amendment S-3087 be deferred.

Senator Chelgren offered amendment S-3089, filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3089 be adopted?" (S.F. 453), the vote was:

Yeas, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Nays, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Absent, none.

Amendment S-3089 lost.

Senator Chelgren moved the adoption of amendment S-3087.

A record roll call was requested.

On the question "Shall amendment S-3087 be adopted?" (S.F. 453), the vote was:

Yeas, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Nays, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Absent, none.

Amendment S-3087 lost.

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

On the question "Shall the bill pass?" (S.F. 453), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm

Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 204 and 453 be immediately messaged** to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 451.

Senate File 451

On motion of Senator Sodders, **Senate File 451**, a bill for an act relating to the allowable uses for modified allowable growth for programs for returning dropouts and dropout prevention, was taken up for consideration.

Senator Sodders offered amendment S-3088, filed by him from the floor to pages 1 and 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S-3088 be adopted?” (S.F. 451), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders

Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

Amendment S-3088 was adopted.

With the adoption of amendment S-3088, the Chair ruled amendment S-3081, filed by Senator Sodders from the floor, to page 1 of the bill, out of order.

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

On the question "Shall the bill pass?" (S.F. 451), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

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

UNFINISHED BUSINESS
(Deferred March 8, 2011)

Senate File 410

The Senate resumed consideration of **Senate File 410**, a bill for an act relating to the duties and operations of the state commission of libraries, the division of libraries and information services, and the library service areas, and amendment S-3057, deferred March 8, 2011.

Senator Zaun withdrew amendment S-3060, filed by him on March 8, 2011, to pages 4 and 5 of the bill.

Senator Zaun offered amendment S-3061, filed by him on March 8, 2011, to pages 4 and 5 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3061 be adopted?" (S.F. 410), the vote was:

Yeas, 25:

Anderson	Dix	Houser	Sorenson
Bacon	Ernst	Johnson	Ward
Bartz	Feenstra	Kapucian	Whitver
Behn	Greiner	Kettering	Zaun
Bertrand	Hahn	McKinley	
Boettger	Hamerlinck	Seymour	
Chelgren	Hancock	Smith	

Nays, 25:

Beall	Dearden	Horn	Schoenjahn
Black	Dotzler	Jochum	Seng
Bolkcom	Dvorsky	Kibbie	Sodders
Bowman	Fraise	McCoy	Wilhelm
Courtney	Gronstal	Quirnbach	
Dandekar	Hatch	Ragan	
Danielson	Hogg	Rielly	

Absent, none.

Amendment S-3061 lost.

Senator Bowman withdrew amendment S-3078, filed by him on March 9, 2011, to pages 4 and 5 of the bill.

Senator Bowman withdrew amendment S-3082, filed by him from the floor to pages 4 and 5 of the bill.

Senator Quirnbach withdrew amendment S-3086, filed by him from the floor to pages 4 and 5 of the bill.

Senator Bowman offered amendment S-3092, filed by him from the floor to pages 4 and 5 of the bill, and moved its adoption.

Amendment S-3092 was adopted by a voice vote.

Senator Chelgren withdrew amendment S-3057.

Senator Chelgren withdrew amendment S-3075, filed by him on March 9, 2011, to page 8 of the bill.

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

On the question "Shall the bill pass?" (S.F. 410), the vote was:

Yeas, 46:

Anderson	Danielson	Hancock	Schoenjahn
Bacon	Dearden	Hatch	Seng
Beall	Dix	Hogg	Seymour
Behn	Dotzler	Horn	Smith
Bertrand	Dvorsky	Houser	Sodders
Black	Ernst	Jochum	Sorenson
Boettger	Feenstra	Kapucian	Ward
Bolkcom	Fraise	Kettering	Whitver
Bowman	Greiner	Kibbie	Wilhelm
Chelgren	Gronstal	McCoy	Zaun
Courtney	Hahn	McKinley	
Dandekar	Hamerlinck	Rielly	

Nays, 3:

Bartz Johnson Ragan

Present, 1:

Quirnbach

Absent, none.

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

BILLS PLACED ON UNFINISHED BUSINESS CALENDAR

Senator Gronstal asked and received unanimous consent that **House Files 184** and **185** be referred from the Regular Calendar to the Unfinished Business Calendar.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 410** and **451** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:30 p.m. until 1:00 p.m., Monday, March 14, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Wayne and Twyla Adrian, Maquoketa—For celebrating their 50th wedding anniversary. Senator Bowman (3/10/11).

Heather Cousins, Davenport—For earning her National Board Certification. Senator Bowman (3/10/11).

Davenport Assumption High School Girls' Basketball—For winning the Class 3A Girls' Basketball Tournament. Senator Seng (3/10/11).

Cassie Dunlavey, Delmar—For earning her National Board Certification. Senator Bowman (3/10/11).

Jack Hostager, Thomas Jefferson Middle School, Dubuque—For winning the Write Women Back Into History Essay Contest. Senator Hancock (3/10/11).

Susan Jones-Miller, Bettendorf—For earning her National Board Certification. Senator Bowman (3/10/11).

Keith and Carol Nylin, Clinton—For celebrating their 25th wedding anniversary. Senator Bowman (3/10/11).

Robyn Ponder, Monticello—For earning her National Board Certification. Senator Bowman (3/10/11).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Thursday, March 10, 2011, 10:15 a.m.

Members Present: Black, Chair; Dearden, Vice Chair; Houser, Ranking Member; Hahn and Wilhelm.

Members Absent: None.

Committee Business: Approved LSB 1001SA.

Adjourned: 10:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Wednesday, March 9, 2011, 10:15 a.m.

Members Present: Dotzler, Chair; Dandekar, Vice Chair; Boettger, Ranking Member; Bertrand and Seng.

Members Absent: None.

Committee Business: Senate subcommittee budget overview.

Adjourned: 10:40 a.m.

ALSO:

Convened: Thursday, March 10, 2011, 10:20 a.m.

Members Present: Dotzler, Chair; Dandekar, Vice Chair; Boettger, Ranking Member; Bertrand and Seng.

Members Absent: None.

Committee Business: Approved LSB 1002SA.

Adjourned: 10:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Thursday, March 10, 2011, 10:15 a.m.

Members Present: Schoenjahn, Chair; Quirmbach, Vice Chair; Dix, Ranking Member; Hamerlinck and Horn.

Members Absent: None.

Committee Business: Voted on budget spreadsheet.

Adjourned: 10:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Thursday, March 10, 2011, 10:30 a.m.

Members Present: Hancock, Chair; Hogg, Vice Chair; Seymour, Ranking Member; Fraise and Smith.

Members Absent: None.

Committee Business: Considered LSBs 1005SA and 1006SA.

Adjourned: 10:40 a.m.

INTRODUCTION OF BILL

Senate File 502, by Chelgren, a bill for an act prohibiting loans, forgivable loans, and any other type of extension of credit from a state or local governmental entity.

Read first time under Rule 28 and referred to committee on **State Government**.

STUDY BILL RECEIVED

SSB 1192 Appropriations

Relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions.

SUBCOMMITTEE ASSIGNMENTS

House File 212

EDUCATION: Quirnbach, Chair; Dvorsky and Johnson

House File 268

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Black and Hahn

House File 299

COMMERCE: Dandekar, Chair; Behn and McCoy

House File 389

HUMAN RESOURCES: Hatch, Chair; Johnson and Wilhelm

House File 494

HUMAN RESOURCES: Ragan, Chair; Boettger and Bolkcom

House File 535

EDUCATION: Quirnbach, Chair; Beall and Hamerlinck

SSB 1192

APPROPRIATIONS: Black, Chair; Dvorsky and Houser

BILLS ASSIGNED TO COMMITTEE

President Kibbie announced the assignment of the following bills to committee:

H.F.	186	Judiciary
H.F.	212	Education
H.F.	242	Judiciary
H.F.	254	Commerce

H.F.	268	Natural Resources and Environment
H.F.	321	Judiciary
H.F.	324	State Government
H.F.	389	Human Resources
H.F.	404	Commerce
H.F.	405	Commerce
H.F.	406	Transportation
H.F.	465	Transportation
H.F.	474	Veterans Affairs
H.F.	494	Human Resources
H.F.	535	Education

HOUSE FILES ATTACHED TO SENATE FILES

President Kibbie announced the following House Files were attached to Senate Files:

H.F.	348	Attached to companion S.F. 442
H.F.	453	Attached to companion S.F. 477
H.F.	468	Attached to companion S.F. 443

AMENDMENTS FILED

S-3080	S.F.	454	Robert E. Dvorsky
S-3081	S.F.	451	Steven J. Sodders
S-3082	S.F.	410	Tod R. Bowman
S-3083	S.F.	419	Steven J. Sodders
S-3084	S.F.	397	Shawn Hamerlinck
S-3085	S.F.	407	Merlin Bartz
S-3086	S.F.	410	Herman C. Quirmbach
S-3087	S.F.	453	Mark Chelgren
S-3088	S.F.	451	Steven J. Sodders
S-3089	S.F.	453	Mark Chelgren
S-3090	S.F.	404	Jack Hatch
S-3091	S.F.	493	Jack Whitver
			Pam Jochum
S-3092	S.F.	410	Tod R. Bowman

JOURNAL OF THE SENATE

SIXTY-FOURTH CALENDAR DAY
THIRTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 14, 2011

The Senate met in regular session at 1:05 p.m., President Kibbie presiding.

A moment of silence was observed in honor of the earthquake victims in Japan.

Prayer was offered by Reverend Aldon Kuiper, pastor of the Trinity Christian Reformed Church in Rock Valley, Iowa. He was the guest of Senator Feenstra.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jared Elm.

The Journal of Thursday, March 10, 2011, was approved.

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 March 9, 2011, **passed** the following bill in which the concurrence of the Senate is asked:

House File 525, a bill for an act relating to public employee collective bargaining agreements and including applicability provisions.

Read first time and referred to committee on **Labor and Business Relations**.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 395** be referred from the Regular Calendar to the committee on **Ways and Means**.

SPECIAL GUEST

Senator Sorenson introduced to the Senate chamber the honorable Glen Bortell, former member of the Senate from Adair County, St. Charles, Iowa.

The Senate rose and expressed its welcome.

The Senate stood at ease at 1:24 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:15 p.m., President Kibbie presiding.

RECESS

On motion of Senator Courtney, the Senate recessed at 2:16 p.m. until 3:15 p.m.

AFTERNOON SESSION

The Senate reconvened at 3:30 p.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Houser, until he arrives, on request of Senator Kettering; and Senator Dearden, until he arrives, on request of Senator Gronstal.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 495, 483, 470, 469, and 468.

Senate File 495

On motion of Senator Wilhelm, **Senate File 495**, a bill for an act relating to the long-term care ombudsman program, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 495), the vote was:

Yeas, 48:

Anderson	Dandekar	Hancock	Ragan
Bacon	Danielson	Hatch	Rielly
Bartz	Dix	Hogg	Schoenjahn
Beall	Dotzler	Horn	Seng
Behn	Dvorsky	Jochum	Seymour
Bertrand	Ernst	Johnson	Smith
Black	Feenstra	Kapucian	Sodders
Boettger	Fraise	Kettering	Sorenson
Bolkcom	Greiner	Kibbie	Ward
Bowman	Gronstal	McCoy	Whitver
Chelgren	Hahn	McKinley	Wilhelm
Courtney	Hamerlinck	Quirmbach	Zaun

Nays, none.

Absent, 2:

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

Senate File 483

On motion of Senator Dvorsky, **Senate File 483**, a bill for an act relating to licensure by the board of educational examiners of persons who complete an administrator preparation program offered by a regionally accredited or board of educational examiners' approved non-Iowa institution, was taken up for consideration.

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

On the question “Shall the bill pass?” (S.F. 483), the vote was:

Yeas, 49:

Anderson	Danielson	Hatch	Schoenjahn
Bacon	Dearden	Hogg	Seng
Bartz	Dix	Horn	Seymour
Beall	Dotzler	Jochum	Smith
Behn	Dvorsky	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hahn	Quirmbach	
Courtney	Hamerlinck	Ragan	
Dandekar	Hancock	Rielly	

Nays, none.

Absent, 1:

Houser

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

Senate File 470

On motion of Senator Beall, **Senate File 470**, a bill for an act relating to the duties and operations of the state’s community colleges, was taken up for consideration.

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

On the question “Shall the bill pass?” (S.F. 470), the vote was:

Yeas, 49:

Anderson	Danielson	Hatch	Schoenjahn
Bacon	Dearden	Hogg	Seng
Bartz	Dix	Horn	Seymour
Beall	Dotzler	Jochum	Smith

Behn	Dvorsky	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hahn	Quirmbach	
Courtney	Hamerlinck	Ragan	
Dandekar	Hancock	Rielly	

Nays, none.

Absent, 1:

Houser

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

Senate File 469

On motion of Senator Wilhelm, **Senate File 469**, a bill for an act relating to vehicular transportation for students and making penalties applicable, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 469), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 23:

Anderson	Chelgren	Hamerlinck	Smith
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward

Behn	Feenstra	Kettering	Whitver
Bertrand	Greiner	McKinley	Zaun
Boettger	Hahn	Seymour	

Absent, 1:

Houser

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

Senate File 468

On motion of Senator Quirmbach, **Senate File 468**, a bill for an act prohibiting use by any student enrolled in a school district and use on school grounds of nicotine products and providing restrictions for violation of the prohibition, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 468), the vote was:

Yeas, 44:

Anderson	Danielson	Hamerlinck	Ragan
Bacon	Dearden	Hancock	Rielly
Beall	Dix	Hatch	Schoenjahn
Bertrand	Dotzler	Hogg	Seng
Black	Dvorsky	Horn	Seymour
Boettger	Ernst	Jochum	Smith
Bolkcom	Feenstra	Johnson	Sodders
Bowman	Fraise	Kapucian	Sorenson
Chelgren	Greiner	Kibbie	Ward
Courtney	Gronstal	McCoy	Whitver
Dandekar	Hahn	Quirmbach	Wilhelm

Nays, 5:

Bartz	Kettering	Zaun
Behn	McKinley	

Absent, 1:

Houser

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 468, 469, 470, 483, and 495** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 460, 440, 424, 420, and 438.

Senate File 460

On motion of Senator Dandekar, **Senate File 460**, a bill for an act relating to the licensing and regulation of real estate brokers and salespersons, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 460), the vote was:

Yeas, 49:

Anderson	Danielson	Hatch	Schoenjahn
Bacon	Dearden	Hogg	Seng
Bartz	Dix	Horn	Seymour
Beall	Dotzler	Jochum	Smith
Behn	Dvorsky	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hahn	Quirmbach	
Courtney	Hamerlinck	Ragan	
Dandekar	Hancock	Rielly	

Nays, none.

Absent, 1:

Houser

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

Senate File 440

On motion of Senator Quirmbach, **Senate File 440**, a bill for an act relating to the powers and duties of the college student aid commission in administering certain federal postsecondary financial aid initiatives, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 440), the vote was:

Yeas, 28:

Bartz	Danielson	Gronstal	Quirmbach
Beall	Dearden	Hancock	Ragan
Black	Dotzler	Hatch	Rielly
Bolkcom	Dvorsky	Hogg	Schoenjahn
Bowman	Feenstra	Horn	Seng
Courtney	Fraise	Jochum	Sodders
Dandekar	Greiner	Kibbie	Wilhelm

Nays, 21:

Anderson	Dix	Kettering	Ward
Bacon	Ernst	McCoy	Whitver
Behn	Hahn	McKinley	Zaun
Bertrand	Hamerlinck	Seymour	
Boettger	Johnson	Smith	
Chelgren	Kapucian	Sorenson	

Absent, 1:

Houser

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

Senate File 424

On motion of Senator Schoenjahn, **Senate File 424**, a bill for an act relating to the use of statewide school infrastructure funding, was taken up for consideration.

Senator Schoenjahn offered amendment S-3097, filed by him from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment S-3097 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 424), the vote was:

Yeas, 49:

Anderson	Danielson	Hatch	Schoenjahn
Bacon	Dearden	Hogg	Seng
Bartz	Dix	Horn	Seymour
Beall	Dotzler	Jochum	Smith
Behn	Dvorsky	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hahn	Quirnbach	
Courtney	Hamerlinck	Ragan	
Dandekar	Hancock	Rielly	

Nays, none.

Absent, 1:

Houser

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

Senate File 420

On motion of Senator Schoenjahn, **Senate File 420**, a bill for an act relating to the planning, approval, supplementary weighting, and operation of regional academies and including effective date and applicability provisions, was taken up for consideration.

Senator Boettger offered amendment S-3063, filed by Senators Boettger and Schoenjahn on March 8, 2011, to page 1 of the bill, and moved its adoption.

Amendment S-3063 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 420), the vote was:

Yeas, 49:

Anderson	Danielson	Hatch	Schoenjahn
Bacon	Dearden	Hogg	Seng
Bartz	Dix	Horn	Seymour
Beall	Dotzler	Jochum	Smith
Behn	Dvorsky	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hahn	Quirnbach	
Courtney	Hamerlinck	Ragan	
Dandekar	Hancock	Rielly	

Nays, none.

Absent, 1:

Houser

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

Senate File 438

On motion of Senator Jochum, **Senate File 438**, a bill for an act relating to licensing by reciprocity for dentists, was taken up for consideration.

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

On the question “Shall the bill pass?” (S.F. 438), the vote was:

Yeas, 49:

Anderson	Danielson	Hatch	Schoenjahn
Bacon	Dearden	Hogg	Seng
Bartz	Dix	Horn	Seymour
Beall	Dotzler	Jochum	Smith
Behn	Dvorsky	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hahn	Quirnbach	
Courtney	Hamerlinck	Ragan	
Dandekar	Hancock	Rielly	

Nays, none.

Absent, 1:

Houser

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 420, 424, 438, 440, and 460** be **immediately messaged** to the House.

UNFINISHED BUSINESS (Deferred March 10, 2011)

Senate File 364

The Senate resumed consideration of **Senate File 364**, a bill for an act relating to the licensure of orthotists, prosthetists, and pedorthists and providing for fees and penalties, and amendment S–3074, deferred March 10, 2011.

Senator Sodders offered amendment S–3094, filed by him from the floor to pages 2–6 and 9–11 of the bill, and moved its adoption.

Amendment S-3094 was adopted by a voice vote.

With the adoption of amendment S-3094, the Chair ruled amendment S-3074, previously deferred, out of order.

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

On the question "Shall the bill pass?" (S.F. 364), the vote was:

Yeas, 37:

Anderson	Dearden	Hogg	Schoenjahn
Beall	Dix	Horn	Seng
Behn	Dotzler	Jochum	Sodders
Bertrand	Dvorsky	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Wilhelm
Bowman	Gronstal	McCoy	Zaun
Courtney	Hahn	Quirnbach	
Dandekar	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, 12:

Bacon	Chelgren	Hamerlinck	Seymour
Bartz	Ernst	Johnson	Smith
Boettger	Feenstra	McKinley	Whitver

Absent, 1:

Houser

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

CONSIDERATION OF BILLS (Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 185 and 184.

House File 185

On motion of Senator Wilhelm, **House File 185**, a bill for an act establishing the state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions, placed on the Unfinished Business Calendar on March 10, 2011, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Wilhelm offered amendment S-3048, filed by the committee on Education on March 8, 2011, to page 1 of the bill, and moved its adoption.

Amendment S-3048 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 185), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 23:

Anderson	Chelgren	Hamerlinck	Smith
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Greiner	McKinley	Zaun
Boettger	Hahn	Seymour	

Absent, 1:

Houser

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

House File 184

On motion of Senator Sodders, **House File 184**, a bill for an act establishing the categorical state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions, placed on the Unfinished Business Calendar on March 10, 2011, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Sodders offered amendment S-3047, filed by the committee on Education on March 8, 2011, to page 1 of the bill, and moved its adoption.

Amendment S-3047 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 184), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 23:

Anderson	Chelgren	Hamerlinck	Smith
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Greiner	McKinley	Zaun
Boettger	Hahn	Seymour	

Absent, 1:

Houser

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 364** and **House Files 184** and **185** be **immediately messaged** to the House.

The Senate stood at ease at 5:00 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:28 p.m., President Kibbie presiding.

UNFINISHED BUSINESS
(Deferred March 10, 2011)**Senate File 295**

The Senate resumed consideration of **Senate File 295**, a bill for an act relating to donation of newborn umbilical cord blood, and amendment S-3058, deferred March 10, 2011.

Senator Johnson withdrew amendment S-3058.

Senator Johnson withdrew amendment S-3099, filed by him from the floor to page 1 of the bill.

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

On the question "Shall the bill pass?" (S.F. 295), the vote was:

Yeas, 47:

Anderson	Danielson	Hancock	Ragan
Bacon	Dearden	Hatch	Rielly
Bartz	Dix	Hogg	Schoenjahn
Beall	Dotzler	Horn	Seng
Behn	Dvorsky	Jochum	Seymour
Bertrand	Ernst	Johnson	Smith
Black	Feenstra	Kapucian	Sodders
Boettger	Fraise	Kettering	Sorenson
Bolkcom	Greiner	Kibbie	Ward

Bowman	Gronstal	McCoy	Wilhelm
Courtney	Hahn	McKinley	Zaun
Dandekar	Hamerlinck	Quirnbach	

Nays, 2:

Chelgren	Whitver
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Absent, 1:

Houser

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

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 365, 430, and 400.

Senate File 365

On motion of Senator Jochum, **Senate File 365**, a bill for an act relating to the placement of a juvenile on youthful offender status in district court, was taken up for consideration.

Senator Jochum offered amendment S-3095, filed by her from the floor to pages 2-4 of the bill, and moved its adoption.

Amendment S-3095 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 365), the vote was:

Yeas, 49:

Anderson	Danielson	Hatch	Schoenjahn
Bacon	Dearden	Hogg	Seng
Bartz	Dix	Horn	Seymour
Beall	Dotzler	Jochum	Smith
Behn	Dvorsky	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson

Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hahn	Quirmbach	
Courtney	Hamerlinck	Ragan	
Dandekar	Hancock	Rielly	

Nays, none.

Absent, 1:

Houser

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

Senate File 430

On motion of Senator Jochum, **Senate File 430**, a bill for an act relating to violations of the open records and public meetings laws and the creation of the Iowa public information board, and including effective date provisions, was taken up for consideration.

Senator Jochum offered amendment S-3101, filed by Senator Jochum, et al., from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Chelgren asked and received unanimous consent that action on amendment S-3101 and **Senate File 430** be **deferred**.

The Senate stood at ease at 5:45 p.m. until the fall of the gavel.

The Senate resumed session at 6:26 p.m., President Kibbie presiding.

BUSINESS PENDING

Senate File 430

The Senate resumed consideration of **Senate File 430**, a bill for an act relating to violations of the open records and public meetings laws and the creation of the Iowa public information board, and

including effective date provisions, and amendment S-3101, previously deferred.

Senator Chelgren offered amendment S-3103, filed by him from the floor to page 4 of amendment S-3101, and moved its adoption.

Amendment S-3103 to amendment S-3101 was adopted by a voice vote.

Senator Jochum moved the adoption of amendment S-3101, as amended.

Amendment S-3101, as amended, was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 430), the vote was:

Yeas, 49:

Anderson	Danielson	Hatch	Schoenjahn
Bacon	Dearden	Hogg	Seng
Bartz	Dix	Horn	Seymour
Beall	Dotzler	Jochum	Smith
Behn	Dvorsky	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hahn	Quirnbach	
Courtney	Hamerlinck	Ragan	
Dandekar	Hancock	Rielly	

Nays, none.

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Dearden, for the remainder of the day, on request of Senator Gronstal.

Senate File 400

On motion of Senator Hogg, **Senate File 400**, a bill for an act relating to the conveyance or encumbrance of a homestead by a spouse, was taken up for consideration.

Senator Hogg offered amendment S-3102, filed by him from the floor, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment S-3102 was adopted by a voice vote.

Senator Hogg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 400), the vote was:

Yeas, 48:

Anderson	Dandekar	Hancock	Ragan
Bacon	Danielson	Hatch	Rielly
Bartz	Dix	Hogg	Schoenjahn
Beall	Dotzler	Horn	Seng
Behn	Dvorsky	Jochum	Seymour
Bertrand	Ernst	Johnson	Smith
Black	Feenstra	Kapucian	Sodders
Boettger	Fraise	Kettering	Sorenson
Bolkcom	Greiner	Kibbie	Ward
Bowman	Gronstal	McCoy	Whitver
Chelgren	Hahn	McKinley	Wilhelm
Courtney	Hamerlinck	Quirmbach	Zaun

Nays, none.

Absent, 2:

Dearden	Houser
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 295, 365, 400, and 430** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 14, 2011, **passed** the following bills in which the concurrence of the Senate is asked:

House File 401, a bill for an act excepting certain employee injuries which occur on an employer's premises from compensability under the state's workers' compensation laws.

Read first time and **passed on file**.

House File 461, a bill for an act relating to the attachment of tags to deer carcasses.

Read first time and **passed on file**.

House File 484, a bill for an act concerning investment of certain public funds in companies doing business in Iran by the treasurer of state, public retirement systems in Iowa, and the state board of regents.

Read first time and **passed on file**.

House File 490, a bill for an act creating a certificate of merit affidavit in a medical malpractice action.

Read first time and **passed on file**.

House File 493, a bill for an act requiring faculty members of regents institutions and community colleges and teachers employed by school districts charged with a crime to repay all salary received during a paid leave of absence if convicted.

Read first time and **passed on file**.

House File 499, a bill for an act relating to a voter's designee for purposes of returning absentee ballots.

Read first time and **passed on file**.

House File 512, a bill for an act providing an exemption from standards and requirements otherwise applicable to the investment of public funds by specified state departments, agencies, and political subdivisions.

Read first time and **passed on file**.

House File 532, a bill for an act relating to agriculture, by eliminating certain powers of and requirements administered by the department of agriculture and land stewardship.

Read first time and **passed on file**.

House File 536, a bill for an act concerning the duties and responsibilities of the auditor of state.

Read first time and **passed on file**.

House File 565, a bill for relating to business entities by providing for service of process for foreign corporations and the naming of professional limited liability companies, and including effective and applicability date provisions.

Read first time and **passed on file**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:37 p.m. until 9:00 a.m., Tuesday, March 15, 2011.

APPENDIX

COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF HUMAN SERVICES

Annual Report of the Healthy and Well Kids in Iowa (hawk-i) Board, pursuant to Iowa Code section 514I.5(7g). Report received on March 10, 2011.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Bruno Behrends, Atlantic—For celebrating his 100th birthday. Senator Boettger (3/14/11).

Curt Bladt, Harlan—For being inducted into the NFHS Hall of Fame. Senator Boettger (3/14/11).

Barb and Bernard Christensen, Audubon—For celebrating their 50th wedding anniversary. Senator Boettger (3/14/11).

Lucille Cobet, Tama—For celebrating her 90th birthday. Senator Kapucian (3/14/11).

Stanley Ledvina, Elberon—For celebrating his 80th birthday. Senator Kapucian (3/14/11).

Michael Fakler, Emmetsburg—For serving on the Eagle Scout Court of Honor at Holy Family Parish. Senator Kibbie (3/14/11).

Hazel McClintock, Shellsburg—For celebrating her 100th birthday. Senator Kapucian (3/14/11).

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: Monday, March 14, 2011, 2:25 p.m.

Members Present: Bolkcom, Chair; Seng, Vice Chair; Zaun, Ranking Member; Anderson, Bartz, Black, Chelgren, Dandekar, Feenstra, Hogg, Jochum, McCoy, Quirmbach, and Smith.

Members Absent: Dotzler (excused).

Committee Business: Passed SF 248, as amended, and SF 192. Approved governor's appointee.

Recessed: 2:30 p.m.

Reconvened: 2:40 p.m.

Adjourned: 2:50 p.m.

STUDY BILLS RECEIVED

SSB 1193 Appropriations

Relating to and making appropriations to the justice system and including effective date provisions.

SSB 1194 Appropriations

Relating to and making appropriations to the judicial branch.

SUBCOMMITTEE ASSIGNMENTS

Senate File 395

WAYS AND MEANS: Quirnbach, Chair; Anderson and Jochum

Senate File 458

WAYS AND MEANS: Dotzler, Chair; Black, Chelgren, McCoy, and Smith

House File 186

JUDICIARY: Hancock, Chair; Fraise and Sorenson

House File 195

VETERANS AFFAIRS: Kibbie, Chair; Ragan and Seymour

House File 242

JUDICIARY: Fraise, Chair; Dix and Dvorsky

House File 321

JUDICIARY: Quirnbach, Chair; Horn and Whitver

House File 328

COMMERCE: Kettering, Chair; Dandekar and Seng

House File 363

VETERANS AFFAIRS: Kibbie, Chair; Beall and Seymour

House File 406

TRANSPORTATION: Rielly, Chair; Danielson and Ernst

House File 465

TRANSPORTATION: Kapucian, Chair; Houser and Rielly

House File 474

VETERANS AFFAIRS: Kibbie, Chair; Black and Seymour

House File 525

LABOR AND BUSINESS RELATIONS: Horn, Chair; Dearden and Ward

SSB 1193

APPROPRIATIONS: Hancock, Chair; Dvorsky and Seymour

SSB 1194

APPROPRIATIONS: Hogg, Chair; Hancock and Seymour

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: *SENATE FILE 192 (SSB 1079), a bill for an act relating to snowmobile registration and permit fees.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Bolcom, Seng, Anderson, Bartz, Black, Dandekar, Feenstra, Hogg, Jochum, McCoy, and Quirnbach. Nays, 3: Zaun, Chelgren, and Smith. Absent, 1: Dotzler.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 192, and they were attached to the committee report.

GOVERNOR'S APPOINTEE PLACED ON EN BLOC CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

WAYS AND MEANS

Jeffrey Elgin – State Board of Tax Review

WITHDRAWAL AND DEFERRAL OF GOVERNOR'S APPOINTEES

The following letters from the Governor were received in the office of the Secretary of the Senate on March 14, 2011:

I am withdrawing the name of Eugene Ver Steeg to serve as an Environmental Protection Commission member from further consideration by the Senate.

Pursuant to Iowa Code section 455A.6, please accept this letter as the notice of deferment of the appointment to the Environmental Protection Commission, formerly held by Eugene Ver Steeg. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

I am withdrawing the name of Jennifer Neeley to serve as a Board of Nursing member from further consideration by the Senate.

Pursuant to Iowa Code section 147.14(1)(c), please accept this letter as the notice of deferment of the appointment to the Board of Nursing, formerly held by Lynn Pothast. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Sincerely,
TERRY E. BRANSTAD
Governor

AMENDMENTS FILED

S-3093	S.F.	444	Herman C. Quirnbach
S-3094	S.F.	364	Steven J. Soddors
S-3095	S.F.	365	Pam Jochum
S-3096	S.F.	240	Brian Schoenjahn
S-3097	S.F.	424	Brian Schoenjahn
S-3098	S.F.	328	Brian Schoenjahn

S-3099	S.F.	295	David Johnson
S-3100	S.F.	490	Jeff Danielson
S-3101	S.F.	430	Pam Jochum
			Jeff Danielson
			David Johnson
			Kent Sorenson
			Daryl Beall
S-3102	S.F.	400	Robert M. Hogg
S-3103	S.F.	430	Mark Chelgren
S-3104	S.F.	301	Appropriations

JOURNAL OF THE SENATE

SIXTY-FIFTH CALENDAR DAY
THIRTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 15, 2011

The Senate met in regular session at 9:03 a.m., President Kibbie presiding.

Prayer was offered by Pastor Keith Smith of Motor Friends Church in Milo, Iowa. He was the guest of Senator Sorenson.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jared Elm.

The Journal of Monday, March 14, 2011, was approved.

INTRODUCTION OF GOVERNOR'S APPOINTEES

The Secretary of the Senate introduced Mariannette Miller-Meeks, the governor's appointee to be the Director of Public Health. She was the guest of Senators Ragan and Seymour and the committee on Human Resources.

The Secretary of the Senate introduced John Baldwin, the governor's appointee to be the Director of the Department of Corrections. He was the guest of Senator Fraise and the committee on Judiciary.

BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate Files 476 and 496** be referred from the Regular Calendar to the committee on **Ways and Means**; and that **Senate File 499** be referred from the Regular Calendar to the committee on **State Government**.

SPECIAL GUEST

President Kibbie introduced to the Senate chamber the Honorable Bryan Sievers, former member of the Senate from Scott County, New Liberty, Iowa.

The Senate rose and expressed its welcome.

The Senate stood at ease at 9:10 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:43 a.m., President Kibbie presiding.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 462, 238, and 239.

Senate File 462

On motion of Senator Hancock, **Senate File 462**, a bill for an act making certain synthetic cannabinoids schedule I controlled substances, providing penalties, and including effective date provisions, was taken up for consideration.

Senator Hancock moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 462), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver

Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

SPECIAL GUEST

Senator Gronstal introduced to the Senate chamber the Honorable Cloyd Robinson, former member of the Senate from Johnson County, Cedar Rapids, Iowa.

The Senate rose and expressed its welcome.

Senate File 238

On motion of Senator Quirmbach, **Senate File 238**, a bill for an act delaying the establishment of the state percent of growth for the budget year beginning July 1, 2012, for purposes of the state school foundation program, and including effective date provisions, was taken up for consideration.

Senator Quirmbach moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 238), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 239

On motion of Senator Quirmbach, **Senate File 239**, a bill for an act delaying the establishment of the categorical state percent of growth for the budget year beginning July 1, 2012, for purposes of the state school foundation program, and including effective date provisions, was taken up for consideration.

Senator Quirmbach moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 239), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 260.

Senate File 260

On motion of Senator McCoy, **Senate File 260**, a bill for an act eliminating the transfer tax imposed on insurers organized in other states who elect to become domestic insurers in Iowa, was taken up for consideration.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 260), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 238, 239, 260, and 462** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 301.

Senate File 301

On motion of Senator Sodders, **Senate File 301**, a bill for an act relating to economic development by making changes to the administration of the save our small businesses fund and program and including effective date provisions, with report of committee on Appropriations recommending amendment and passage, was taken up for consideration.

Senator Sodders offered amendment S-3104, filed by the committee on Appropriations on March 14, 2011, to pages 1-3 of the bill, and moved its adoption.

Amendment S-3104 was adopted by a voice vote.

Senator Sodders moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 301), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 301** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:29 a.m. until 2:00 p.m.

APPENDIX—1

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Coach Tom Betz, Sioux City—For leading the Bishop Heelan Team to its third consecutive championship at the Iowa State Basketball Tournament. Senator Bertrand (3/15/11).

Loretta Cronbaugh, Belle Plaine—For celebrating her 95th birthday. Senator Kapucian (3/15/11).

Alex Malloy, Sioux City—For being on the Iowa All Tournament Team, Bishop Heelan. Senator Bertrand (3/15/11).

Wesley Staten, Sioux City—For being the 2011 Iowa All Tournament Captain, Bishop Heelan. Senator Bertrand (3/15/11).

INTRODUCTION OF BILLS

Senate File 503, by Hogg, a bill for an act providing an additional renewable energy tax credit.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 504, by Feenstra, a bill for an act relating to state and local taxes, by establishing tax credits for commercial property taxes paid, amending provisions relating to property assessment limitations, and including applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 505, by Feenstra, a bill for an act relating to assessment of property for property tax purposes, property assessment protests, powers of the property assessment appeal board, funding of the property assessment appeal board, and including applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 506, by committee on Ways and Means, a bill for an act providing for a small employer health insurance tax credit as a percentage of the federal credit and including retroactive applicability provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: *SENATE FILE 506 (formerly SF 248), a bill for an act providing for a small employer health insurance tax credit as a percentage of the federal credit and including retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Bolkcom, Seng, Zaun, Anderson, Bartz, Black, Chelgren, Dandekar, Feenstra, Hogg, Jochum, McCoy, Quirnbach, and Smith. Nays, none. Absent, 1: Dotzler.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 506, and they were attached to the committee report.

BILLS ASSIGNED TO COMMITTEE

President Kibbie announced the assignment of the following bills to committee:

H.F.	401	Labor and Business Relations
H.F.	461	Natural Resources and Environment
H.F.	484	State Government
H.F.	490	Judiciary
H.F.	493	Education
H.F.	499	State Government
H.F.	512	Local Government
H.F.	532	Agriculture
H.F.	536	State Government
H.F.	565	Judiciary

AFTERNOON SESSION

The Senate reconvened at 2:06 p.m., President Kibbie presiding.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 261.

Senate File 261

On motion of Senator Jochum, **Senate File 261**, a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including the administration of income taxes, sales and use taxes, franchise fees, property taxes, the environmental protection charge, and notification of annexation or

severance by cities and including retroactive applicability provisions, was taken up for consideration.

Senator Jochum offered amendment S-3036, filed by her on February 21, 2011, to pages 5 and 6 of the bill, and moved its adoption.

Amendment S-3036 was adopted by a voice vote.

Senator Jochum moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 261), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 328.

Senate File 328

On motion of Senator Schoenjahn, **Senate File 328**, a bill for an act relating to education and employment training by establishing the pathways for academic career and employment program and fund and the gap tuition assistance program and fund and making an appropriation, with report of committee recommending passage, was taken up for consideration.

Senator Bartz offered amendment S-3109, filed by Senator Bartz, et al., from the floor to pages 1-10 and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3109 be adopted?" (S.F. 328), the vote was:

Yeas, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Nays, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Absent, none.

Amendment S-3109 lost.

Senator Schoenjahn offered amendment S-3098, filed by him on March 14, 2011, to page 7 of the bill, and moved its adoption.

Amendment S-3098 was adopted by a voice vote.

Senator Schoenjahn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 328), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 261** and **328** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 367, 404, 412, and 479.

Senate File 367

On motion of Senator Bowman, **Senate File 367**, a bill for an act concerning the protection of student athletes from concussions and other brain injuries, was taken up for consideration.

Senator Bowman offered amendment S-3105, filed by him from the floor to pages 1 and 2 and amending the title page of the bill, and moved its adoption.

Amendment S-3105 was adopted by a voice vote.

Senator Bowman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 367), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 404

On motion of Senator Hatch, **Senate File 404**, a bill for an act relating to health information technology including the creation of a statewide health information exchange, providing for fees, and including effective date provisions, was taken up for consideration.

Senator Hatch offered amendment S-3090, filed by him on March 10, 2011, to pages 8, 12, and 24 of the bill.

(Amendment S-3090 and Senate File 404 were deferred.)

The Senate stood at ease at 2:49 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 3:13 p.m., President Kibbie presiding.

The Senate resumed consideration of Senate File 404 and amendment S-3090.

Senator Hatch moved the adoption of amendment S-3090.

Amendment S-3090 was adopted by a voice vote.

Senator Hatch moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 404), the vote was:

Yeas, 38:

Bacon	Dearden	Hogg	Rielly
Bartz	Dotzler	Horn	Schoenjahn
Beall	Dvorsky	Houser	Seng
Black	Feenstra	Jochum	Seymour
Boettger	Fraise	Johnson	Smith
Bolkcom	Greiner	Kapucian	Sodders
Bowman	Gronstal	Kibbie	Ward
Courtney	Hahn	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 12:

Anderson	Chelgren	Hamerlinck	Sorenson
Behn	Dix	Kettering	Whitver
Bertrand	Ernst	McKinley	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 412

On motion of Senator Wilhelm, **Senate File 412**, a bill for an act relating to the powers and governance of benefited recreational lake districts, water quality districts, and combined recreational lake and water quality districts, with report of committee without recommendation, was taken up for consideration.

Senator Bartz offered amendment S-3111, filed by Senators Bartz and Wilhelm from the floor to page 2 of the bill, and moved its adoption.

Amendment S-3111 was adopted by a voice vote.

Senator Wilhelm moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 412), the vote was:

Yeas, 33:

Bacon	Danielson	Hatch	Rielly
Bartz	Dearden	Hogg	Schoenjahn
Beall	Dotzler	Horn	Seng
Black	Dvorsky	Jochum	Seymour
Boettger	Fraise	Kapucian	Sodders
Bolkcom	Greiner	Kibbie	Wilhelm
Bowman	Gronstal	McCoy	
Courtney	Hahn	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, 17:

Anderson	Ernst	Kettering	Whitver
Behn	Feenstra	McKinley	Zaun
Bertrand	Hamerlinck	Smith	
Chelgren	Houser	Sorenson	
Dix	Johnson	Ward	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 479

On motion of Senator Seng, **Senate File 479**, a bill for an act providing for the possession of cats classified as bengals and savannahs, was taken up for consideration.

Senator Seng moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 479), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, 1:

Bowman

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 367, 404, 412, and 479** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 490, 493, and 494.

Senate File 490

On motion of Senator Danielson, **Senate File 490**, a bill for an act authorizing and regulating savings promotion raffles, and granting licensing authority to the department of inspections and appeals, was taken up for consideration.

Senator Danielson offered amendment S-3100, filed by him on March 14, 2011, to pages 1-3 and amending the title page of the bill.

Senator Feenstra offered amendment S-3106, filed by him from the floor to pages 1 and 2 of amendment S-3100, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3106 to amendment S-3100 be adopted?" (S.F. 490), the vote was:

Yeas, 20:

Anderson	Boettger	Hahn	McCoy
Bacon	Dix	Houser	McKinley
Bartz	Ernst	Johnson	Seymour
Behn	Feenstra	Kapucian	Smith
Bertrand	Greiner	Kettering	Whitver

Nays, 30:

Beall	Dearden	Hogg	Seng
Black	Dotzler	Horn	Sodders
Bolkcom	Dvorsky	Jochum	Sorenson
Bowman	Fraise	Kibbie	Ward
Chelgren	Gronstal	Quirmbach	Wilhelm
Courtney	Hamerlinck	Ragan	Zaun
Dandekar	Hancock	Rielly	
Danielson	Hatch	Schoenjahn	

Absent, none.

Amendment S-3106 to amendment S-3100 lost.

Senator Danielson moved the adoption of amendment S–3100.

A record roll call was requested.

On the question “Shall amendment S–3100 be adopted?” (S.F. 490), the vote was:

Yeas, 28:

Bartz	Danielson	Hatch	Ragan
Beall	Dearden	Hogg	Schoenjahn
Black	Dotzler	Horn	Seng
Bolkcom	Dvorsky	Jochum	Sodders
Bowman	Fraise	Kibbie	Sorenson
Courtney	Gronstal	McCoy	Ward
Dandekar	Hancock	Quirmbach	Wilhelm

Nays, 22:

Anderson	Dix	Houser	Seymour
Bacon	Ernst	Johnson	Smith
Behn	Feenstra	Kapucian	Whitver
Bertrand	Greiner	Kettering	Zaun
Boettger	Hahn	McKinley	
Chelgren	Hamerlinck	Rielly	

Absent, none.

Amendment S–3100 was adopted.

Senator Danielson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 490), the vote was:

Yeas, 30:

Bacon	Dandekar	Hancock	Schoenjahn
Bartz	Danielson	Hatch	Seng
Beall	Dearden	Hogg	Sodders
Black	Dotzler	Horn	Sorenson
Bolkcom	Dvorsky	Jochum	Ward
Bowman	Fraise	Kibbie	Zaun
Chelgren	Gronstal	Quirmbach	
Courtney	Hamerlinck	Ragan	

Nays, 20:

Anderson	Ernst	Johnson	Rielly
Behn	Feenstra	Kapucian	Seymour
Bertrand	Greiner	Kettering	Smith
Boettger	Hahn	McCoy	Whitver
Dix	Houser	McKinley	Wilhelm

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

Senate File 493

On motion of Senator Jochum, **Senate File 493**, a bill for an act relating to the operations of certain common interest communities, was taken up for consideration.

Senator Whitver offered amendment S-3091, filed by Senators Whitver and Jochum on March 10, 2011, to pages 17, 20, and 21 of the bill, and moved its adoption.

Amendment S-3091 was adopted by a voice vote.

Senator Jochum moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 493), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver

Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 494

On motion of Senator Hogg, **Senate File 494**, a bill for an act relating to the foreclosure of a real estate mortgage, was taken up for consideration.

Senator Hogg offered amendment S-3110, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-3110 was adopted by a voice vote.

Senator Hogg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 494), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 490, 493, and 494** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 456.

Senate File 456

On motion of Senator Dvorsky, **Senate File 456**, a bill for an act relating to persons prohibited from possessing or receiving firearms because of mental health commitments or adjudications and to petitions for relief from such prohibitions, and including effective date and applicability provisions, was taken up for consideration.

Senator Dvorsky offered amendment S-3113, filed by him from the floor to page 3 of the bill, and moved its adoption.

Amendment S-3113 was adopted by a voice vote.

Senator Dvorsky moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 456), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm

Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 456** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:31 p.m. until 9:00 a.m., Wednesday, March 16, 2011.

APPENDIX—2

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Ruby Beekman, Atlantic—For celebrating her 90th birthday. Senator Boettger (3/15/11).

Glorianne Eads, Burlington—For celebrating her 85th birthday. Senator Courtney (3/15/11).

Pastor Owen Englin, Church of Christ, Rockwell City—For serving as Chaplain of the Day. Senator Beall (3/15/11).

Estherville Lincoln Central Girls' Basketball Team—For their unprecedented second place finish in the state tournament. Senator Kibbie (3/15/11).

Allen and Linda Flagel, Preston—For celebrating their 50th wedding anniversary. Senator Bowman (3/15/11).

John and Pat Latty, Burlington—For celebrating their 50th wedding anniversary. Senator Courtney (3/15/11).

Raymond Kaufman, Mount Pleasant—For celebrating his 80th birthday. Senator Courtney (3/15/11).

Leo Martin, Burlington—For celebrating his 80th birthday. Senator Courtney (3/15/11).

Darle Pedersen, Harlan—For celebrating her 95th birthday. Senator Boettger (3/15/11).

Margaret Schupick, Burlington—For celebrating her 85th birthday. Senator Courtney (3/15/11).

Merle E. and Muryl Jean Vokt, Adair—For celebrating their 60th wedding anniversary. Senator Boettger (3/15/11).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: Tuesday, March 15, 2011, 1:05 p.m.

Members Present: Dandekar, Chair; Rielly, Vice Chair; Behn, Ranking Member; Anderson, Beall, Courtney, Feenstra, Kettering, Seng, Ward, Wilhelm, and Zaun.

Members Absent: Bolkom, McCoy, and Schoenjahn (all excused).

Committee Business: Passed HF 328. Approved governor's appointees.

Adjourned: 1:20 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Tuesday, March 15, 2011, 12:00 p.m.

Members Present: Jochum, Chair; Danielson, Vice Chair; Bartz, Ranking Member; Bowman and Ernst.

Members Absent: None.

Committee Business: Discussed and adopted Senate budget spreadsheet.

Adjourned: 1:00 p.m.

STUDY BILLS RECEIVED

SSB 1195 Ways and Means

Relating to certain fees collected by the county sheriff.

SSB 1196 Ways and Means

Providing income tax credits for the construction and installation of solar energy systems and wind energy systems, and including effective date and retroactive applicability provisions.

SSB 1197 Appropriations

Relating to and making appropriations to the judicial branch.

SSB 1198 Appropriations

Relating to and making appropriations to the justice system.

SSB 1199 Appropriations

Relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters and including immediate effective date provisions.

SUBCOMMITTEE ASSIGNMENTS

Senate File 411

STATE GOVERNMENT: Danielson, Chair; Jochum and Sorenson

Senate File 476

WAYS AND MEANS: Hogg, Chair; Bartz and Black

Senate File 496

WAYS AND MEANS: Hogg, Chair; Anderson and Bolcom

Senate File 502

STATE GOVERNMENT: Sodders, Chair; Bertrand and Hatch

Senate File 503

WAYS AND MEANS: Hogg, Chair; Anderson and Black

Senate File 504

WAYS AND MEANS: Quirmbach, Chair; Feenstra and Hogg

Senate File 505

WAYS AND MEANS: Quirmbach, Chair; Feenstra and Seng

House File 148

STATE GOVERNMENT: Danielson, Chair; Dix and Jochum

House File 254

COMMERCE: McCoy, Chair; Behn and Dandekar

House File 324

STATE GOVERNMENT: Hatch, Chair; Kibbie and Smith

House File 461

NATURAL RESOURCES AND ENVIRONMENT: Sorenson, Chair; Behn and Hancock

House File 512

LOCAL GOVERNMENT: Rielly, Chair; Bacon and Wilhelm

House File 532

AGRICULTURE: Bowman, Chair; Kapucian and Rielly

House File 565

JUDICIARY: Hogg, Chair; Horn and Ward

SSB 1195

WAYS AND MEANS: Hogg, Chair; Feenstra and Seng

SSB 1196

WAYS AND MEANS: Bolkcom, Chair; Bartz and Hogg

SSB 1197

APPROPRIATIONS: Hogg, Chair; Dvorsky and Seymour

SSB 1198

APPROPRIATIONS: Hancock, Chair; Dvorsky and Seymour

SSB 1199

APPROPRIATIONS: Dotzler, Chair; Boettger and Dvorsky

FINAL COMMITTEE REPORTS OF BILL ACTION**COMMERCE**

Bill Title: HOUSE FILE 328 (HSB 79), a bill for an act relating to matters under the purview of the division of banking of the department of commerce, and including effective date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Dandekar, Rielly, Behn, Anderson, Beall, Courtney, Feenstra, Kettering, Seng, Ward, Wilhelm, and Zaun. Nays, none. Absent, 3: Bolkcom, McCoy, and Schoenjahn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ECONOMIC GROWTH/REBUILD IOWA

Bill Title: HOUSE FILE 267 (formerly HF 210), a bill for an act relating to the identification of historic properties by certain rural electric cooperatives.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-3112.

Final Vote: Ayes, 14: Soddors, Greiner, Bacon, Bertrand, Bowman, Chelgren, Dandekar, Danielson, Hatch, Horn, Rielly, Ward, Whitver, and Wilhelm. Nays, none. Absent, 1: Dotzler.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendation for confirmation:

COMMERCE

Mark Schuling – Consumer Advocate

Janet Pepper – Credit Union Review Board

JoAnn Johnson – Superintendent of Credit Unions

Richard Bruner – Iowa Telecommunications and Technology Commission

Shannon Cofield – Iowa Telecommunications and Technology Commission

Timothy Lapointe – Iowa Telecommunications and Technology Commission

Kimberly Downing-Manning – Title Guaranty Division Board

Charles Winkleblack – Title Guaranty Division Board

Libby Jacobs – Chair of Utilities Board

Libby Jacobs – Utilities Board

ECONOMIC GROWTH/REBUILD IOWA

David Greenspon – Iowa Finance Authority

Michel Nelson – Iowa Finance Authority

Ruth Randleman – Iowa Finance Authority

WITHDRAWAL AND DEFERRAL OF GOVERNOR'S APPOINTEES

The following letters from the Governor were received in the office of the Secretary of the Senate on March 15, 2011:

I am withdrawing the name of David Chung to serve as an Iowa State Civil Rights Commission member from further consideration by the Senate.

Pursuant to Iowa Code section 216.3, please accept this letter as the notice of deferment of the appointment to the Iowa State Civil Rights Commission, formerly held by Rich Eychaner. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Sincerely,
TERRY E. BRANSTAD
Governor

AMENDMENTS FILED

S-3105	S.F.	367	Tod R. Bowman
S-3106	S.F.	490	Randy Feenstra
S-3107	S.F.	482	William A. Dotzler, Jr.
S-3108	S.F.	293	Jeff Danielson
S-3109	S.F.	328	Merlin Bartz Pat Ward James Seymour Jerry Behn Jack Whitver Steve Kettering Brad Zaun Nancy J. Boettger David Johnson Robert Bacon Roby Smith James Hahn Shawn Hamerlinck Joni Ernst Rick Bertrand Bill Anderson Randy Feenstra Bill Dix Mark Chelgren Paul McKinley Hubert Houser Sandra Greiner Tim L. Kapucian Kent Sorenson
S-3110	S.F.	494	Robert M. Hogg
S-3111	S.F.	412	Merlin Bartz Mary Jo Wilhelm
S-3112	H.F.	267	Economic Growth/Rebuild Iowa
S-3113	S.F.	456	Robert E. Dvorsky

JOURNAL OF THE SENATE

SIXTY-SIXTH CALENDAR DAY
THIRTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 16, 2011

The Senate met in regular session at 9:03 a.m., President Kibbie presiding.

Prayer was offered by Pastor Owen Englin of the Church of Christ in Rockwell City, Iowa. He was the guest of Senator Beall.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jared Elm.

The Journal of Tuesday, March 15, 2011, was approved.

INTRODUCTION OF GOVERNOR'S APPOINTEE

The Secretary of the Senate introduced Mark Schuling, the governor's appointee to be the Consumer Advocate. He was the guest of Senators Bolckom and Dandekar and the committee on Commerce.

The Senate stood at ease at 9:13 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:15 a.m., President Kibbie presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 15, 2011, **passed** the following bills in which the concurrence of the Senate is asked:

House File 345, a bill for an act relating to joint physical care of children.

Read first time and referred to committee on **Judiciary**.

House File 462, a bill for an act allowing the operation of certain motorboats on lake Macbride at any time.

Read first time and referred to committee on **Natural Resources and Environment**.

House File 537, a bill for an act relating to voluntary cessation of program operations and decertification of assisted living programs, and providing penalties.

Read first time and attached to **similar Senate File 465**.

House File 540, a bill for an act creating the health care professional lien Act.

Read first time and referred to committee on **Judiciary**.

House File 562, a bill for an act relating to the child abuse registry administered by the department of human services.

Read first time and attached to **companion Senate File 491**.

House File 563, a bill for an act creating the transparency in private attorney contracts Act.

Read first time and referred to committee on **Judiciary**.

House File 592, a bill for an act establishing the council for agricultural education.

Read first time and referred to committee on **Agriculture**.

House File 617, a bill for an act relating to matters under the purview of the alcoholic beverages division of the department of commerce, including alcoholic beverage permits and licenses and administrative provisions, modifying fees, and including effective date provisions.

Read first time and attached to **similar Senate File 242**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:16 a.m. until 11:00 a.m.

RECONVENED

The Senate reconvened at 11:10 a.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Zaun and Ward, until they arrive, on request of Senator Kettering.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 482.

Senate File 482

On motion of Senator Dotzler, **Senate File 482**, a bill for an act relating to requirements of the department of human services involving individuals and families, was taken up for consideration.

Senator Dotzler offered amendment S-3107, filed by him on March 15, 2011, to page 1 of the bill, and moved its adoption.

Amendment S-3107 was adopted by a voice vote.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 482), the vote was:

Yeas, 48:

Anderson	Dandekar	Hamerlinck	McKinley
Bacon	Danielson	Hancock	Quirmbach
Bartz	Dearden	Hatch	Ragan
Beall	Dix	Hogg	Rielly
Behn	Dotzler	Horn	Schoenjahn
Bertrand	Dvorsky	Houser	Seng
Black	Ernst	Jochum	Seymour
Boettger	Feenstra	Johnson	Smith
Bolkcom	Fraise	Kapucian	Sodders
Bowman	Greiner	Kettering	Sorenson
Chelgren	Gronstal	Kibbie	Whitver
Courtney	Hahn	McCoy	Wilhelm

Nays, none.

Absent, 2:

Ward Zaun

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 302.

Senate File 302

On motion of Senator McCoy, **Senate File 302**, a bill for an act increasing the amount of tax credits available under the endow Iowa

program and including effective date and retroactive applicability provisions, was taken up for consideration.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 302), the vote was:

Yeas, 48:

Anderson	Dandekar	Hamerlinck	McKinley
Bacon	Danielson	Hancock	Quirmbach
Bartz	Dearden	Hatch	Ragan
Beall	Dix	Hogg	Rielly
Behn	Dotzler	Horn	Schoenjahn
Bertrand	Dvorsky	Houser	Seng
Black	Ernst	Jochum	Seymour
Boettger	Feenstra	Johnson	Smith
Bolkcom	Fraise	Kapucian	Sodders
Bowman	Greiner	Kettering	Sorenson
Chelgren	Gronstal	Kibbie	Whitver
Courtney	Hahn	McCoy	Wilhelm

Nays, none.

Absent, 2:

Ward Zaun

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 302** and **482** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:22 a.m. until 4:00 p.m.

RECONVENED

The Senate reconvened at 4:15 p.m., President Kibbie presiding.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:16 p.m. until 9:00 a.m., Thursday, March 17, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Colleen Crow, Waterloo—For celebrating her 80th birthday. Senator Dotzler (3/16/11).

Wayne Crow, Waterloo—For celebrating his 80th birthday. Senator Dotzler (3/16/11).

Shirley Elsberry, Waterloo—For celebrating her 80th birthday. Senator Dotzler (3/16/11).

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: Wednesday, March 16, 2011, 1:00 p.m.

Members Present: Quirnbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Bowman, Dvorsky, Hogg, Johnson, Smith, and Wilhelm.

Members Absent: Feenstra and Sodders (both excused).

Committee Business: Presentation by Iowa Area Education Agency. Approved governor's appointees.

Adjourned: 2:00 p.m.

TRANSPORTATION

Convened: Wednesday, March 16, 2011, 2:05 p.m.

Members Present: Rielly, Chair; Bowman, Vice Chair; Kapucian, Ranking Member; Beall, Dandekar, Dearden, Ernst, Hahn, Hancock, Houser, and Zaun.

Members Absent: Danielson and McCoy (both excused).

Committee Business: Passed HF 465. Approved governor's appointees.

Adjourned: 2:15 p.m.

VETERANS AFFAIRS

Convened: Wednesday, March 16, 2011, 10:20 a.m.

Members Present: Beall, Chair; Danielson, Vice Chair; Seymour, Ranking Member; Bacon, Black, Ernst, Greiner, Horn, Kibbie, Ragan, and Soddors.

Members Absent: None.

Committee Business: Passed HF's 195, 363, 364, and 474. Subcommittee report on governor's appointees.

Adjourned: 10:40 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 10, by Boettger, Bacon, Smith, Greiner, Chelgren, Bartz, Houser, Seymour, Behn, Johnson, Kapucian, Anderson, Bertrand, Ernst, Hamerlinck, Hahn, Feenstra, Whitver, Kettering, McKinley, and Sorenson, a concurrent resolution urging the members of the Congress of the United States to propose a parental rights amendment to the Constitution of the United States for submission to the states for ratification.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 8, by Soddors and Dotzler, a resolution supporting the Republic of China on Taiwan as a part of the global community.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILL

Senate File 507, by Dearden, a bill for an act relating to the natural resources and outdoor recreation trust fund by increasing the sales and use tax rates and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

STUDY BILL RECEIVED

SSB 1200 Ways and Means

Relating to assessment of telecommunications company property for purposes of property taxation, and including effective date and retroactive applicability provisions.

SUBCOMMITTEE ASSIGNMENTS

Senate File 446

APPROPRIATIONS: Danielson, Chair; Hatch and Johnson

Senate File 499

STATE GOVERNMENT: Kibbie, Chair; Jochum and Smith

House File 404

COMMERCE: Anderson, Chair; Dandekar and Schoenjahn

House File 405

COMMERCE: Dandekar, Chair; Beall and Kettering

House File 462

NATURAL RESOURCES AND ENVIRONMENT: Bolkcom, Chair; Hahn and Hogg

House File 484

STATE GOVERNMENT: Kibbie, Chair; Behn and Horn

House File 499

STATE GOVERNMENT: Danielson, Chair; Dearden and Sorenson

House File 536

STATE GOVERNMENT: Danielson, Chair; Dix and Jochum

House File 592

AGRICULTURE: Hancock, Chair; Fraise and Johnson

SSB 1200

WAYS AND MEANS: Jochum, Chair; Bolkcom and Zaun

FINAL COMMITTEE REPORTS OF BILL ACTION

TRANSPORTATION

Bill Title: HOUSE FILE 465 (formerly HF 251), a bill for an act relating to the enforcement of weight limitations for vehicles with retractable axles.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Rielly, Bowman, Kapucian, Beall, Dandekar, Dearden, Ernst, Hahn, Hancock, Houser, and Zaun. Nays, none. Absent, 2: Danielson and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

VETERANS AFFAIRS

Bill Title: HOUSE FILE 364 (HSB 49), a bill for an act relating to veterans records managed by the department of veterans affairs.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Beall, Danielson, Seymour, Bacon, Black, Ernst, Greiner, Horn, Kibbie, Ragan, and Sodders. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 474 (formerly HF 374), a bill for an act to designate August 7 of each year as Purple Heart Day.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Beall, Danielson, Seymour, Bacon, Black, Ernst, Greiner, Horn, Kibbie, Ragan, and Sodders. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 363 (formerly HF 256), a bill for an act relating to the duties and rulemaking authority of the commission on veterans affairs.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-3119.

Final Vote: Ayes, 11: Beall, Danielson, Seymour, Bacon, Black, Ernst, Greiner, Horn, Kibbie, Ragan, and Sodders. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 16th day of March, 2011.

Senate File 72.

MICHAEL E. MARSHALL
Secretary of the Senate

**GOVERNOR'S APPOINTEES PLACED ON
EN BLOC CALENDAR**

The following appointees, assigned to standing committee for investigation, were placed on the En Bloc Calendar with recommendation for confirmation:

TRANSPORTATION

David Rose – State Transportation Commission
Charese Yanney – State Transportation Commission

VETERANS AFFAIRS

Dan Gannon – Commission of Veterans Affairs
Kathleen Myers – Commission of Veterans Affairs
Larry Spencer – Commission of Veterans Affairs

**WITHDRAWAL AND DEFERRAL OF
GOVERNOR'S APPOINTEES**

The following letters from the Governor were received in the office of the Secretary of the Senate on March 16, 2011:

I am withdrawing the name of Marla Ramaekers to serve as a Commission of Native American Affairs member from further consideration by the Senate.

Pursuant to Iowa Code section 216A.162, please accept this letter as the notice of deferment of the appointment to the Commission of Native American Affairs, formerly held by Vicky Apala-Cuevas. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Sincerely,
TERRY E. BRANSTAD
Governor

AMENDMENTS FILED

S-3114	S.F.	397	Dennis H. Black Shawn Hamerlinck Joni Ernst Steven J. Soddors Daryl Beall
S-3115	S.F.	242	Brian Schoenjahn
S-3116	S.F.	312	Tom Hancock
S-3117	S.F.	435	Bill Dix Jack Whitver Kent Sorenson Rick Bertrand Mark Chelgren Randy Feenstra James F. Hahn Merlin Bartz Nancy J. Boettger Shawn Hamerlinck Steve Kettering David Johnson Tim L. Kapucian Roby Smith Bill Anderson James A. Seymour Sandra Greiner Robert Bacon Hubert Houser Joni Ernst Paul McKinley Jerry Behn Brad Zaun
S-3118	S.F.	312	Matt McCoy
S-3119	H.F.	363	Veterans Affairs
S-3120	S.F.	431	Matt McCoy
S-3121	S.F.	431	Matt McCoy
S-3122	S.F.	431	Matt McCoy
S-3123	S.F.	431	Matt McCoy
S-3124	S.F.	431	Matt McCoy
S-3125	S.F.	431	Matt McCoy
S-3126	S.F.	431	Matt McCoy

S-3127	S.F.	431	Matt McCoy
S-3128	S.F.	431	Matt McCoy
S-3129	S.F.	431	Matt McCoy
S-3130	S.F.	431	Matt McCoy
S-3131	S.F.	431	Matt McCoy

JOURNAL OF THE SENATE

SIXTY-SEVENTH CALENDAR DAY
FORTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 17, 2011

The Senate met in regular session at 9:07 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Merlin Bartz, member of the Senate from Worth County, Grafton, Iowa, who sang “Danny Boy” and was accompanied on the accordion by the Honorable Joe Seng, member of the Senate from Scott County, Davenport, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jared Elm.

The Journal of Wednesday, March 16, 2011, was approved.

INTRODUCTION OF GOVERNOR’S APPOINTEES

The Secretary of the Senate introduced JoAnn Johnson, the governor’s appointee to be the Superintendent of Credit Unions. She was the guest of Senators Anderson and Dandekar and the committee on Commerce.

The Secretary of the Senate introduced Michael Mauro, the governor’s appointee to be the Labor Commissioner. He was the guest of Senators Jochum and Horn and the committee on Labor and Business Relations.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:22 a.m. until 1:00 p.m., Monday, March 21, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Senator John W. Jensen, Plainfield—For celebrating his 85th birthday. Senator Dix (3/16/11).

Coach Earl Woudstra and the Northwestern Girls' Basketball Team—for being National Basketball Champions for the 2010–2011 season. Senator Feenstra (3/16/11).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Thursday, March 17, 2011, 12:30 p.m.

Members Present: Seng, Chair; Fraise, Vice Chair; Johnson, Ranking Member; Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, Kibbie, and Rielly.

Members Absent: Black (excused).

Committee Business: Passed HF 532. Approved governor's appointees.

Adjourned: 12:40 p.m.

COMMERCE

Convened: Thursday, March 17, 2011, 2:00 p.m.

Members Present: Dandekar, Chair; Behn, Ranking Member; Beall, Bolkcom, Courtney, Kettering, McCoy, Schoenjahn, and Seng.

Members Absent: Rielly, Vice Chair; Anderson, Feenstra, Ward, Wilhelm, and Zaun (all excused).

Committee Business: Presentation by governor's appointee.

Adjourned: 2:05 p.m.

ECONOMIC GROWTH/REBUILD IOWA

Convened: Thursday, March 17, 2011, 11:15 a.m.

Members Present: Soddors, Chair; Greiner, Ranking Member; Bowman, Chelgren, Dandekar, Danielson, Rielly, Whitver, and Wilhelm.

Members Absent: Dotzler, Vice Chair; Bacon, Bertrand, Hatch, Horn, and Ward (all excused).

Committee Business: Approved governor's appointee.

Adjourned: 11:20 a.m.

LOCAL GOVERNMENT

Convened: Thursday, March 17, 2011, 1:05 p.m.

Members Present: Wilhelm, Chair; Beall, Vice Chair; Bartz, Ranking Member; Bacon, Bowman, Ernst, Quirnbach, Rielly, and Schoenjahn.

Members Absent: Hamerlinck and McCoy (both excused).

Committee Business: Approved governor's appointees.

Adjourned: 1:20 p.m.

STATE GOVERNMENT

Convened: Thursday, March 17, 2011, 1:05 p.m.

Members Present: Danielson, Chair; Kibbie, Vice Chair; Feenstra, Ranking Member; Behn, Courtney, Dearden, Dix, Fraise, Jochum, Smith, and Sodders.

Members Absent: Bertrand, Hatch, Horn, and Sorenson (all excused).

Committee Business: Approved governor's appointees.

Adjourned: 1:20 p.m.

INTRODUCTION OF BILLS

Senate File 508, by committee on Appropriations, a bill for an act relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants and other nonstate sources, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

Read first time under Rule 28 and **placed on Appropriations calendar**.

Senate File 509, by committee on Appropriations, a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions.

Read first time under Rule 28 and **placed on Appropriations calendar.**

STUDY BILL RECEIVED

SSB 1201 Appropriations

Making supplemental appropriations for the fiscal year beginning July 1, 2010, for the state public defender and including effective date provisions.

SUBCOMMITTEE ASSIGNMENTS

Senate File 507

WAYS AND MEANS: Black, Chair; Bartz and Hogg

House File 345

JUDICIARY: Fraise, Chair; Boettger and Dvorsky

House File 490

JUDICIARY: Jochum, Chair; Hogg and Whitver

House File 540

JUDICIARY: Fraise, Chair; Hogg and Sorenson

House File 563

JUDICIARY: Hogg, Chair; Dix and Horn

SSB 1201

APPROPRIATIONS: Hogg, Chair; Dvorsky and Kettering

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: HOUSE FILE 532 (formerly HF 355), a bill for an act relating to agriculture, by eliminating certain powers of and requirements administered by the department of agriculture and land stewardship.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Seng, Fraise, Johnson, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, Kibbie, and Rielly. Nays, none. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

APPROPRIATIONS

Bill Title: *SENATE FILE 508 (SSB 1185), a bill for an act relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants and other nonstate sources, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 21: Dvorsky, McCoy, Kettering, Bartz, Black, Boettger, Bolkom, Danielson, Dix, Dotzler, Fraise, Hancock, Hatch, Hogg, Houser, Jochum, Johnson, Kapucian, Ragan, Schoenjahn, and Seymour. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 508, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 509 (SSB 1192), a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dvorsky, McCoy, Black, Bolkom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, Schoenjahn. Nays, 8: Kettering, Bartz, Boettger, Dix, Houser, Johnson, Kapucian, and Seymour. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 509, and they were attached to the committee report.

VETERANS AFFAIRS

Bill Title: HOUSE FILE 195 (formerly HF 66), a bill for an act relating to assignment of visitation or physical care parenting time for children of military service members on active duty and including effective date provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-3132.

Final Vote: Ayes, 10: Beall, Danielson, Seymour, Bacon, Black, Ernst, Greiner, Horn, Kibbie, and Ragan. Nays, none. Present, 1: Soddors. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendation for confirmation:

AGRICULTURE

Lori Goetzinger – Iowa Grain Indemnity Fund Board
Sharon Smith – Iowa Grain Indemnity Fund Board

Dale Farnham – State Soil Conservation Committee
Charles McCullough – State Soil Conservation Committee
Harold Whipple – State Soil Conservation Committee

ECONOMIC GROWTH/REBUILD IOWA

Eric Peterson – Iowa Finance Authority

EDUCATION

Jeff Gitchel – Iowa Autism Council
Rachel Heiss – Iowa Autism Council
Robin Sampson – Iowa Autism Council
Danielle Sharpe – Iowa Autism Council
Jan Turbes – Iowa Autism Council

Mikeal Cass – Early Childhood Iowa State Board
James Christensen – Early Childhood Iowa State Board

Donald Doudna – Early Childhood Iowa State Board
 Jean Stadlander – Early Childhood Iowa State Board

Eric Goranson – State Board of Education

Larry Hill – Board of Educational Examiners
 Merle Johnson – Board of Educational Examiners
 Marianne Mickelson – Board of Educational Examiners

LOCAL GOVERNMENT

Richard Heidloff – County Finance Committee
 Jane Heun – County Finance Committee
 Grant Veeder – County Finance Committee

Teresa Kanning – Mental Health Risk Pool Board
 Peggy Rice – Mental Health Risk Pool Board
 Shane Walter – Mental Health Risk Pool Board

Richard Stradley – Chair of the Property Assessment Appeal Board

Richard Stradley – Property Assessment Appeal Board

STATE GOVERNMENT

David Gehling – Board of Chiropractic
 Nancy Kahle – Board of Chiropractic
 Julie Mueller – Board of Chiropractic

Patti Brown – Commission on Community Action Agencies
 Tom Quiner – Commission on Community Action Agencies

Dana Atkins – Board of Cosmetology Arts and Sciences
 Mary Clausen – Board of Cosmetology Arts and Sciences
 Richard Mosley – Board of Cosmetology Arts and Sciences
 Nicole Schultz – Board of Cosmetology Arts and Sciences
 Kimberly Setzer – Board of Cosmetology Arts and Sciences

Nathaniel Garrels – Commission of Deaf Services
 Tina Kastendieck – Commission of Deaf Services
 Jennifer Keaton – Commission of Deaf Services

Daniel Deutschman – Board of Dietetics
 Bridget Drapeaux – Board of Dietetics
 Stacey Loftus – Board of Dietetics

Candace Biddle – Elevator Safety Board

Judy Davidson – Engineering and Land Surveying Examining Board
 Jerry Shellberg – Engineering and Land Surveying Examining Board
 Marlon Vogt – Engineering and Land Surveying Examining Board

Laura Hawks – Landscape Architectural Examining Board
Catherine Huggins – Landscape Architectural Examining Board
Mark Ripplinger – Landscape Architectural Examining Board

Deborah Burnight – Iowa Lottery Authority Board of Directors
Herman Richter – Iowa Lottery Authority Board of Directors

William (Bill) Cameron – Board of Massage Therapy
Larry Dallenbach – Board of Massage Therapy

Rebecca Ervin – Board of Mortuary Science
Thomas Lange – Board of Mortuary Science
Martin Mitchell – Board of Mortuary Science

Judy Yellowbank – Commission of Native American Affairs

Daniel Boor – Board of Nursing Home Administrators
Maureen Cahill – Board of Nursing Home Administrators
Shane Gaukel – Board of Nursing Home Administrators

Morris Blankespoor – Board of Physical and Occupational Therapy
Bradley Earp – Board of Physical and Occupational Therapy
Jaclyn Fleming – Board of Physical and Occupational Therapy
Jennifer Furness – Board of Physical and Occupational Therapy

Jon Ahrendsen – Board of Physician Assistants
Gary Nystrom – Board of Physician Assistants

John Bennett – Board of Podiatry
Gerald Edgar – Board of Podiatry

Sarah Henderson – Board of Psychology
Ralph Scott – Board of Psychology
Heidi Vermeer-Quist – Board of Psychology

Gene Nelsen – Real Estate Appraiser Examining Board
Joan Scotter – Real Estate Appraiser Examining Board
Caryl Swaim – Real Estate Appraiser Examining Board

Akshay Mahadevia – Board of Respiratory Care
Mary Tyrrel – Board of Respiratory Care

Christine Donner-Tiernan – Board of Speech Pathology and Audiology
Alison Lemke – Board of Speech Pathology and Audiology
Denise Renaud – Board of Speech Pathology and Audiology

Betty Gustafson – Iowa Board of Veterinary Medicine
James Kenyon – Iowa Board of Veterinary Medicine
Kelli Madson – Iowa Board of Veterinary Medicine

Elizabeth Coonan – Commission on the Status of Women

GOVERNOR'S APPOINTEE PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

AGRICULTURE

Jeffrey Ward – Executive Director of the Agricultural Development Authority

REFERRAL TO INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the “En Bloc Confirmation Calendar” and placed on the “Individual Confirmation Calendar”:

Elizabeth Coonan – Commission on the Status of Women

JEFF DANIELSON

WITHDRAWAL AND DEFERRAL OF GOVERNOR'S APPOINTEES

The following letters from the Governor were received in the office of the Secretary of the Senate on March 17, 2011:

I am withdrawing the name of Thomas Lange to serve as a Board of Mortuary Science member from further consideration by the Senate.

Pursuant to Iowa Code section 147.14(1)(p), please accept this letter as the notice of deferment of the appointment to the Board of Mortuary Science, formerly held by Tyrone Orr. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Sincerely,
TERRY E. BRANSTAD
Governor

AMENDMENTS FILED

S-3132	H.F.	195	Veterans Affairs
S-3133	S.F.	396	Matt McCoy

JOURNAL OF THE SENATE

SEVENTY-FIRST CALENDAR DAY
FORTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 21, 2011

The Senate met in regular session at 1:10 p.m., President Kibbie presiding.

Prayer was offered by the Honorable Nancy J. Boettger, member of the Senate from Shelby County, Harlan, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jim Gulbranson.

The Journal of Thursday, March 17, 2011, was approved.

INTRODUCTION OF GOVERNOR'S APPOINTEE

The Secretary of the Senate introduced Jeffrey Ward, the governor's appointee to be the Executive Director of the Agricultural Development Authority. He was the guest of Senators Fraise and Johnson and the committee on Agriculture.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 16, 2011, **passed** the following bills in which the concurrence of the Senate is asked:

House File 392, a bill for an act relating to professional licensing by making changes to the Iowa plumber, mechanical professional, and contractor licensing Act and including effective date provisions.

Read first time and referred to committee on **State Government**.

House File 569, a bill for an act relating to filling vacancies in the office of representative in Congress and in elective city offices.

Read first time and referred to committee on **Local Government**.

House File 582, a bill for an act exempting junior reserve officer training corps program instructors from board of educational examiners licensing requirements.

Read first time and referred to committee on **Education**.

House File 583, a bill for an act relating to independent accreditation of nonpublic schools.

Read first time and referred to committee on **Education**.

House File 584, a bill for an act concerning driver education instruction by a teaching parent.

Read first time and referred to committee on **Education**.

House File 585, a bill for an act relating to charter school and innovation zone school approval and revocation or nonrenewal requirements under the state's system of public education.

Read first time and referred to committee on **Education**.

House File 588, a bill for an act relating to the establishment of an independent private instruction option for students of compulsory attendance age.

Read first time and referred to committee on **Education**.

House File 593, a bill for an act relating to the education requirements for licensed massage therapists.

Read first time and referred to committee on **State Government**.

ALSO: That the House has on March 17, 2011, **passed** the following bills in which the concurrence of the Senate is asked:

House File 589, a bill for an act relating to offenses involving agricultural operations, and providing penalties and remedies.

Read first time and referred to committee on **Agriculture**.

House File 618, a bill for an act modifying licensing provisions applicable to fire extinguishing and alarm systems contractors and installers, and electricians and electrical contractors.

Read first time and referred to committee on **State Government**.

BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 431** be referred from the Regular Calendar to the committee on **Agriculture**; and that **Senate File 489** be referred from the Regular Calendar to the committee on **Appropriations**.

The Senate stood at ease at 1:17 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:17 p.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 2:18 p.m. until 2:30 p.m. or the completion of a meeting of the committee on Appropriations.

AFTERNOON SESSION

The Senate reconvened at 2:59 p.m., President Kibbie presiding.

The Senate stood at ease at 3:00 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:50 p.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Ward and Seymour, until they arrive, on request of Senator Kettering.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 78.

Senate File 78

On motion of Senator Hahn, **Senate File 78**, a bill for an act concerning the operation of motorcycles equipped with detachable stabilizing rear wheels on Iowa roads, with report of committee recommending passage, was taken up for consideration.

Senator Hahn asked and received unanimous consent that **House File 290** be **substituted** for **Senate File 78**.

House File 290

On motion of Senator Hahn, **House File 290**, a bill for an act concerning the operation of motorcycles equipped with detachable stabilizing rear wheels on Iowa roads, was taken up for consideration.

Senator Hahn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 290), the vote was:

Yeas, 48:

Anderson	Dandekar	Hamerlinck	McKinley
Bacon	Danielson	Hancock	Quirnbach
Bartz	Dearden	Hatch	Ragan
Beall	Dix	Hogg	Rielly
Behn	Dotzler	Horn	Schoenjahn
Bertrand	Dvorsky	Houser	Seng
Black	Ernst	Jochum	Smith
Boettger	Feenstra	Johnson	Sodders

Bolkcom	Fraise	Kapucian	Sorenson
Bowman	Greiner	Kettering	Whitver
Chelgren	Gronstal	Kibbie	Wilhelm
Courtney	Hahn	McCoy	Zaun

Nays, none.

Absent, 2:

Seymour Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Hahn asked and received unanimous consent that **Senate File 78** be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILLS (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 509 and 508.

Senate File 509

On motion of Senator Black, **Senate File 509**, a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions, was taken up for consideration.

Senator Black offered amendment S-3140, filed by Senators Black and Johnson from the floor to page 4 of the bill, and moved its adoption.

Amendment S-3140 was adopted by a voice vote.

Senator Black moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 509), the vote was:

Yeas, 27:

Beall	Dearden	Hatch	Ragan
Black	Dotzler	Hogg	Rielly
Bolkcom	Dvorsky	Horn	Schoenjahn
Bowman	Fraise	Jochum	Seng
Courtney	Gronstal	Kibbie	Sodders
Dandekar	Hahn	McCoy	Wilhelm
Danielson	Hancock	Quirmbach	

Nays, 21:

Anderson	Chelgren	Houser	Sorenson
Bacon	Dix	Johnson	Whitver
Bartz	Ernst	Kapucian	Zaun
Behn	Feenstra	Kettering	
Bertrand	Greiner	McKinley	
Boettger	Hamerlinck	Smith	

Absent, 2:

Seymour	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 508

On motion of Senator Ragan, **Senate File 508**, a bill for an act relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants and other nonstate sources, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, was taken up for consideration.

Senator Ragan moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 508), the vote was:

Yeas, 48:

Anderson	Dandekar	Hamerlinck	McKinley
Bacon	Danielson	Hancock	Quirmbach
Bartz	Dearden	Hatch	Ragan

Beall	Dix	Hogg	Rielly
Behn	Dotzler	Horn	Schoenjahn
Bertrand	Dvorsky	Houser	Seng
Black	Ernst	Jochum	Smith
Boettger	Feenstra	Johnson	Sodders
Bolkcom	Fraise	Kapucian	Sorenson
Bowman	Greiner	Kettering	Whitver
Chelgren	Gronstal	Kibbie	Wilhelm
Courtney	Hahn	McCoy	Zaun

Nays, none.

Absent, 2:

Seymour Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 506.

Senate File 506

On motion of Senator Rielly, **Senate File 506**, a bill for an act providing for a small employer health insurance tax credit as a percentage of the federal credit and including retroactive applicability provisions, was taken up for consideration.

Senator Rielly offered amendment S-3139, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-3139 was adopted by a voice vote.

Senator Feenstra offered amendment S-3137, filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3137 be adopted?" (S.F. 506), the vote was:

Yeas, 22:

Anderson	Chelgren	Hamerlinck	Smith
Bacon	Dix	Houser	Sorenson
Bartz	Ernst	Johnson	Whitver
Behn	Feenstra	Kapucian	Zaun
Bertrand	Greiner	Kettering	
Boettger	Hahn	McKinley	

Nays, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Absent, 2:

Seymour	Ward
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Amendment S-3137 lost.

Senator Behn offered amendment S-3138, filed by him from the floor to page 1 and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3138 be adopted?" (S.F. 506), the vote was:

Yeas, 22:

Anderson	Chelgren	Hamerlinck	Smith
Bacon	Dix	Houser	Sorenson
Bartz	Ernst	Johnson	Whitver
Behn	Feenstra	Kapucian	Zaun
Bertrand	Greiner	Kettering	
Boettger	Hahn	McKinley	

Nays, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Absent, 2:

Seymour	Ward
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Amendment S–3138 lost.

Senator Rielly moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 506), the vote was:

Yeas, 48:

Anderson	Dandekar	Hamerlinck	McKinley
Bacon	Danielson	Hancock	Quirmbach
Bartz	Dearden	Hatch	Ragan
Beall	Dix	Hogg	Rielly
Behn	Dotzler	Horn	Schoenjahn
Bertrand	Dvorsky	Houser	Seng
Black	Ernst	Jochum	Smith
Boettger	Feenstra	Johnson	Sodders
Bolkcom	Fraise	Kapucian	Sorenson
Bowman	Greiner	Kettering	Whitver
Chelgren	Gronstal	Kibbie	Wilhelm
Courtney	Hahn	McCoy	Zaun

Nays, none.

Absent, 2:

Seymour	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 506, 508, and 509** and **House File 290** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 497, 480, 477, 471, and 397.

Senate File 497

On motion of Senator Jochum, **Senate File 497**, a bill for an act relating to residential property by establishing a home inspector registration program, establishing surety bond requirements for certain contractors, providing penalties, and including effective date provisions, was taken up for consideration.

Senator Dandekar offered amendment S-3143, filed by Senators Dandekar and McCoy from the floor to pages 1-3 and 7 and amending the title page of the bill, and moved its adoption.

Amendment S-3143 was adopted by a voice vote.

Senator Jochum moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 497), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, 22:

Anderson	Chelgren	Hamerlinck	Smith
Bacon	Dix	Houser	Sorenson
Bartz	Ernst	Johnson	Whitver
Behn	Feenstra	Kapucian	Zaun
Bertrand	Greiner	Kettering	
Boettger	Hahn	McKinley	

Absent, 2:

Seymour	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

Senate File 480

On motion of Senator Hatch, **Senate File 480**, a bill for an act relating to health care and policy, and health care infrastructure and integration of public and private programs, and related matters, and including effective date provisions, was taken up for consideration.

Senator Hatch offered amendment S–3136, filed by him from the floor to pages 1–3, 8–9, and 11 of the bill, and moved its adoption.

Amendment S–3136 was adopted by a voice vote.

Senator Hatch offered amendment S–3144, filed by him from the floor to pages 15 and 17 of the bill, and moved its adoption.

Amendment S–3144 was adopted by a voice vote.

Senator Hatch moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 480), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders

Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, 22:

Anderson	Chelgren	Hamerlinck	Smith
Bacon	Dix	Houser	Sorenson
Bartz	Ernst	Johnson	Whitver
Behn	Feenstra	Kapucian	Zaun
Bertrand	Greiner	Kettering	
Boettger	Hahn	McKinley	

Absent, 2:

Seymour	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 477

On motion of Senator Seng, **Senate File 477**, a bill for an act relating to the regulation of egg production, and including effective date provisions, was taken up for consideration.

Senator Seng asked and received unanimous consent that **House File 453** be **substituted** for **Senate File 477**.

House File 453

On motion of Senator Seng, **House File 453**, a bill for an act relating to the regulation of egg production, and including effective date provisions, was taken up for consideration.

Senator Seng moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 453), the vote was:

Yeas, 48:

Anderson	Dandekar	Hamerlinck	McKinley
Bacon	Danielson	Hancock	Quirnbach
Bartz	Dearden	Hatch	Ragan

Beall	Dix	Hogg	Rielly
Behn	Dotzler	Horn	Schoenjahn
Bertrand	Dvorsky	Houser	Seng
Black	Ernst	Jochum	Smith
Boettger	Feenstra	Johnson	Sodders
Bolkcom	Fraise	Kapucian	Sorenson
Bowman	Greiner	Kettering	Whitver
Chelgren	Gronstal	Kibbie	Wilhelm
Courtney	Hahn	McCoy	Zaun

Nays, none.

Absent, 2:

Seymour Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Seng asked and received unanimous consent that **Senate File 477** be **withdrawn** from further consideration of the Senate.

Senate File 471

On motion of Senator Danielson, **Senate File 471**, a bill for an act creating the red tape commission, was taken up for consideration.

Senator Danielson offered amendment S-3141, filed by him from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment S-3141 was adopted by a voice vote.

Senator Danielson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 471), the vote was:

Yeas, 46:

Anderson	Dandekar	Hamerlinck	Ragan
Bacon	Danielson	Hancock	Rielly
Bartz	Dearden	Hatch	Schoenjahn

Beall	Dix	Hogg	Seng
Behn	Dotzler	Horn	Smith
Bertrand	Dvorsky	Houser	Sodders
Black	Ernst	Jochum	Sorenson
Boettger	Feenstra	Kettering	Whitver
Bolkcom	Fraise	Kibbie	Wilhelm
Bowman	Greiner	McCoy	Zaun
Chelgren	Gronstal	McKinley	
Courtney	Hahn	Quirnbach	

Nays, 2:

Johnson Kapucian

Absent, 2:

Seymour Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

Senate File 397

On motion of Senator Black, **Senate File 397**, a bill for an act creating criminal offenses for falsely claiming the receipt of certain military medals or decorations and providing penalties, was taken up for consideration.

Senator Black offered amendment S-3114, filed by Senator Black, et al., on March 16, 2011, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment S-3114 was adopted by a voice vote.

With the adoption of amendment S-3114, the Chair ruled amendment S-3084, filed by Senator Hamerlinck on March 10, 2011, to page 1 of the bill, out of order.

Senator Black moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 397), the vote was:

Yeas, 48:

Anderson	Dandekar	Hamerlinck	McKinley
Bacon	Danielson	Hancock	Quirnbach
Bartz	Dearden	Hatch	Ragan
Beall	Dix	Hogg	Rielly
Behn	Dotzler	Horn	Schoenjahn
Bertrand	Dvorsky	Houser	Seng
Black	Ernst	Jochum	Smith
Boettger	Feenstra	Johnson	Sodders
Bolkcom	Fraise	Kapucian	Sorenson
Bowman	Greiner	Kettering	Whitver
Chelgren	Gronstal	Kibbie	Wilhelm
Courtney	Hahn	McCoy	Zaun

Nays, none.

Absent, 2:

Seymour Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 397, 471, 480, and 497** and **House File 453** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 312 and 242 and House File 245.

Senate File 312

On motion of Senator Danielson, **Senate File 312**, a bill for an act concerning registration plates issued for business-trade trucks and special trucks, and including applicability date provisions, was taken up for consideration.

Senator Hancock offered amendment S-3116, filed by him on March 16, 2011, to page 1 of the bill, and moved its adoption.

Amendment S-3116 was adopted by a voice vote.

Senator McCoy offered amendment S-3118, filed by him on March 16, 2011, to pages 1 and 2 and amending the title page of the bill, and moved its adoption.

Amendment S-3118 was adopted by a voice vote.

Senator Danielson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 312), the vote was:

Yeas, 48:

Anderson	Dandekar	Hamerlinck	McKinley
Bacon	Danielson	Hancock	Quirmbach
Bartz	Dearden	Hatch	Ragan
Beall	Dix	Hogg	Rielly
Behn	Dotzler	Horn	Schoenjahn
Bertrand	Dvorsky	Houser	Seng
Black	Ernst	Jochum	Smith
Boettger	Feenstra	Johnson	Sodders
Bolkcom	Fraise	Kapucian	Sorenson
Bowman	Greiner	Kettering	Whitver
Chelgren	Gronstal	Kibbie	Wilhelm
Courtney	Hahn	McCoy	Zaun

Nays, none.

Absent, 2:

Seymour Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

Senate File 242

On motion of Senator Schoenjahn, **Senate File 242**, a bill for an act relating to matters under the purview of the alcoholic beverages

division of the department of commerce, and including effective date provisions, was taken up for consideration.

Senator Schoenjahn offered amendment S-3115, filed by him on March 16, 2011, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment S-3115 was adopted by a voice vote.

Senator Schoenjahn asked and received unanimous consent that **House File 617 be substituted for Senate File 242.**

House File 617

On motion of Senator Schoenjahn, **House File 617**, a bill for an act relating to matters under the purview of the alcoholic beverages division of the department of commerce, and including effective date provisions, was taken up for consideration.

Senator Hatch asked and received unanimous consent that action on **House File 617 be deferred.**

House File 245

On motion of Senator Jochum, **House File 245**, a bill for an act relating to the status of posthumously conceived and born children in the context of legitimacy, inheritance, rights to claim an after-born child's share, and other rights, with report of committee recommending passage, was taken up for consideration.

Senator Jochum moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 245), the vote was:

Yeas, 44:

Anderson	Danielson	Hancock	McKinley
Bacon	Dearden	Hatch	Quirmbach
Beall	Dix	Hogg	Ragan
Behn	Dotzler	Horn	Rielly
Bertrand	Dvorsky	Houser	Schoenjahn

Black	Ernst	Jochum	Seng
Boettger	Fraise	Johnson	Sodders
Bolkcom	Greiner	Kapucian	Sorenson
Bowman	Gronstal	Kettering	Whitver
Courtney	Hahn	Kibbie	Wilhelm
Dandekar	Hamerlinck	McCoy	Zaun

Nays, 4:

Bartz	Chelgren	Feenstra	Smith
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Absent, 2:

Seymour	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Concurrent Resolution 12.

House Concurrent Resolution 12

On motion of Senator Gronstal, **House Concurrent Resolution 12**, a concurrent resolution relating to joint rules of the Senate and House of Representatives for the Eighty-fourth General Assembly, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal moved the adoption of House Concurrent Resolution 12, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 312, House Concurrent Resolution 12, and House File 245** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:50 p.m. until 9:00 a.m., Tuesday, March 22, 2011.

APPENDIX**COMMUNICATION RECEIVED**

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF ADMINISTRATIVE SERVICES

Annual Report on Recycled Products and Soy-based Inks, pursuant to Iowa Code section 8A.315. Report received on March 21, 2011.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Dorothy Frye, Waterloo—For celebrating her 90th birthday. Senator Dotzler (3/21/11).

Harvey and Dorothy Frye, Waterloo—For celebrating their 70th wedding anniversary. Senator Dotzler (3/21/11).

Bernadine Gardner, Waterloo—For celebrating her 90th birthday. Senator Dotzler (3/21/11).

Savanna Groenjes, Council Bluffs—For her dedication to raising awareness about epilepsy and participation in the Epilepsy Foundation's annual Kids Speak Up! Event. Senator Gronstal (3/21/11).

Donald Lemons, Waterloo—For celebrating his 80th birthday. Senator Dotzler (3/21/11).

Rita Mayer, Waterloo—For celebrating her 80th birthday. Senator Dotzler (3/21/11).

Olive Parker, Waterloo—For celebrating her 95th birthday. Senator Dotzler (3/21/11).

Phyllis Parrott, Cherokee—For receiving the 2011 Cherokee Citizen of the Year Award for her dedication to the Cherokee community. Senator Anderson (3/21/11).

Agnes Quigley, Toledo—For celebrating her 92nd birthday. Senator Kapucian (3/21/11).

Gwen Scoles, Evansdale—For celebrating her 90th birthday. Senator Dotzler (3/21/11).

Rowena Smith, Waterloo—For celebrating her 80th birthday. Senator Dotzler (3/21/11).

INTRODUCTION OF RESOLUTIONS

Senate Resolution 9, by Sodders, Johnson, and Anderson, a resolution to recognize the positive impact of the community services block grant program.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 10, by Beall and Boettger, a resolution inviting the people of Yamanashi Prefecture, Japan, to be the guests of the State of Iowa at the rededication of the Japanese Bell of Peace and Friendship.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILLS

Senate File 510, by committee on Appropriations, a bill for an act relating to and making appropriations to the justice system.

Read first time under Rule 28 and **placed on Appropriations calendar**.

Senate File 511, by committee on Appropriations, a bill for an act relating to and making appropriations to the judicial branch.

Read first time under Rule 28 and **placed on Appropriations calendar**.

Senate File 512, by committee on Appropriations, a bill for an act making supplemental appropriations for the fiscal year beginning July 1, 2010, for the state public defender and including effective date provisions.

Read first time under Rule 28 and **placed on Appropriations calendar**.

SUBCOMMITTEE ASSIGNMENTS

Senate File 481

APPROPRIATIONS: Hatch, Chair; Bolkom, Johnson, Ragan, and Seymour

Senate File 489

APPROPRIATIONS: Jochum, Chair; Dix and Hogg

Senate File 500

APPROPRIATIONS: Black, Chair; Dvorsky, Hogg, Houser, and Kapucian

House File 401

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Bertrand and Courtney

House File 490 (Reassigned)

JUDICIARY: Hogg, Chair; Jochum and Whitver

House File 493

EDUCATION: Quirnbach, Chair; Boettger and Dvorsky

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: *SENATE FILE 510 (SSB 1198), a bill for an act relating to and making appropriations to the justice system.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dvorsky, McCoy, Black, Bolkom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 7: Kettering, Bartz, Boettger, Dix, Houser, Johnson, and Kapucian. Absent, 1: Seymour.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 510, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 511 (SSB 1197), a bill for an act relating to and making appropriations to the judicial branch.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dvorsky, McCoy, Black, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 7: Kettering, Bartz, Boettger, Dix, Houser, Johnson, and Kapucian. Absent, 1: Seymour.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 511, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 512 (SSB 1201), a bill for an act making supplemental appropriations for the fiscal year beginning July 1, 2010, for the state public defender and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 19: Dvorsky, McCoy, Kettering, Bartz, Black, Boettger, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Houser, Jochum, Johnson, Kapucian, Ragan, and Schoenjahn. Nays, 1: Dix. Absent, 1: Seymour.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendation for confirmation:

STATE GOVERNMENT

Dennis Rafdal – Board of Barbering

Peggy Elliot – Commission for the Blind

Susan Oltrogge – Boiler and Pressure Vessel Board

Keith Taeger – Boiler and Pressure Vessel Board

Mary Ellen Kimball – Board of Trustees of the Iowa Cultural Trust

Connie Schmett – Board of Trustees of the Iowa Cultural Trust

Chad Umland – Board of Trustees of the Iowa Cultural Trust

Catherine Dangelser – Board of Hearing Aid Dispensers

Jon McAvoy – Board of Hearing Aid Dispensers

Scott Ihrke – Board of Optometry

Michael Portz – Board of Optometry

Carolyn Warkentin – Board of Optometry
 Robert Broomfield – Real Estate Commission
 Gail Flagel – Real Estate Commission
 Susan Sanders – Real Estate Commission
 Michael Telford – Real Estate Commission

Mark Hudson – Board of Social Work
 David Stone – Board of Social Work

REFERRALS TO INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the “En Bloc Confirmation Calendar” and placed on the “Individual Confirmation Calendar”:

Mark Schuling – Consumer Advocate

JEFF DANIELSON

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the “En Bloc Confirmation Calendar” and placed on the “Individual Confirmation Calendar”:

Eric Goranson – State Board of Education

ROBERT E. DVORSKY

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the “En Bloc Confirmation Calendar” and placed on the “Individual Confirmation Calendar”:

Richard Stradley – Chair of the Property Assessment Appeal Board

Richard Stradley – Property Assessment Appeal Board

Libby Jacobs – Chair of Utilities Board

Libby Jacobs – Utilities Board

JOE BOLKCOM

AMENDMENTS FILED

S-3134	S.F.	415	Pam Jochum
S-3135	S.F.	293	Dick L. Dearden
S-3136	S.F.	480	Jack Hatch
S-3137	S.F.	506	Randy Feenstra
S-3138	S.F.	506	Jerry Behn
S-3139	S.F.	506	Tom Rielly

S-3140	S.F.	509	Dennis H. Black David Johnson
S-3141	S.F.	471	Jeff Danielson
S-3142	S.F.	406	Matt McCoy
S-3143	S.F.	497	Swati A. Dandekar Matt McCoy
S-3144	S.F.	480	Jack Hatch
S-3145	S.F.	423	Herman C. Quirnbach
S-3146	S.F.	467	Herman C. Quirnbach

JOURNAL OF THE SENATE

SEVENTY-SECOND CALENDAR DAY
FORTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 22, 2011

The Senate met in regular session at 9:05 a.m., President Kibbie presiding.

Prayer was offered by Pastor Verlyn Boone of the First Reformed Church in Hull, Iowa. He was the guest of Senator Feenstra.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jim Gulbranson.

The Journal of Monday, March 21, 2011, was approved.

INTRODUCTION OF GOVERNOR'S APPOINTEE

The Secretary of the Senate introduced Elizabeth Jacobs, the governor's appointee to be the Chair of the Utilities Board. She was the guest of Senators Courtney and Behn and the committee on Commerce.

SPECIAL GUESTS

Senator McKinley welcomed to the Senate chamber Queen Tricia Wisniewski and representatives from Pella's Seventy-sixth Annual Tulip Time Festival. Queen Wisniewski invited the Senate to attend this year's festival on May 5, 6, and 7, 2011.

Queen Wisniewski introduced the following members of her court: Leah Engelbrecht, Rachel Greving, Karissa Schaudt, and Kristi Van Wyk. President Kibbie gave Queen Wisniewski a kiss, and she, in turn, presented President Kibbie with a package of the famous Pella Dutch pastries.

The Queen, her attendants, and their parents distributed pastries to the senators and staff.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 21, 2011, **passed** the following bills in which the concurrence of the House was asked:

Senate File 325, a bill for an act relating to the boards of directors of public corporations, and including effective date provisions.

Senate File 475, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and retroactive applicability provisions.

Senate File 483, a bill for an act relating to licensure by the board of educational examiners of persons who complete an administrator preparation program offered by a regionally accredited or board of educational examiners' approved non-Iowa institution.

ALSO: That the House has on March 21, 2011, **passed** the following bills in which the concurrence of the Senate is asked:

House File 390, a bill for an act relating to an Alzheimer's disease response strategy.

Read first time and referred to committee on **Human Resources**.

House File 467, a bill for an act relating to programs and activities under the purview of the department of public health.

Read first time and referred to committee on **Human Resources**.

House File 548, a bill for an act relating to county support of county civil service commissions.

Read first time and referred to committee on **Local Government**.

House File 557, a bill for an act relating to swine moved to and from exhibitions, and the duties of veterinarians, and including effective date provisions.

Read first time and referred to committee on **Agriculture**.

House File 609, a bill for an act relating to the probate and trust codes and state inheritance tax and including applicability provisions.

Read first time and referred to committee on **Judiciary**.

House File 614, a bill for an act relating to sexual misconduct with offenders and juveniles, and providing a penalty.

Read first time and referred to committee on **Judiciary**.

ALSO: That the House has on March 21, 2011, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 321, a bill for an act relating to wastewater discharges by on-farm processing operations. (S-3147)

Senate File 402, a bill for an act relating to the injured veterans grant program. (S-3148)

The Senate stood at ease at 9:20 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:29 a.m., President Kibbie presiding.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 512.

Senate File 512

On motion of Senator Hogg, **Senate File 512**, a bill for an act making supplemental appropriations for the fiscal year beginning July 1, 2010, for the state public defender and including effective date provisions, was taken up for consideration.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Seymour and Ward, until they arrive, on request of Senator Kettering.

Senator Hogg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 512), the vote was:

Yeas, 36:

Beall	Dearden	Hogg	McKinley
Black	Dotzler	Horn	Quirmbach
Boettger	Dvorsky	Houser	Ragan
Bolkcom	Feenstra	Jochum	Rielly
Bowman	Fraise	Johnson	Schoenjahn
Chelgren	Greiner	Kapucian	Seng
Courtney	Gronstal	Kettering	Sodders
Dandekar	Hancock	Kibbie	Wilhelm
Danielson	Hatch	McCoy	Zaun

Nays, 12:

Anderson	Behn	Ernst	Smith
Bacon	Bertrand	Hahn	Sorenson
Bartz	Dix	Hamerlinck	Whitver

Absent, 2:

Seymour	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

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 March 22, 2011, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Joint Resolution 16, a joint resolution relating to the placement of a statue in the United States capitol honoring Dr. Norman E. Borlaug.

Read first time and referred to committee on **Rules and Administration**.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 512** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:55 a.m. until 3:00 p.m.

RECONVENED

The Senate reconvened at 3:42 p.m., President Kibbie presiding.

HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 22, 2011, **passed** the following bills in which the concurrence of the House was asked:

Senate File 149, a bill for an act allowing the department of transportation to accept reports from advanced registered nurse practitioners and physician assistants disclosing a physical or mental

condition that renders a person incompetent to operate a motor vehicle.

Senate File 244, a bill for an act relating to the release and satisfaction of judgments.

Senate File 259, a bill for an act relating to mental health and substance abuse histories conducted in a presentence investigation report and the standards for release on probation in a criminal proceeding.

Senate File 327, a bill for an act relating to the disposition of a child with mental illness or mental retardation in juvenile court.

Senate File 474, a bill for an act relating to nonsubstantive Code corrections and including effective date and retroactive applicability provisions.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: HOUSE JOINT RESOLUTION 16, a joint resolution relating to the placement of a statue in the United States capitol honoring Dr. Norman E. Borlaug.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Kibbie, McKinley, Bartz, Courtney, Dearden, Dvorsky, Kettering, Ragan, and Zaun. Nays, 1: Danielson. Absent, None.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Joint Resolution 16.

House Joint Resolution 16

On motion of Senator Wilhelm, **House Joint Resolution 16**, a joint resolution relating to the placement of a statue in the United States capitol honoring Dr. Norman E. Borlaug, with report of committee recommending passage, was taken up for consideration.

Senator Wilhelm moved that the resolution be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the resolution was read the last time.

House Joint Resolution 16, a Joint Resolution relating to the placement of a statue in the United States capitol honoring Dr. Norman E. Borlaug.

WHEREAS, each state may provide two statues of notable citizens for display in the United States capitol, and may replace the statues if a resolution to do so is approved by a state's legislature and governor; and

WHEREAS, Dr. Norman E. Borlaug was born March 25, 1914, on a farm in Iowa, educated in a one-room school and worked his way through college during the depression, eventually earning a doctorate degree in plant pathology; and

WHEREAS, Dr. Borlaug, as a native son of Iowa, conducted groundbreaking work in breeding varieties of wheat to feed starving populations across the globe, earning the title of father of the "green revolution"; and

WHEREAS, Dr. Borlaug's breakthrough achievements in plant breeding resulted in the saving of as many as one billion lives, leading to his being described as the man who saved more lives than any other person who has ever lived; and

WHEREAS, Dr. Borlaug had the vision for the creation of the world food prize as the equivalent of a Nobel prize for food and agriculture; and

WHEREAS, in honor of his service to humanity, Dr. Borlaug also received a Nobel peace prize, a presidential medal of freedom, and the congressional gold medal; and

WHEREAS, the state of Iowa and the Iowa general assembly have enacted a permanent day of recognition on October 16 as Dr. Norman E. Borlaug World Food Prize Day; NOW THEREFORE, BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA.

On the question "Shall the resolution be adopted?" (H.J.R. 16), the vote was:

Yeas, 47:

Anderson	Dandekar	Hancock	Quirmbach
Bacon	Darden	Hatch	Ragan
Bartz	Dix	Hogg	Rielly
Beall	Dotzler	Horn	Schoenjahn

Behn	Dvorsky	Houser	Seng
Bertrand	Ernst	Jochum	Smith
Black	Feenstra	Johnson	Sodders
Boettger	Fraise	Kapucian	Sorenson
Bolkcom	Greiner	Kettering	Whitver
Bowman	Gronstal	Kibbie	Wilhelm
Chelgren	Hahn	McCoy	Zaun
Courtney	Hamerlinck	McKinley	

Nays, 1:

Danielson

Absent, 2:

Seymour

Ward

The resolution, having received a constitutional majority, was declared to have been adopted by the Senate and the title was agreed to.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 396.

Senate File 396

On motion of Senator McCoy, **Senate File 396**, a bill for an act relating to the regulation of indemnification provisions in construction contracts, was taken up for consideration.

Senator McCoy withdrew amendment S-3133, filed by him on March 17, 2011, striking and replacing everything after the enacting clause of the bill.

Senator McCoy offered amendment S-3157, filed by him from the floor, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment S-3157 was adopted by a voice vote.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 396), the vote was:

Yeas, 47:

Anderson	Danielson	Hancock	Quirnbach
Bacon	Dearden	Hatch	Ragan
Bartz	Dix	Hogg	Rielly
Beall	Dotzler	Horn	Schoenjahn
Behn	Dvorsky	Houser	Seng
Bertrand	Ernst	Jochum	Smith
Black	Feenstra	Johnson	Sodders
Boettger	Fraise	Kapucian	Sorenson
Bolkcom	Greiner	Kettering	Whitver
Bowman	Gronstal	Kibbie	Wilhelm
Courtney	Hahn	McCoy	Zaun
Dandekar	Hamerlinck	McKinley	

Nays, 1:

Chelgren

Absent, 2:

Seymour

Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 396** and **House Joint Resolution 16** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 406 and 464.

Senate File 406

On motion of Senator McCoy, **Senate File 406**, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce and including effective date provisions, was taken up for consideration.

Senator McCoy withdrew amendment S-3142, filed by him on March 21, 2011, to pages 1-3, 16-20, and 24 of the bill.

Senator McCoy offered amendment S-3150, filed by him from the floor to pages 1-3, 16-20, and 24 and amending the title page of the bill, and moved its adoption.

Amendment S-3150 was adopted by a voice vote.

Senator Hogg offered amendment S-3159, filed by him from the floor to page 21 of the bill, and moved its adoption.

Amendment S-3159 was adopted by a voice vote.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 406), the vote was:

Yeas, 48:

Anderson	Dandekar	Hamerlinck	McKinley
Bacon	Danielson	Hancock	Quirmbach
Bartz	Dearden	Hatch	Ragan
Beall	Dix	Hogg	Rielly
Behn	Dotzler	Horn	Schoenjahn
Bertrand	Dvorsky	Houser	Seng
Black	Ernst	Jochum	Smith
Boettger	Feenstra	Johnson	Sodders
Bolkcom	Fraise	Kapucian	Sorenson
Bowman	Greiner	Kettering	Whitver
Chelgren	Gronstal	Kibbie	Wilhelm
Courtney	Hahn	McCoy	Zaun

Nays, none.

Absent, 2:

Seymour Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

Senate File 464

On motion of Senator Dearden, **Senate File 464**, a bill for an act allowing the establishment of an open season for hunting mourning doves, was taken up for consideration.

Senator Dearden moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 464), the vote was:

Yeas, 30:

Anderson	Chelgren	Hahn	Rielly
Bacon	Courtney	Hamerlinck	Smith
Bartz	Dearden	Houser	Sodders
Behn	Dix	Johnson	Sorenson
Bertrand	Ernst	Kettering	Whitver
Black	Feenstra	Kibbie	Wilhelm
Boettger	Fraise	McKinley	
Bowman	Gronstal	Ragan	

Nays, 18:

Beall	Dvorsky	Horn	Schoenjahn
Bolkcom	Greiner	Jochum	Seng
Dandekar	Hancock	Kapucian	Zaun
Danielson	Hatch	McCoy	
Dotzler	Hogg	Quirnbach	

Absent, 2:

Seymour	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS
(Deferred March 21, 2011)

House File 617

The Senate resumed consideration of **House File 617**, a bill for an act relating to matters under the purview of the alcoholic beverages division of the department of commerce, including alcoholic beverage

permits and licenses and administrative provisions, modifying fees, and including effective date provisions, deferred March 21, 2011.

Senator Hatch asked and received unanimous consent that action on **House File 617** be **deferred**.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 406** and **464** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 240.

Senate File 240

On motion of Senator Schoenjahn, **Senate File 240**, a bill for an act relating to matters under the purview of the alcoholic beverages division of the department of commerce, and making penalties applicable, was taken up for consideration.

Senator Schoenjahn offered amendment S-3070, filed by him on March 9, 2011, to page 2 of the bill, and moved its adoption.

Amendment S-3070 was adopted by a voice vote.

Senator Schoenjahn offered amendment S-3039, filed by him on February 28, 2011, to page 2 of the bill, and moved its adoption.

Amendment S-3039 was adopted by a voice vote.

Senator Schoenjahn withdrew amendment S-3052, filed by him on March 8, 2011, to page 3 of the bill.

Senator Schoenjahn offered amendment S-3096, filed by him on March 14, 2011, to page 3 of the bill.

Senator Chelgren offered amendment S-3154, filed by him from the floor to page 1 of amendment S-3096, and moved its adoption.

Amendment S-3154 was adopted by a voice vote.

Senator Schoenjahn moved the adoption of amendment S-3096, as amended.

Amendment S-3096, as amended, was adopted by a voice vote.

Senator Schoenjahn offered amendment S-3038, filed by him on February 23, 2011, to page 4 of the bill, and moved its adoption.

Amendment S-3038 was adopted by a voice vote.

Senator Schoenjahn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 240), the vote was:

Yeas, 46:

Anderson	Dandekar	Hamerlinck	Quirnbach
Bacon	Danielson	Hancock	Ragan
Bartz	Dearden	Hatch	Rielly
Beall	Dix	Hogg	Schoenjahn
Behn	Dotzler	Horn	Seng
Bertrand	Dvorsky	Houser	Smith
Black	Ernst	Jochum	Sodders
Boettger	Feenstra	Kapucian	Sorenson
Bolkcom	Fraise	Kettering	Whitver
Bowman	Greiner	Kibbie	Zaun
Chelgren	Gronstal	McCoy	
Courtney	Hahn	McKinley	

Nays, 2:

Johnson	Wilhelm
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Absent, 2:

Seymour	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Rachel Heiss, Iowa Autism Council
Jan Turbes, Iowa Autism Council

Dennis Rafdal, Board of Barbering

Peggy Elliot, Commission for the Blind

Susan Oltrogge, Boiler and Pressure Vessel Board

David Gehling, Board of Chiropractic

Dana Atkins, Board of Cosmetology Arts and Sciences
Mary Clausen, Board of Cosmetology Arts and Sciences
Richard Mosley, Board of Cosmetology Arts and Sciences
Nicole Schultz, Board of Cosmetology Arts and Sciences
Kimberly Setzer, Board of Cosmetology Arts and Sciences

Richard Heidloff, County Finance Committee
Jane Heun, County Finance Committee
Grant Veeder, County Finance Committee

Daniel Deutschman, Board of Dietetics
Bridget Drapeaux, Board of Dietetics
Stacey Loftus, Board of Dietetics

Jean Stadtlander, Early Childhood Iowa State Board

Larry Hill, Board of Educational Examiners
Merle Johnson, Board of Educational Examiners
Marianne Mickelson, Board of Educational Examiners

Candace Biddle, Elevator Safety Board

Michel Nelson, Iowa Finance Authority
Eric Peterson, Iowa Finance Authority

Lori Goetzinger, Iowa Grain Indemnity Fund Board
Sharon Smith, Iowa Grain Indemnity Fund Board

Jon McAvoy, Board of Hearing Aid Dispensers

Laura Hawks, Landscape Architectural Examining Board

Herman Richter, Iowa Lottery Authority Board of Directors

Teresa Kanning, Mental Health Risk Pool Board
Shane Walter, Mental Health Risk Pool Board

Rebecca Ervin, Board of Mortuary Science
Martin Mitchell, Board of Mortuary Science

Daniel Boor, Board of Nursing Home Administrators
Maureen Cahill, Board of Nursing Home Administrators

Scott Ihrke, Board of Optometry
Carolyn Warkentin, Board of Optometry

Bradley Earp, Board of Physical and Occupational Therapy
Jaclyn Fleming, Board of Physical and Occupational Therapy

Gary Nystrom, Board of Physician Assistants

Gerald Edgar, Board of Podiatry

Ralph Scott, Board of Psychology

Gene Nelsen, Real Estate Appraiser Examining Board
Caryl Swaim, Real Estate Appraiser Examining Board

Gail Flagel, Real Estate Commission

Akshay Mahadevia, Board of Respiratory Care

Mark Hudson, Board of Social Work

Dale Farnham, State Soil Conservation Committee
Harold Whipple, State Soil Conservation Committee

Alison Lemke, Board of Speech Pathology and Audiology
Denise Renaud, Board of Speech Pathology and Audiology

Richard Bruner, Iowa Telecommunications and Technology Commission
Shannon Cofield, Iowa Telecommunications and Technology Commission
Timothy Lapointe, Iowa Telecommunications and Technology Commission

Dan Gannon, Commission of Veterans Affairs
Kathleen Myers, Commission of Veterans Affairs

Betty Gustafson, Iowa Board of Veterinary Medicine

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 48:

Anderson	Dandekar	Hamerlinck	McKinley
Bacon	Danielson	Hancock	Quirmbach
Bartz	Dearden	Hatch	Ragan
Beall	Dix	Hogg	Rielly
Behn	Dotzler	Horn	Schoenjahn
Bertrand	Dvorsky	Houser	Seng
Black	Ernst	Jochum	Smith
Boettger	Feenstra	Johnson	Sodders
Bolkcom	Fraise	Kapucian	Sorenson
Bowman	Greiner	Kettering	Whitver
Chelgren	Gronstal	Kibbie	Wilhelm
Courtney	Hahn	McCoy	Zaun

Nays, none.

Absent, 2:

Seymour Ward

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 240** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 22, 2011, **passed** the following bills in which the concurrence of the Senate is asked:

House File 516, a bill for an act relating to the construction of subdivision improvements and certain notice requirements.

Read first time and **passed on file**.

House File 523, a bill for an act relating to employer credits for overpayments of weekly workers' compensation benefits.

Read first time and **passed on file**.

House File 534, a bill for an act relating to school instructional hours and school instructional days and including effective date provisions.

Read first time and **passed on file**.

ALSO: That the House has on March 22, 2011, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 470, a bill for an act relating to the duties and operations of the state's community colleges. (S-3160)

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:38 p.m. until 9:00 a.m., Wednesday, March 23, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Joseph R. Houseman, Burlington—For celebrating his 93rd birthday. Senator Courtney (3/22/11).

James Nepple, Muscatine—For receiving the Silver Beaver Award for contributions to scouting and Boy Scouts of America, Hoover District. Senator Hahn (3/22/11).

Dale and Debbie Schmeiser, Burlington—For celebrating their 40th wedding anniversary. Senator Courtney (3/22/11).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: Tuesday, March 22, 2011, 1:05 p.m.

Members Present: Dandekar, Chair; Rielly, Vice Chair; Behn, Ranking Member; Anderson, Beall, Bolkom, Courtney, Feenstra, Kettering, McCoy, Schoenjahn, Seng, Wilhelm, and Zaun.

Members Absent: Ward (excused).

Committee Business: Passed HF's 254, 299, 404, and 405.

Adjourned: 1:30 p.m.

RULES AND ADMINISTRATION

Convened: Tuesday, March 22, 2011, 11:55 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; McKinley, Ranking Member; Bartz, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun.

Members Absent: None.

Committee Business: Passed SR 8 and HJR 16.

Adjourned: 12:00 p.m.

WAYS AND MEANS

Convened: Tuesday, March 22, 2011, 2:05 p.m.

Members Present: Bolkcom, Chair; Seng, Vice Chair; Zaun, Ranking Member; Anderson, Bartz, Black, Chelgren, Dandekar, Dotzler, Feenstra, Hogg, Jochum, McCoy, Quirnbach, and Smith.

Members Absent: None.

Committee Business: Passed SF 237, as amended, and SF 280. Approved SSBs 1074 and 1196, both as amended.

Recessed: 2:10 p.m.

Reconvened: 2:40 p.m.

Adjourned: 3:05 p.m.

STUDY BILL RECEIVED**SSB 1202 Government Oversight**

Relating to membership in and membership dues paid to organizations representing school boards, board members, and administrators, and to the responsibilities and duties of such organizations, and providing penalties and remedies.

SUBCOMMITTEE ASSIGNMENTS**House File 132**

LOCAL GOVERNMENT: Bowman, Chair; Ernst and Schoenjahn

House File 390

HUMAN RESOURCES: Seymour, Chair; Ragan and Wilhelm

House File 392

STATE GOVERNMENT: Danielson, Chair; Bertrand and Sodders

House File 467

HUMAN RESOURCES: Wilhelm, Chair; Bacon and Dvorsky

House File 569

LOCAL GOVERNMENT: Bowman, Chair; Bartz and Rielly

House File 582

EDUCATION: Quirnbach, Chair; Boettger and Dvorsky

House File 583

EDUCATION: Dvorsky, Chair; Boettger and Quirnbach

House File 584

EDUCATION: Quirnbach, Chair; Boettger and Dvorsky

House File 585

EDUCATION: Quirnbach, Chair; Boettger and Dvorsky

House File 588

EDUCATION: Quirnbach, Chair; Boettger and Dvorsky

House File 593

STATE GOVERNMENT: Soddors, Chair; Jochum and Smith

House File 609

JUDICIARY: Hogg, Chair; Horn and Whitver

House File 614

JUDICIARY: Fraise, Chair; Dvorsky and Sorenson

House File 618

STATE GOVERNMENT: Danielson, Chair; Soddors and Sorenson

SSB 1202

GOVERNMENT OVERSIGHT: Courtney, Chair; Kibbie and Sorenson

FINAL COMMITTEE REPORTS OF BILL ACTION**COMMERCE**

Bill Title: HOUSE FILE 254 (HSB 53), a bill for an act relating to the Iowa communications network by removing waiver provisions applicable to utilization of the network.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Dandekar, Rielly, Behn, Anderson, Beall, Bolkcom, Courtney, Feenstra, Kettering, McCoy, Schoenjahn, Seng, Wilhelm, and Zaun. Nays, none. Absent, 1: Ward.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 299 (HSB 51), a bill for an act relating to the unlawful possession of or entry upon specified personal and public utility property, and providing penalties.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Dandekar, Rielly, Behn, Anderson, Beall, Bolkcom, Courtney, Feenstra, Kettering, McCoy, Schoenjahn, Seng, Wilhelm, and Zaun. Nays, none. Absent, 1: Ward.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 404 (formerly HF 13), a bill for an act relating to payments for prepaid cemetery and funeral merchandise, and funeral services that are required to be placed in trust or secured by a surety bond.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Dandekar, Rielly, Behn, Anderson, Beall, Bolkcom, Courtney, Feenstra, Kettering, McCoy, Seng, Wilhelm, and Zaun. Nays, none. Present, 1: Schoenjahn. Absent, 1: Ward.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 405 (formerly HF 261), a bill for an act relating to records requirements applicable to state banks and state credit unions, and causes of action and duties in relation thereto.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Dandekar, Rielly, Behn, Anderson, Beall, Bolkcom, Courtney, Feenstra, Kettering, McCoy, Schoenjahn, Seng, Wilhelm, and Zaun. Nays, none. Absent, 1: Ward.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 8, a resolution supporting the Republic of China on Taiwan as a part of the global community.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, McKinley, Bartz, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 22nd day of March, 2011.

Senate File 325.

MICHAEL E. MARSHALL
Secretary of the Senate

REFERRAL TO INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the “En Bloc Confirmation Calendar” and placed on the “Individual Confirmation Calendar”:

JoAnn Johnson – Superintendent of Credit Unions

SWATI A. DANDEKAR

AMENDMENTS FILED

S-3147	S.F.	321	House
S-3148	S.F.	402	House
S-3149	S.F.	293	Bill Dix
S-3150	S.F.	406	Matt McCoy
S-3151	S.F.	293	Jack Whitver
S-3152	S.F.	293	Jack Whitver
S-3153	S.F.	444	Herman C. Quirmbach Shawn Hamerlinck
S-3154	S.F.	240	Mark Chelgren

S-3155	S.F.	293	Jack Whitver
S-3156	S.F.	293	Merlin Bartz
S-3157	S.F.	396	Matt McCoy
S-3158	S.F.	252	Thomas G. Courtney
S-3159	S.F.	406	Robert M. Hogg
S-3160	S.F.	470	House

JOURNAL OF THE SENATE

SEVENTY-THIRD CALENDAR DAY
FORTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 23, 2011

The Senate met in regular session at 9:03 a.m., President Kibbie presiding.

Prayer was offered by Pastor Mike Evans of Crossroad Evangelical Free Church in Earlham, Iowa. He was the guest of Senator Sorenson.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Admiral Gerald Gneckow, former admiral of the U.S.S. Iowa.

The Journal of Tuesday, March 22, 2011, was approved.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 8.

Senate Resolution 8

On motion of Senator Soddors, **Senate Resolution 8**, a resolution supporting the Republic of China on Taiwan as a part of the global community, with report of committee recommending passage, was taken up for consideration.

Senator Soddors moved the adoption of Senate Resolution 8, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Sodders introduced to the Senate chamber ranking officials of the Republic of China, Taiwan. Perry Shen, Director General of the Taipei Economic and Cultural Office in Chicago, accompanied by David Wu, Phillip Chen, Rose Kuo-Chen Chen, and May-May Ng, President of CK International, Ltd.

Director General Shen addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

The Senate stood at ease at 9:20 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:49 a.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Ward and Seymour, until they arrive, on request of Senator McKinley.

HOUSE AMENDMENT CONSIDERED

Senate File 470

Senator Beall called up for consideration **Senate File 470**, a bill for an act relating to the duties and operations of the state's community colleges, amended by the House in House amendment S-3160, filed March 22, 2011.

Senator Beall moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Beall moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed

upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 470), the vote was:

Yeas, 48:

Anderson	Dandekar	Hamerlinck	McKinley
Bacon	Danielson	Hancock	Quirmbach
Bartz	Dearden	Hatch	Ragan
Beall	Dix	Hogg	Rielly
Behn	Dotzler	Horn	Schoenjahn
Bertrand	Dvorsky	Houser	Seng
Black	Ernst	Jochum	Smith
Boettger	Feenstra	Johnson	Sodders
Bolkcom	Fraise	Kapucian	Sorenson
Bowman	Greiner	Kettering	Whitver
Chelgren	Gronstal	Kibbie	Wilhelm
Courtney	Hahn	McCoy	Zaun

Nays, none.

Absent, 2:

Seymour Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 402

Senator Sodders called up for consideration **Senate File 402**, a bill for an act relating to the injured veterans grant program, amended by the House in House amendment S-3148, filed March 22, 2011.

Senator Sodders moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Sodders moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed

upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 402), the vote was:

Yeas, 48:

Anderson	Dandekar	Hamerlinck	McKinley
Bacon	Danielson	Hancock	Quirmbach
Bartz	Dearden	Hatch	Ragan
Beall	Dix	Hogg	Rielly
Behn	Dotzler	Horn	Schoenjahn
Bertrand	Dvorsky	Houser	Seng
Black	Ernst	Jochum	Smith
Boettger	Feenstra	Johnson	Sodders
Bolkcom	Fraise	Kapucian	Sorenson
Bowman	Greiner	Kettering	Whitver
Chelgren	Gronstal	Kibbie	Wilhelm
Courtney	Hahn	McCoy	Zaun

Nays, none.

Absent, 2:

Seymour Ward

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 419.

Senate File 419

On motion of Senator Sodders, **Senate File 419**, a bill for an act authorizing the establishment of a philanthropy account within a student activity fund, was taken up for consideration.

Senator Sodders offered amendment S-3083, filed by him on March 10, 2011, to page 1 of the bill, and moved its adoption.

Amendment S-3083 was adopted by a voice vote.

Senator Sodders moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 419), the vote was:

Yeas, 33:

Anderson	Danielson	Hatch	Rielly
Beall	Dearden	Hogg	Schoenjahn
Bertrand	Dotzler	Horn	Seng
Black	Dvorsky	Jochum	Smith
Bolkcom	Fraise	Kapucian	Sodders
Bowman	Greiner	Kibbie	Wilhelm
Chelgren	Gronstal	McCoy	
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, 15:

Bacon	Dix	Houser	Sorenson
Bartz	Ernst	Johnson	Whitver
Behn	Feenstra	Kettering	Zaun
Boettger	Hahn	McKinley	

Absent, 2:

Seymour	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 402, 419, and 470** be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Sorenson, until he returns, on request of Senator McKinley.

CONSIDERATION OF BILLS
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 511 and 510.

Senate File 511

On motion of Senator Hogg, **Senate File 511**, a bill for an act relating to and making appropriations to the judicial branch, was taken up for consideration.

Senator Kettering offered amendment S-3163, filed by him from the floor to page 3 of the bill, and moved its adoption.

Amendment S-3163 was adopted by a voice vote.

Senator Hogg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 511), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, 21:

Anderson	Chelgren	Hamerlinck	Smith
Bacon	Dix	Houser	Whitver
Bartz	Ernst	Johnson	Zaun
Behn	Feenstra	Kapucian	
Bertrand	Greiner	Kettering	
Boettger	Hahn	McKinley	

Absent, 3:

Seymour	Sorenson	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 510

On motion of Senator Hancock, **Senate File 510**, a bill for an act relating to and making appropriations to the justice system, was taken up for consideration.

Senator Johnson offered amendment S-3162, filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3162 be adopted?" (S.F. 510), the vote was:

Yeas, 22:

Anderson	Bowman	Hahn	McKinley
Bacon	Chelgren	Hamerlinck	Smith
Bartz	Dix	Houser	Whitver
Behn	Ernst	Johnson	Zaun
Bertrand	Feenstra	Kapucian	
Boettger	Greiner	Kettering	

Nays, 25:

Beall	Dotzler	Horn	Schoenjahn
Black	Dvorsky	Jochum	Seng
Bolkcom	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	
Dearden	Hogg	Rielly	

Absent, 3:

Seymour	Sorenson	Ward
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Amendment S-3162 lost.

Senator Hancock moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 510), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders

Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, 22:

Anderson	Chelgren	Hamerlinck	Smith
Bacon	Dix	Houser	Sorenson
Bartz	Ernst	Johnson	Whitver
Behn	Feenstra	Kapucian	Zaun
Bertrand	Greiner	Kettering	
Boettger	Hahn	McKinley	

Absent, 2:

Seymour	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 444.

Senate File 444

On motion of Senator Quirnbach, **Senate File 444**, a bill for an act relating to oversight functions performed by the college student aid commission regarding certain restrictions and requirements for schools offering postsecondary educational programs, providing for fees, and making penalties applicable, was taken up for consideration.

Senator Quirnbach offered amendment S-3165, filed by him from the floor to page 6 of the bill, and moved its adoption.

Amendment S-3165 was adopted by a voice vote.

Senator Quirnbach offered amendment S-3153, filed by Senators Quirnbach and Hamerlinck on March 22, 2011, to page 7 of the bill, and moved its adoption.

Amendment S-3153 was adopted by a voice vote.

Senator Quirmbach offered amendment S-3093, filed by him on March 14, 2011, to page 8 and amending the title page of the bill, and moved its adoption.

Amendment S-3093 was adopted by a voice vote.

Senator Quirmbach moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 444), the vote was:

Yeas, 48:

Anderson	Dandekar	Hamerlinck	McKinley
Bacon	Danielson	Hancock	Quirmbach
Bartz	Dearden	Hatch	Ragan
Beall	Dix	Hogg	Rielly
Behn	Dotzler	Horn	Schoenjahn
Bertrand	Dvorsky	Houser	Seng
Black	Ernst	Jochum	Smith
Boettger	Feenstra	Johnson	Sodders
Bolkcom	Fraise	Kapucian	Sorenson
Bowman	Greiner	Kettering	Whitver
Chelgren	Gronstal	Kibbie	Wilhelm
Courtney	Hahn	McCoy	Zaun

Nays, none.

Absent, 2:

Seymour	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 444, 510, and 511** be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Bartz, until he returns, on request of Senator Kettering.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 413 and 192 and House File 267.

Senate File 413

On motion of Senator Jochum, **Senate File 413**, a bill for an act relating to financial responsibilities of local emergency management commissions, was taken up for consideration.

Senator Jochum moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 413), the vote was:

Yeas, 47:

Anderson	Danielson	Hancock	Quirnbach
Bacon	Dearden	Hatch	Ragan
Beall	Dix	Hogg	Rielly
Behn	Dotzler	Horn	Schoenjahn
Bertrand	Dvorsky	Houser	Seng
Black	Ernst	Jochum	Smith
Boettger	Feenstra	Johnson	Sodders
Bolkcom	Fraise	Kapucian	Sorenson
Bowman	Greiner	Kettering	Whitver
Chelgren	Gronstal	Kibbie	Wilhelm
Courtney	Hahn	McCoy	Zaun
Dandekar	Hamerlinck	McKinley	

Nays, none.

Absent, 3:

Bartz	Seymour	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 192

On motion of Senator Black, **Senate File 192**, a bill for an act relating to snowmobile registration and permit fees, with report of committee on Ways and Means recommending passage, was taken up for consideration.

Senator Black offered amendment S-3167, filed by him from the floor to page 2 of the bill, and moved its adoption.

Amendment S-3167 was adopted by a voice vote.

Senator Black moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 192), the vote was:

Yeas, 32:

Beall	Dotzler	Hogg	McCoy
Black	Dvorsky	Horn	Quirmbach
Bolkcom	Feenstra	Houser	Ragan
Bowman	Fraise	Jochum	Rielly
Courtney	Gronstal	Johnson	Schoenjahn
Dandekar	Hahn	Kapucian	Seng
Danielson	Hancock	Kettering	Sodders
Dearden	Hatch	Kibbie	Wilhelm

Nays, 15:

Anderson	Boettger	Greiner	Sorenson
Bacon	Chelgren	Hamerlinck	Whitver
Behn	Dix	McKinley	Zaun
Bertrand	Ernst	Smith	

Absent, 3:

Bartz	Seymour	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 267

On motion of Senator Rielly, **House File 267**, a bill for an act relating to the identification of historic properties by certain rural electric cooperatives, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Rielly offered amendment S-3112, filed by the committee on Economic Growth/Rebuild Iowa on March 15, 2011, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment S-3112 was adopted by a voice vote.

Senator Rielly moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 267), the vote was:

Yeas, 45:

Anderson	Danielson	Hancock	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Beall	Dix	Horn	Seng
Behn	Dotzler	Houser	Smith
Bertrand	Dvorsky	Jochum	Sodders
Black	Ernst	Johnson	Sorenson
Boettger	Feenstra	Kapucian	Whitver
Bolkcom	Fraise	Kettering	Wilhelm
Bowman	Greiner	Kibbie	Zaun
Chelgren	Gronstal	McCoy	
Courtney	Hahn	McKinley	
Dandekar	Hamerlinck	Ragan	

Nays, 1:

Quirmbach

Present, 1:

Hatch

Absent, 3:

Bartz	Seymour	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 192 and 413** and **House File 267** be **immediately messaged** to the House.

UNFINISHED BUSINESS
(Deferred March 22, 2011)**House File 617**

The Senate resumed consideration of **House File 617**, a bill for an act relating to matters under the purview of the alcoholic beverages division of the department of commerce, including alcoholic beverage permits and licenses and administrative provisions, modifying fees, and including effective date provisions, deferred March 22, 2011.

Senator Hogg offered amendment S-3166, filed by Senators Hogg and Boettger from the floor to pages 3 and 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3166 be adopted?" (H.F. 617), the vote was:

Yeas, 16:

Beall	Bowman	Hancock	McCoy
Behn	Dandekar	Hatch	Quirnbach
Boettger	Dvorsky	Hogg	Ragan
Bolkcom	Feenstra	Johnson	Sodders

Nays, 31:

Anderson	Dix	Horn	Schoenjahn
Bacon	Dotzler	Houser	Seng
Bertrand	Ernst	Jochum	Smith
Black	Fraise	Kapucian	Sorenson
Chelgren	Greiner	Kettering	Whitver
Courtney	Gronstal	Kibbie	Wilhelm
Danielson	Hahn	McKinley	Zaun
Dearden	Hamerlinck	Rielly	

Absent, 3:

Bartz	Seymour	Ward
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Amendment S-3166 lost.

Senator Hatch offered amendment S–3164, filed by him from the floor to page 3 of the bill.

Senator Hamerlinck withdrew amendment S–3168, filed by him from the floor to page 1 of amendment S–3164.

Senator Hatch moved the adoption of amendment S–3164.

Amendment S–3164 lost by a voice vote.

Senator Schoenjahn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 617), the vote was:

Yeas, 33:

Anderson	Dix	Horn	Seng
Beall	Dotzler	Houser	Smith
Bertrand	Dvorsky	Jochum	Sorenson
Black	Ernst	Kapucian	Whitver
Chelgren	Feenstra	Kettering	Wilhelm
Courtney	Fraise	Kibbie	Zaun
Dandekar	Greiner	McKinley	
Danielson	Gronstal	Rielly	
Dearden	Hamerlinck	Schoenjahn	

Nays, 14:

Bacon	Bowman	Hogg	Ragan
Behn	Hahn	Johnson	Sodders
Boettger	Hancock	McCoy	
Bolkcom	Hatch	Quirnbach	

Absent, 3:

Bartz	Seymour	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Schoenjahn asked and received unanimous consent that **Senate File 242** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 617** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 22, 2011, **passed** the following bills in which the concurrence of the House was asked:

Senate File 291, a bill for an act relating to the discovery of privileged medical records, including mental health records, in a criminal case and including effective date provisions.

Senate File 400, a bill for an act relating to the conveyance or encumbrance of a homestead by a spouse.

ALSO: That the House has on March 22, 2011, **passed** the following bill in which the concurrence of the Senate is asked:

House File 603, a bill for an act relating to eminent domain authority and procedures and including effective date and applicability provisions.

Read first time and referred to committee on **Judiciary**.

ALSO: That the House has on March 22, 2011, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 7, a bill for an act providing for a .08 blood alcohol limit for motorboat or sailboat operating while intoxicated offenses. (S-3171)

Senate File 427, a bill for an act allowing qualified organizations to lease certain electronic bingo equipment in order to assist disabled participants. (S-3170)

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 12:55 p.m. until 9:00 a.m., Thursday, March 24, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Leti Lerma, Muscatine—For being named to the 2010–2011 Iowa Girls' Coaches Association all district team. Senator Hahn (3/23/11).

Grace Rants, Sioux City—For winning the 2011 Iowa Poetry Out Loud Championship. Senator Anderson (3/23/11).

Trinity United Methodist Church of Des Moines—For celebrating its centennial. Senator Hatch (3/23/11).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Tuesday, March 22, 2011, 12:35 p.m.

Members Present: Seng, Chair; Fraise, Vice Chair; Johnson, Ranking Member; Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, Kibbie, and Rielly.

Members Absent: Black (excused).

Committee Business: Presentation on the biomass-to-energy process developed by Agripower, Inc.

Adjourned: 1:05 p.m.

EDUCATION

Convened: Wednesday, March 23, 2011, 1:00 p.m.

Members Present: Quirnbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Johnson, Smith, Soddors, and Wilhelm.

Members Absent: None.

Committee Business: Approved SSB 1203. Approved governor's appointees.

Adjourned: 2:00 p.m.

HUMAN RESOURCES

Convened: Wednesday, March 23, 2011, 2:10 p.m.

Members Present: Ragan, Chair; Wilhelm, Vice Chair; Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Jochum, Johnson, Quirmbach, and Whitver.

Members Absent: Seymour, Ranking Member; and Hatch (both excused).

Committee Business: Approved HF 322.

Adjourned: 2:30 p.m.

LABOR AND BUSINESS RELATIONS

Convened: Wednesday, March 23, 2011, 1:05 p.m.

Members Present: Horn, Chair; Jochum, Vice Chair; Anderson, Bertrand, Chelgren, Courtney, Dearden, Dotzler, and Fraise.

Members Absent: Ward, Ranking Member; and Hatch (both excused).

Committee Business: Approved governor's appointees.

Adjourned: 1:10 p.m.

INTRODUCTION OF BILL

Senate File 513, by committee on Ways and Means, a bill for an act relating to fees to fund programs to aid impaired pharmacists, pharmacist-interns, and pharmacy technicians.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

STUDY BILL RECEIVED**SSB 1203 Education**

To recognize March 2011 as Iowa Arts Education Month.

SUBCOMMITTEE ASSIGNMENTS**House File 516**

LOCAL GOVERNMENT: Bowman, Chair; Bacon and Rielly

House File 557

AGRICULTURE: Seng, Chair; Courtney and Kapucian

SSB 1203

EDUCATION: Quirmbach, Chair; Dvorsky and Hamerlinck

FINAL COMMITTEE REPORTS OF BILL ACTION

HUMAN RESOURCES

Bill Title: HOUSE FILE 322 (HSB 23), a bill for an act relating to the creation of a task force concerning drug product selection relative to antiepileptic drugs for the treatment of epileptic seizures and including effective date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Ragan, Wilhelm, Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Jochum, Johnson, Quirmbach, and Whitver. Nays, none. Absent, 2: Seymour and Hatch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: SENATE FILE 513 (formerly SF 280), a bill for an act relating to fees to fund programs to aid impaired pharmacists, pharmacist-interns, and pharmacy technicians.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Bolkcom, Seng, Zaun, Anderson, Bartz, Black, Chelgren, Dandekar, Dotzler, Feenstra, Hogg, Jochum, Quirmbach, and Smith. Nays, none. Absent, 1: McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS ASSIGNED TO COMMITTEE

President Kibbie announced the assignment of the following bills to committee:

- H.F. 516 Local Government
- H.F. 523 Labor and Business Relations
- H.F. 534 Education

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on March 23, 2011, when the votes were taken on Senate Files 192 and 413 and House Files 267 and 617. Had I been present, I would have voted "Aye." Also, I was necessarily absent when the vote was taken on Amendment S-3166 to House File 617. Had I been present, I would have voted "Nay."

MERLIN BARTZ

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendation for confirmation:

HUMAN RESOURCES

Betty Grandquist – Commission on Aging
Fred Schuster – Commission on Aging

Pamela Davis – Board of Athletic Training
Melody Higgins – Board of Athletic Training
William Jacobson – Board of Athletic Training
Christina Taylor – Board of Athletic Training

Daniel Harkness – Board of Behavioral Science
Vickie Miene – Board of Behavioral Science
Sarah Thomas – Board of Behavioral Science
Sherill Whisenand – Board of Behavioral Science

Bruce Johnson – Child Advocacy Board

Joan Bruhn – Prevention of Disabilities Policy Council
Randy Horn – Prevention of Disabilities Policy Council

Vergene Donovan – Health Facilities Council
Robert Lundin – Health Facilities Council
William Thatcher – Health Facilities Council

Kathy Pearson – Healthy and Well Kids in Iowa (HAWK-I) Board
Bob Skow – Healthy and Well Kids in Iowa (HAWK-I) Board

Mark Anderson – Council on Human Services
Mark Peltan – Council on Human Services
Sally Stutsman – Council on Human Services

Rebecca Jackson – Commission of Latino Affairs

Lynn Grobe – Mental Health and Disability Services Commission
 Chris Hoffman – Mental Health and Disability Services Commission
 Susan Koch-Seehase – Mental Health and Disability Services Commission
 Zvia McCormick – Mental Health and Disability Services Commission
 John Willey – Mental Health and Disability Services Commission

Cindy Crawford – Board of Sign Language Interpreters and Transliterators
 Stephanie Lyons – Board of Sign Language Interpreters and Transliterators
 Brent Welsch – Board of Sign Language Interpreters and Transliterators

LABOR AND BUSINESS RELATIONS

Michael Mauro – Labor Commissioner

Jim Cooper – Plumbing and Mechanical Systems Examining Board
 Ronald Masters – Plumbing and Mechanical Systems Examining Board
 Jenny Pitts – Plumbing and Mechanical Systems Examining Board

Robert Gilmore – Iowa Workforce Development Board
 Rita Grimm – Iowa Workforce Development Board

AMENDMENTS FILED

S-3161	S.F.	492	Jack Hatch
S-3162	S.F.	510	David Johnson
S-3163	S.F.	511	Steve Kettering
S-3164	H.F.	617	Jack Hatch
S-3165	S.F.	444	Herman C. Quirmbach
S-3166	H.F.	617	Robert M. Hogg Nancy J. Boettger
S-3167	S.F.	192	Dennis H. Black
S-3168	H.F.	617	Shawn Hamerlinck
S-3169	S.F.	293	Matt McCoy
S-3170	S.F.	427	House
S-3171	S.F.	7	House

JOURNAL OF THE SENATE

SEVENTY-FOURTH CALENDAR DAY
FORTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 24, 2011

The Senate met in regular session at 9:08 a.m., President Kibbie presiding.

Prayer was offered by Pastor Dwight Grosvenor of the Griswold United Methodist Church in Griswold, Iowa. He was the guest of Senator Boettger.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Ethan Fredrick.

The Journal of Wednesday, March 23, 2011, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 23, 2011, **passed** the following bills in which the concurrence of the House was asked:

Senate File 299, a bill for an act relating to environmental protection, including solid waste, sewage works, hazardous waste, infectious medical waste, and pesticide and fertilizer contamination.

Senate File 429, a bill for an act placing the agricultural development authority within the department of agriculture and land stewardship.

Senate File 464, a bill for an act allowing the establishment of an open season for hunting mourning doves.

ALSO: That the House has on March 23, 2011, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 233, a bill for an act relating to entitling mental health counselors to payment for behavioral health services provided under the Medicaid program. (S-3173)

Senate File 361, a bill for an act authorizing the Iowa state fair board to establish an endowment fund to receive gifts in trust dedicated to the maintenance and improvement of the Iowa state fairgrounds. (S-3172)

ALSO: That the House has on March 23, 2011, **passed** the following bills in which the concurrence of the Senate is asked:

House File 454, a bill for an act permitting city utilities and certain cities to delegate the authority to certify unpaid rates or charges for collection by the county treasurer.

Read first time and referred to committee on **Local Government**.

House File 473, a bill for an act relating to bidding and contracting for public improvement, public works, and public road projects and including effective date and applicability provisions.

Read first time and referred to committee on **Labor and Business Relations**.

House File 597, a bill for an act creating new procedures for external review of health care coverage decisions by health carriers and including transition and applicability provisions.

Read first time and referred to committee on **Commerce**.

House File 643, a bill for an act relating to environmental protection, by transferring certain powers and duties to the department of agriculture and land stewardship, and including effective date provisions.

Read first time and referred to committee on **Natural Resources and Environment**.

SPECIAL GUESTS

Senator Johnson introduced to the Senate chamber Becky Algood, Ken Fawcett, Herb Wilson, Pete Swisher, and Pam Freeland, representing the Herbert Hoover Presidential Library Association, the Hoover Presidential Library-Museum, and the Hoover National Historic Site in West Branch.

The Senate rose and expressed its welcome.

President Kibbie announced the 2011 Herbert Hoover Uncommon Public Service Award recipient, Senator Robert E. Dvorsky.

The Senate rose and expressed its congratulations.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:25 a.m. until 1:00 p.m., Monday, March 28, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Senator Robert E. Dvorsky, Coralville—For receiving the Herbert Hoover Uncommon Public Service Award. Senators Johnson and Kibbie (3/24/11).

Nellie Franck, Maquoketa—For celebrating her 100th birthday. Senator Bowman (3/24/11).

Loras College Judo Club, Junior and Senior “Golden Shiai”—For celebrating 50 Golden Years. Senator Hamerlinck (3/24/11).

George and Virginia Turner, Oskaloosa—For celebrating their 65th wedding anniversary. Senator Rielly (3/24/11).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Wednesday, March 23, 2011, 3:00 p.m.

Members Present: Dvorsky, Chair; Kettering, Ranking Member; Bartz, Black Boettger, Bolkom, Danielson, Dix, Dotzler, Fraise, Hancock, Hatch, Hogg, Houser, Jochum, Johnson, Kapucian, Ragan, and Schoenjahn.

Members Absent: McCoy, Vice Chair; and Seymour (both excused).

Committee Business: Approved SSB 1199, as amended.

Recessed: 3:05 p.m.

Reconvened: 3:40 p.m.

Adjourned: 4:10 p.m.

JUDICIARY

Convened: Thursday, March 24, 2011, 11:10 a.m.

Members Present: Fraise, Chair; Hogg, Vice Chair; Boettger, Ranking Member; Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Sorenson, and Whitver.

Members Absent: Ward (excused).

Committee Business: Approved HF's 321 and 565. Approved governor's appointees.

Adjourned: 11:35 a.m.

LOCAL GOVERNMENT

Convened: Thursday, March 24, 2011, 1:05 p.m.

Members Present: Wilhelm, Chair; Beall, Vice Chair; Bartz, Ranking Member; Bacon, Bowman, Ernst, Hamerlinck, McCoy, Quirnbach, and Rielly.

Members Absent: Schoenjahn (excused).

Committee Business: Approved HF's 132, 512, and 569.

Adjourned: 1:20 p.m.

INTRODUCTION OF BILLS

Senate File 514, by committee on Ways and Means, a bill for an act relating to the administration of the redevelopment tax credit program for brownfields and grayfields and including retroactive applicability provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

Senate File 515, by committee on Ways and Means, a bill for an act relating to the administration of the streamlined sales tax agreement by the department of revenue.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

Senate File 516, by committee on Ways and Means, a bill for an act providing income tax credits for the construction and installation of solar energy systems and wind energy systems, and including effective date and retroactive applicability provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

SUBCOMMITTEE ASSIGNMENT

House File 643

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Black and Hahn

FINAL COMMITTEE REPORTS OF BILL ACTION

JUDICIARY

Bill Title: HOUSE FILE 321 (HSB 65), a bill for an act modifying the duties of a county attorney relating to schools and to the extradition of criminal defendants and securing of certain witnesses.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Sorenson, and Whitver. Nays, none. Absent, 1: Ward.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 565 (HSB 166), a bill for an act relating to business entities by providing for service of process for foreign corporations and the naming of professional limited liability companies, and including effective and applicability date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Sorenson, and Whitver. Nays, none. Absent, 1: Ward.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Bill Title: HOUSE FILE 132, a bill for an act relating to the filing requirements for certain ordinances relating to a division of revenue.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Wilhelm, Beall, Bartz, Bacon, Bowman, Ernst, Hamerlinck, McCoy, Quirnbach, and Rielly. Nays, none. Absent, 1: Schoenjahn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 512 (HSB 59), a bill for an act providing an exemption from standards and requirements otherwise applicable to the investment of public funds by specified state departments, agencies, and political subdivisions.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Wilhelm, Beall, Bartz, Bacon, Bowman, Ernst, Hamerlinck, McCoy, Quirnbach, and Rielly. Nays, none. Absent, 1: Schoenjahn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 569 (formerly HF 223), a bill for an act relating to filling vacancies in the office of representative in Congress and in elective city offices.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Wilhelm, Beall, Bartz, Bacon, Bowman, Ernst, Hamerlinck, McCoy, Quirnbach, and Rielly. Nays, none. Absent, 1: Schoenjahn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: *SENATE FILE 514 (formerly SF 237), a bill for an act relating to the administration of the redevelopment tax credit program for brownfields and grayfields and including retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolcom, Seng, Zaun, Anderson, Bartz, Black, Chelgren, Dandekar, Dotzler, Feenstra, Hogg, Jochum, McCoy, Quirnbach, and Smith. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 514, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 515 (SSB 1074), a bill for an act relating to the administration of the streamlined sales tax agreement by the department of revenue.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Bolcom, Seng, Zaun, Anderson, Bartz, Black, Dandekar, Dotzler, Feenstra, Hogg, Jochum, Quirnbach, and Smith. Nays, none. Present, 1: Chelgren. Absent, 1: McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 515, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 516 (SSB 1196), a bill for an act providing income tax credits for the construction and installation of solar energy systems and wind energy systems, and including effective date and retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Bolcom, Seng, Zaun, Anderson, Bartz, Black, Dandekar, Dotzler, Feenstra, Hogg, Jochum, Quirnbach, and Smith. Nays, 1: Chelgren. Absent, 1: McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 516, and they were attached to the committee report.

BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following 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 24th day of March, 2011.

Senate File 464.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S-3172	S.F.	361	House
S-3173	S.F.	233	House
S-3174	S.F.	361	Dick L. Dearden
S-3175	S.F.	467	Jeff Danielson William A. Dotzler, Jr.

JOURNAL OF THE SENATE

SEVENTY-EIGHTH CALENDAR DAY
FORTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 28, 2011

The Senate met in regular session at 1:06 p.m., President Kibbie presiding.

Prayer was offered by the Honorable David Johnson, member of the Senate from Osceola County, Ocheyedan, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jim Gulbranson.

The Journal of Thursday, March 24, 2011, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 24, 2011, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

House File 267, a bill for an act relating to the identification of historic properties by certain rural electric cooperatives.

ALSO: That the House has on March 24, 2011, **passed** the following bill in which the concurrence of the Senate is asked:

House File 458, a bill for an act concerning the retention of funds due to contractors on public improvements.

Read first time and referred to committee on **Judiciary**.

President Pro Tempore Danielson took the chair at 1:15 p.m.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **House File 569** be referred from the Regular Calendar to the committee on **State Government**.

The Senate stood at ease at 1:16 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:57 p.m., President Kibbie presiding.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 491, 465, 443, 442, 415, 360, and 156.

Senate File 491

On motion of Senator Dotzler, **Senate File 491**, a bill for an act relating to the child abuse registry administered by the department of human services, was taken up for consideration.

Senator Dotzler asked and received unanimous consent that **House File 562** be **substituted** for **Senate File 491**.

House File 562

On motion of Senator Dotzler, **House File 562**, a bill for an act relating to the child abuse registry administered by the department of human services, was taken up for consideration.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 562), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Dotzler asked and received unanimous consent that **Senate File 491** be **withdrawn** from further consideration of the Senate.

Senate File 465

On motion of Senator Dotzler, **Senate File 465**, a bill for an act relating to assisted living programs, including voluntary cessation of program operations and decertification, and providing penalties, was taken up for consideration.

Senator Dotzler offered amendment S-3176, filed by him from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment S-3176 was adopted by a voice vote.

Senator Dotzler asked and received unanimous consent that **House File 537** be **substituted** for **Senate File 465**.

House File 537

On motion of Senator Dotzler, **House File 537**, a bill for an act relating to assisted living programs, including voluntary cessation of program operations and decertification, and providing penalties, was taken up for consideration.

Senator Dotzler offered amendment S-3177, filed by him from the floor to page 1 and amending the title page of the bill, and moved its adoption.

Amendment S-3177 was adopted by a voice vote.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 537), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

WITHDRAWN

Senator Dotzler asked and received unanimous consent that **Senate File 465** be **withdrawn** from further consideration of the Senate.

Senate File 443

On motion of Senator Fraise, **Senate File 443**, a bill for an act relating to preferred stock issued by cooperative associations, was taken up for consideration.

Senator Fraise asked and received unanimous consent that **House File 468** be **substituted** for **Senate File 443**.

House File 468

On motion of Senator Fraise, **House File 468**, a bill for an act relating to preferred stock issued by cooperative associations, was taken up for consideration.

Senator Fraise moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 468), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm

Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Fraise asked and received unanimous consent that **Senate File 443** be **withdrawn** from further consideration of the Senate.

Senate File 442

On motion of Senator Johnson, **Senate File 442**, a bill for an act providing for voting methods which may be utilized by members of cooperative associations, was taken up for consideration.

Senator Johnson asked and received unanimous consent that **House File 348** be **substituted** for **Senate File 442**.

House File 348

On motion of Senator Johnson, **House File 348**, a bill for an act providing for voting methods which may be utilized by members of cooperative associations, was taken up for consideration.

Senator Johnson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 348), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith

Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Johnson asked and received unanimous consent that **Senate File 442** be **withdrawn** from further consideration of the Senate.

Senate File 415

On motion of Senator Jochum, **Senate File 415**, a bill for an act allowing an advanced registered nurse practitioner and a physician assistant to sign a death certificate, was taken up for consideration.

Senator Jochum offered amendment S-3134, filed by her on March 21, 2011, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment S-3134 was adopted by a voice vote.

Senator Jochum asked and received unanimous consent that **House File 393** be **substituted** for **Senate File 415**.

House File 393

On motion of Senator Jochum, **House File 393**, a bill for an act allowing an advanced registered nurse practitioner and a physician assistant to sign a death certificate, was taken up for consideration.

Senator Jochum moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 393), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Jochum asked and received unanimous consent that **Senate File 415** be **withdrawn** from further consideration of the Senate.

Senate File 360

On motion of Senator Sodders, **Senate File 360**, a bill for an act relating to bail restrictions placed on criminal defendants, was taken up for consideration.

Senator Sodders offered amendment S-3178, filed by him from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment S-3178 was adopted by a voice vote.

Senator Sodders asked and received unanimous consent that **House File 271** be **substituted** for **Senate File 360**.

House File 271

On motion of Senator Sodders, **House File 271**, a bill for an act relating to bail restrictions placed on criminal defendants, was taken up for consideration.

Senator Sodders moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 271), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Sodders asked and received unanimous consent that **Senate File 360** be **withdrawn** from further consideration of the Senate.

Senate File 156

On motion of Senator Quirmbach, **Senate File 156**, a bill for an act relating to instruments used to update the county transfer books and index maintained by the county auditor, was taken up for consideration.

Senator Quirmbach asked and received unanimous consent that **House File 243** be substituted for **Senate File 156**.

House File 243

On motion of Senator Quirmbach, **House File 243**, a bill for an act relating to instruments used to update the county transfer books and index maintained by the county auditor, was taken up for consideration.

Senator Quirmbach moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 243), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Quirnbach asked and received unanimous consent that **Senate File 156** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 243, 271, 348, 393, 468, 537, and 562** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 492.

Senate File 492

On motion of Senator Hatch, **Senate File 492**, a bill for an act relating to the duties of a guardian or conservator, was taken up for consideration.

Senator Black offered amendment S-3179, filed by him from the floor, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment S-3179 was adopted by a voice vote.

With the adoption of amendment S-3179, the Chair ruled amendment S-3161, filed by Senator Hatch on March 23, 2011, to page 1 of the bill, out of order.

Senator Hatch moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 492), the vote was:

Yeas, 49:

Anderson	Danielson	Hatch	Schoenjahn
Bacon	Dearden	Horn	Seng
Bartz	Dix	Houser	Seymour
Beall	Dotzler	Jochum	Smith
Behn	Dvorsky	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hahn	Quirnbach	
Courtney	Hamerlinck	Ragan	
Dandekar	Hancock	Rielly	

Nays, 1:

Hogg

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 492** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:00 p.m. until 9:00 a.m., Tuesday, March 29, 2011.

APPENDIX**CERTIFICATES OF RECOGNITION**

The Secretary of the Senate issued the following certificates of recognition:

Tressa Bartholomew, Carlisle—For celebrating her 106th birthday. Senator Sorenson (3/28/11).

Reverend Linda Hansen Bibb, Asbury United Methodist of Webster City—For blessing us with prayer in the Iowa Senate. Senator Beall (3/28/11).

Reverend Stephen Bibb, First United Methodist of Fort Dodge—For blessing us with prayer in the Iowa Senate. Senator Beall (3/28/11).

Sephra Byrne, Mason City—For achieving the Girl Scout Gold Award, Troop 20090. Senator Ragan (3/28/11).

Peter Carlson, Elgin—For achieving the rank of Eagle Scout, Troop 53. Senator Schoenjahn (3/28/11).

Brent Christeson, Rockford—For achieving the rank of Eagle Scout, Troop 34. Senator Ragan (3/28/11).

Lynn Engen, Ames, Founder and Director of People Place—For her 30 years of outstanding service to the families of Central Iowa. Senator Quirmbach (3/28/11).

Sarah Floden, Mason City—For achieving the Girl Scout Gold Award, Troop 20090. Senator Ragan (3/28/11).

Leo and Sandy Guest, Indianola—For celebrating their 50th wedding anniversary. Senator Sorenson (3/28/11).

Norman Hildebrand, Winterset—For celebrating his 80th birthday. Senator Sorenson (3/28/11).

Luke Hinton, Postville—For achieving the rank of Eagle Scout, Troop 53. Senator Schoenjahn (3/28/11).

Senator C.W. "Bill" Hutchins—For celebrating his 80th birthday. Senator Fraise (3/28/11).

Steven Kress, Clermont—For achieving the rank of Eagle Scout, Troop 53. Senator Schoenjahn (3/28/11).

Alyssa Lau, Mason City—For achieving the Girl Scout Gold Award, Troop 20090. Senator Ragan (3/28/11).

Rockwell Community Nursing Home—For being named to the U.S. News Best Nursing Homes. Senator Ragan (3/28/11).

Katie Simmons, Mason City—For achieving the Girl Scout Gold Award, Troop 20090. Senator Ragan (3/28/11).

Stacyville Community Nursing Home—For being named to the U.S. News Best Nursing Homes. Senator Ragan (3/28/11).

Mallorie Thompson, Mason City—For achieving the Girl Scout Gold Award, Troop 20090. Senator Ragan (3/28/11).

Henry and Joyce Vogelmann, Greene—For celebrating their 50th wedding anniversary. Senator Ragan (3/28/11).

Angela Zook, Mason City—For achieving the Girl Scout Gold Award, Troop 20090. Senator Ragan (3/28/11).

INTRODUCTION OF RESOLUTION

Senate Resolution 11, by Beall and Boettger, a resolution of condolence to the people of Japan.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILL

Senate File 517, by committee on Appropriations, a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters and including immediate effective date provisions.

Read first time under Rule 28 and **placed on Appropriations calendar**.

SUBCOMMITTEE ASSIGNMENTS

House File 454

LOCAL GOVERNMENT: Bowman, Chair; Bartz and Rielly

House File 458

JUDICIARY: Horn, Chair; Quirnbach and Ward

House File 473

LABOR AND BUSINESS RELATIONS: Courtney, Chair; Dotzler and Ward

House File 523

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Anderson and Courtney

House File 569

STATE GOVERNMENT: Danielson, Chair; Behn and Jochum

House File 597

COMMERCE: McCoy, Chair; Behn and Dandekar

House File 603

JUDICIARY: Dvorsky, Chair; Dix and Fraise

FINAL COMMITTEE REPORT OF BILL ACTION**APPROPRIATIONS**

Bill Title: *SENATE FILE 517 (SSB 1199), a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters and including immediate effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Dvorsky, Black, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 7: Kettering, Bartz, Boettger, Dix, Houser, Johnson, and Kapucian. Present, 1: Hatch. Absent, 2: McCoy and Seymour.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 517, and they were attached to the committee report.

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 28th day of March, 2011.

Senate Files 149, 244, 259, 291, 299, 327, 400, 402, 429, and 483.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 17, 2011, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 72 – Relating to professions which may practice together in professional limited liability companies and including effective and applicability date provisions.

ALSO: A communication was received announcing that on March 23, 2011, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 325 – Relating to the boards of directors of public corporations, and including effective date provisions.

ALSO: A communication was received announcing that on March 24, 2011, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 464 – Allowing the establishment of an open season for hunting mourning doves.

**GOVERNOR'S APPOINTEES PLACED ON
EN BLOC CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendation for confirmation:

JUDICIARY

Randy Moore – Iowa State Civil Rights Commission
Mary Ann Spicer – Iowa State Civil Rights Commission
Angela Williams – Iowa State Civil Rights Commission

John Chalstrom – Board of Corrections
Michael Coleman – Board of Corrections
Charles Larson, Sr. – Board of Corrections
Nancy Turner – Board of Corrections

Jane Larkin – Iowa Drug Policy Advisory Council

**GOVERNOR'S APPOINTEES PLACED ON
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the Individual Confirmation Calendar with recommendation for confirmation:

JUDICIARY

John Baldwin – Director of the Department of Corrections

William Gustoff – State Judicial Nominating Commission

REFERRALS TO INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar":

Bob Skow – Healthy and Well Kids in Iowa (HAWK-I) Board

JOE BOLKCOM

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar":

Michael Mauro – Labor Commissioner

PAM JOCHUM

AMENDMENTS FILED

S-3176	S.F.	465	William A. Dotzler, Jr.
S-3177	H.F.	537	William A. Dotzler, Jr.
S-3178	S.F.	360	Steven J. Sodders
S-3179	S.F.	492	Dennis H. Black
S-3180	S.F.	484	Randy Feenstra

JOURNAL OF THE SENATE

SEVENTY-NINTH CALENDAR DAY
FORTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 29, 2011

The Senate met in regular session at 9:07 a.m., President Kibbie presiding.

Prayer was offered by Reverend Stephen Bibb and Reverend Linda Hansen Bibb, pastors of the 1st United Methodist Church in Fort Dodge, Iowa, and Asbury United Methodist Church in Webster City, Iowa. They were the guests of Senator Beall.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jim Gulbranson.

The Journal of Monday, March 28, 2011, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 28, 2011, **passed** the following bills in which the concurrence of the Senate is asked:

House File 590, a bill for an act relating to the organization of the executive branch agencies responsible for administering economic development programs, making certain properly related changes, and including effective date and transition provisions.

Read first time and referred to committee on **Economic Growth/Rebuild Iowa**.

House File 596, a bill for an act exempting business entities located in small cities or adjacent to small cities, and formed by local development corporations, from certain security regulations.

Read first time and referred to committee on **Commerce**.

House File 607, a bill for an act establishing a parole procedure for certain persons serving a class “A” felony sentence, and including effective date provisions.

Read first time and referred to committee on **Judiciary**.

House File 616, a bill for an act making changes to the membership of the Iowa drug policy advisory council.

Read first time and referred to committee on **Judiciary**.

The Senate stood at ease at 9:15 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:35 a.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:36 a.m. until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:45 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy, until he returns, on request of Senator Gronstal.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Betty Grandquist, Commission on Aging

Melody Higgins, Board of Athletic Training
William Jacobson, Board of Athletic Training

Jeff Gitchel, Iowa Autism Council
Robin Sampson, Iowa Autism Council

Vickie Miene, Board of Behavioral Science
Sarah Thomas, Board of Behavioral Science
Sherill Whisenand, Board of Behavioral Science

Keith Taeger, Boiler and Pressure Vessel Board

Bruce Johnson, Child Advocacy Board

Randy Moore, Iowa State Civil Rights Commission
Mary Ann Spicer, Iowa State Civil Rights Commission

Charles Larson, Sr., Board of Corrections
Nancy Turner, Board of Corrections

Janet Pepper, Credit Union Review Board

Mary Ellen Kimball, Board of Trustees of the Iowa Cultural Trust

Joan Bruhn, Prevention of Disabilities Policy Council
Randy Horn, Prevention of Disabilities Policy Council

James Christensen, Early Childhood Iowa State Board

Judy Davidson, Engineering and Land Surveying Examining
Board

David Greenspon, Iowa Finance Authority

Vergene Donovan, Health Facilities Council
Robert Lundin, Health Facilities Council
William Thatcher, Health Facilities Council

Catherine Dangelser, Board of Hearing Aid Dispensers

Mark Anderson, Council on Human Services

Mark Peltan, Council on Human Services
Sally Stutsman, Council on Human Services

Catherine Huggins, Landscape Architectural Examining Board
Mark Ripplinger, Landscape Architectural Examining Board

Rebecca Jackson, Commission of Latino Affairs

Deborah Burnight, Iowa Lottery Authority Board of Directors

William (Bill) Cameron, Board of Massage Therapy

Lynn Grobe, Mental Health and Disability Services Commission
Zvia McCormick, Mental Health and Disability Services Commission
John Willey, Mental Health and Disability Services Commission

Michael Portz, Board of Optometry

Jon Ahrendsen, Board of Physician Assistants

Jim Cooper, Plumbing and Mechanical Systems Examining Board
Ronald Masters, Plumbing and Mechanical Systems Examining
Board

John Bennett, Board of Podiatry

Sarah Henderson, Board of Psychology

Robert Broomfield, Real Estate Commission
Michael Telford, Real Estate Commission

Mary Tyrrel, Board of Respiratory Care

Cindy Crawford, Board of Sign Language Interpreters and
Translitterators
Stephanie Lyons, Board of Sign Language Interpreters and
Translitterators

Charles McCullough, State Soil Conservation Committee

Christine Donner-Tiernan, Board of Speech Pathology and Audiology

Larry Spencer, Commission of Veterans Affairs

Kelli Madson, Iowa Board of Veterinary Medicine

Robert Gilmore, Iowa Workforce Development Board

Rita Grimm, Iowa Workforce Development Board

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question “Shall the appointees be confirmed?” the vote was:

Yeas, 49:

Anderson	Danielson	Hatch	Schoenjahn
Bacon	Dearden	Hogg	Seng
Bartz	Dix	Horn	Seymour
Beall	Dotzler	Houser	Smith
Behn	Dvorsky	Jochum	Sodders
Bertrand	Ernst	Johnson	Sorenson
Black	Feenstra	Kapucian	Ward
Boettger	Fraise	Kettering	Whitver
Bolkcom	Greiner	Kibbie	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hahn	Quirnbach	
Courtney	Hamerlinck	Ragan	
Dandekar	Hancock	Rielly	

Nays, none.

Absent, 1:

McCoy

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

HOUSE AMENDMENT CONSIDERED

Senate File 7

Senator Dearden called up for consideration **Senate File 7**, a bill for an act providing for a .08 blood alcohol limit for motorboat or

sailboat operating while intoxicated offenses, amended by the House in House amendment S-3171, filed March 23, 2011.

Senator Dearden moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Dearden moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 7), the vote was:

Yeas, 41:

Bacon	Dotzler	Hogg	Rielly
Beall	Dvorsky	Horn	Schoenjahn
Behn	Ernst	Houser	Seng
Black	Feenstra	Jochum	Seymour
Boettger	Fraise	Johnson	Smith
Bolkcom	Greiner	Kapucian	Ward
Bowman	Gronstal	Kibbie	Whitver
Courtney	Hahn	McCoy	Wilhelm
Dandekar	Hamerlinck	McKinley	
Danielson	Hancock	Quirnbach	
Dearden	Hatch	Ragan	

Nays, 9:

Anderson	Chelgren	Sodders
Bartz	Dix	Sorenson
Bertrand	Kettering	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 515, 514, and 513.

Senate File 515

On motion of Senator Dotzler, **Senate File 515**, a bill for an act relating to the administration of the streamlined sales tax agreement by the department of revenue, was taken up for consideration.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 515), the vote was:

Yeas, 49:

Anderson	Danielson	Hogg	Schoenjahn
Bacon	Dearden	Horn	Seng
Bartz	Dix	Houser	Seymour
Beall	Dotzler	Jochum	Smith
Behn	Dvorsky	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Quirmbach	
Courtney	Hancock	Ragan	
Dandekar	Hatch	Rielly	

Nays, 1:

Greiner

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 514

On motion of Senator Dotzler, **Senate File 514**, a bill for an act relating to the administration of the redevelopment tax credit program for brownfields and grayfields and including retroactive applicability provisions, was taken up for consideration.

Senator Chelgren offered amendment S-3183, filed by him from the floor to pages 5 and 6 of the bill, and moved its adoption.

Amendment S–3183 was adopted by a voice vote.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 514), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Soddors
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 513

On motion of Senator Dotzler, **Senate File 513**, a bill for an act relating to fees to fund programs to aid impaired pharmacists, pharmacist-interns, and pharmacy technicians, was taken up for consideration.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 513), the vote was:

Yeas, 38:

Anderson	Danielson	Hatch	Ragan
Bacon	Dearden	Hogg	Rielly
Bartz	Dotzler	Horn	Schoenjahn
Beall	Dvorsky	Houser	Seng

Black	Ernst	Jochum	Seymour
Boettger	Feenstra	Johnson	Sodders
Bolkcom	Fraise	Kapucian	Ward
Bowman	Gronstal	Kibbie	Wilhelm
Courtney	Hahn	McCoy	
Dandekar	Hancock	Quirmbach	

Nays, 12:

Behn	Dix	Kettering	Sorenson
Bertrand	Greiner	McKinley	Whitver
Chelgren	Hamerlinck	Smith	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 7, 513, 514, and 515** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 321

Senator Houser called up for consideration **Senate File 321**, a bill for an act relating to wastewater discharges by on-farm processing operations, amended by the House in House amendment S-3147, filed March 22, 2011.

Senator Houser moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Houser moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 321), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 233

Senator Wilhelm called up for consideration **Senate File 233**, a bill for an act relating to entitling mental health counselors to payment for behavioral health services provided under the Medicaid program, amended by the House in House amendment S-3173, filed March 24, 2011.

Senator Wilhelm moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Wilhelm moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 233), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 233** and **321** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 252.

Senate File 252

On motion of Senator Courtney, **Senate File 252**, a bill for an act relating to mobile homes and manufactured homes by making changes to certain residential landlord and tenant laws, requiring disclosures during the sale of manufactured and mobile homes, amending provisions relating to forcible entry and detainer actions, providing penalties, and including applicability provisions, with report of committee recommending passage, was taken up for consideration.

Senator Courtney offered amendment S-3158, filed by him on March 22, 2011, to pages 1, 2, and 5-7 of the bill, and moved its adoption.

Amendment S-3158 was adopted by a voice vote.

(Senate File 252 was deferred.)

The Senate stood at ease at 2:28 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 2:50 p.m., President Kibbie presiding.

The Senate resumed consideration of Senate File 252, previously deferred.

Senator Kettering asked and received unanimous consent that action on **Senate File 252** be **deferred**.

RECESS

On motion of Senator Courtney, the Senate recessed at 2:51 p.m. until 4:00 p.m.

RECONVENED

The Senate reconvened at 4:17 p.m., President Kibbie presiding.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:18 p.m. until 9:00 a.m., Wednesday, March 30, 2011.

APPENDIX**CERTIFICATES OF RECOGNITION**

The Secretary of the Senate issued the following certificates of recognition:

Haley Bartelt, Muscatine—For being named to the National Interscholastic Swimming Coaches Academic All-American team. Senator Hahn (3/29/11).

Joseph C. Bierl, Davenport—For achieving the rank of Eagle Scout, Troop 43. Senator Seng (3/29/11).

Eddie Bruns, Muscatine—For being named to the Boys All-American Swim Team. Senator Hahn (3/29/11).

Haden Calegan, Muscatine—For receiving All-American status for the 200 meter individual medley team. Senator Hahn (3/29/11).

Tyler Calegan, Muscatine—For receiving All-American status for the 200 meter medley and being named to the Iowa State High School Swimming Coaches Association All-State Academic team. Senator Hahn (3/29/11).

Hannah Eichelberger, Muscatine—For being named to the National Interscholastic Swimming Coaches Academic All-American team. Senator Hahn (3/29/11).

Travis Greenwald, Muscatine—For receiving All-American status for the 200 meter individual medley team in swimming. Senator Hahn (3/29/11).

Bob and Joan Head, Maquoketa—For celebrating their 50th wedding anniversary. Senator Bowman (3/29/11).

C. Bernece Hersom, Emmetsburg—For celebrating her 100th birthday. Senator Kibbie (3/29/11).

Paul Jindrich, Muscatine—For being named to the Boys All-American Swim team and the Iowa State High School Swim Coaches Association All-State Academic team. Senator Hahn (3/29/11).

Joelle McConnaha, Muscatine—For being named 2011 Iowa Elementary Principal of the Year and National Distinguished Principal. Senator Hahn (3/29/11).

Elizabeth McCreery, Ottumwa—For celebrating her 100th birthday. Senator Rielly (3/29/11).

Natalie Sturms, Muscatine—For being named to the National Interscholastic Swimming Coaches Academic All-American team. Senator Hahn (3/29/11).

Kelly Van Acker, Muscatine—For being named to the National Interscholastic Swimming Coaches Academic All-American team. Senator Hahn (3/29/11).

Elvin Watters, Waterloo—For celebrating his 90th birthday. Senator Dotzler (3/29/11).

Lauren Weber, Muscatine—For being named to the National Interscholastic Swimming Coaches Academic All-American team. Senator Hahn (3/29/11).

Jackie Kibbie Williams—For receiving the Bill Sackter Award for exceptional dedication and service to persons with disabilities. Senator Kibbie (3/29/11).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: Tuesday, March 29, 2011, 3:30 p.m.

Members Present: Dandekar, Chair; Rielly, Vice Chair; Behn, Ranking Member; Anderson, Beall, Bolkcom, Courtney, Feenstra, Kettering, McCoy, Schoenjahn, Seng, Ward, and Wilhelm.

Members Absent: Zaun (excused).

Committee Business: Passed HF 329.

Adjourned: 3:40 p.m.

HUMAN RESOURCES

Convened: Tuesday, March 29, 2011, 10:45 a.m.

Members Present: Ragan, Chair; Wilhelm, Vice Chair; Seymour, Ranking Member; Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, Johnson, Quirmbach, and Whitver.

Members Absent: None.

Committee Business: Passed HFs 389, 390, and 467. Approved governor's appointees.

Adjourned: 11:00 a.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Tuesday, March 29, 2011, 2:45 p.m.

Members Present: Dearden, Chair; Black, Vice Chair; Hahn, Ranking Member; Behn, Bolkcom, Hamerlinck, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson.

Members Absent: None.

Committee Business: Passed HF 461. Approved governor's appointees.

Adjourned: 3:30 p.m.

SUBCOMMITTEE ASSIGNMENTS

House File 590

ECONOMIC GROWTH/REBUILD IOWA: Sodders, Chair; Bertrand, Dotzler, Greiner, and Hatch

House File 596

COMMERCE: Dandekar, Chair; Behn and Wilhelm

House File 607

JUDICIARY: Horn, Chair; Dvorsky and Whitver

House File 616

JUDICIARY: Horn, Chair; Dvorsky and Whitver

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: HOUSE FILE 329 (HSB 85), a bill for an act relating to equipment dealership agreements by providing for supplier liability.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Dandekar, Rielly, Behn, Anderson, Beall, Bolkcom, Courtney, Feenstra, Kettering, McCoy, Schoenjahn, Seng, Ward, and Wilhelm. Nays, none. Absent, 1: Zaun.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Bill Title: HOUSE FILE 389 (HSB 89), a bill for an act relating to investigative costs of the Medicaid fraud control unit.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, Johnson, Quirmbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 390 (formerly HF 60), a bill for an act relating to an Alzheimer's disease response strategy.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, Johnson, Quirmbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 467 (HSB 90), a bill for an act relating to programs and activities under the purview of the department of public health.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, Johnson, Quirmbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: HOUSE FILE 461 (formerly HF 96), a bill for an act relating to the attachment of tags to deer carcasses.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Dearden, Black, Hahn, Behn, Bolkcom, Hamerlinck, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

REFERRALS TO INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following names be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar":

David Rose – State Transportation Commission
Charese Yanney – State Transportation Commission

JEFF DANIELSON

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar":

William Gustoff – State Judicial Nominating Commission

ROBERT M. HOGG

AMENDMENTS FILED

S-3181	S.F.	484	Shawn Hamerlinck
S-3182	S.F.	423	Bill Dix
			Mark Chelgren
			Kent Sorenson
			Roby Smith
			Hubert Houser
			James A. Seymour
			Jerry Behn
			Paul McKinley
			Steve Kettering
			Brad Zaun
			Bill Anderson
			Joni Ernst
			Shawn Hamerlinck
			James F. Hahn
			Randy Feenstra
			Tim L. Kapucian
			David Johnson
			Jack Whitver
S-3183	S.F.	514	Mark Chelgren
S-3184	S.F.	517	William A. Dotzler, Jr.
S-3185	S.F.	516	Mark Chelgren
S-3186	S.F.	516	Mark Chelgren
S-3187	S.F.	516	Mark Chelgren
S-3188	S.F.	478	Tom Rielly
			Joe M. Seng

JOURNAL OF THE SENATE

EIGHTIETH CALENDAR DAY
FORTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 30, 2011

The Senate met in regular session at 9:06 a.m., President Kibbie presiding.

Prayer was offered by Pastor Tom Burkhart of Glen Echo Christian Church in Des Moines, Iowa. He was the guest of Senator Zaun.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jim Gulbranson.

The Journal of Tuesday, March 29, 2011, was approved.

HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 29, 2011, **passed** the following bills in which the concurrence of the House was asked:

Senate File 124, a bill for an act relating to the criminal offense of possessing electronic contraband or failing to report electronic contraband at a jail, municipal holding facility, or correctional facility and providing penalties.

Senate File 240, a bill for an act relating to matters under the purview of the alcoholic beverages division of the department of commerce, and making penalties applicable.

President Pro Tempore Danielson took the chair at 9:10 a.m.

The Senate stood at ease at 9:15 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:12 a.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:13 a.m. until 11:15 a.m.

AFTERNOON SESSION

The Senate reconvened at 11:34 a.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Seymour, until he arrives, on request of Senator McKinley; and Senator Dandekar, until she returns, on request of Senator Gronstal.

UNFINISHED BUSINESS (Deferred March 29, 2011)

Senate File 252

The Senate resumed consideration of **Senate File 252**, a bill for an act relating to mobile homes and manufactured homes by making changes to certain residential landlord and tenant laws, requiring disclosures during the sale of manufactured and mobile homes, amending provisions relating to forcible entry and detainer actions, providing penalties, and including applicability provisions, deferred March 29, 2011.

Senator Feenstra offered amendment S-3189, filed by him from the floor to pages 5-12 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–3189 be adopted?” (S.F. 252), the vote was:

Yeas, 24:

Anderson	Chelgren	Hamerlinck	McKinley
Bacon	Dix	Horn	Smith
Bartz	Ernst	Houser	Sorenson
Behn	Feenstra	Johnson	Ward
Bertrand	Greiner	Kapucian	Whitver
Boettger	Hahn	Kettering	Zaun

Nays, 24:

Beall	Dearden	Hatch	Ragan
Black	Dotzler	Hogg	Rielly
Bolkcom	Dvorsky	Jochum	Schoenjahn
Bowman	Fraise	Kibbie	Seng
Courtney	Gronstal	McCoy	Sodders
Danielson	Hancock	Quirmbach	Wilhelm

Absent, 2:

Dandekar	Seymour
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Amendment S–3189 lost.

Senator Courtney moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 252), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 23:

Beall	Dotzler	Hogg	Rielly
Bolkcom	Dvorsky	Jochum	Schoenjahn
Bowman	Fraise	Kibbie	Seng
Courtney	Gronstal	McCoy	Sodders
Danielson	Hancock	Quirmbach	Wilhelm
Dearden	Hatch	Ragan	

Nays, 25:

Anderson	Chelgren	Horn	Sorenson
Bacon	Dix	Houser	Ward
Bartz	Ernst	Johnson	Whitver

Behn	Feenstra	Kapucian	Zaun
Bertrand	Greiner	Kettering	
Black	Hahn	McKinley	
Boettger	Hamerlinck	Smith	

Absent, 2:

Dandekar	Seymour
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The bill, not having received a constitutional majority, was declared to have failed to pass the Senate.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 478.

Senate File 478

On motion of Senator Rielly, **Senate File 478**, a bill for an act relating to livestock by providing for their feeding and care when the livestock are deemed to be neglected, was taken up for consideration.

Senator Rielly offered amendment S–3188, filed by Senators Rielly and Seng on March 29, 2011, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment S–3188 was adopted by a voice vote.

Senator Rielly moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 478), the vote was:

Yeas, 49:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Smith
Behn	Dvorsky	Jochum	Sodders
Bertrand	Ernst	Johnson	Sorenson
Black	Feenstra	Kapucian	Ward

Boettger	Fraise	Kettering	Whitver
Bolkcom	Greiner	Kibbie	Wilhelm
Bowman	Gronstal	McCoy	Zaun
Chelgren	Hahn	McKinley	
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, 1:

Seymour

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 478** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 466.

Senate File 466

On motion of Senator Dandekar, **Senate File 466**, a bill for an act relating to residential contractors and providing a penalty, was taken up for consideration.

Senator Dandekar offered amendment S-3190, filed by her from the floor, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment S-3190 was adopted by a voice vote.

Senator Dandekar moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 466), the vote was:

Yeas, 47:

Anderson	Danielson	Hancock	Quirmbach
Bacon	Dearden	Hatch	Ragan
Bartz	Dix	Hogg	Rielly
Beall	Dotzler	Horn	Schoenjahn
Bertrand	Dvorsky	Houser	Seng
Black	Ernst	Jochum	Smith
Boettger	Feenstra	Johnson	Sodders
Bolkcom	Fraise	Kapucian	Sorenson
Bowman	Greiner	Kettering	Ward
Chelgren	Gronstal	Kibbie	Whitver
Courtney	Hahn	McCoy	Wilhelm
Dandekar	Hamerlinck	McKinley	

Nays, 2:

Behn	Zaun
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Absent, 1:

Seymour

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 466** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 12:11 p.m. until 4:30 p.m.

RECONVENED

The Senate reconvened at 4:40 p.m., President Kibbie presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 30, 2011, **passed** the following bills in which the concurrence of the House was asked:

Senate File 367, a bill for an act concerning the protection of student athletes from concussions and other brain injuries.

Senate File 396, a bill for an act relating to the regulation of indemnification provisions in construction contracts.

ALSO: That the House has on March 30, 2011, **passed** the following bills in which the concurrence of the Senate is asked:

House File 524, a bill for an act relating to the administration of the special appraiser's fund and the assessment expense fund.

Read first time and **passed on file**.

House File 549, a bill for an act relating to the use of automated traffic enforcement systems.

Read first time and **passed on file**.

House File 642, a bill for an act 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.

Read first time and **passed on file**.

House File 654, a bill for an act related to moneys administered by the board of trustees of a drainage or levee district.

Read first time and **passed on file**.

House File 655, a bill for an act relating to the assessment of certain subdivided real property and including effective date and retroactive applicability and other applicability provisions.

Read first time and **passed on file**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:42 p.m. until 8:00 a.m., Thursday, March 31, 2011.

APPENDIX

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Eleanor Secrest, West Branch—For celebrating her 100th birthday. Senator Hahn (3/30/11).

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH/REBUILD IOWA

Convened: Wednesday, March 30, 2011, 4:05 p.m.

Members Present: Sodders, Chair; Dotzler, Vice Chair; Greiner, Ranking Member; Bacon, Bertrand, Bowman, Chelgren, Dandekar, Danielson, Hatch, Horn, Rielly, Ward, Whitver, and Wilhelm.

Members Absent: None.

Committee Business: Passed HF 590.

Recessed: 4:10 p.m.

Reconvened: 4:20 p.m.

Adjourned: 4:30 p.m.

JUDICIARY

Convened: Wednesday, March 30, 2011, 1:05 p.m.

Members Present: Fraise, Chair; Hogg, Vice Chair; Boettger, Ranking Member; Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Sodders, Ward, and Whitver.

Members Absent: Sorenson (excused).

Committee Business: Approved governor's appointees.

Recessed: 1:10 p.m.

Reconvened: 1:20 p.m.

Adjourned: 1:30 p.m.

LOCAL GOVERNMENT

Convened: Wednesday, March 30, 2011, 10:15 a.m.

Members Present: Wilhelm, Chair; Beall, Vice Chair; Bartz, Ranking Member; Bacon, Bowman, Ernst, Hamerlinck, McCoy, Quirmbach, and Schoenjahn.

Members Absent: Rielly (excused).

Committee Business: Passed HF's 454 and 516.

Adjourned: 10:30 a.m.

STUDY BILL RECEIVED**SSB 1204 Ways and Means**

Relating to the administration of the property rehabilitation tax credit program by the department of cultural affairs and including retroactive applicability provisions.

SUBCOMMITTEE ASSIGNMENT**SSB 1204**

WAYS AND MEANS: Dotzler, Chair; Anderson and Jochum

FINAL COMMITTEE REPORTS OF BILL ACTION**AGRICULTURE**

Bill Title: HOUSE FILE 557 (formerly HF 369), a bill for an act relating to swine moved to and from exhibitions, and the duties of veterinarians, and including effective date provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-3191.

Final Vote: Ayes, 13: Seng, Fraise, Johnson, Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, Kibbie, and Rielly. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 589 (formerly HF 431), a bill for an act relating to offenses involving agricultural operations, and providing penalties and remedies.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Seng, Fraise, Johnson, Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, Kibbie, and Rielly. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 592 (formerly HF 407), a bill for an act establishing the council for agricultural education.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Seng, Fraise, Johnson, Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, Kibbie, and Rielly. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ECONOMIC GROWTH/REBUILD IOWA

Bill Title: HOUSE FILE 590 (HSB 103), a bill for an act relating to the organization of the executive branch agencies responsible for administering economic development programs, making certain properly related changes, and including effective date and transition provisions.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 11: Soddors, Dotzler, Greiner, Bacon, Bertrand, Bowman, Dandekar, Rielly, Ward, Whitver, and Wilhelm. Nays, 3: Chelgren, Danielson, and Horn. Present, 1: Hatch. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Bill Title: HOUSE FILE 516 (HSB 196), a bill for an act relating to the construction of subdivision improvements and certain notice requirements.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Wilhelm, Beall, Bartz, Bacon, Bowman, Ernst, Hamerlinck, McCoy, Quirnbach, and Schoenjahn. Nays, none. Absent, 1: Rielly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 454 (HSB 81), a bill for an act permitting city utilities and certain cities to delegate the authority to certify unpaid rates or charges for collection by the county treasurer.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Wilhelm, Beall, Bartz, Bacon, Bowman, Ernst, Hamerlinck, McCoy, Quirnbach, and Schoenjahn. Nays, none. Absent, 1: Rielly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: HOUSE FILE 392 (formerly HF 42), a bill for an act relating to professional licensing by making changes to the Iowa plumber, mechanical professional, and contractor licensing Act and including effective date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Danielson, Kibbie, Feenstra, Behn, Bertrand, Courtney, Dearden, Dix, Fraise, Hatch, Horn, Jochum, Smith, Soddors, and Sorenson. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 536 (HSB 100), a bill for an act concerning the duties and responsibilities of the auditor of state.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Danielson, Kibbie, Feenstra, Behn, Bertrand, Courtney, Dearden, Dix, Fraise, Hatch, Horn, Jochum, Smith, Soddors, and Sorenson. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 593 (formerly HF 304), a bill for an act relating to the education requirements for licensed massage therapists.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Danielson, Kibbie, Feenstra, Behn, Bertrand, Courtney, Dearden, Dix, Fraise, Hatch, Horn, Jochum, Smith, Soddors, and Sorenson. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 618 (formerly HF 10), a bill for an act modifying licensing provisions applicable to fire extinguishing and alarm systems contractors and installers, and electricians and electrical contractors.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 15: Danielson, Kibbie, Feenstra, Behn, Bertrand, Courtney, Dearden, Dix, Fraise, Hatch, Horn, Jochum, Smith, Soddors, and Sorenson. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 30, 2011, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 149 – Allowing the department of transportation to accept reports from advanced registered nurse practitioners and physician assistants disclosing a physical or mental condition that renders a person incompetent to operate a motor vehicle.

Senate File 244 – Relating to the release and satisfaction of judgments.

Senate File 259 – Relating to mental health and substance abuse histories conducted in a presentence investigation report and the standards for release on probation in a criminal proceeding.

Senate File 291 – Relating to the discovery of privileged medical records, including mental health records, in a criminal case and including effective date provisions.

Senate File 299 – Relating to environmental protection, including solid waste, sewage works, hazardous waste, infectious medical waste, and pesticide and fertilizer contamination.

Senate File 327 – Relating to the disposition of a child with mental illness or mental retardation in juvenile court.

Senate File 400 – Relating to the conveyance or encumbrance of a homestead by a spouse.

Senate File 402 – Relating to the injured veterans grant program.

Senate File 429 – Placing the agricultural development authority within the department of agriculture and land stewardship.

Senate File 483 – Relating to licensure by the board of educational examiners of persons who complete an administrator preparation program offered by a regionally accredited or board of educational examiners' approved non-Iowa institution.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendation for confirmation:

EDUCATION

Gina Primmer – School Budget Review Committee
Brian Thilges – School Budget Review Committee

HUMAN RESOURCES

David Hudson – Mental Health and Disability Services Commission
Gary Lippe – Mental Health and Disability Services Commission

JUDICIARY

Warren Hunsberger – Iowa Drug Policy Advisory Council
Helen Sinclair – State Judicial Nominating Commission
Duane Cottingham – Commission on Judicial Qualifications
Francis Donchez – Iowa Law Enforcement Academy Council

NATURAL RESOURCES AND ENVIRONMENT

Conrad Clement – Natural Resource Commission
Sally Prickett – Natural Resource Commission
Margo Underwood – Natural Resource Commission

Karen Andeweg – Iowa Comprehensive Petroleum Underground Storage Tank Fund Board
Dawn Carlson – Iowa Comprehensive Petroleum Underground Storage Tank Fund Board

Jill Reams-Widder – Renewable Fuel Infrastructure Board
Eric Seuren – Renewable Fuel Infrastructure Board
Keith Sexton – Renewable Fuel Infrastructure Board

STATE GOVERNMENT

Shelley Laracuente – Accountancy Examining Board
Robert W. Williams – Accountancy Examining Board
Richard Hunsaker – Alcoholic Beverages Commission

Terry Allers – Architectural Examining Board
Thomas Clause – Architectural Examining Board
Sue Jarboe – Architectural Examining Board

Steven Fuller – Board of Dentistry
Mary Kelly Grief – Board of Dentistry
Diane Meier – Board of Dentistry

Valynda Akin – Electrical Examining Board
Ritchie Kurtenbach – Electrical Examining Board
Chad Layland – Electrical Examining Board
Lori Mease – Electrical Examining Board
Barbara Mentzer – Electrical Examining Board
Kay Pence – Electrical Examining Board
Raymond Reynolds – Electrical Examining Board
Randy VanVoorst – Electrical Examining Board

Jonathan Roos – Iowa Ethics and Campaign Disclosure Board
Mary Rueter – Iowa Ethics and Campaign Disclosure Board

Katherine Erion – Interior Design Examining Board
Dorothy Fowles – Interior Design Examining Board

Marlene Sprouse – Investment Board of the IPERS
Lisa Stange – Investment Board of the IPERS

Adam Schweers – Board of Massage Therapy

Diane Clark – Board of Medicine
Greg Hoversten – Board of Medicine
Hamed Tewfik – Board of Medicine

Tiffany Lewis – Commission of Native American Affairs
Franklin Phillips – Commission of Native American Affairs

LeRoy Strohman – Board of Nursing
Gwen Suntken – Board of Nursing

LaDonna Gratias – Board of Pharmacy
Edward Maier – Board of Pharmacy
James Miller – Board of Pharmacy

Carl Heinrich – State Racing and Gaming Commission
Jeffrey Lamberti – State Racing and Gaming Commission

**GOVERNOR'S APPOINTEES PLACED ON
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointees, assigned to standing committee for investigation, were placed on the Individual Confirmation Calendar with recommendation for confirmation:

EDUCATION

Gary Steinke – Iowa Higher Education Loan Authority

Nicole Carroll – State Board of Regents

Kathleen Mulholland – State Board of Regents

Bruce Rastetter – State Board of Regents

The following appointees, assigned to standing committee for investigation, were placed on the Individual Confirmation Calendar without recommendation for confirmation:

NATURAL RESOURCES AND ENVIRONMENT

Mary Boote – Environmental Protection Commission

Dolores Mertz – Environmental Protection Commission

Brent Rastetter – Environmental Protection Commission

AMENDMENTS FILED

S-3189	S.F.	252	Randy Feenstra
S-3190	S.F.	466	Swati A. Dandekar
S-3191	H.F.	557	Agriculture

JOURNAL OF THE SENATE

EIGHTY-FIRST CALENDAR DAY
FORTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 31, 2011

The Senate met in regular session at 8:09 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Merlin Bartz, member of the Senate from Worth County, Grafton, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jim Gulbranson.

The Journal of Wednesday, March 30, 2011, was approved.

The Senate stood at ease at 8:13 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:10 a.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:11 a.m. until 12:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 12:12 p.m., President Kibbie presiding.

BILLS REFERRED TO UNFINISHED BUSINESS CALENDAR

Senator Gronstal asked and received unanimous consent that **Senate Files 390, 391, 516, and 517** be referred from the Regular Calendar to the **Unfinished Business Calendar**.

BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that the following Senate Files be referred from the Regular Calendar to the following committees:

S.F.	150	Commerce
S.F.	201	Transportation
S.F.	281	Human Resources
S.F.	293	State Government
S.F.	314	Local Government
S.F.	348	State Government
S.F.	358	State Government
S.F.	366	State Government
S.F.	416	Commerce
S.F.	417	Commerce
S.F.	421	Education
S.F.	422	Education
S.F.	423	Education
S.F.	435	State Government
S.F.	436	State Government
S.F.	439	State Government
S.F.	447	State Government
S.F.	449	State Government
S.F.	450	Local Government
S.F.	455	Education
S.F.	457	Judiciary
S.F.	459	Commerce
S.F.	467	Education
S.F.	484	State Government

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 12:20 p.m. until 1:00 p.m., Monday, April 4, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Jennifer Feenstra, Orange City—For being awarded the prestigious Fulbright Scholar grant in recognition of her work. Senator Feenstra (3/31/11).

Evelyn Fowler, Vinton—For celebrating her 90th birthday. Senator Kapucian (3/31/11).

Logan Halverson, Independence—For achieving the rank of Eagle Scout, Troop 47. Senator Schoenjahn (3/31/11).

Agnes Kalina, Elberon—For celebrating her 92nd birthday. Senator Kapucian (3/31/11).

Maurice Muench, Belle Plaine—For celebrating his 90th birthday. Senator Kapucian (3/31/11).

Bob and Judi Orr, Burlington—For celebrating their 50th wedding anniversary. Senator Courtney (3/31/11).

Samuel and Etta Schmitt, Dike—For celebrating their 65th wedding anniversary. Senator Kapucian (3/31/11).

Anne Spenler, Burlington—For celebrating her 90th birthday. Senator Courtney (3/31/11).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Wednesday, March 30, 2011, 3:00 p.m.

Members Present: Seng, Chair; Fraise, Vice Chair; Johnson, Ranking Member; Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, Kibbie, and Rielly.

Members Absent: None.

Committee Business: Subcommittee of the whole on HF 589. Considered HFs 557, 589, and 592.

Recessed: 3:05 p.m.

Reconvened: 3:15 p.m.

Adjourned: 3:25 p.m.

COMMERCE

Convened: Thursday, March 31, 2011, 10:10 a.m.

Members Present: Dandekar, Chair; Rielly, Vice Chair; Behn, Ranking Member; Anderson, Beall, Bolkcom, Courtney, Feenstra, McCoy, Schoenjahn, Seng, Ward, Wilhelm, and Zaun.

Members Absent: Kettering (excused).

Committee Business: Presentations by the Chair of the Iowa Utilities Board and the Iowa Attorney General's Consumer Advocate for Utilities. Passed HF's 596 and 597.

Adjourned: 11:40 a.m.

STUDY BILL RECEIVED**SSB 1205 Ways and Means**

Establishing a property tax credit for certain commercial, industrial, and railway property, providing penalties, and including applicability provisions.

SUBCOMMITTEE ASSIGNMENTS**SSB 1205**

WAYS AND MEANS: Bolkcom, Chair; Jochum and Zaun

FINAL COMMITTEE REPORTS OF BILL ACTION**COMMERCE**

Bill Title: HOUSE FILE 596 (HSB 217), a bill for an act exempting business entities located in small cities or adjacent to small cities, and formed by local development corporations, from certain security regulations.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Dandekar, Rielly, Behn, Anderson, Beall, Bolkcom, Courtney, Feenstra, McCoy, Schoenjahn, Seng, Ward, Wilhelm, and Zaun. Nays, none. Absent, 1: Kettering.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *HOUSE FILE 597 (HSB 200), a bill for an act creating new procedures for external review of health care coverage decisions by health carriers and including transition and applicability provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-3210.

Final Vote: Ayes, 14: Dandekar, Rielly, Behn, Anderson, Beall, Bolkcom, Courtney, Feenstra, McCoy, Schoenjahn, Seng, Ward, Wilhelm, and Zaun. Nays, none. Absent, 1: Kettering.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Commerce Committee on House File 597, and they were attached to the committee report.

EDUCATION

Bill Title: HOUSE FILE 493 (formerly HF 139), a bill for an act requiring faculty members of regents institutions and community colleges and teachers employed by school districts charged with a crime to repay all salary received during a paid leave of absence if convicted.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-3207.

Final Vote: Ayes, 13: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Johnson, Smith, Sodders, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS ASSIGNED TO COMMITTEE

President Kibbie announced the assignment of the following bills to committee:

H.F.	524	Local Government
H.F.	549	Judiciary
H.F.	642	Appropriations
H.F.	654	Ways and Means
H.F.	655	Ways and Means

WITHDRAWAL AND DEFERRAL OF GOVERNOR'S APPOINTEES

The following letters from the Governor were received in the office of the Secretary of the Senate on March 30, 2011:

I am withdrawing the name of Fred Schuster to serve as a Commission on Aging member from further consideration by the Senate.

Pursuant to Iowa Code section 231.11, please accept this letter as the notice of deferment of the appointment to the Commission on Aging, formerly held by Nancy Nichols. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Sincerely,
TERRY E. BRANSTAD
Governor

AMENDMENTS FILED

S-3192	H.F.	589	Matt McCoy
S-3193	H.F.	589	Matt McCoy
S-3194	H.F.	589	Matt McCoy
S-3195	H.F.	589	Matt McCoy
S-3196	H.F.	589	Matt McCoy
S-3197	H.F.	589	Matt McCoy
S-3198	H.F.	589	Matt McCoy
S-3199	H.F.	589	Matt McCoy
S-3200	H.F.	589	Matt McCoy
S-3201	H.F.	589	Matt McCoy
S-3202	H.F.	589	Matt McCoy
S-3203	H.F.	589	Matt McCoy
S-3204	H.F.	589	Matt McCoy
S-3205	H.F.	589	Matt McCoy
S-3206	H.F.	589	Matt McCoy
S-3207	H.F.	493	Education
S-3208	H.F.	589	Matt McCoy
S-3209	H.F.	589	Matt McCoy
S-3210	H.F.	597	Commerce

JOURNAL OF THE SENATE

EIGHTY-FIFTH CALENDAR DAY
FORTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 4, 2011

The Senate met in regular session at 1:10 p.m., President Kibbie presiding.

The Senate observed a moment of silence.

Prayer was offered by the Honorable Gene Fraise, member of the Senate from Lee County, Fort Madison, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Maria Lewis.

The Journal of Thursday, March 31, 2011, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 31, 2011, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 508, a bill for an act relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants and other nonstate sources, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated. (S-3214)

Senate File 512, a bill for an act making supplemental appropriations for the fiscal year beginning July 1, 2010, for the state public defender and including effective date provisions. (S-3213)

ALSO: That the House has on March 31, 2011, **passed** the following bill in which the concurrence of the Senate is asked:

House File 657, a bill for an act relating to abortions including prohibiting late-term abortions with certain exceptions, providing penalties, and including an effective date provision.

Read first time and **passed on file**.

The Senate stood at ease at 1:36 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:39 p.m., President Kibbie presiding.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Shelley Laracuente, Accountancy Examining Board
Robert W. Williams, Accountancy Examining Board

Richard Hunsaker, Alcoholic Beverages Commission

Terry Allers, Architectural Examining Board
Sue Jarboe, Architectural Examining Board

Pamela Davis, Board of Athletic Training

Danielle Sharpe, Iowa Autism Council

Nancy Kahle, Board of Chiropractic

Angela Williams, Iowa State Civil Rights Commission

Connie Schmett, Board of Trustees of the Iowa Cultural Trust

Nathaniel Garrels, Commission of Deaf Services

Steven Fuller, Board of Dentistry
Mary Kelly Grief, Board of Dentistry
Diane Meier, Board of Dentistry

Warren Hunsberger, Iowa Drug Policy Advisory Council

Mikeal Cass, Early Childhood Iowa State Board

Valynda Akin, Electrical Examining Board
Ritchie Kurtenbach, Electrical Examining Board
Chad Layland, Electrical Examining Board
Lori Mease, Electrical Examining Board
Barbara Mentzer, Electrical Examining Board
Kay Pence, Electrical Examining Board
Raymond Reynolds, Electrical Examining Board
Randy VanVoorst, Electrical Examining Board

Jerry Shellberg, Engineering and Land Surveying Examining Board
Marlon Vogt, Engineering and Land Surveying Examining Board

Jonathan Roos, Iowa Ethics and Campaign Disclosure Board
Mary Rueter, Iowa Ethics and Campaign Disclosure Board

Kathy Pearson, Healthy and Well Kids in Iowa (HAWK-I) Board

Katherine Erion, Interior Design Examining Board
Dorothy Fowles, Interior Design Examining Board

Marlene Sprouse, Investment Board of the IPERS
Lisa Stange, Investment Board of the IPERS

Helen Sinclair, State Judicial Nominating Commission

Francis Donchez, Iowa Law Enforcement Academy Council

Adam Schweers, Board of Massage Therapy

Diane Clark, Board of Medicine
Greg Hoversten, Board of Medicine

Hamed Tewfik, Board of Medicine

Chris Hoffman, Mental Health and Disability Services Commission

David Hudson, Mental Health and Disability Services Commission

Susan Koch-Seehase, Mental Health and Disability Services

Commission

Gary Lippe, Mental Health and Disability Services Commission

Tiffany Lewis, Commission of Native American Affairs

Judy Yellowbank, Commission of Native American Affairs

Conrad Clement, Natural Resource Commission

Sally Prickett, Natural Resource Commission

Margo Underwood, Natural Resource Commission

LeRoy Strohman, Board of Nursing

Gwen Suntken, Board of Nursing

Shane Gaukel, Board of Nursing Home Administrators

Karen Andeweg, Iowa Comprehensive Petroleum Underground
Storage Tank Fund Board

Dawn Carlson, Iowa Comprehensive Petroleum Underground
Storage Tank Fund Board

LaDonna Gratias, Board of Pharmacy

Edward Maier, Board of Pharmacy

James Miller, Board of Pharmacy

Morris Blankespoor, Board of Physical and Occupational Therapy

Carl Heinrich, State Racing and Gaming Commission

Jeffrey Lamberti, State Racing and Gaming Commission

Joan Scotter, Real Estate Appraiser Examining Board

Susan Sanders, Real Estate Commission

Eric Seuren, Renewable Fuel Infrastructure Board

Keith Sexton, Renewable Fuel Infrastructure Board

Gina Primmer, School Budget Review Committee
 Brian Thilges, School Budget Review Committee

Brent Welsch, Board of Sign Language Interpreters and
 Transliterators

Jeffrey Elgin, State Board of Tax Review

Kimberly Downing-Manning, Title Guaranty Division Board
 Charles Winkleblack, Title Guaranty Division Board

James Kenyon, Iowa Board of Veterinary Medicine

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

President Pro Tempore Danielson took the chair at 2:43 p.m.

CONSIDERATION OF BILL
(Unfinished Business Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration Senate File 516.

Senate File 516

On motion of Senator Bolkcom, **Senate File 516**, a bill for an act providing income tax credits for the construction and installation of solar energy systems and wind energy systems, and including effective date and retroactive applicability provisions, placed on the Unfinished Business Calendar on March 31, 2011, was taken up for consideration.

Senator Chelgren withdrew amendment S-3186, filed by him on March 29, 2011, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Chelgren offered amendment S-3187, filed by him on March 29, 2011, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3187 be adopted?" (S.F. 516), the vote was:

Yeas, 23:

Anderson	Dix	Houser	Smith
Bacon	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Seymour	

Nays, 27:

Bartz	Danielson	Hatch	Ragan
Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng

Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	

Absent, none.

Amendment S–3187 lost.

Senator Chelgren offered amendment S–3185, filed by him on March 29, 2011, to pages 1 and 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–3185 be adopted?” (S.F. 516), the vote was:

Yeas, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Nays, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Absent, none.

Amendment S–3185 lost.

President Kibbie took the chair at 3:20 p.m.

President Pro Tempore Danielson took the chair at 3:28 p.m.

Senator Bolkcom moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 516), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, 1:

Chelgren

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 427

Senator Jochum called up for consideration **Senate File 427**, a bill for an act allowing qualified organizations to lease certain electronic bingo equipment in order to assist disabled participants, amended by the House in House amendment S–3170, filed March 23, 2011.

Senator Jochum moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Jochum moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 427), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Dandekar, until she returns, on request of Senator Courtney.

HOUSE AMENDMENT CONSIDERED

Senate File 361

Senator Dearden called up for consideration **Senate File 361**, a bill for an act authorizing the Iowa state fair board to establish an endowment fund to receive gifts in trust dedicated to the maintenance and improvement of the Iowa state fairgrounds, amended by the House in House amendment S-3172, filed March 24, 2011.

Senator Dearden offered amendment S-3174, filed by him on March 24, 2011, to page 1 of House amendment S-3172, and moved its adoption.

Amendment S–3174 to amendment S–3172 was adopted by a voice vote.

Senator Dearden moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Dearden moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 361), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Quirnbach	
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

Dandekar

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Regular Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration House File 364.

House File 364

On motion of Senator Ragan, **House File 364**, a bill for an act relating to veterans records managed by the department of veterans affairs, with report of committee recommending passage, was taken up for consideration.

Senator Ragan moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 364), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Quirmbach	
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

Dandekar

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Courtney asked and received unanimous consent that **Senate Files 361, 427, and 516** and **House File 364** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration House Files 363, 329, 321, and 132.

House File 363

On motion of Senator Kibbie, **House File 363**, a bill for an act relating to the duties and rulemaking authority of the commission on veterans affairs, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Kibbie offered amendment S-3119, filed by the committee on Veterans Affairs on March 16, 2011, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment S-3119 was adopted by a voice vote.

Senator Kibbie moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 363), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun

Chelgren	Hamerlinck	Quirnbach
Courtney	Hancock	Ragan
Danielson	Hatch	Rielly

Nays, none.

Absent, 1:

Dandekar

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 329

On motion of Senator Wilhelm, **House File 329**, a bill for an act relating to equipment dealership agreements by providing for supplier liability, with report of committee recommending passage, was taken up for consideration.

Senator Wilhelm moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 329), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Quirnbach	
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

Dandekar

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 321

On motion of Senator Quirmbach, **House File 321**, a bill for an act modifying the duties of a county attorney relating to schools and to the extradition of criminal defendants and securing of certain witnesses, with report of committee recommending passage, was taken up for consideration.

Senator Quirmbach moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 321), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Quirmbach	
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

Dandekar

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 132

On motion of Senator Bowman, **House File 132**, a bill for an act relating to the filing requirements for certain ordinances relating to a division of revenue, with report of committee recommending passage, was taken up for consideration.

Senator Bowman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 132), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Quirnbach	
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

Dandekar

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 132, 321, 329, and 363** be **immediately messaged** to the House.

President Kibbie took the chair at 3:55 p.m.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 322.

House File 322

On motion of Senator Bolkcom, **House File 322**, a bill for an act relating to the creation of a task force concerning drug product selection relative to antiepileptic drugs for the treatment of epileptic seizures and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Bolkcom moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 322), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Quirnbach	
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

Dandekar

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 322** be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS
(Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Mike Carroll as Director of the Department of Administrative Services, placed on the Individual Confirmation Calendar on March 8, 2011, found on page 562 of the Senate Journal.

Senator Danielson moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Quirmbach	
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

Dandekar

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Mary Cownie as Director of the Department of Cultural Affairs, placed on the Individual Confirmation Calendar on March 8, 2011, found on page 562 of the Senate Journal.

Senator Hatch moved that the foregoing appointment be confirmed by the Senate.

On the question “Shall the appointee be confirmed?” the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Quirmbach	
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

Dandekar

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Michael Mauro as Labor Commissioner, placed on the Individual Confirmation Calendar on March 28, 2011, found on page 817 of the Senate Journal.

Senator Jochum moved that the foregoing appointment be confirmed by the Senate.

On the question “Shall the appointee be confirmed?” the vote was:

Yeas, 48:

Anderson	Dearden	Hatch	Ragan
Bacon	Dix	Hogg	Rielly
Bartz	Dotzler	Horn	Schoenjahn
Beall	Dvorsky	Houser	Seng
Behn	Ernst	Jochum	Seymour
Bertrand	Feenstra	Johnson	Smith
Black	Fraise	Kapucian	Sodders
Boettger	Greiner	Kettering	Sorenson
Bolkcom	Gronstal	Kibbie	Ward

Bowman	Hahn	McCoy	Whitver
Courtney	Hamerlinck	McKinley	Wilhelm
Danielson	Hancock	Quirnbach	Zaun

Nays, 1:

Chelgren

Absent, 1:

Dandekar

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of David Roederer as Director of the Department of Management, placed on the Individual Confirmation Calendar on February 16, 2011, found on page 319 of the Senate Journal.

Senator Danielson moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Quirnbach	
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

Dandekar

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Mariannette Miller-Meeks as Director of Public Health, placed on the Individual Confirmation Calendar on February 28, 2011, found on page 420 of the Senate Journal.

Senator Dotzler moved that the foregoing appointment be confirmed by the Senate.

On the question “Shall the appointee be confirmed?” the vote was:

Yeas, 48:

Anderson	Danielson	Hancock	Ragan
Bacon	Dearden	Hogg	Rielly
Bartz	Dix	Horn	Schoenjahn
Beall	Dotzler	Houser	Seng
Behn	Dvorsky	Jochum	Seymour
Bertrand	Ernst	Johnson	Smith
Black	Feenstra	Kapucian	Sodders
Boettger	Fraise	Kettering	Sorenson
Bolkcom	Greiner	Kibbie	Ward
Bowman	Gronstal	McCoy	Whitver
Chelgren	Hahn	McKinley	Wilhelm
Courtney	Hamerlinck	Quirmbach	Zaun

Nays, 1:

Hatch

Absent, 1:

Dandekar

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Elizabeth Coonan as a member of the Commission on the Status of Women, placed on the Individual Confirmation Calendar on March 17, 2011, found on page 724 of the Senate Journal.

Senator Danielson moved that the foregoing appointment be confirmed by the Senate.

On the question “Shall the appointee be confirmed?” the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Quirmbach	
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

Dandekar

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:19 p.m. until 9:00 a.m., Tuesday, April 5, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Dave Plum, Hull—In honor of his retirement and in appreciation for his 25 years of service to the Sioux County Sheriff’s Office. Senator Feenstra (4/4/11).

Marjorie Rasmussen, Gowrie—For celebrating her 100th birthday. Senator Beall (4/4/11).

STUDY BILL RECEIVED

SSB 1206 State Government

Providing for congressional and legislative districts and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS

House File 654

WAYS AND MEANS: Seng, Chair; Bartz and Black

House File 655

WAYS AND MEANS: Bolkcom, Chair; Quirmbach and Zaun

SSB 1206

STATE GOVERNMENT: Kibbie, Chair; Bertrand, Danielson, Feenstra, and Jochum

FINAL COMMITTEE REPORTS OF BILL ACTION

STATE GOVERNMENT

Bill Title: *HOUSE FILE 148 (formerly HF 1), a bill for an act relating to state expenditure requirements involving the revenue estimating conference and appropriation transfers and including effective date provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-3211.

Final Vote: Ayes, 15: Danielson, Kibbie, Feenstra, Behn, Bertrand, Courtney, Dearden, Dix, Fraise, Hatch, Horn, Jochum, Smith, Soddors, and Sorenson. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on House File 148, and they were attached to the committee report.

ALSO:

Bill Title: HOUSE FILE 484 (HSB 141), a bill for an act concerning investment of certain public funds in companies doing business in Iran by the treasurer of state, public retirement systems in Iowa, and the state board of regents.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-3212.

Final Vote: Ayes, 15: Danielson, Kibbie, Feenstra, Behn, Bertrand, Courtney, Dearden, Dix, Fraise, Hatch, Horn, Jochum, Smith, Soddors, and Sorenson. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 474, the following correction was made:

1. Page 104, line 13: added comma after 423B.9.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following reports:

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 4th day of April, 2011.

Senate Files 7, 124, 233, 240, 321, 367, 396, 470, 474, and 475.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S-3211	H.F.	148	State Government
S-3212	H.F.	484	State Government
S-3213	S.F.	512	House
S-3214	S.F.	508	House
S-3215	S.F.	512	Robert M. Hogg

JOURNAL OF THE SENATE

EIGHTY-SIXTH CALENDAR DAY
FIFTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 5, 2011

The Senate met in regular session at 9:08 a.m., President Kibbie presiding.

Prayer was offered by Reverend Richard Pokora, pastor of the Redeemer Lutheran Church in Bettendorf, Iowa. He was the guest of Senator Smith.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Maria Lewis.

The Journal of Monday, April 4, 2011, was approved.

The Senate stood at ease at 9:21 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:00 a.m., President Kibbie presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 4, 2011, **passed** the following bills in which the concurrence of the House was asked:

Senate File 120, a bill for an act relating to the grounds for which the board of educational examiners is required to disqualify an applicant for licensure or revoke a license.

Senate File 122, a bill for an act relating to the duties of the college student aid commission and to requirements regarding certain financial aid programs administered by the commission.

Senate File 123, a bill for an act providing for immunity from civil liability for members and employees of the board of educational examiners.

Senate File 194, a bill for an act relating to the Iowa military code and military service by making changes related to the use and support of certain facilities, operations support, employment and rank of active and retired military personnel, the definition of performing military duty, tort claims protections, and including effective date provisions.

Senate File 205, a bill for an act relating to matters under the purview of the department of transportation, including provisions relating to the regulation of motor vehicles and motor vehicle operations and provisions relating to the coordination of public transit funding programs, and making penalties applicable.

Senate File 286, a bill for an act relating to the Iowa prescription monitoring program and including an effective date provision.

Senate File 389, a bill for an act relating to the nonreversion of funds appropriated to the national guard educational assistance program and including effective date and retroactive applicability provisions.

Senate File 393, a bill for an act relating to drainage and levee districts by providing for the delivery of a written communication to state and local government.

Senate File 399, a bill for an act regulating the advertising of veterans benefits appeal services by requiring certain disclosures and including a civil penalty.

Senate File 428, a bill for an act relating to drainage districts, by providing for the assessment of benefits by state agencies, and including effective date provisions.

ALSO: That the House has on April 4, 2011, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 453, a bill for an act relating to high school graduation requirements. (S-3217)

ALSO: That the House has on April 4, 2011, **passed** the following bills in which the concurrence of the Senate is asked:

House File 646, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and including effective date provisions.

Read first time and referred to committee on **Appropriations**.

House File 648, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, and other funds, providing for related matters and including effective date provisions.

Read first time and referred to committee on **Appropriations**.

HOUSE AMENDMENT CONSIDERED

Senate File 512

Senator Hogg called up for consideration **Senate File 512**, a bill for an act making supplemental appropriations for the fiscal year beginning July 1, 2010, for the state public defender and including effective date provisions, amended by the House in House amendment S-3213, filed April 4, 2011.

Senator Hogg offered amendment S-3215, filed by him on April 4, 2011, to pages 1 and 9 of House amendment S-3213, and moved its adoption.

Amendment S-3215, to amendment S-3213, was adopted by a voice vote.

Senator Hogg moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Hogg moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 512), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Courtney asked and received unanimous consent that **Senate File 512** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration House Concurrent Resolution 11.

House Concurrent Resolution 11

On motion of Senator Dvorsky, **House Concurrent Resolution 11**, a concurrent resolution relating to Pioneer Lawmakers, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky moved the adoption of House Concurrent Resolution 11, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Courtney asked and received unanimous consent that **House Concurrent Resolution 11** be **immediately messaged** to the House.

RECESS

On motion of Senator Courtney, the Senate recessed at 11:14 a.m. until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:42 p.m., President Pro Tempore Danielson presiding.

QUORUM CALL

Senator Gronstal requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 47 present, 3 absent, and a quorum present.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 484, 474, and 195.

House File 484

On motion of Senator Kibbie, **House File 484**, a bill for an act concerning investment of certain public funds in companies doing business in Iran by the treasurer of state, public retirement systems in Iowa, and the state board of regents, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Kibbie offered amendment S-3212, filed by the committee on State Government on April 4, 2011, to pages 4 and 5 of the bill, and moved its adoption.

Amendment S-3212 was adopted by a voice vote.

Senator Kibbie moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 484), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 474

On motion of Senator Kibbie, **House File 474**, a bill for an act to designate August 7 of each year as Purple Heart Day, with report of committee recommending passage, was taken up for consideration.

Senator Kibbie moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 474), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 195

On motion of Senator Kibbie, **House File 195**, a bill for an act relating to assignment of visitation or physical care parenting time for children of military service members on active duty and including effective date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Kibbie asked and received unanimous consent to withdraw amendment S-3132, filed by the committee on Veterans

Affairs on March 17, 2011, striking and replacing everything after the enacting clause of the bill.

Senator Kibbie moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 195), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

President Kibbie took the chair at 2:16 p.m.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 195, 474, and 484** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 532, 512, 467, and 461.

House File 532

On motion of Senator Bowman, **House File 532**, a bill for an act relating to agriculture, by eliminating certain powers of and requirements administered by the department of agriculture and land stewardship, with report of committee recommending passage, was taken up for consideration.

Senator Bowman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 532), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 512

On motion of Senator Rielly, **House File 512**, a bill for an act providing an exemption from standards and requirements otherwise applicable to the investment of public funds by specified state departments, agencies, and political subdivisions, with report of committee recommending passage, was taken up for consideration.

Senator Rielly moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 512), the vote was:

Yeas, 44:

Anderson	Dandekar	Hahn	Quirmbach
Bacon	Danielson	Hancock	Ragan
Bartz	Dearden	Hatch	Rielly
Beall	Dix	Hogg	Schoenjahn
Behn	Dotzler	Horn	Seng
Bertrand	Dvorsky	Houser	Seymour
Black	Ernst	Jochum	Smith
Boettger	Feenstra	Kapucian	Sodders
Bolkcom	Fraise	Kettering	Sorenson
Bowman	Greiner	Kibbie	Wilhelm
Courtney	Gronstal	McCoy	Zaun

Nays, 6:

Chelgren	Johnson	Ward
Hamerlinck	McKinley	Whitver

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 467

On motion of Senator Wilhelm, **House File 467**, a bill for an act relating to programs and activities under the purview of the department of public health, with report of committee recommending passage, was taken up for consideration.

Senator Wilhelm moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 467), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng

Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 461

On motion of Senator Sorenson, **House File 461**, a bill for an act relating to the attachment of tags to deer carcasses, with report of committee recommending passage, was taken up for consideration.

Senator Chelgren offered amendment S-3218, filed by him from the floor to page 1 and amending the title page of the bill.

Senator Dearden asked and received unanimous consent that action on amendment S-3218 and **House File 461** be **deferred**.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 467, 512, and 532** be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Jeffrey Ward as Executive Director of the Agricultural Development Authority, placed on the Individual Confirmation Calendar on March 17, 2011, found on page 724 of the Senate Journal.

Senator Fraise moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of James Schipper as Superintendent of Banking, placed on the Individual Confirmation Calendar on March 8, 2011, found on page 562 of the Senate Journal.

Senator Rielly moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver

Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Beth Townsend as Director of the Iowa State Civil Rights Commission, placed on the Individual Confirmation Calendar on February 22, 2011, found on page 375 of the Senate Journal.

Senator Hogg moved that the foregoing appointment be confirmed by the Senate.

On the question “Shall the appointee be confirmed?” the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of JoAnn Johnson as Superintendent of Credit Unions (appointment and reappointment), placed on the Individual Confirmation Calendar on March 22, 2011, found on page 770 of the Senate Journal.

Senator Beall moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Bruce Rastetter as a member of the State Board of Regents, placed on the Individual Confirmation Calendar on March 30, 2011, found on page 849 of the Senate Journal.

Senator Quirmbach moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour

Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Kathleen Mulholland as a member of the State Board of Regents, placed on the Individual Confirmation Calendar on March 30, 2011, found on page 849 of the Senate Journal.

Senator Quirmbach moved that the foregoing appointment be confirmed by the Senate.

On the question “Shall the appointee be confirmed?” the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Nicole Carroll as a member of the State Board of Regents, placed on the Individual Confirmation Calendar on March 30, 2011, found on page 849 of the Senate Journal.

Senator Quirmbach moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Lee Clancey as a member of the Iowa Power Fund Board, placed on the Individual Confirmation Calendar on March 8, 2011, found on page 563 of the Senate Journal.

Senator Dandekar moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 45:

Anderson	Dandekar	Hancock	Rielly
Bacon	Danielson	Hatch	Schoenjahn
Bartz	Dearden	Hogg	Seng

Beall	Dix	Horn	Seymour
Behn	Dotzler	Houser	Smith
Bertrand	Dvorsky	Jochum	Sodders
Black	Feenstra	Kapucian	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	
Chelgren	Hahn	Quirnbach	
Courtney	Hamerlinck	Ragan	

Nays, 5:

Ernst	Kettering	Zaun
Johnson	Sorenson	

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Richard Stradley as Chair and member of the Property Assessment Appeal Board, placed on the Individual Confirmation Calendar on March 21, 2011, found on page 747 of the Senate Journal.

Senator Beall moved that the foregoing appointment be confirmed by the Senate.

On the question “Shall the appointee be confirmed?” the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver

Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Sam Langholz as State Public Defender, placed on the Individual Confirmation Calendar on February 22, 2011, found on page 375 of the Senate Journal.

Senator Hogg moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Larry Noble as Commissioner of Public Safety, placed on the Individual Confirmation Calendar on March 8, 2011, found on page 563 of the Senate Journal.

Senator Hancock moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Courtney Kay-Decker as Director of the Department of Revenue, placed on the Individual Confirmation Calendar on February 22, 2011, found on page 375 of the Senate Journal.

Senator Seng moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng

Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Douglas Hoelscher as a member of the Director of Office for State-Federal Relations, placed on the Individual Confirmation Calendar on March 1, 2011, found on page 444 of the Senate Journal.

Senator Hatch moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 5, 2011, **refused to concur** in the Senate amendment to the House amendment to the following bill in which the concurrence of the House was asked:

Senate File 512, a bill for an act making supplemental appropriations for the fiscal year beginning July 1, 2010, for the state public defender and including effective date provisions.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Gronstal called up the appointment of David Lingren as Executive Director of the Iowa Telecommunications and Technology Commission, placed on the Individual Confirmation Calendar on March 8, 2011, found on page 563 of the Senate Journal.

Senator Jochum moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of David Rose as a member of the State Transportation Commission, placed on the Individual Confirmation Calendar on March 29, 2011, found on page 833 of the Senate Journal.

Senator Rielly moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Charese Yanney as a member of the State Transportation Commission, placed on the Individual Confirmation Calendar on March 29, 2011, found on page 833 of the Senate Journal.

Senator Rielly moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng

Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

SPECIAL GUESTS

President Kibbie introduced to the Senate chamber the Honorable Richard P. Vande Hoef, former member of the Senate from Osceola County, Boyden, Iowa. He was accompanied by his wife.

The Senate rose and expressed its welcome.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Libby Jacobs as Chair and member of the Utilities Board, placed on the Individual Confirmation Calendar on March 21, 2011, found on page 747 of the Senate Journal.

Senator Courtney moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith

Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Brigadier General Jodi Tymeson as Executive Director of the Commission of Veterans Affairs, placed on the Individual Confirmation Calendar on February 16, 2011, found on page 319 of the Senate Journal.

Senator Beall moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of David Worley as Commandant of the Iowa Veterans Home, placed on the Individual Confirmation Calendar on February 16, 2011, found on page 319 of the Senate Journal.

Senator Sodders moved that the foregoing appointment be confirmed by the Senate.

On the question “Shall the appointee be confirmed?” the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

SENATE RECEDES

Senate File 512

Senator Hogg called up for consideration **Senate File 512**, a bill for an act making supplemental appropriations for the fiscal year beginning July 1, 2010, for the state public defender and including effective date provisions, amended by the House, further amended by the Senate and moved that the Senate recede from its amendment.

The Senate stood at ease at 3:50 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 4:00 p.m., President Kibbie presiding.

The motion prevailed by a voice vote and the Senate **receded** from its amendment.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Seymour, until he returns, on request of Senator Bacon.

Senator Hogg moved that the bill, amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 512), the vote was:

Yeas, 49:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Smith
Behn	Dvorsky	Jochum	Sodders
Bertrand	Ernst	Johnson	Sorenson
Black	Feenstra	Kapucian	Ward
Boettger	Fraise	Kettering	Whitver
Bolkcom	Greiner	Kibbie	Wilhelm
Bowman	Gronstal	McCoy	Zaun
Chelgren	Hahn	McKinley	
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, 1:

Seymour

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 512** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Courtney, the Senate adjourned at 4:14 p.m. until 9:00 a.m., Wednesday, April 6, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

William Glotfelty, Victor—For achieving the rank of Eagle Scout, Troop 226. Senator Rielly (4/5/11).

Anthony Lynn, Hartwig—For achieving the rank of Eagle Scout, Troop 226. Senator Rielly (4/5/11).

Carlin Michalek, Victor—For achieving the rank of Eagle Scout, Troop 226. Senator Rielly (4/5/11).

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the northwest Senate gallery:

Students from Bergman Academy, Des Moines, Iowa. Senator Zaun.

INTRODUCTION OF BILL

Senate File 518, by Seng, a bill for an act creating a program for state procurement from work centers for individuals with disabilities.

Read first time under Rule 28 and referred to committee on **State Government**.

SUBCOMMITTEE ASSIGNMENTS

Senate File 518

STATE GOVERNMENT: Jochum, Chair; Fraise and Smith

House File 549

JUDICIARY: Sodders, Chair; Hancock and Sorenson

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: HOUSE FILE 642 (HSB 195), a bill for an act 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.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-3216.

Final Vote: Ayes, 13: Dvorsky, McCoy, Black, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 8: Kettering, Bartz, Boettger, Dix, Houser, Johnson, Kapucian, and Seymour. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 5, 2011, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 124 – Relating to the criminal offense of possessing electronic contraband or failing to report electronic contraband at a jail, municipal holding facility, or correctional facility and providing penalties.

Senate File 470 – Relating to the duties and operations of the state's community colleges.

BILL ASSIGNED TO COMMITTEE

President Kibbie announced the assignment of the following bill to committee:

H.F. 657 Government Oversight

AMENDMENTS FILED

S-3216	H.F.	642	Appropriations
S-3217	S.F.	453	House
S-3218	H.F.	461	Mark Chelgren

JOURNAL OF THE SENATE

EIGHTY-SEVENTH CALENDAR DAY
FIFTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 6, 2011

The Senate met in regular session at 9:00 a.m., President Kibbie presiding.

Prayer was offered by Deanna Shorb, Dean of Religious Life and Chaplain of Grinnell College in Grinnell, Iowa. She was the guest of Senator Rielly.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Maria Lewis.

The Journal of Tuesday, April 5, 2011, was approved.

The Senate stood at ease at 9:06 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:07 a.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:08 a.m. until 1:45 p.m.

RECONVENED

The Senate reconvened at 1:45 p.m., President Kibbie presiding.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to receive the Senate in joint convention.

The Senate proceeded to the House chamber, in accordance with House Concurrent Resolution 11, in columns of two led by the Secretary of the Senate and the Sergeant-at-Arms.

JOINT CONVENTION PIONEER LAWMAKERS

Sixty-first Biennial Session
House Chamber

In accordance with House Concurrent Resolution 11, duly adopted, the joint convention was called to order at 1:55 p.m., President Kibbie presiding.

President Kibbie declared a quorum present and the joint convention duly organized.

Senator Courtney moved that a committee of eight be appointed to escort the Pioneer Lawmakers into the House chamber.

The motion prevailed by a voice vote, and the President appointed as such committee Senators Fraise, Bowman, Boettger, and Houser on the part of the Senate and Representatives Drake, Hanusa, Kelley, and Hall on the part of the House.

The committee escorted the Pioneer Lawmakers to seats in the House chamber.

President Kibbie presented the Honorable Jeff Danielson, President Pro Tempore of the Senate, who welcomed the Pioneer Lawmakers on behalf of the Senate.

President Kibbie presented the Honorable Kraig Paulsen, Speaker of the House of Representatives, who welcomed the Pioneer Lawmakers on behalf of the House.

President Kibbie presented the Honorable Robert Dvorsky, member of the Senate and President of the Pioneer Lawmakers Association, who responded to the welcome.

Senator Dvorsky announced the following 1991 class of Pioneer Lawmakers: Allen Borlaug, James Kersten, Mary Kramer, Derryl McLaren, Sheldon Rittmer, Harry Slife, Tom Baker, Don Hanson, Stu Iverson, Robert Johnson, Pat Murphy, Richard Weidman, Merlin Bartz, William Bernau, Gordon Burke, Rick Dirkinson, Pat Gill, Chuck Gipp, Steve Grubbs, James Hahn, Chuck Hurley, Scott Krebsbach, Clark McNeal, David Millage, Bob Rafferty, and Matthew Wissing.

Honorary members of the 2011 class were the following: Susan Walter, Jonathan Roos, Paula Feltner, Robert Langbehn, Mark Brandsgard, Jan Laue, and Marcia Nichols.

Senator Dvorsky presented Arthur Neu, former Lt. Governor of Iowa, who addressed the joint convention:

Incivility in politics has been around in America for as long as the country existed – maybe even longer. There are some marvelous examples I have run across.

At the top of the list is the Hamilton-Burr duel in 1804.

Interesting is that Iowa repealed Section 5 of its bill of rights in 1992 which barred from political office anyone who had engaged in a duel. So you are now apparently free to challenge anyone with whom you disagree to a duel and still hold public office.

No one should overlook the incident in 1856 when Senator Sumner of Massachusetts was brutally assaulted by two members of Congress from North Carolina.

Sometimes incivility is tempered with humor. In the English Parliament an exchange between Disraeli and Gladstone was as follows:

One said “I swear I don’t know if you will die on the gallows or of the pox” (pox was their term for syphilis)

The other responded “That depends, Sir, on whether I embrace your morals or your mistress.”

In all fairness the press always has its less-than-civil moments with politicians. Ben Butler was a Civil War General and, later, a House member from Massachusetts. He was hated in the South, where he was in charge of occupied New Orleans. When he died, the Nashville Daily American wrote a long editorial, titled “The Beast is Dead”, and read in part as follows:

“Old Ben Butler is dead! Early yesterday morning the Angel of Death acting under the Devil’s orders took him from earth and landed him in hell. In all the southern country here are no tears, no sighs, and no regrets. He lived only too long. We are glad he has at last been removed from the earth and even pity the Devil the possession he has secured.”

Then later it really gets bad.

“He was a trucking demagogue whose selfishness amounted to pollution; He was an autocrat who used power to wreak personal revenge; He was mean and malignant, a hangman from prejudice, the insulter of women, a braggadocio, a trickster and a scoundrel whose heart was as black as the smoke from the coals that are now scorching his soul.”

Even Thomas Jefferson surreptitiously had a journalist refer to John Adams as a “hermaphrodite”.

The Liberty League referred to Franklin Roosevelt as a communist.

More recently an example of civility took place when during a parade, city workers found a backpack bomb on the Martin Luther King Day Parade Route. Emotions ran high but the NAACP chapter president made sure that the conversations remained civil.

Today there is incivility all over the place, though admittedly not as severe as some alluded to earlier and not much humor that I have observed. There never was a golden age when there was not incivility. But what seems to be somewhat unique to the present time is institutional incivility between the political parties. There was a day when Hubert Humphrey and Bob Dole would debate issues vigorously in the Senate and afterwards go out for a beer together.

It used to be the same here. We used to have vigorous, hot debates, but once we left the chamber it was set aside. I think that the demonizing of someone who disagrees with you is bad for politics, bad for legislation, and bad for the state and country. It also makes compromise very difficult and we all know that compromise is impossible to avoid in a democracy.

One old time lobbyist told me that the incivility came about when we regulated lobbying. It used to be that legislators got together in the evenings at functions sponsored by lobbyists. At these functions legislators got to know each other socially. I certainly don't think that is the sole or even a major cause of today's incivility, but it did result in less contact between legislators from the two parties. I suspect the money that is pumped into campaigns from the various interest groups deserves some of the credit for incivility. Also the people and organizations who are only concerned about one issue and support candidates on that one issue and nothing else. I think that plays a part in incivility.

I remember one session when Attorney General Turner issued an opinion holding that under the criminal code anyone who went out to an event in which their dinner and drinks were paid for was guilty of some crime under the then new criminal code. All events ended and a number of us joined the “Y” and played basketball together. We certainly got to know each other well on the basketball court.

One suggestion I might make. During the Ray Years every Tuesday for lunch the leadership of both parties met for lunch in the Governor's office. Sometimes, early in the session there was not always a lot of talk, but we still had lunch. You did get to know each other and in some instances we became good friends. We also knew that if you said something unpleasant about a leader of the other party, that in all likelihood you would be questioned about it next Tuesday. It served as a deterrent on extreme statements.

A little incivility, short of a duel or a whipping, can be funny, particularly when it involves some humor.

A lot can be dangerous, even disastrous. I think today we are at a dangerous stage particularly with an awful lot of people running around with side arms.

Thank you.

Representative Upmeyer moved that the joint convention be dissolved.

The motion prevailed by a voice vote.

The Senate returned to the Senate chamber.

The Senate stood at ease at 2:23 p.m. until the fall of the gavel.

The Senate resumed session at 2:30 p.m., President Kibbie presiding.

QUORUM CALL

Senator Gronstal requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 47 present, 3 absent, and a quorum present.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Thomas Clause, Architectural Examining Board

Christina Taylor, Board of Athletic Training

Daniel Harkness, Board of Behavioral Science

Julie Mueller, Board of Chiropractic

Patti Brown, Commission on Community Action Agencies

Tina Kastendieck, Commission of Deaf Services

Jane Larkin, Iowa Drug Policy Advisory Council

Donald Doudna, Early Childhood Iowa State Board

Duane Cottingham, Commission on Judicial Qualifications

Larry Dallenbach, Board of Massage Therapy

Peggy Rice, Mental Health Risk Pool Board

Jenny Pitts, Plumbing and Mechanical Systems Examining Board

Heidi Vermeer-Quist, Board of Psychology

David Stone, Board of Social Work

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question “Shall the appointees be confirmed?” the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 5, 2011, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 511, a bill for an act relating to and making appropriations to the judicial branch. (S-3220)

ALSO: That the House has on April 5, 2011, **passed** the following bill in which the concurrence of the Senate is asked:

House File 645, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing for related matters and for effective date, applicability provisions and retroactive applicability provisions.

Read first time and referred to committee on **Appropriations**.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 642.

House File 642

On motion of Senator McCoy, **House File 642**, a bill for an act 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, with report of committee recommending amendment and passage, was taken up for consideration.

Senator McCoy offered amendment S-3216, filed by the committee on Appropriations on April 5, 2011, to pages 1-5 of the bill, and moved its adoption.

Amendment S-3216 was adopted by a voice vote.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 642), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 593, 592, 557, and 454.

House File 593

On motion of Senator Sodders, **House File 593**, a bill for an act relating to the education requirements for licensed massage therapists, with report of committee recommending passage, was taken up for consideration.

Senator Sodders moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 593), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Greiner, until she returns, on request of Senator McKinley.

House File 592

On motion of Senator Hancock, **House File 592**, a bill for an act establishing the council for agricultural education, with report of committee recommending passage, was taken up for consideration.

Senator Hancock moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 592), the vote was:

Yeas, 45:

Anderson	Dearden	Horn	Seng
Bacon	Dix	Houser	Seymour
Bartz	Dotzler	Jochum	Smith

Beall	Dvorsky	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Fraise	Kibbie	Ward
Boettger	Gronstal	McCoy	Whitver
Bolkcom	Hahn	McKinley	Wilhelm
Bowman	Hamerlinck	Quirnbach	Zaun
Courtney	Hancock	Ragan	
Dandekar	Hatch	Rielly	
Danielson	Hogg	Schoenjahn	

Nays, 4:

Behn	Chelgren	Feenstra	Kettering
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Absent, 1:

Greiner

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 557

On motion of Senator Seng, **House File 557**, a bill for an act relating to swine moved to and from exhibitions, and the duties of veterinarians, and including effective date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Seng offered amendment S-3191, filed by the committee on Agriculture on March 30, 2011, to page 1 of the bill, and moved its adoption.

Amendment S-3191 was adopted by a voice vote.

Senator Seng moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 557), the vote was:

Yeas, 49:

Anderson	Danielson	Hogg	Schoenjahn
Bacon	Dearden	Horn	Seng
Bartz	Dix	Houser	Seymour

Beall	Dotzler	Jochum	Smith
Behn	Dvorsky	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Quirnbach	
Courtney	Hancock	Ragan	
Dandekar	Hatch	Rielly	

Nays, none.

Absent, 1:

Greiner

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 454

On motion of Senator Bowman, **House File 454**, a bill for an act permitting city utilities and certain cities to delegate the authority to certify unpaid rates or charges for collection by the county treasurer, with report of committee recommending passage, was taken up for consideration.

Senator Bowman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 454), the vote was:

Yeas, 49:

Anderson	Danielson	Hogg	Schoenjahn
Bacon	Dearden	Horn	Seng
Bartz	Dix	Houser	Seymour
Beall	Dotzler	Jochum	Smith
Behn	Dvorsky	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun

Chelgren	Hamerlinck	Quirmbach
Courtney	Hancock	Ragan
Dandekar	Hatch	Rielly

Nays, none.

Absent, 1:

Greiner

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 454, 557, 592, 593, and 642** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 565, 404, 390, 389, and 299.

House File 565

On motion of Senator Hogg, **House File 565**, a bill for an act relating to business entities by providing for service of process for foreign corporations and the naming of professional limited liability companies, and including effective and applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Hogg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 565), the vote was:

Yeas, 49:

Anderson	Danielson	Hogg	Schoenjahn
Bacon	Dearden	Horn	Seng
Bartz	Dix	Houser	Seymour
Beall	Dotzler	Jochum	Smith

Behn	Dvorsky	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Quirmbach	
Courtney	Hancock	Ragan	
Dandekar	Hatch	Rielly	

Nays, none.

Absent, 1:

Greiner

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 404

On motion of Senator Anderson, **House File 404**, a bill for an act relating to payments for prepaid cemetery and funeral merchandise, and funeral services that are required to be placed in trust or secured by a surety bond, with committee recommending passage, was taken up for consideration.

Senator Anderson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 404), the vote was:

Yeas, 47:

Anderson	Dandekar	Hancock	Quirmbach
Bacon	Danielson	Hatch	Rielly
Bartz	Dearden	Hogg	Seng
Beall	Dix	Horn	Seymour
Behn	Dotzler	Houser	Smith
Bertrand	Dvorsky	Jochum	Sodders
Black	Ernst	Johnson	Sorenson
Boettger	Feenstra	Kapucian	Ward
Bolkcom	Fraise	Kettering	Whitver

Bowman	Gronstal	Kibbie	Wilhelm
Chelgren	Hahn	McCoy	Zaun
Courtney	Hamerlinck	McKinley	

Nays, 2:

Ragan	Schoenjahn
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Absent, 1:

Greiner

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 390

On motion of Senator Seymour, **House File 390**, a bill for an act relating to an Alzheimer's disease response strategy, with report of committee recommending passage, was taken up for consideration.

Senator Seymour moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 390), the vote was:

Yeas, 49:

Anderson	Danielson	Hogg	Schoenjahn
Bacon	Dearden	Horn	Seng
Bartz	Dix	Houser	Seymour
Beall	Dotzler	Jochum	Smith
Behn	Dvorsky	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Quirmbach	
Courtney	Hancock	Ragan	
Dandekar	Hatch	Rielly	

Nays, none.

Absent, 1:

Greiner

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 389

On motion of Senator Hatch, **House File 389**, a bill for an act relating to investigative costs of the Medicaid fraud control unit, with report of committee recommending passage, was taken up for consideration.

Senator Hatch moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 389), the vote was:

Yeas, 49:

Anderson	Danielson	Hogg	Schoenjahn
Bacon	Dearden	Horn	Seng
Bartz	Dix	Houser	Seymour
Beall	Dotzler	Jochum	Smith
Behn	Dvorsky	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Quirmbach	
Courtney	Hancock	Ragan	
Dandekar	Hatch	Rielly	

Nays, none.

Absent, 1:

Greiner

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 299

On motion of Senator Dandekar, **House File 299**, a bill for an act relating to the unlawful possession of or entry upon specified personal and public utility property, and providing penalties, with report of committee recommending passage, was taken up for consideration.

Senator Dandekar moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 299), the vote was:

Yeas, 49:

Anderson	Danielson	Hogg	Schoenjahn
Bacon	Dearden	Horn	Seng
Bartz	Dix	Houser	Seymour
Beall	Dotzler	Jochum	Smith
Behn	Dvorsky	Johnson	Soddors
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Quirnbach	
Courtney	Hancock	Ragan	
Dandekar	Hatch	Rielly	

Nays, none.

Absent, 1:

Greiner

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 299, 389, 390, 404, and 565** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 3:28 p.m. until 9:00 a.m., Thursday, April 7, 2011.

APPENDIX

COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

OFFICE OF AUDITOR OF STATE

FY 2010 Single Audit Report, pursuant to Iowa Code section 11.27. Report received on April 6, 2011.

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Marie Watermilller, Hampton—For celebrating her 100th birthday. Senator Bartz (4/6/11).

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: Wednesday, April 6, 2011, 10:05 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; McKinley, Ranking Member; Bartz, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun.

Members Absent: None.

Committee Business: Passed SR 7.

Adjourned: 10:10 a.m.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 7, a resolution urging the nullification of rules adopted by the United States Environmental Protection Agency relating to national emissions standards for hazardous air pollutants for reciprocating internal combustion engines.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, McKinley, Bartz, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 6, 2011, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 7 – Providing for a .08 blood alcohol limit for motorboat or sailboat operating while intoxicated offenses.

Senate File 474 – Relating to nonsubstantive Code corrections and including effective date and retroactive applicability provisions.

PETITION

The following petition was presented and placed on file:

From the Izaak Walton League Board of Directors and 150 citizens opposing the transfer of authority and funding for water quality programs from the Department of Natural Resources to the Department of Agriculture and Land Stewardship. Senator Gronstal.

AMENDMENTS FILED

S-3219	S.R.	7	John P. Kibbie Merlin Bartz
S-3220	S.F.	511	House

JOINT MEMORIAL SERVICE
 EIGHTY-FOURTH GENERAL ASSEMBLY
 SENATE CHAMBER
 WEDNESDAY, APRIL 6, 2011

PROGRAM

Senate President John P. “Jack” Kibbie, Presiding

Prelude.....Ombudsman Ruth Cooperrider
 “Iowa, My Iowa”.....Memorial Choir
 Invocation.....Senator John P. Kibbie

MEMORIALS

Readers: Representative Kelley, Senator Beall,
 Representative Forristall, Senator Johnson

Hon. Sam Anania (H)	Hon. Paul Bell (H)	Hon. S.J. Brownlee (S)
Hon. Donald Gries (H)	Hon. William “Bill” Harbor (S/H)	Hon. Philip B. Hill (S/H)
Hon. Robert M.L. Johnson (H)	Hon. Robert McDonald Kreamer (H)	

“Shenandoah”.....Memorial Choir

MEMORIALS

Readers: Representative Murphy, Representative Pettengill,
 Representative Hanusa, Senator Fraise

Hon. Joe Kremer (H)	Hon. Clifton “Cliff” Lamborn (S)	Hon. Opal L. Miller (H)
Hon. William C. Stuart (S)	Hon. Jane Svoboda (H)	Hon. Elaine Szymoniak (S)
Hon. James D. Wells (S/H)		

Responsorial Reading.....Led by Senator Kibbie
 “Battle Hymn of the Republic”.....Memorial Choir

* Senate – (S) and House – (H)

IN MEMORIAM

SERVED IN THE SENATE

Honorable S.J. Brownlee (Palo Alto) 63rd and 64th General Assemblies (1969-1972)

Honorable Clifton “Cliff” Lamborn (Jackson) 62nd, 63rd, 64th, 65th, and 66th General Assemblies (1967-1976)

Honorable William C. Stuart (Lucas) 55th, 56th, 57th, 58th, and 59th General Assemblies (1953-1961)

Honorable Elaine Szymoniak (Polk) 73rd, 74th, 74th Extra, 74th Second Extra, 75th, 76th, 77th, and 78th General Assemblies (1989-2000)

SERVED IN THE SENATE AND THE HOUSE OF REPRESENTATIVES

Honorable William “Bill” Harbor (Mills) 56th, 57th, 58th, 62nd, 63rd, 64th, 67th, 67th Extra, 68th, 69th, 69th Extra, 69th Second Extra, 70th, 71st, 72nd, 72nd Extra, 72nd Second Extra, 73rd, 74th, 74th Extra, and 74th Second Extra General Assemblies (1955-1992)

Honorable Philip B. Hill (Polk) 64th, 65th, 66th, and 67th, and 67th Extra General Assemblies (1971-1978)

Honorable James D. Wells (Linn) 63rd, 64th, 65th, 66th, 67th, 67th Extra, 68th, 69th, 69th Extra, 69th Second Extra, 70th, 71st, 72nd, 72nd Extra, and 72nd Second Extra General Assemblies (1969-1988)

SERVED IN THE HOUSE OF REPRESENTATIVES

Honorable Sam Anania (Polk) 64th General Assembly (1971-1972)

Honorable Paul Bell (Jasper) 75th, 76th, 77th, 78th, 79th, 79th Extra, 79th Second Extra, 80th, 80th Extra, 80th Second Extra, 81st, 82nd, and 83rd General Assemblies (1993-2010)

Honorable Donald Gries (Crawford) 75th, 76th, and 77th General Assemblies (1993-1998)

Honorable Robert M.L. Johnson (Linn) 68th, 69th, 69th Extra, and 69th Second Extra General Assemblies (1979-1982)

Honorable Robert McDonald Kreamer (Polk) 63rd, 64th, 65th, and 66th General Assemblies (1969-1976)

Honorable Joe Kremer (Buchanan) 71st, 72nd, 72nd Extra, 72nd Second Extra, 73rd, 74th, 74th Second Extra, 76th, and 77th General Assemblies (1985-1992 and 1995-1998)

Honorable Opal L. Miller (Calhoun) 66th and 67th General Assemblies (1975-1978)

Honorable Jane Svoboda (Tama) 72nd, 72nd Extra, 72nd Second Extra, 73rd, 74th, 74th Extra, and 74th Second Extra General Assemblies (1987-1992)

Senate Memorial Committee

Senator Gene Fraise, Chair
Senator Robert Bacon
Senator Dennis Black
Senator Nancy Boettger
Senator Robert Dvorsky
Senator Joni Ernst
Senator Wally Horn
Senator David Johnson

House Memorial Committee

Representative Vicki Lensing, Chair
Representative Julian Garrett
Representative Mary Ann Hanusa
Representative Dan Kelley

Hosts

Senator Nancy Boettger
Senator Wally Horn
Representative Vicki Lensing
Representative Jack Drake

Host Helpers

Mr. Dave Boettger
Mr. Jim Obradovich
Ms. Phyllis Peterson
Mr. Vern Schroeder

Candlelighters

Senator Robert Bacon
Senator Swati Dandekar
Senator Joni Ernst
Representative Julian Garrett
Representative Bruce Hunter

JOURNAL OF THE SENATE

EIGHTY-EIGHTH CALENDAR DAY
FIFTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 7, 2011

The Senate met in regular session at 9:05 a.m., President Kibbie presiding.

The Memorial Choir sang “The Battle Hymn of the Republic.” They performed at the Memorial Service held on Wednesday, April 6, 2011.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Quinn Hejlik.

The Journal of Wednesday, April 6, 2011, was approved.

The Senate stood at ease at 9:20 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:40 a.m., President Pro Tempore Danielson presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 6, 2011, **passed** the following bills in which the concurrence of the House was asked:

Senate File 243, a bill for an act expanding the definition of alternate energy production facility for purposes of compliance with electric utility rate regulation requirements.

Senate File 279, a bill for an act relating to child support recovery.

Senate File 406, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce and including effective date provisions.

Senate File 438, a bill for an act relating to licensing by reciprocity for dentists.

Senate File 460, a bill for an act relating to the licensing and regulation of real estate brokers and salespersons.

Senate File 478, a bill for an act relating to livestock by providing for their feeding and care when the livestock are deemed to be neglected.

ALSO: That the House has on April 6, 2011, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 312, a bill for an act concerning special motor vehicle registration plates, including registration plates issued for business-trade trucks and special trucks, creating new combat infantryman badge, combat action badge, combat action ribbon, and combat medical badge registration plates, and including effective date and applicability provisions. (S-3223)

Senate File 326, a bill for an act relating to the appointment of judicial officers and senior judges. (S-3222)

ALSO: That the House has on April 6, 2011, **passed** the following bills in which the concurrence of the Senate is asked:

House File 651, a bill for an act providing for a special civil war sesquicentennial motor vehicle registration plate, establishing fees, and making an appropriation.

Read first time and referred to committee on **Appropriations**.

House File 658, a bill for an act providing for the transfer of duties relating to the certification of milk from the department of public health to the department of agriculture and land stewardship, providing for the transition, and providing an appropriation.

Read first time and referred to committee on **Appropriations**.

House File 659, a bill for an act relating to the administration of prison industries established and maintained by the Iowa department of corrections, and including effective date provisions.

Read first time and referred to committee on **Government Oversight**.

House File 661, a bill for an act relating to rulemaking authority of the department of natural resources and including effective date and applicability provisions.

Read first time and referred to committee on **Ways and Means**.

ALSO: That the House has on April 7, 2011, **concurred in the Senate amendment and passed** the following bill in which the concurrence of the House was asked:

House File 642, a bill for an act 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.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Tom Quiner, Commission on Community Action Agencies

Michael Coleman, Board of Corrections

Jennifer Keaton, Commission of Deaf Services

Ruth Randleman, Iowa Finance Authority

Jenifer Furness, Board of Physical and Occupational Therapy

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question “Shall the appointees be confirmed?” the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

CONSIDERATION OF BILL (Regular Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration House File 597.

House File 597

On motion of Senator McCoy, **House File 597**, a bill for an act creating new procedures for external review of health care coverage decisions by health carriers and including transition and applicability provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator McCoy offered amendment S–3210, filed by the committee on Commerce on March 31, 2011, to page 1 of the bill, and moved its adoption.

Amendment S–3210 was adopted by a voice vote.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 597), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 453

Senator Hogg called up for consideration **Senate File 453**, a bill for an act relating to high school graduation requirements, amended by the House in House amendment S-3217, filed April 5, 2011.

Senator Hogg moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Hogg moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 453), the vote was:

Yeas, 49:

Anderson	Danielson	Hatch	Schoenjahn
Bacon	Dearden	Hogg	Seng
Bartz	Dix	Horn	Seymour
Beall	Dotzler	Houser	Smith
Behn	Dvorsky	Jochum	Sodders
Bertrand	Ernst	Johnson	Sorenson
Black	Feenstra	Kapucian	Ward
Boettger	Fraise	Kettering	Whitver
Bolkcom	Greiner	Kibbie	Wilhelm
Bowman	Gronstal	McCoy	Zaun
Chelgren	Hahn	Quirmbach	
Courtney	Hamerlinck	Ragan	
Dandekar	Hancock	Rielly	

Nays, 1:

McKinley

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Regular Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration House File 516.

House File 516

On motion of Senator Bowman, **House File 516**, a bill for an act relating to the construction of subdivision improvements and certain notice requirements, with report of committee recommending passage, was taken up for consideration.

Senator Bowman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 516), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Courtney asked and received unanimous consent that **Senate File 453** and **House Files 516** and **597** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration Senate Resolution 7.

Senate Resolution 7

On motion of Senator Kibbie, **Senate Resolution 7**, a resolution urging the nullification of rules adopted by the United States Environmental Protection Agency relating to national emissions

standards for hazardous air pollutants for reciprocating internal combustion engines, with report of committee recommending passage, was taken up for consideration.

Senator Kibbie offered amendment S-3219, filed by Senators Kibbie and Bartz on April 6, 2011, to pages 1-3 of the resolution, and moved its adoption.

Amendment S-3219 was adopted by a voice vote.

President Kibbie moved the adoption of Senate Resolution 7, which motion prevailed by a voice vote.

CONSIDERATION OF BILL (Regular Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration House File 536.

House File 536

On motion of Senator Jochum, **House File 536**, a bill for an act concerning the duties and responsibilities of the auditor of state, with report of committee recommending passage, was taken up for consideration.

Senator Jochum moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 536), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm

Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Courtney asked and received unanimous consent that **House File 536** be **immediately messaged** to the House.

RECESS

On motion of Senator Courtney, the Senate recessed at 11:28 a.m. until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:33 p.m., President Kibbie presiding.

BILLS REFERRED TO UNFINISHED BUSINESS CALENDAR

Senator Courtney asked and received unanimous consent that the following bills be referred from the Regular Calendar to the Unfinished Business Calendar:

H.F. 126	H.F. 465
H.F. 148	H.F. 493
H.F. 254	H.F. 589
H.F. 328	H.F. 590
H.F. 392	H.F. 596
H.F. 405	H.F. 618
S.C.R. 9	

ADJOURNMENT

On motion of Senator Courtney, the Senate adjourned at 1:35 p.m. until 1:00 p.m., Monday, April 11, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Thelma Crist, Morning Sun—For celebrating her 95th birthday. Senator Courtney (4/7/11).

Rex and Lois Jameson, Burlington—For celebrating their 55th wedding anniversary. Senator Courtney (4/7/11).

James and Lorraine Wirt, Burlington—For celebrating their 55th wedding anniversary. Senator Courtney (4/7/11).

REPORTS OF COMMITTEE MEETINGS

GOVERNMENT OVERSIGHT

Convened: Wednesday, April 6, 2011, 10:20 a.m.

Members Present: Courtney, Chair; Sodders, Vice Chair; Sorenson, Ranking Member; Greiner and Kibbie.

Members Absent: None.

Committee Business: Discussed SSB 1202 and HSB 226.

Adjourned: 10:45 a.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Thursday, April 7, 2011, 12:30 p.m.

Members Present: Dearden, Chair; Black, Vice Chair; Hahn, Ranking Member; Behn, Bolkcom, Hancock, Hogg, Ragan, Schoenjahn, and Seng.

Members Absent: Hamerlinck, Kapucian, and Sorenson (all excused).

Committee Business: Interviews with governor's appointees.

Adjourned: 1:30 p.m.

WAYS AND MEANS

Convened: Thursday, April 7, 2011, 11:30 a.m.

Members Present: Bolkcom, Chair; Seng, Vice Chair; Zaun, Ranking Member; Anderson, Bartz, Black, Chelgren, Dandekar, Dotzler, Feenstra, Hogg, Jochum, McCoy, Quirnbach, and Smith.

Members Absent: None.

Committee Business: Passed SF 463, as amended, and HF 654. Approved SSB 1204, as amended.

Recessed: 11:35 a.m.

Reconvened: 12:10 p.m.

Adjourned: 12:25 p.m.

INTRODUCTION OF BILL

Senate File 519, by committee on Government Oversight, a bill for an act relating to membership in and membership dues paid to organizations representing school boards, board members, and administrators, and to the responsibilities and duties of such organizations, and providing penalties and remedies.

Read first time under Rule 28 and **placed on calendar**.

FINAL COMMITTEE REPORTS OF BILL ACTION

GOVERNMENT OVERSIGHT

Bill Title: *SENATE FILE 519 (SSB 1202), a bill for an act relating to membership in and membership dues paid to organizations representing school boards, board members, and administrators, and to the responsibilities and duties of such organizations, and providing penalties and remedies.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 5: Courtney, Soddors, Sorenson, Greiner, and Kibbie. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Government Oversight Committee on Senate File 519, and they were attached to the committee report.

WAYS AND MEANS

Bill Title: HOUSE FILE 654 (formerly HF 211), a bill for an act related to moneys administered by the board of trustees of a drainage or levee district.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Bolkcom, Seng, Zaun, Anderson, Bartz, Black, Chelgren, Dandekar, Dotzler, Feenstra, Hogg, Jochum, McCoy, Quirmbach, and Smith. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 7, 2011, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 233 – Relating to entitling mental health counselors to payment for behavioral health services provided under the Medicaid program.

Senate File 240 – Relating to matters under the purview of the alcoholic beverages division of the department of commerce, and making penalties applicable.

Senate File 321 – Relating to wastewater discharges by on-farm processing operations.

Senate File 367 – Concerning the protection of student athletes from concussions and other brain injuries.

Senate File 396 – Relating to the regulation of indemnification provisions in construction contracts.

Senate File 475 – Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and retroactive applicability provisions.

AMENDMENTS FILED

S-3221	H.F.	148	Jeff Danielson Bill Dix
S-3222	S.F.	326	House
S-3223	S.F.	312	House
S-3224	H.F.	392	Jeff Danielson
S-3225	H.F.	461	Jeff Danielson

JOURNAL OF THE SENATE

NINETY-SECOND CALENDAR DAY
FIFTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 11, 2011

The Senate met in regular session at 1:10 p.m., President Kibbie presiding.

The Senate observed a moment of silence in remembrance of Ashley Okland, an Iowa Realty Agent, who was shot and killed while working; and in honor of the victims of the recent tornadoes.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Austin Pappan.

The Journal of Thursday, April 7, 2011, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 7, 2011, **concurred** in the Senate amendment to the House amendment, **and passed** the following bill in which the concurrence of the House was asked:

Senate File 361, a bill for an act authorizing the Iowa state fair board to establish an endowment fund to receive gifts in trust dedicated to the maintenance and improvement of the Iowa state fairgrounds.

ALSO: That the House has on April 7, 2011, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

House File 537, a bill for an act relating to voluntary cessation of program operations and decertification of assisted living programs, and providing penalties.

ALSO: That the House has on April 7, 2011, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 509, a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions. (S-3227)

ALSO: That the House has on April 7, 2011, **passed** the following bill in which the concurrence of the Senate is asked:

House File 649, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and including effective, retroactive, and applicability date provisions.

Read first time and referred to committee on **Appropriations**.

The Senate stood at ease at 1:28 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:40 p.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Boettger and Hahn, until they arrive, on request of Senator Kettering.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Mark Schuling as Consumer Advocate, placed on the Individual Confirmation Calendar on March 21, 2011, found on page 747 of the Senate Journal.

Senator Bolkcom moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 48:

Anderson	Danielson	Hatch	Ragan
Bacon	Dearden	Hogg	Rielly
Bartz	Dix	Horn	Schoenjahn
Beall	Dotzler	Houser	Seng
Behn	Dvorsky	Jochum	Seymour
Bertrand	Ernst	Johnson	Smith
Black	Feenstra	Kapucian	Sodders
Bolkcom	Fraise	Kettering	Sorenson
Bowman	Greiner	Kibbie	Ward
Chelgren	Gronstal	McCoy	Whitver
Courtney	Hamerlinck	McKinley	Wilhelm
Dandekar	Hancock	Quirmbach	Zaun

Nays, none.

Absent, 2:

Boettger	Hahn
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Donna Harvey as Director of the Department on Aging, placed on the Individual Confirmation Calendar on February 15, 2011, found on page 296 of the Senate Journal.

Senator Dotzler moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 48:

Anderson	Danielson	Hatch	Ragan
Bacon	Dearden	Hogg	Rielly
Bartz	Dix	Horn	Schoenjahn
Beall	Dotzler	Houser	Seng
Behn	Dvorsky	Jochum	Seymour
Bertrand	Ernst	Johnson	Smith
Black	Feenstra	Kapucian	Sodders

Bolkcom	Fraise	Kettering	Sorenson
Bowman	Greiner	Kibbie	Ward
Chelgren	Gronstal	McCoy	Whitver
Courtney	Hamerlinck	McKinley	Wilhelm
Dandekar	Hancock	Quirmbach	Zaun

Nays, none.

Absent, 2:

Boettger Hahn

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of John Glenn as a member of the Environmental Protection Commission, placed on the Individual Confirmation Calendar on February 15, 2011, found on page 341 of the Senate Journal.

Senator Black moved that the foregoing appointment be confirmed by the Senate.

On the question “Shall the appointee be confirmed?” the vote was:

Yeas, 48:

Anderson	Danielson	Hatch	Ragan
Bacon	Dearden	Hogg	Rielly
Bartz	Dix	Horn	Schoenjahn
Beall	Dotzler	Houser	Seng
Behn	Dvorsky	Jochum	Seymour
Bertrand	Ernst	Johnson	Smith
Black	Feenstra	Kapucian	Sodders
Bolkcom	Fraise	Kettering	Sorenson
Bowman	Greiner	Kibbie	Ward
Chelgren	Gronstal	McCoy	Whitver
Courtney	Hamerlinck	McKinley	Wilhelm
Dandekar	Hancock	Quirmbach	Zaun

Nays, none.

Absent, 2:

Boettger Hahn

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Diana Bruemmer as a member of the Environmental Protection Commission, placed on the Individual Confirmation Calendar on February 15, 2011, found on page 341 of the Senate Journal.

Senator Black moved that the foregoing appointment be confirmed by the Senate.

On the question “Shall the appointee be confirmed?” the vote was:

Yeas, 48:

Anderson	Danielson	Hatch	Ragan
Bacon	Dearden	Hogg	Rielly
Bartz	Dix	Horn	Schoenjahn
Beall	Dotzler	Houser	Seng
Behn	Dvorsky	Jochum	Seymour
Bertrand	Ernst	Johnson	Smith
Black	Feenstra	Kapucian	Sodders
Bolkcom	Fraise	Kettering	Sorenson
Bowman	Greiner	Kibbie	Ward
Chelgren	Gronstal	McCoy	Whitver
Courtney	Hamerlinck	McKinley	Wilhelm
Dandekar	Hancock	Quirmbach	Zaun

Nays, none.

Absent, 2:

Boettger	Hahn
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

HOUSE AMENDMENT CONSIDERED

Senate File 312

Senator Danielson called up for consideration **Senate File 312**, a bill for an act concerning special motor vehicle registration plates, including registration plates issued for business-trade trucks and special trucks, creating new combat infantryman badge, combat action badge, combat action ribbon, and combat medical badge registration plates, and including effective date and applicability provisions, amended by the House in House amendment S-3223, filed April 7, 2011.

Senator Danielson asked and received unanimous consent that action on amendment S-3223 and **Senate File 312** be **deferred**.

HOUSE AMENDMENT CONSIDERED

Senate File 326

Senator Hogg called up for consideration **Senate File 326**, a bill for an act relating to the appointment of judicial officers and senior judges, amended by the House in House amendment S-3222, filed April 7, 2011.

Senator Hogg moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Hogg moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 326), the vote was:

Yeas, 48:

Anderson	Danielson	Hatch	Ragan
Bacon	Dearden	Hogg	Rielly
Bartz	Dix	Horn	Schoenjahn
Beall	Dotzler	Houser	Seng
Behn	Dvorsky	Jochum	Seymour
Bertrand	Ernst	Johnson	Smith
Black	Feenstra	Kapucian	Sodders
Bolkcom	Fraise	Kettering	Sorensen
Bowman	Greiner	Kibbie	Ward
Chelgren	Gronstal	McCoy	Whitver
Courtney	Hamerlinck	McKinley	Wilhelm
Dandekar	Hancock	Quirnbach	Zaun

Nays, none.

Absent, 2:

Boettger	Hahn
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

BUSINESS PENDING

Senate File 312

The Senate resumed consideration of **Senate File 312**, a bill for an act concerning special motor vehicle registration plates, including registration plates issued for business-trade trucks and special trucks, creating new combat infantryman badge, combat action badge, combat action ribbon, and combat medical badge registration plates, and including effective date and applicability provisions, amended by the House in House amendment S-3223, filed April 7, 2011, previously deferred.

Senator Danielson moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Danielson moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 312), the vote was:

Yeas, 48:

Anderson	Danielson	Hatch	Ragan
Bacon	Dearden	Hogg	Rielly
Bartz	Dix	Horn	Schoenjahn
Beall	Dotzler	Houser	Seng
Behn	Dvorsky	Jochum	Seymour
Bertrand	Ernst	Johnson	Smith
Black	Feenstra	Kapucian	Sodders
Bolkcom	Fraise	Kettering	Sorenson
Bowman	Greiner	Kibbie	Ward
Chelgren	Gronstal	McCoy	Whitver
Courtney	Hamerlinck	McKinley	Wilhelm
Dandekar	Hancock	Quirnbach	Zaun

Nays, none.

Absent, 2:

Boettger	Hahn
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 519.

Senate File 519

On motion of Senator Courtney, **Senate File 519**, a bill for an act relating to membership in and membership dues paid to organizations representing school boards, board members, and administrators, and to the responsibilities and duties of such organizations, and providing penalties and remedies, was taken up for consideration.

Senator Courtney withdrew amendment S-3226, filed by him from the floor to pages 1 and 3 and amending the title page of the bill.

Senator Courtney offered amendment S-3230, filed by him from the floor to pages 1 and 3 and amending the title page of the bill, and moved its adoption.

Amendment S-3230 was adopted by a voice vote.

Senator McCoy asked and received unanimous consent that action on **Senate File 519** be **deferred**.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 312** and **326** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 654.

House File 654

On motion of Senator Seng, **House File 654**, a bill for an act related to moneys administered by the board of trustees of a drainage or levee district, with report of committee recommending passage, was taken up for consideration.

Senator Bartz offered amendment S-3231, filed by him from the floor to page 1 and amending the title page of the bill, and moved its adoption.

Amendment S-3231 was adopted by a voice vote.

Senator Seng moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 654), the vote was:

Yeas, 48:

Anderson	Danielson	Hatch	Ragan
Bacon	Dearden	Hogg	Rielly
Bartz	Dix	Horn	Schoenjahn
Beall	Dotzler	Houser	Seng
Behn	Dvorsky	Jochum	Seymour
Bertrand	Ernst	Johnson	Smith
Black	Feenstra	Kapucian	Sodders
Bolkcom	Fraise	Kettering	Sorenson
Bowman	Greiner	Kibbie	Ward
Chelgren	Gronstal	McCoy	Whitver
Courtney	Hamerlinck	McKinley	Wilhelm
Dandekar	Hancock	Quirmbach	Zaun

Nays, none.

Absent, 2:

Boettger	Hahn
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

CONSIDERATION OF BILL
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 493.

House File 493

On motion of Senator Quirmbach, **House File 493**, a bill for an act requiring faculty members of regents institutions and community colleges and teachers employed by school districts charged with a crime to repay all salary received during a paid leave of absence if convicted, placed on the Unfinished Business Calendar on April 7, 2011, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Quirmbach offered amendment S-3207, filed by the committee on Education on March 31, 2011, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment S-3207 was adopted by a voice vote.

Senator Quirmbach moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 493), the vote was:

Yeas, 48:

Anderson	Danielson	Hatch	Ragan
Bacon	Dearden	Hogg	Rielly
Bartz	Dix	Horn	Schoenjahn
Beall	Dotzler	Houser	Seng
Behn	Dvorsky	Jochum	Seymour
Bertrand	Ernst	Johnson	Smith
Black	Feenstra	Kapucian	Sodders
Bolkcom	Fraise	Kettering	Sorenson
Bowman	Greiner	Kibbie	Ward

Chelgren	Gronstal	McCoy	Whitver
Courtney	Hamerlinck	McKinley	Wilhelm
Dandekar	Hancock	Quirnbach	Zaun

Nays, none.

Absent, 2:

Boettger	Hahn
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 493** and **654** be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Gronstal, until he returns, on request of Senator Courtney.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Courtney called up the appointment of Jason Glass as Director of the Department of Education, placed on the Individual Confirmation Calendar on February 28, 2011, found on page 420 of the Senate Journal.

Senator Quirnbach moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 44:

Anderson	Dandekar	Horn	Rielly
Bacon	Danielson	Houser	Schoenjahn
Bartz	Dearden	Jochum	Seng
Beall	Dix	Johnson	Seymour
Behn	Dotzler	Kapucian	Smith
Bertrand	Ernst	Kettering	Sodders
Black	Feenstra	Kibbie	Sorenson

Bolkcom	Greiner	McCoy	Ward
Bowman	Hamerlinck	McKinley	Whitver
Chelgren	Hancock	Quirnbach	Wilhelm
Courtney	Hogg	Ragan	Zaun

Nays, 3:

Dvorsky	Fraise	Hatch
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Absent, 3:

Boettger	Gronstal	Hahn
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Courtney called up the appointment of Eric Goranson as a member of the State Board of Education, placed on the Individual Confirmation Calendar on March 21, 2011, found on page 747 of the Senate Journal.

Senator Schoenjahn moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 47:

Anderson	Danielson	Hogg	Rielly
Bacon	Dearden	Horn	Schoenjahn
Bartz	Dix	Houser	Seng
Beall	Dotzler	Jochum	Seymour
Behn	Dvorsky	Johnson	Smith
Bertrand	Ernst	Kapucian	Sodders
Black	Feenstra	Kettering	Sorenson
Bolkcom	Fraise	Kibbie	Ward
Bowman	Greiner	McCoy	Whitver
Chelgren	Hamerlinck	McKinley	Wilhelm
Courtney	Hancock	Quirnbach	Zaun
Dandekar	Hatch	Ragan	

Nays, none.

Absent, 3:

Boettger	Gronstal	Hahn
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Courtney called up the appointment of Bob Skow as a member of the Healthy and Well Kids in Iowa (HAWK-I) Board, placed on the Individual Confirmation Calendar on March 28, 2011, found on page 816 of the Senate Journal.

Senator Dotzler moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 46:

Anderson	Danielson	Horn	Schoenjahn
Bacon	Dearden	Houser	Seng
Bartz	Dix	Jochum	Seymour
Beall	Dotzler	Johnson	Smith
Behn	Dvorsky	Kapucian	Sodders
Bertrand	Ernst	Kettering	Sorenson
Black	Feenstra	Kibbie	Ward
Bolkcom	Fraise	McCoy	Whitver
Bowman	Greiner	McKinley	Wilhelm
Chelgren	Hamerlinck	Quirnbach	Zaun
Courtney	Hancock	Ragan	
Dandekar	Hogg	Rielly	

Nays, 1:

Hatch

Absent, 3:

Boettger	Gronstal	Hahn
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Roger Lande as Director of the Department of Natural Resources, placed on the Individual Confirmation Calendar on February 15, 2011, found on page 296 of the Senate Journal.

Senator Dearden moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 45:

Anderson	Dearden	Houser	Seng
Bacon	Dix	Jochum	Seymour
Bartz	Dotzler	Johnson	Smith
Beall	Ernst	Kapucian	Sodders
Behn	Feenstra	Kettering	Sorenson
Bertrand	Fraise	Kibbie	Ward
Black	Greiner	McCoy	Whitver
Bowman	Gronstal	McKinley	Wilhelm
Chelgren	Hamerlinck	Quirnbach	Zaun
Courtney	Hancock	Ragan	
Dandekar	Hatch	Rielly	
Danielson	Horn	Schoenjahn	

Nays, 3:

Bolkcom	Dvorsky	Hogg
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Absent, 2:

Boettger	Hahn
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 3:40 p.m. until 9:00 a.m., Tuesday, April 12, 2011.

APPENDIX

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF MANAGEMENT

Expenditure and Appropriation Reductions Report, pursuant to 2011 Iowa Acts, House File 45. Report received on April 11, 2011.

LEGISLATIVE SERVICES AGENCY

Temporary Redistricting Advisory Commission Report, pursuant to Iowa Code section 42.6. Report received on April 11, 2011.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Berdell and Frances Aldrich, Toledo—For celebrating their 67th wedding anniversary. Senator Kapucian (4/11/11).

Viola Behounek, Chelsea—For celebrating her 90th birthday. Senator Kapucian (4/11/11).

Benjamin Harms, Monticello—For receiving the Governor's Cup Award. Senator Hancock (4/11/11).

Adaline Hushak, Traer—For celebrating her 90th birthday. Senator Kapucian (4/11/11).

Don McKale, Toledo—For celebrating his 97th birthday. Senator Kapucian (4/11/11).

George Stille, Toledo—For celebrating his 100th birthday. Senator Kapucian (4/11/11).

Edith Zhorne, Tama—For celebrating her 95th birthday. Senator Kapucian (4/11/11).

INTRODUCTION OF RESOLUTION

Senate Resolution 12, by Dotzler, Soddors, Beall, Courtney, and Boettger, a resolution to recognize the centennial of the establishment of the Republic of China on Taiwan.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILLS

Senate File 520, by committee on Ways and Means, a bill for an act providing for an electric or natural gas vehicle facility tax credit and including effective date and applicability provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

Senate File 521, by committee on Ways and Means, a bill for an act relating to the administration of the property rehabilitation tax credit program by the department of cultural affairs and including retroactive applicability provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

SUBCOMMITTEE ASSIGNMENTS

House File 645

APPROPRIATIONS: Schoenjahn, Chair; Dix and Dvorsky

House File 651

APPROPRIATIONS: McCoy, Chair; Black and Kapucian

House File 658

APPROPRIATIONS: Ragan, Chair; Dvorsky and Houser

House File 661

WAYS AND MEANS: Bolcom, Chair; Hogg and Zaun

FINAL COMMITTEE REPORTS OF BILL ACTION

WAYS AND MEANS

Bill Title: *SENATE FILE 520 (formerly SF 463), a bill for an act providing for an electric or natural gas vehicle facility tax credit and including effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Bolkcom, Seng, Zaun, Anderson, Bartz, Black, Dandekar, Dotzler, Feenstra, Hogg, Jochum, McCoy, Quirmbach, and Smith. Nays, 1: Chelgren. Absent, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 520, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 521 (SSB 1204), a bill for an act relating to the administration of the property rehabilitation tax credit program by the department of cultural affairs and including retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Bolkcom, Seng, Zaun, Anderson, Bartz, Black, Dandekar, Dotzler, Feenstra, Hogg, Jochum, McCoy, Quirmbach, and Smith. Nays, 1: Chelgren. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 521, and they were attached to the committee report.

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following reports:

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 11th day of April, 2011.

Senate Files 120, 122, 123, 194, 205, 286, 389, 393, 399, 427, 428, and 512.

MICHAEL E. MARSHALL
Secretary of the Senate

APPOINTMENTS

The following appointees were submitted to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

BY THE GOVERNOR

TERM

HEALTH FACILITIES COUNCIL (135.62) Roberta Chambers, Corydon	04/06/2011 – 04/30/2013
IPERS, INVESTMENT BOARD OF THE (97B.8A) Dennis Young, Waukee	04/08/2011 – 04/30/2013
MORTUARY SCIENCE, BOARD OF (147.14(1)(p)) Todd Kale, Osceola	05/01/2011 – 04/30/2014

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor's appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on April 11, 2011:

HUMAN RESOURCES

Roberta Chambers – Health Facilities Council

STATE GOVERNMENT

Dennis Young – Investment Board of the IPERS

Todd Kale – Board of Mortuary Science

AMENDMENTS FILED

S-3226	S.F.	519	Thomas G. Courtney
S-3227	S.F.	509	House
S-3228	S.F.	517	William A. Dotzler, Jr.
S-3229	S.F.	517	Bill Dix
S-3230	S.F.	519	Thomas G. Courtney
S-3231	H.F.	654	Merlin Bartz

JOURNAL OF THE SENATE

NINETY-THIRD CALENDAR DAY
FIFTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 12, 2011

The Senate met in regular session at 9:06 a.m., President Kibbie presiding.

Prayer was offered by Candy Boucher, former associate minister of the First Evangelical Lutheran Church in Centerville, Iowa, who sang “All Good Gifts”. She was the guest of Senator Jochum.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Austin Pappan.

The Journal of Monday, April, 11, 2011, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 11, 2011, **passed** the following bills in which the concurrence of the House was asked:

Senate File 197, a bill for an act relating to the performance of routine maintenance of a fire protection system and including effective date provisions.

Senate File 260, a bill for an act eliminating the transfer tax imposed on insurers organized in other states who elect to become domestic insurers in Iowa.

Senate File 315, a bill for an act relating to emergency management planning.

ALSO: That the House has on April 11, 2011, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 510, a bill for an act relating to and making appropriations to the justice system. (S-3233)

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:10 a.m. until 2:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 2:37 p.m., President Kibbie presiding.

HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 12, 2011, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

House File 363, a bill for an act relating to the duties and rulemaking authority of the commission on veterans affairs.

House File 484, a bill for an act concerning investment of certain public funds in companies doing business in Iran by the treasurer of state, public retirement systems in Iowa, and the state board of regents.

The Senate stood at ease at 2:38 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:29 p.m., President Kibbie presiding.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Gronstal called up the appointment of John Baldwin as Director of the Department of Corrections, placed on the Individual

Confirmation Calendar on March 28, 2011, found on page 816 of the Senate Journal.

Senator Fraise moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Mark Schouten as Drug Policy Coordinator, placed on the Individual Confirmation Calendar on February 24, 2011, found on page 403 of the Senate Journal.

Senator Sodders moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour

Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

REFUSAL OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Gronstal called up the appointment of William Gustoff as a member of the State Judicial Nominating Commission, placed on the Individual Confirmation Calendar on March 28, 2011, found on page 816 of the Senate Journal.

The Senate stood at ease at 3:39 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:44 p.m., President Kibbie presiding.

Senator Hogg moved that the foregoing appointment be refused confirmation by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 27:

Anderson	Dandekar	Hamerlinck	Seng
Bacon	Dearden	Horn	Seymour
Bartz	Dix	Houser	Smith
Behn	Ernst	Johnson	Ward
Bertrand	Feenstra	Kapucian	Whitver
Boettger	Greiner	Kettering	Zaun
Chelgren	Hahn	McKinley	

Nays, 23:

Beall	Dotzler	Hogg	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Sodders
Bowman	Gronstal	McCoy	Sorenson
Courtney	Hancock	Quirmbach	Wilhelm
Danielson	Hatch	Ragan	

Absent, none.

The appointee, having failed to receive a two-thirds vote, was declared to have been refused confirmation by the Senate.

Senator Gronstal called up the appointment of Isaiah McGee as Director of the Department of Human Rights, placed on the Individual Confirmation Calendar on March 1, 2011, found on page 444 of the Senate Journal.

Senator Jochum moved that the foregoing appointment be refused confirmation by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 30:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dandekar	Hogg	Smith
Bartz	Dearden	Horn	Sorenson
Behn	Dix	Houser	Ward
Bertrand	Ernst	Johnson	Whitver
Black	Feenstra	Kapucian	Zaun
Boettger	Greiner	Kettering	
Bolkcom	Hahn	Seng	

Nays, 20:

Beall	Dvorsky	Jochum	Ragan
Bowman	Fraise	Kibbie	Rielly
Courtney	Gronstal	McCoy	Schoenjahn
Danielson	Hancock	McKinley	Sodders
Dotzler	Hatch	Quirmbach	Wilhelm

Absent, none.

The appointee, having failed to receive a two-thirds vote, was declared to have been refused confirmation by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS
(Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Mary Boote as a member of the Environmental Protection Commission, placed on the Individual Confirmation Calendar on March 30, 2011, found on page 849 of the Senate Journal.

Senator Black moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Brent Rastetter as a member of the Environmental Protection Commission, placed on the Individual Confirmation Calendar on March 30, 2011, found on page 849 of the Senate Journal.

Senator Black moved that the foregoing appointment be confirmed by the Senate.

On the question “Shall the appointee be confirmed?” the vote was:

Yeas, 49:

Anderson	Danielson	Hatch	Schoenjahn
Bacon	Dearden	Horn	Seng
Bartz	Dix	Houser	Seymour
Beall	Dotzler	Jochum	Smith
Behn	Dvorsky	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hahn	Quirnbach	
Courtney	Hamerlinck	Ragan	
Dandekar	Hancock	Rielly	

Nays, 1:

Hogg

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Dolores Mertz as a member of the Environmental Protection Commission, placed on the Individual Confirmation Calendar on March 30, 2011, found on page 849 of the Senate Journal.

Senator Black moved that the foregoing appointment be confirmed by the Senate.

On the question “Shall the appointee be confirmed?” the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm

Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Dave Jamison as Executive Director of the Iowa Finance Authority, placed on the Individual Confirmation Calendar on February 24, 2011, found on page 403 of the Senate Journal.

Senator Danielson moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 46:

Anderson	Dandekar	Hancock	Schoenjahn
Bacon	Danielson	Horn	Seng
Bartz	Dearden	Houser	Seymour
Beall	Dix	Jochum	Smith
Behn	Dotzler	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hahn	Ragan	
Courtney	Hamerlinck	Rielly	

Nays, 3:

Dvorsky	Hogg	Quirnbach
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Present, 1:

Hatch

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Gary Steinke as a member of the Iowa Higher Education Loan Authority, placed on the Individual Confirmation Calendar on March 30, 2011, found on page 849 of the Senate Journal.

Senator Quirnbach moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

Anderson	Danielson	Hatch	Schoenjahn
Bacon	Dearden	Hogg	Seng
Bartz	Dix	Horn	Seymour
Beall	Dotzler	Houser	Smith
Behn	Dvorsky	Jochum	Sodders
Bertrand	Ernst	Johnson	Sorenson
Black	Feenstra	Kapucian	Ward
Boettger	Fraise	Kettering	Whitver
Bolkcom	Greiner	Kibbie	Wilhelm
Bowman	Gronstal	McCoy	Zaun
Chelgren	Hahn	McKinley	
Courtney	Hamerlinck	Ragan	
Dandekar	Hancock	Rielly	

Nays, 1:

Quirnbach

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Teresa Wahlert as Director of Workforce Development, placed on the Individual Confirmation Calendar on February 23, 2011, found on page 392 of the Senate Journal.

Senator Dotzler moved that the foregoing appointment be confirmed by the Senate.

On the question “Shall the appointee be confirmed?” the vote was:

Yeas, 36:

Anderson	Dearden	Horn	Rielly
Bacon	Dix	Houser	Seng
Bartz	Ernst	Jochum	Seymour
Behn	Feenstra	Johnson	Smith
Bertrand	Greiner	Kapucian	Sodders
Boettger	Gronstal	Kettering	Sorenson
Chelgren	Hahn	McCoy	Ward
Dandekar	Hamerlinck	McKinley	Whitver
Danielson	Hancock	Ragan	Zaun

Nays, 14:

Beall	Courtney	Hatch	Schoenjahn
Black	Dotzler	Hogg	Wilhelm
Bolkcom	Dvorsky	Kibbie	
Bowman	Fraise	Quirnbach	

Absent, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 521.

Senate File 521

On motion of Senator Dotzler, **Senate File 521**, a bill for an act relating to the administration of the property rehabilitation tax credit program by the department of cultural affairs and including retroactive applicability provisions, was taken up for consideration.

Senator Chelgren withdrew amendment S–3236, filed by him from the floor to pages 1 and 4 of the bill.

Senator Dotzler offered amendment S–3232, filed by him from the floor to pages 4 and 5 of the bill, and moved its adoption.

Amendment S–3232 was adopted by a voice vote.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 521), the vote was:

Yeas, 48:

Anderson	Danielson	Hancock	Ragan
Bacon	Dearden	Hogg	Rielly
Bartz	Dix	Horn	Schoenjahn
Beall	Dotzler	Houser	Seng
Behn	Dvorsky	Jochum	Seymour
Bertrand	Ernst	Johnson	Smith
Black	Feenstra	Kapucian	Sodders
Boettger	Fraise	Kettering	Sorenson
Bolkcom	Greiner	Kibbie	Ward
Bowman	Gronstal	McCoy	Whitver
Courtney	Hahn	McKinley	Wilhelm
Dandekar	Hamerlinck	Quirmbach	Zaun

Nays, 1:

Chelgren

Present, 1:

Hatch

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS
(Deferred April 11, 2011)

Senate File 519

The Senate resumed consideration of **Senate File 519**, a bill for an act relating to membership in and membership dues paid to organizations representing school boards, board members, and administrators, and to the responsibilities and duties of such organizations, and providing penalties and remedies, deferred April 11, 2011.

Senator Zaun asked and received unanimous consent that action on **Senate File 519** be **deferred**.

CONSIDERATION OF BILL
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 517.

Senate File 517

On motion of Senator Dotzler, **Senate File 517**, a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters and including immediate effective date provisions, placed on the Unfinished Business Calendar on March 31, 2011, was taken up for consideration.

Senator Dotzler withdrew amendment S-3184, filed by him on March 29, 2011, to pages 11 and 13 of the bill.

Senator Dotzler withdrew amendment S-3228, filed by him on April 11, 2011, to pages 11 and 13-15 of the bill.

Senator Dotzler offered amendment S-3237, filed by him from the floor to pages 11-16 of the bill, and moved its adoption.

Amendment S-3237 was adopted by a voice vote.

Senator Dix offered amendment S-3240, filed by Senators Dix and Dotzler from the floor to pages 14 and 16 and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–3240 be adopted?” (S.F. 517), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

Amendment S–3240 was adopted.

With the adoption of amendment S–3240, the Chair ruled amendment S–3229, filed by Senator Dix on April 11, 2011, to page 16 of the bill, out of order.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 517), the vote was:

Yeas, 29:

Bartz	Danielson	Hogg	Schoenjahn
Beall	Dearden	Horn	Seng
Bertrand	Dotzler	Jochum	Sodders
Black	Dvorsky	Kibbie	Sorenson
Bolkcom	Fraise	McCoy	Wilhelm
Bowman	Gronstal	Quirmbach	
Courtney	Hancock	Ragan	
Dandekar	Hatch	Rielly	

Nays, 21:

Anderson	Ernst	Johnson	Ward
Bacon	Feenstra	Kapucian	Whitver
Behn	Greiner	Kettering	Zaun
Boettger	Hahn	McKinley	
Chelgren	Hamerlinck	Seymour	
Dix	Houser	Smith	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 517** and **521** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:19 p.m. until 9:00 a.m., Wednesday, April 13, 2011.

APPENDIX

COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF HUMAN SERVICES

Direct Care Worker in Nursing Facilities Turnover Report, pursuant to 2008 Iowa Acts, HF 2539, section 71. Report received on April 12, 2011.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Mr. Hamza Asanov, Khorog, Tajikistan—For visiting the Iowa Legislature and being named an Honorary Iowan. Senator Beall (4/12/11).

The Honorable Akram Chowdhury, Member of the Bangladesh National Parliament—For visiting the Iowa Legislature and being named an Honorary Iowan. Senator Beall (4/12/11).

The Honorable Harish Kamal Thakulla Kshetri, Member of the Parliament of Nepal—For visiting the Iowa Legislature and being named an Honorary Iowan. Senator Beall (4/12/11).

Mr. Timul Faridovich Shaikhutdinov, Bishkek, Kyrgyz Republic—For visiting the Iowa Legislature and being named an Honorary Iowan. Senator Beall (4/12/11).

Rob Enfield, Cedar Rapids—For achieving the rank of Eagle Scout. Senator Horn (4/12/11).

Josie England, Ruthven—For celebrating her 108th birthday. Senator Kibbie (4/12/11).

Sergeant Major Jerry Hansen, Le Mars—For his 31 years of dedicated service to the Iowa Army National Guard. Senator Anderson (4/12/11).

Kemin Industries—For 50 years of being a great corporate and global citizen. Senator Dearden (4/12/11).

Lutheran Retirement Home, Northwood—For being named by U.S. News and World Report as one of the Best Nursing Homes in Iowa. Senator Bartz (4/12/11).

Rockwell Community Nursing Home—For being named by U.S. News and World Report as one of the Best Nursing Homes in Iowa. Senator Bartz (4/12/11).

Stacyville Community Nursing Home—For being named by U.S. News and World Report as one of the Best Nursing Homes in Iowa. Senator Bartz (4/12/11).

Westview Care Center, Britt—For being named by U.S. News and World Report as one of the Best Nursing Homes in Iowa. Senator Bartz (4/12/11).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Tuesday, April 12, 2011, 10:40 a.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Bartz, Boettger, Bolkcom, Danielson, Dix, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Ragan, Schoenjahn, and Seymour.

Members Absent: Black and Houser (both excused).

Committee Business: Passed HF 646, as amended.

Recessed: 10:45 a.m.

Reconvened: 11:15 a.m.

Adjourned: 11:20 a.m.

RULES AND ADMINISTRATION

Convened: Monday, April 11, 2011, 3:40 p.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; McKinley, Ranking Member; Bartz, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun.

Members Absent: None.

Committee Business: Assigned governor's appointees to committees.

Adjourned: 3:45 p.m.

WAYS AND MEANS

Convened: Tuesday, April 12, 2011, 1:30 p.m.

Members Present: Bolkcom, Chair; Seng, Vice Chair; Zaun, Ranking Member; Anderson, Bartz, Black, Chelgren, Dandekar, Dotzler, Feenstra, Hogg, Jochum, McCoy, Quirnbach, and Smith.

Members Absent: None.

Committee Business: Passed SF 300, as amended. Approved SSB 1205.

Recessed: 1:35 p.m.

Reconvened: 2:05 p.m.

Adjourned: 2:25 p.m.

INTRODUCTION OF BILL

Senate File 522, by committee on Ways and Means, a bill for an act establishing a property tax credit for certain commercial, industrial, and railway property, providing penalties, and including applicability provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

SUBCOMMITTEE ASSIGNMENT

House File 649

APPROPRIATIONS: Hatch, Chair; Bolkcom, Johnson, Kettering, and Ragan

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: HOUSE FILE 646 (HSB 189), a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and including effective date provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-3239.

Final Vote: Ayes, 12: Dvorsky, McCoy, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 7: Kettering, Bartz, Boettger, Dix, Johnson, Kapucian, and Seymour. Absent, 2: Black and Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: SENATE FILE 522 (SSB 1205), a bill for an act establishing a property tax credit for certain commercial, industrial, and railway property, providing penalties, and including applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, Seng, Zaun, Anderson, Bartz, Black, Chelgren, Dandekar, Dotzler, Feenstra, Hogg, Jochum, McCoy, Quirnbach, and Smith. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which the confirmation of Isaiah McGee as Director of the Department of Human Rights failed to be approved by the Senate on April 12, 2011.

PAUL MCKINLEY

GOVERNOR'S ITEM VETO MESSAGE

April 12, 2011

The Honorable John P. Kibbie
President of the Senate
State Capitol
Des Moines, Iowa 50319

Dear Mr. President:

I hereby transmit **Senate File 512**, an act relating to public funding matters by updating the code references to the internal revenue code and by decoupling from certain federal bonus depreciation provisions, authorizing appropriation transfers, and including effective date and retroactive applicability provisions.

Senate File 512 is, therefore, signed on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Division IV, which includes Sections 26 and 27. This language would have provided the Governor with the specific authority to transfer funds to the office of the public defender for payment of court-appointed attorneys for indigent defense purposes. As I have made clear, I strongly support an appropriate supplemental appropriation to pay these court-appointed indigent defense attorneys the money that is owed to them and will continue to work with the General Assembly to resolve this matter.

The language I disapprove attempts to end the current legislative stalemate over supplemental appropriations for the provision of indigent defense services administered through the State Public Defender's office.

This current shortfall in the funds available to pay the state's indigent defense bills is the result of actions taken during the 2010 Session of the General Assembly wherein the Governor and General Assembly approved a budget for indigent defense that purposely underfunded this program by nearly \$20 million. This decision was made with the full knowledge the 2011 General Assembly would be forced to take action to provide supplemental funds to the State Public Defender's office for this purpose.

The method provided in Senate File 512 provides the Governor with the specific authority to transfer funds to the State Public Defender for payment of court-appointed attorneys for indigent defense purposes. The funds transferred must come from any department, institution, or agency of the state and will reduce the funds available to those entities by a like amount.

In other words, in order to comply with the provisions of Senate File 512 I would be asked to reduce by nearly \$20 million the current appropriations in other state agencies to secure the resources necessary to transfer to the State Public Defender's office. As there remain less than three months in the current fiscal year, any spending reduction in any agency has an effect nearly four times greater than if the reduction were made at the beginning of a fiscal year.

In Senate File 512 the General Assembly provides the Governor with no guidance regarding which state agencies must be reduced to make this transfer possible.

This method is totally unacceptable and is a continuation of the numerous bad budgeting practices that has created the fiscal mess our state currently faces. It is this fiscal mess that I am committed to correct and I will not participate in a process that both continues those practices and undermines the constitutional responsibility of the General Assembly to make appropriations.

A Governor's transfer authority should be extremely limited during those time periods when the General Assembly is in session. The Iowa Constitution provides a clear method for the appropriation of state funds and I intend to honor that process and the General Assembly's role in spending state funds.

I specifically call on the members of the General Assembly to resume negotiations on legislation to provide a supplemental appropriation for indigent defense and other critical areas of state government that have been left critically short due to past bad budgeting practices.

I strongly support an appropriate supplemental appropriation to pay our indigent defense costs and will continue to work with the General Assembly to resolve this matter.

For the above reasons, I respectfully disapprove this item in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 512 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on April 12, 2011, to investigate the appointment and reappointment of the following appointees:

HUMAN RESOURCES

As a member of the Health Facilities Council:

ROBERTA CHAMBERS – Bacon; Chair; Ragan and Wilhelm

STATE GOVERNMENT

As a member of the Investment Board of the IPERS:

DENNIS YOUNG – Danielson; Chair; Kibbie and Feenstra

As a member of the Board of Mortuary Science:

TODD KALE – Courtney; Chair; Dearden and Feenstra

AMENDMENTS FILED

S-3232	S.F.	521	William A. Dotzler, Jr.
S-3233	S.F.	510	House
S-3234	H.F.	392	Jeff Danielson
S-3235	S.F.	520	Mark Chelgren
S-3236	S.F.	521	Mark Chelgren
S-3237	S.F.	517	William A. Dotzler, Jr.
S-3238	H.F.	254	Matt McCoy Swati A. Dandekar
S-3239	H.F.	646	Appropriations
S-3240	S.F.	517	Bill Dix William A. Dotzler, Jr.
S-3241	S.F.	520	Robert M. Hogg

JOURNAL OF THE SENATE

NINETY-FOURTH CALENDAR DAY
FIFTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 13, 2011

The Senate met in regular session at 9:06 a.m., President Kibbie presiding.

Prayer was offered by Pastor Noel Sherer, of the Community of Christ Church in Woodbine, Iowa. He was the guest of Senator Seymour.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Austin Pappan.

The Journal of Tuesday, April 12, 2011, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 12, 2011, **passed** the following bill in which the concurrence of the House was asked:

Senate File 456, a bill for an act relating to persons prohibited from possessing or receiving firearms because of mental health commitments or adjudications and to petitions for relief from such prohibitions, and including effective date and applicability provisions.

ALSO: That the House has on April 12, 2011, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 407, a bill for an act delegating to counties the permitting and enforcement powers of the department of natural resources in relation to the construction of semipublic sewage disposal systems and authorizing penalties. (S-3242)

Senate File 424, a bill for an act establishing a district-to-community college program and facilities sharing pilot program. (S-3243)

Senate File 462, a bill for an act making certain synthetic cannabinoids schedule I controlled substances, providing penalties, and including effective date provisions. (S-3244)

Senate File 482, a bill for an act relating to requirements of the department of human services involving individuals and families. (S-3245)

ALSO: That the House has on April 12, 2011, **passed** the following bill in which the concurrence of the Senate is asked:

House File 660, a bill for an act relating to certain fees assessed for activities regulated under the federal Clean Air Act and including effective date provisions.

Read first time and referred to committee on **Ways and Means**.

The Senate stood at ease at 9:15 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:59 a.m., President Kibbie presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 12, 2011, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 365, a bill for an act relating to the placement of a juvenile on youthful offender status in district court. (S-3246)

Senate File 495, a bill for an act relating to the long-term care ombudsman program. (S-3247)

ALSO: That the House has on April 13, 2011, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

House File 557, a bill for an act relating to swine moved to and from exhibitions, and the duties of veterinarians, and including effective date provisions.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

John Chalstrom, Board of Corrections

Chad Umland, Board of Trustees of the Iowa Cultural Trust

Franklin Phillips, Commission of Native American Affairs

Jill Reams-Widder, Renewable Fuel Infrastructure Board

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

SPECIAL GUESTS

President Kibbie introduced to the Senate chamber the Honorable Mike Connolly, former member of the Senate from Dubuque County, Dubuque, Iowa. He was accompanied by his wife, Martha.

The Senate rose and expressed its welcome.

UNFINISHED BUSINESS (Deferred April 12, 2011)

Senate File 519

The Senate resumed consideration of **Senate File 519**, a bill for an act relating to membership in and membership dues paid to organizations representing school boards, board members, and administrators, and to the responsibilities and duties of such organizations, and providing penalties and remedies, deferred April 12, 2011.

Senator Zaun asked and received unanimous consent that action on **Senate File 519** be **deferred**.

CONSIDERATION OF BILL (Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 254.

House File 254

On motion of Senator McCoy, **House File 254**, a bill for an act relating to the Iowa communications network by removing waiver provisions applicable to utilization of the network, placed on the Unfinished Business Calendar on April 7, 2011, with report of committee recommending passage, was taken up for consideration.

Senator McCoy offered amendment S-3238, filed by Senators McCoy and Dandekar on April 12, 2011, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment S-3238 was adopted by a voice vote.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 254), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 254** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 392.

House File 392

On motion of Senator Danielson, **House File 392**, a bill for an act relating to professional licensing by making changes to the Iowa plumber, mechanical professional, and contractor licensing Act and including effective date provisions, placed on the Unfinished Business Calendar on April 7, 2011, with report of committee recommending passage, was taken up for consideration.

Senator Danielson offered amendment S–3234, filed by him on April 12, 2011, to page 3 of the bill, and moved its adoption.

Amendment S–3234 was adopted by a voice vote.

Senator Danielson offered amendment S–3224, filed by him on April 7, 2011, to page 3 of the bill, and moved its adoption.

Amendment S–3224 was adopted by a voice vote.

Senator Danielson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 392), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 392** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:25 a.m. until 2:15 p.m.

AFTERNOON SESSION

The Senate reconvened at 2:35 p.m., President Kibbie presiding.

BUSINESS PENDING

Senate File 519

The Senate resumed consideration of **Senate File 519**, a bill for an act relating to membership in and membership dues paid to organizations representing school boards, board members, and administrators, and to the responsibilities and duties of such organizations, and providing penalties and remedies, previously deferred.

Senator Zaun offered amendment S-3250, filed by him from the floor to page 1 of the bill.

(Senate File 519 and amendment S-3250 were deferred.)

The Senate stood at ease at 2:36 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:26 p.m., President Kibbie presiding.

The Senate resumed consideration of Senate File 519 and amendment S-3250, previously deferred.

Senator Zaun withdrew amendment S-3250.

Senator Zaun withdrew amendment S-3251, filed by him from the floor to page 1 of the bill.

Senator Courtney moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 519), the vote was:

Yeas, 49:

Anderson	Danielson	Hatch	Schoenjahn
Bacon	Dearden	Hogg	Seng
Bartz	Dix	Horn	Seymour
Beall	Dotzler	Jochum	Smith
Behn	Dvorsky	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hahn	Quirnbach	
Courtney	Hamerlinck	Ragan	
Dandekar	Hancock	Rielly	

Nays, 1:

Houser

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 519** be **immediately messaged** to the House.

SPECIAL GUESTS

Senator Beall introduced to the Senate chamber members of the International Legislative Fellowship Program; Mr. Harish Kamal Thakulla Kshetri, member of Parliament, Constituent Assembly of Nepal, Dr. Akram H. Chowdhury, M.D., Mr. Hamza Asanov, and Mr. Timur Faridovich Shaikhutdinov.

Dr. Akram H. Chowdhury addressed the Senate with brief remarks.

Mr. Harish Kamal Thakulla Kshetri addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 13, 2011, **adopted** the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 6, a concurrent resolution to approve and confirm the appointment of Ruth H. Cooperrider as Citizens' Aide.

ALSO: That the House has on April 13, 2011, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 236, a bill for an act relating to the practices and procedures of the department of public safety including the state fire service and emergency response council, the state building code commissioner, fingerprint records, disposition records, the sex offender registry, and access to deferred judgment docket records. (S-3258)

ALSO: That the House has on April 13, 2011, **passed** the following bills in which the concurrence of the Senate is asked:

House File 666, a bill for an act increasing the maximum aggregate amount of tax credits that may be issued under the fund of funds program.

Read first time and referred to committee on **Ways and Means**.

House File 674, a bill for an act relating to the approval and use of increased local sales and services tax revenues to fund urban renewal projects and including effective date provisions.

Read first time and referred to committee on **Ways and Means**.

House File 675, a bill for an act concerning mechanics' liens including the establishment of a state construction registry for residential construction property, and including effective date and applicability provisions.

Read first time and referred to committee on **Ways and Means**.

House File 676, a bill for an act providing an exemption from the fee for new registration for motor vehicles leased to certain governmental agencies and nonprofit entities.

Read first time and referred to committee on **Ways and Means**.

House File 677, a bill for an act providing a sales tax exemption for global positioning systems used in farming operations.

Read first time and referred to committee on **Ways and Means**.

The Senate stood at ease at 3:43 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 4:13 p.m., President Kibbie presiding.

CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 520 and 522.

Senate File 520

On motion of Senator Hogg, **Senate File 520**, a bill for an act providing for an electric or natural gas vehicle facility tax credit and including effective date and applicability provisions, was taken up for consideration.

Senator Hogg withdrew amendment S-3241, filed by him on April 12, 2011, to pages 1 and 3 of the bill.

Senator Hogg offered amendment S-3256, filed by him from the floor to pages 1-3 of the bill, and moved its adoption.

Amendment S-3256 was adopted by a voice vote.

With the adoption of amendment S-3256, the Chair ruled amendment S-3248, filed by Senator Hogg from the floor to pages 1 and 2 of the bill, out of order.

Senator Chelgren offered amendment S-3235, filed by him on April 12, 2011, to page 2 of the bill, and moved its adoption.

Amendment S-3235 lost by a voice vote.

Senator Hogg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 520), the vote was:

Yeas, 47:

Anderson	Danielson	Hancock	Rielly
Bacon	Dearden	Hatch	Schoenjahn
Bartz	Dix	Hogg	Seng
Beall	Dotzler	Horn	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kibbie	Ward
Bolkcom	Greiner	McCoy	Whitver
Bowman	Gronstal	McKinley	Wilhelm
Courtney	Hahn	Quirnbach	Zaun
Dandekar	Hamerlinck	Ragan	

Nays, 3:

Chelgren	Houser	Kettering
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Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 522

On motion of Senator Bolkcom, **Senate File 522**, a bill for an act establishing a property tax credit for certain commercial, industrial, and railway property, providing penalties, and including applicability provisions, was taken up for consideration.

Senator Feenstra offered amendment S-3260, filed by Senator Feenstra, et al., from the floor to pages 1-8 and amending the title page of the bill.

Amendment S-3260 was deferred.

Senator Feenstra offered amendment S-3255, filed by him from the floor to pages 2 and 5 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3255 be adopted?" (S.F. 522), the vote was:

Yeas, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Nays, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Absent, none.

Amendment S-3255 lost.

The Senate resumed consideration of amendment S-3260, previously deferred.

Senator Bolkcom raised the point of order that amendment S-3260 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-3260 out of order.

Senator Bolkcom moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 522), the vote was:

Yeas, 46:

Anderson	Danielson	Hatch	Ragan
Bacon	Dearden	Hogg	Rielly
Bartz	Dotzler	Horn	Schoenjahn
Beall	Dvorsky	Houser	Seng
Behn	Ernst	Jochum	Seymour
Bertrand	Feenstra	Johnson	Smith
Black	Fraise	Kapucian	Sodders
Boettger	Greiner	Kettering	Ward
Bolkcom	Gronstal	Kibbie	Wilhelm
Bowman	Hahn	McCoy	Zaun
Courtney	Hamerlinck	McKinley	
Dandekar	Hancock	Quirmbach	

Nays, 4:

Chelgren	Dix	Sorenson	Whitver
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Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 520** and **522** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:24 p.m. until 9:00 a.m., Thursday, April 14, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Bernece Hersom, Mallard—For celebrating her 100th birthday. Senator Kibbie (4/13/11).

Vivian Hersom, Laurens—For celebrating her 100th birthday. Senator Kibbie (4/13/11).

Marjorie Rasmussen, Gowrie—For celebrating her 100th birthday. Senator Kibbie (4/13/11).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Wednesday, April 13, 2011, 1:40 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Bartz, Black, Boettger, Bolkcom, Danielson, Dix, Dotzler, Fraise, Hancock, Hatch, Hogg, Houser, Jochum, Johnson, Kapucian, Ragan, Schoenjahn, and Seymour.

Members Absent: None.

Committee Business: Passed SF 481 and HF's 651 and 658.

Recessed: 1:45 p.m.

Reconvened: 2:15 p.m.

Adjourned: 2:30 p.m.

STATE GOVERNMENT

Convened: Wednesday, April 13, 2011, 10:30 a.m.

Members Present: Danielson, Chair; Kibbie, Vice Chair; Behn, Bertrand, Courtney, Dearden, Dix, Fraise, Hatch, Horn, Jochum, Smith, Soddors, and Sorenson.

Members Absent: Feenstra, Ranking Member (excused).

Committee Business: Approved SSB 1206. Approved governor's appointee.

Adjourned: 10:45 a.m.

INTRODUCTION OF BILL

Senate File 523, by committee on State Government, a bill for an act providing for congressional and legislative districts and providing an effective date.

Read first time under Rule 28 and **placed on calendar**.

STUDY BILL RECEIVED

SSB 1207 Appropriations

Relating to the administration of the Iowa finance authority and making appropriations.

SUBCOMMITTEE ASSIGNMENTS

House File 657

GOVERNMENT OVERSIGHT: Courtney, Chair; Greiner and Sodders

House File 659

GOVERNMENT OVERSIGHT: Courtney, Chair; Kibbie and Sorenson

SSB 1207

APPROPRIATIONS: Dotzler, Chair; Boettger and Dvorsky

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: HOUSE FILE 651 (formerly HF 463), a bill for an act providing for a special civil war sesquicentennial motor vehicle registration plate, establishing fees, and making an appropriation.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-3259.

Final Vote: Ayes, 21: Dvorsky, McCoy, Kettering, Bartz, Black, Boettger, Bolkom, Danielson, Dix, Dotzler, Fraise, Hancock, Hatch, Hogg, Houser, Jochum, Johnson, Kapucian, Ragan, Schoenjahn, and Seymour. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 658 (formerly HF 457), a bill for an act providing for the transfer of duties relating to the certification of milk from the department of public health to the department of agriculture and land stewardship, providing for the transition, and providing an appropriation.

Recommendation: DO PASS.

Final Vote: Ayes, 21: Dvorsky, McCoy, Kettering, Bartz, Black, Boettger, Bolkcom, Danielson, Dix, Dotzler, Fraise, Hancock, Hatch, Hogg, Houser, Jochum, Johnson, Kapucian, Ragan, Schoenjahn, and Seymour. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: *SENATE FILE 523 (SSB 1206), a bill for an act providing for congressional and legislative districts and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Danielson, Kibbie, Behn, Bertrand, Courtney, Dearden, Dix, Fraise, Hatch, Horn, Jochum, Smith, Soddors, and Sorenson. Nays, none. Absent, 1: Feenstra.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on Senate File 523, and they were attached to the committee report.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 12, 2011, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 120 – Relating to the grounds for which the board of educational examiners is required to disqualify an applicant for licensure or revoke a license.

Senate File 122 – Relating to the duties of the college student aid commission and to requirements regarding certain financial aid programs administered by the commission.

Senate File 123 – Providing for immunity from civil liability for members and employees of the board of educational examiners.

Senate File 205 – Relating to matters under the purview of the department of transportation, including provisions relating to the regulation of motor vehicles and motor vehicle operations and provisions relating to the coordination of public transit funding programs, and making penalties applicable.

Senate File 393 – Relating to drainage and levee districts by providing for the delivery of a written communication to state and local government.

Senate File 427 – Relating to games of skill or chance, including allowing qualified organizations to lease certain electronic bingo equipment in order to assist disabled participants, and including effective date provisions.

ALSO: A communication was received announcing that on April 13, 2011, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 194 – Relating to the Iowa military code and military service by making changes related to the use and support of certain facilities, operations support, employment and rank of active and retired military personnel, the definition of performing military duty, tort claims protections, and including effective date provisions.

Senate File 389 – Relating to the nonreversion of funds appropriated to the National Guard educational assistance program and including effective date and retroactive applicability provisions.

Senate File 399 – Regulating the advertising of veterans benefits appeal services by requiring certain disclosures and including a civil penalty.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendation for confirmation:

STATE GOVERNMENT

Todd Kale – Board of Mortuary Science

AMENDMENTS FILED

S-3242	S.F.	407	House
S-3243	S.F.	424	House
S-3244	S.F.	462	House
S-3245	S.F.	482	House
S-3246	S.F.	365	House

S-3247	S.F.	495	House
S-3248	S.F.	520	Robert M. Hogg
S-3249	H.F.	646	Mark Chelgren
S-3250	S.F.	519	Brad Zaun
S-3251	S.F.	519	Brad Zaun
S-3252	H.F.	646	Pam Jochum
S-3253	H.F.	646	Pam Jochum
S-3254	H.F.	646	James F. Hahn
S-3255	S.F.	522	Randy Feenstra
S-3256	S.F.	520	Robert M. Hogg
S-3257	H.F.	646	Merlin Bartz
S-3258	S.F.	236	House
S-3259	H.F.	651	Appropriations
S-3260	S.F.	522	Randy Feenstra
			David Johnson
			Kent Sorenson
			Mark Chelgren
			Pat Ward
			Merlin Bartz
			Bill Dix
			Tim L. Kapucian
			Joni Ernst
			Nancy J. Boettger
			Hubert Houser
			Roby Smith
			Sandra Greiner
			Rick Bertrand
			Bill Anderson
			James F. Hahn
			Robert Bacon
			Shawn Hamerlinck
			James Seymour
			Jerry Behn
			Jack Whitver
			Paul McKinley
			Steve Kettering
			Brad Zaun

JOURNAL OF THE SENATE

NINETY-FIFTH CALENDAR DAY
FIFTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 14, 2011

The Senate met in regular session at 9:08 a.m., President Pro Tempore Danielson presiding.

Prayer was offered by Father Ken Gehling, chaplain of Mercy Hospital in Mason City, Iowa. He was the guest of Senator Ragan.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Austin Pappan.

The Journal of Wednesday, April 13, 2011, was approved.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 14, 2011, **passed** the following bill in which the concurrence of the Senate is asked:

House File 682, a bill for an act providing for congressional and legislative districts and providing an effective date.

Read first time and attached to **companion Senate File 523**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Schoenjahn, until he arrives, on request of Senator Gronstal.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 523.

Senate File 523

On motion of Senator Kibbie, **Senate File 523**, a bill for an act providing for congressional and legislative districts and providing an effective date, was taken up for consideration.

Senator Kibbie asked and received unanimous consent that **House File 682** be **substituted** for **Senate File 523**.

House File 682

On motion of Senator Kibbie, **House File 682**, a bill for an act providing for congressional and legislative districts and providing an effective date, was taken up for consideration.

Senator Kibbie moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 682), the vote was:

Yeas, 48:

Anderson	Dandekar	Hancock	Quirnbach
Bacon	Danielson	Hatch	Ragan
Bartz	Dearden	Hogg	Rielly
Beall	Dix	Horn	Seng
Behn	Dotzler	Houser	Seymour
Bertrand	Dvorsky	Jochum	Smith
Black	Ernst	Johnson	Sodders
Boettger	Feenstra	Kapucian	Sorenson
Bolkcom	Fraise	Kettering	Ward

Bowman	Gronstal	Kibbie	Whitver
Chelgren	Hahn	McCoy	Wilhelm
Courtney	Hamerlinck	McKinley	Zaun

Nays, 1:

Greiner

Absent, 1:

Schoenjahn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

President Kibbie asked and received unanimous consent that **Senate File 523** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 682** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:29 a.m. until 1:00 p.m., Monday, April 18, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Matthew Michael Gruemmer, Durant—For achieving the rank of Eagle Scout, Troop 153. Senator Hahn (4/14/11).

Blaine Robert Smith, Durant—For achieving the rank of Eagle Scout, Troop 153. Senator Hahn (4/14/11).

Cody Allen Weih, Durant—For achieving the rank of Eagle Scout, Troop 153. Senator Hahn (4/14/11).

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: Thursday, April 14, 2011, 10:10 a.m.

Members Present: Bolkcom, Chair; Seng, Vice Chair; Zaun, Ranking Member; Anderson, Bartz, Black, Chelgren, Dandekar, Dotzler, Feenstra, Hogg, Jochum, McCoy, Quirnbach, and Smith.

Members Absent: None.

Committee Business: Passed SF 458, as amended.

Recessed: 10:15 a.m.

Reconvened: 10:45 a.m.

Adjourned: 11:15 a.m.

INTRODUCTION OF BILLS

Senate File 524, by committee on Ways and Means, a bill for an act relating to wind and other sources of renewable energy development and production.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

Senate File 525, by committee on Appropriations, a bill for an act relating to reforming state and county responsibilities for adult disability services, making appropriations, and including effective date provisions.

Read first time under Rule 28 and **placed on Appropriations calendar**.

STUDY BILL RECEIVED

SSB 1208 Appropriations

Making supplemental appropriations for the fiscal year beginning July 1, 2010, for the office of state public defender and including effective date provisions.

SUBCOMMITTEE ASSIGNMENT

SSB 1208

APPROPRIATIONS: Hogg, Chair; Dvorsky and Kettering

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: *SENATE FILE 525 (formerly SF 481), a bill for an act relating to reforming state and county responsibilities for adult disability services, making appropriations, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 18: Dvorsky, McCoy, Bartz, Black, Boettger, Bolkcom, Danielson, Dotzler, Fraise, Hatch, Hogg, Houser, Jochum, Johnson, Kapucian, Ragan, Schoenjahn, and Seymour. Nays, 3: Kettering, Dix, Hancock. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 525, and they were attached to the committee report.

WAYS AND MEANS

Bill Title: *SENATE FILE 524 (formerly SF 300), a bill for an act relating to wind and other sources of renewable energy development and production.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Bolkcom, Seng, Zaun, Anderson, Bartz, Black, Dandekar, Dotzler, Feenstra, Hogg, Jochum, McCoy, Quirmbach, and Smith. Nays, 1: Chelgren. Absent, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 524, and they were attached to the committee report.

JOURNAL OF THE SENATE

NINETY-NINTH CALENDAR DAY
FIFTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 18, 2011

The Senate met in regular session at 1:10 p.m., President Kibbie presiding.

A moment of silence was observed in remembrance of Senate staff member John Larson, who passed away on April 14, 2011. John worked for the Senate for over 10 years.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Alicia Schalla.

The Journal of Thursday, April 14, 2011, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 14, 2011, **passed** the following bills in which the concurrence of the House was asked:

Senate File 397, a bill for an act creating a criminal offense for impersonating a decorated military veteran and providing penalties.

Senate File 418, a bill for an act relating to disclosure of specified information in connection with new motor vehicle repairs.

ALSO: That the House has on April 14, 2011, **passed** the following bill in which the concurrence of the Senate is asked:

House File 652, a bill for an act providing an exemption from the computation of the individual state income tax of all pay received for active duty military service and service in Operation New Dawn and including effective date and retroactive applicability provisions.

Read first time and referred to committee on **Ways and Means**.

The Senate stood at ease at 1:13 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:33 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Chelgren, until he arrives, on request of Senator Kettering.

CONFERENCE COMMITTEE REPORT RECEIVED AND CONSIDERED

Senate File 209

A conference committee report, signed by the following Senate and House members, was filed April 18, 2011, on **Senate File 209**, a bill for an act relating to public funding and regulatory matters by making appropriations, providing for updated Code references to the Internal Revenue Code, increasing the state earned income tax credit, and including effective date and retroactive applicability provisions:

On the part of the Senate:

JOE BOLKCOM, Chair
ROBERT E. DVORSKY
PAM JOCHUM
STEVE KETTERING
BRAD ZAUN

On the part of the House:

J. SCOTT RAECKER, Chair
ERIK HELLAND
DAVE JACOBY
TYLER OLSON
NICK WAGNER

Senate File 209

Senator Jochum called up the conference committee report on **Senate File 209**, a bill for an act relating to public funding and regulatory matters by making appropriations, providing for updated Code references to the Internal Revenue Code, increasing the state earned income tax credit, and including effective date and retroactive applicability provisions, filed on April 18, 2011, and moved its adoption.

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Jochum moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 209), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

Chelgren

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 209** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 482

Senator Dotzler called up for consideration **Senate File 482**, a bill for an act relating to requirements of the department of human services involving individuals and families, amended by the House in House amendment S-3245, filed April 13, 2011.

Senator Dotzler moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Dotzler moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 482), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun

Courtney	Hamerlinck	Quirmbach
Dandekar	Hancock	Ragan
Danielson	Hatch	Rielly

Nays, none.

Absent, 1:

Chelgren

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 424

Senator Schoenjahn called up for consideration **Senate File 424**, a bill for an act establishing a district-to-community college program and facilities sharing pilot program, amended by the House in House amendment S-3243, filed April 13, 2011.

Senator Schoenjahn moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Schoenjahn moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 424), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm

Bowman	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

Chelgren

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 407

Senator Bolkcom called up for consideration **Senate File 407**, a bill for an act delegating to counties the permitting and enforcement powers of the department of natural resources in relation to the construction of semipublic sewage disposal systems and authorizing penalties, amended by the House in House amendment S-3242, filed April 13, 2011.

Senator Bolkcom moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Bolkcom moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 407), the vote was:

Yeas, 47:

Anderson	Danielson	Hatch	Ragan
Bacon	Dearden	Hogg	Rielly
Bartz	Dotzler	Horn	Schoenjahn
Beall	Dvorsky	Houser	Seng
Behn	Ernst	Jochum	Seymour

Bertrand	Feenstra	Johnson	Smith
Black	Fraise	Kapucian	Sodders
Boettger	Greiner	Kettering	Ward
Bolkcom	Gronstal	Kibbie	Whitver
Bowman	Hahn	McCoy	Wilhelm
Courtney	Hamerlinck	McKinley	Zaun
Dandekar	Hancock	Quirmbach	

Nays, 2:

Dix	Sorenson
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Absent, 1:

Chelgren

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

CONSIDERATION OF BILLS (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 658 and 651.

House File 658

On motion of Senator Ragan, **House File 658**, a bill for an act providing for the transfer of duties relating to the certification of milk from the department of public health to the department of agriculture and land stewardship, providing for the transition, and providing an appropriation, was taken up for consideration.

Senator Ragan moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 658), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders

Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

Chelgren

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 651

On motion of Senator McCoy, **House File 651**, a bill for an act providing for a special civil war sesquicentennial motor vehicle registration plate, establishing fees, and making an appropriation, with report of committee recommending amendment and passage, was taken up for consideration.

Senator McCoy offered amendment S-3259, filed by the committee on Appropriations on April 13, 2011, to page 1 and amending the title page of the bill.

Senator Sodders offered amendment S-3262, filed by him from the floor to pages 1 and 2 of amendment S-3259, and moved its adoption.

Amendment S-3262 was adopted by a voice vote.

Senator Behn offered amendment S-3261, filed by him from the floor to page 1 of amendment S-3259, and moved its adoption.

Amendment S-3261 was adopted by a voice vote.

Senator McCoy moved the adoption of amendment S-3259, as amended.

Amendment S-3259, as amended, was adopted by a voice vote.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 651), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

Chelgren

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 407, 424, and 482** and **House Files 651 and 658** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:15 p.m. until 9:00 a.m., Tuesday, April 19, 2011.

APPENDIX

COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF EDUCATION

2010–2011 Report on the Iowa Early Intervention Block Grant Program (Class Size), pursuant to Iowa Code section 256D.3. Report received on April 14, 2011.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Catherine Johnston, North English—For celebrating her 95th birthday. Senator Kapucian (4/18/11).

Jim Simon, Farley—For his 30 years of service at the Farley Fire Department. Senator Hancock (4/18/11).

INTRODUCTION OF BILL

Senate File 526, by committee on Ways and Means, a bill for an act relating to certain forms of gambling, including horse racing, pari-mutuel wagering, and gambling games, and requiring a study of intrastate internet poker, and including effective date and retroactive applicability provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

SUBCOMMITTEE ASSIGNMENTS

House File 652

WAYS AND MEANS: Dandekar, Chair; Black and Smith

House File 660

WAYS AND MEANS: Hogg, Chair; Anderson and Bolcom

House File 666

WAYS AND MEANS: Quirmbach, Chair; Anderson and Bolkcom

House File 674

WAYS AND MEANS: Bolkcom, Chair; Feenstra and Hogg

House File 675

WAYS AND MEANS: Hogg, Chair; Chelgren and Dandekar

House File 676

WAYS AND MEANS: McCoy, Chair; Bartz and Dandekar

House File 677

WAYS AND MEANS: Quirmbach, Chair; Black and Zaun

FINAL COMMITTEE REPORTS OF BILL ACTION

WAYS AND MEANS

Bill Title: *SENATE FILE 526 (formerly SF 458), a bill for an act relating to certain forms of gambling, including horse racing, pari-mutuel wagering, and gambling games, and requiring a study of intrastate internet poker, and including effective date and retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Seng, Bartz, Black, Chelgren, Dandekar, Dotzler, Jochum, McCoy, and Quirmbach. Nays, 6: Bolkcom, Zaun, Anderson, Feenstra, Hogg, and Smith. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 526, and they were attached to the committee report.

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 18th day of April, 2011.

Senate Files 197, 243, 260, 279, 312, 315, 326, 361, 406, 438, 453, 456, 460, and 478.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 14, 2011, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 286 – Relating to the Iowa prescription monitoring program and including an effective date provision.

Senate File 428 – Relating to drainage districts, by providing for the assessment of benefits by state agencies, and including effective date provisions.

AMENDMENTS FILED

S-3261	H.F.	651	Jerry Behn
S-3262	H.F.	651	Steven J. Soddors

JOURNAL OF THE SENATE

ONE HUNDREDTH CALENDAR DAY
FIFTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 19, 2011

The Senate met in regular session at 9:02 a.m., President Pro Tempore Danielson presiding.

Prayer was offered by Father Dennis Miller of St. James Catholic Church in Forest City, Iowa. He was the guest of Senator Bartz.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Alicia Schalla.

The Journal of Monday, April 18, 2011, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 18, 2011, **adopted** the conference committee report **and passed Senate File 209**, a bill for an act relating to public funding and regulatory matters by making appropriations, providing for updated Code references to the Internal Revenue Code, increasing the state earned income tax credit, and including effective date and retroactive applicability provisions.

ALSO: That the House has on April 18, 2011, **passed** the following bill in which the concurrence of the House was asked:

Senate File 521, a bill for an act relating to the administration of the property rehabilitation tax credit program by the department of cultural affairs and including retroactive applicability provisions.

ALSO: That the House has on April 18, 2011, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

House File 254, a bill for an act relating to the Iowa communications network by removing waiver provisions applicable to utilization of the network.

House File 392, a bill for an act relating to professional licensing by making changes to the Iowa plumber, mechanical professional, and contractor licensing Act and including effective date provisions.

House File 493, a bill for an act requiring faculty members of regents institutions and community colleges and teachers employed by school districts charged with a crime to repay all salary received during a paid leave of absence if convicted.

House File 597, a bill for an act creating new procedures for external review of health care coverage decisions by health carriers and including transition and applicability provisions.

House File 654, a bill for an act related to moneys administered by the board of trustees of a drainage or levee district.

ALSO: That the House has on April 18, 2011, **passed** the following bills in which the concurrence of the Senate is asked:

House File 653, a bill for an act relating to the assessment and taxation of qualifying local exchange carrier property.

Read first time and referred to committee on **Ways and Means**.

House File 672, a bill for an act relating to wind and other sources of renewable energy development and production.

Read first time and attached to **similar Senate File 524**.

House File 673, a bill for an act relating to the assessment of telecommunications company property for purposes of property taxation, and including effective date and applicability provisions.

Read first time and referred to committee on **Ways and Means**.

House File 679, a bill for an act relating to the administration of the replacement tax for new cogeneration facilities, and including effective date and retroactive applicability provisions.

Read first time and referred to committee on **Ways and Means**.

House File 684, a bill for an act relating to the property tax exemptions for cemetery associations.

Read first time and referred to committee on **Ways and Means**.

The Senate stood at ease at 9:47 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:39 a.m., President Kibbie presiding.

RECESS

On motion of Senator Courtney, the Senate recessed at 10:40 a.m. until 3:00 p.m.

RECONVENED

The Senate reconvened at 3:20 p.m., President Kibbie presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 19, 2011, **amended and adopted** the following resolution in which the concurrence of the Senate is asked:

Senate Concurrent Resolution 7, a concurrent resolution relating to the joint rules governing lobbyists of the Senate and House of Representatives of the Eighty-fourth General Assembly. (S-3270)

ALSO: That the House has on April 19, 2011, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 410, a bill for an act relating to the duties and operations of the state commission of libraries, the division of libraries and information services, and the library service areas. (S-3269)

The Senate stood at ease at 3:23 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:07 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kapucian, until he returns, on request of Senator Kettering.

CONSIDERATION OF BILL (Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 405.

House File 405

On motion of Senator Dandekar, **House File 405**, a bill for an act relating to records requirements applicable to state banks and state credit unions, and causes of action and duties in relation thereto, placed on the Unfinished Business Calendar on April 7, 2011, with report of committee recommending passage, was taken up for consideration.

Senator Danielson offered amendment S-3265, filed by Senators Danielson and Sorenson from the floor to page 1 and amending the title page of the bill.

Senator Feenstra raised the point of order that amendment S-3265 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-3265 out of order.

Senator Dandekar moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 405), the vote was:

Yeas, 49:

Anderson	Danielson	Hatch	Schoenjahn
Bacon	Dearden	Hogg	Seng
Bartz	Dix	Horn	Seymour
Beall	Dotzler	Houser	Smith
Behn	Dvorsky	Jochum	Soddors
Bertrand	Ernst	Johnson	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hahn	Quirnbach	
Courtney	Hamerlinck	Ragan	
Dandekar	Hancock	Rielly	

Nays, none.

Absent, 1:

Kapucian

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 405** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 236

Senator Hancock called up for consideration **Senate File 236**, a bill for an act relating to the practices and procedures of the department of public safety including the state fire service and emergency response council, the state building code commissioner, fingerprint records, disposition records, the sex offender registry, and

access to deferred judgment docket records, amended by the House in House amendment S-3258, filed April 13, 2011.

Senator Hancock moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Hancock moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 236), the vote was:

Yeas, 49:

Anderson	Danielson	Hatch	Schoenjahn
Bacon	Dearden	Hogg	Seng
Bartz	Dix	Horn	Seymour
Beall	Dotzler	Houser	Smith
Behn	Dvorsky	Jochum	Sodders
Bertrand	Ernst	Johnson	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hahn	Quirnbach	
Courtney	Hamerlinck	Ragan	
Dandekar	Hancock	Rielly	

Nays, none.

Absent, 1:

Kapucian

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 236** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 618.

House File 618

On motion of Senator Sodders, **House File 618**, a bill for an act modifying licensing provisions applicable to fire extinguishing and alarm systems contractors and installers, and electricians and electrical contractors, placed on the Unfinished Business Calendar on April 7, 2011, with report of committee without recommendation, was taken up for consideration.

Senator Sodders offered amendment S-3264, filed by him from the floor to page 1 of the bill.

Senator Seng asked and received unanimous consent to withdraw amendment S-3268, filed by Senators Seng and Black from the floor to page 1 of amendment S-3264.

Senator Sodders moved the adoption of amendment S-3264.

A record roll call was requested.

On the question "Shall amendment S-3264 be adopted?" (H.F. 618), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 23:

Beall	Dvorsky	Horn	Rielly
Bolkcom	Fraise	Jochum	Schoenjahn
Courtney	Gronstal	Kibbie	Seng
Danielson	Hancock	McCoy	Sodders
Dearden	Hatch	Quirmbach	Wilhelm
Dotzler	Hogg	Ragan	

Nays, 26:

Anderson	Bowman	Hahn	Smith
Bacon	Chelgren	Hamerlinck	Sorenson
Bartz	Dandekar	Houser	Ward
Behn	Dix	Johnson	Whitver
Bertrand	Ernst	Kettering	Zaun
Black	Feenstra	McKinley	
Boettger	Greiner	Seymour	

Absent, 1:

Kapucian

Amendment S–3264 lost.

Senator Gronstal asked and received unanimous consent that action on **House File 618** be **deferred**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:30 p.m. until 9:00 a.m., Wednesday, April 20, 2011.

APPENDIX

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF EDUCATION

Modified Allowable Growth for Dropout Prevention Annual Report, pursuant to Iowa Code section 257.40. Report received on April 19, 2011.

DEPARTMENT OF HUMAN SERVICES

Report of the Remedial Services Transition Committee, pursuant to 2010 Iowa Acts, HF 2526, section 31. Report received on December 30, 2010.

DEPARTMENT OF REVENUE

2010 Research Activities Credit Annual Report, pursuant to 2009 Iowa Acts, SF 478, sections 232 through 234. Report received on February 10, 2011.

AGENCY ICN REPORT

An Iowa Communications Network (ICN) usage report for FY 2010, pursuant to Iowa Code section 8D.10, was received from the following agency:

DEPARTMENT OF HUMAN SERVICES – Report received on January 25, 2011.

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Bryor Joseph McMillen, Fort Madison—For achieving the rank of Eagle Scout, Troop 39. Senator Fraise (4/19/11).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Tuesday, April 19, 2011, 10:45 a.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Bartz, Black, Boettger, Bolkcom, Danielson, Dix, Dotzler, Fraise, Hancock, Hatch, Hogg, Houser, Jochum, Johnson, Ragan, Schoenjahn, and Seymour.

Members Absent: Kapucian (excused).

Committee Business: Approved SSB 1207.

Recessed: 10:50 a.m.

Reconvened: 11:00 a.m.

Adjourned: 11:05 a.m.

RULES AND ADMINISTRATION

Convened: Tuesday, April 19, 2011, 3:15 p.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; McKinley, Ranking Member; Bartz, Courtney, Danielson, Dearden, Kettering, Ragan, and Zaun.

Members Absent: Dvorsky (excused).

Committee Business: Passed SR 9. Assigned governor's appointees to committees.

Adjourned: 3:20 p.m.

INTRODUCTION OF BILL

Senate File 527, by committee on Appropriations, a bill for an act relating to the administration of the Iowa finance authority and making appropriations.

Read first time under Rule 28 and **placed on Appropriations calendar**.

STUDY BILL RECEIVED

SSB 1209 Appropriations

Relating to flood mitigation by establishing a flood mitigation program, establishing a flood mitigation board, authorizing the use of certain sales tax revenue and other financial assistance for flood mitigation projects, establishing a flood mitigation fund, authorizing the issuance of bonds for certain flood mitigation projects, and including effective date provisions.

SUBCOMMITTEE ASSIGNMENTS

House File 653

WAYS AND MEANS: Jochum, Chair; Bolkcom and Zaun

House File 673

WAYS AND MEANS: Jochum, Chair; Bolkcom and Zaun

House File 679

WAYS AND MEANS: McCoy, Chair; Anderson and Dandekar

House File 684

WAYS AND MEANS: Quirnbach, Chair; Bartz and McCoy

SSB 1209

APPROPRIATIONS: Hogg, Chair; Bartz, Danielson, Dix, and Dvorsky

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: SENATE FILE 527 (SSB 1207), by committee on Appropriations, a bill for an act relating to the administration of the Iowa finance authority and making appropriations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Dvorsky, McCoy, Black, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 7: Kettering, Bartz, Boettger, Dix, Houser, Johnson, and Seymour. Present, 1: Hatch. Absent, 1: Kapucian.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 9, a resolution to recognize the positive impact of the community services block grant program.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gronstal, Kibbie, McKinley, Bartz, Courtney, Danielson, Dearden, Kettering, Ragan, and Zaun. Nays, none. Absent, 1: Dvorsky.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 209, the following corrections were made:

1. Page 2, line 26: strike "section", and insert "sections".
2. Page 2, line 29: strike "section", and insert "sections".

MICHAEL E. MARSHALL
Secretary of the Senate

BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 19th day of April, 2011.

Senate File 209.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 19, 2011, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 197 – Relating to and modifying provisions applicable to fire protection systems and electrician licensure requirements, and including effective date provisions.

Senate File 260 – Eliminating the transfer tax imposed on insurers organized in other states who elect to become domestic insurers in Iowa.

Senate File 279 – Relating to child support recovery.

Senate File 312 – Concerning special motor vehicle registration plates, including registration plates issued for business-trade trucks and special trucks, creating new combat infantryman badge, combat action badge, combat action ribbon, and combat medical badge registration plates, and including effective date and applicability provisions.

Senate File 315 – Relating to emergency management planning.

Senate File 406 – Relating to various matters under the purview of the insurance division of the department of commerce and including effective date provisions.

Senate File 453 – Relating to high school graduation requirements.

Senate File 456 – Relating to persons prohibited from possessing or receiving firearms because of mental health commitments or adjudications and to petitions for relief from such prohibitions, and including effective date and applicability provisions.

Senate File 460 – Relating to the licensing and regulation of real estate brokers and salespersons.

APPOINTMENTS

The following appointees were submitted to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

BY THE GOVERNOR

TERM

AGING, COMMISSION ON (231.11)

Carole Dunkin, De Witt

05/01/2011 – 04/30/2015

ATHLETIC TRAINING, BOARD OF (147.14(1)(r))

Geoff Jensen, Urbandale

04/14/2011 – 04/30/2012

BARBERING, BOARD OF (147.14(1)(a)) John Anderson, Nevada	05/01/2011 – 04/30/2014
COUNTY FINANCE COMMITTEE (333A.2) Alan Soukup, Fairfax	05/01/2011 – 04/30/2015
ENVIRONMENTAL PROTECTION COMMISSION (455A.6) Nancy Couser, Nevada	05/01/2011 – 04/30/2015
JUDICIAL NOMINATING COMMISSION, STATE (46.1) Jim Kersten, Fort Dodge	05/01/2011 – 04/30/2017
JUDICIAL QUALIFICATIONS, COMMISSION ON (602.2102) Sandra Blodgett, Clear Lake	04/15/2011 – 04/30/2013
MASSAGE THERAPY, BOARD OF (147.14(1)(q)) Jill Ellsworth, Grimes	05/01/2011 – 04/30/2014
RENEWABLE FUEL INFRASTRUCTURE BOARD (15G.202) Gloria Johnson, Forest City	05/01/2011 – 04/30/2016

The appointments were referred to the committee on **Rules and Administration**.

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor's appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on April 19, 2011:

HUMAN RESOURCES

Carole Dunkin – Commission on Aging

Geoff Jensen – Board of Athletic Training

JUDICIARY

Jim Kersten – State Judicial Nominating Commission

Sandra Blodgett – Commission on Judicial Qualifications

LOCAL GOVERNMENT

Alan Soukup – County Finance Committee

NATURAL RESOURCES AND ENVIRONMENT

Nancy Couser – Environmental Protection Commission

Gloria Johnson – Renewable Fuel Infrastructure Board

STATE GOVERNMENT

John Anderson – Board of Barbering

Jill Ellsworth – Board of Massage Therapy

AMENDMENTS FILED

S-3263	H.F.	328	William A. Dotzler, Jr.
S-3264	H.F.	618	Steven J. Sodders
S-3265	H.F.	405	Jeff Danielson Kent Sorenson
S-3266	S.F.	525	Jack Hatch
S-3267	S.F.	524	Robert M. Hogg
S-3268	H.F.	618	Joe M. Seng Dennis H. Black
S-3269	S.F.	410	House
S-3270	S.C.R.	7	House
S-3271	H.F.	672	Mark Chelgren
S-3272	H.F.	646	Herman C. Quirnbach

JOURNAL OF THE SENATE

ONE HUNDRED FIRST CALENDAR DAY
FIFTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 20, 2011

The Senate met in regular session at 9:10 a.m., President Kibbie presiding.

Prayer was offered by Reverend Paul Beisel, pastor of Immanuel Lutheran Church in Iowa Falls, Iowa. He was the guest of Senator Sodders.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Alicia Schalla.

The Journal of Tuesday, April 19, 2011, was approved.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 19, 2011, **passed** the following bill in which the concurrence of the House was asked:

Senate File 515, a bill for an act relating to the administration of the streamlined sales tax agreement by the department of revenue.

The Senate stood at ease at 9:20 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:11 a.m., President Pro Tempore Danielson presiding.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 9.

Senate Resolution 9

On motion of Senator Sodders, **Senate Resolution 9**, a resolution to recognize the positive impact of the community services block grant program, with report of committee recommending passage, was taken up for consideration.

Senator Sodders moved the adoption of Senate Resolution 9, which motion prevailed by a voice vote.

HOUSE AMENDMENT CONSIDERED

Senate Concurrent Resolution 7

Senator Kibbie called up for consideration **Senate Concurrent Resolution 7**, a concurrent resolution relating to the joint rules governing lobbyists of the Senate and House of Representatives of the Eighty-fourth General Assembly, amended by the House in House amendment S-3270, filed April 19, 2011.

Senator Kibbie moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Kibbie moved that the resolution, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

Senator Kibbie moved the adoption of Senate Concurrent Resolution 7, which motion prevailed by a voice vote.

CONSIDERATION OF BILL
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 126.

House File 126

On motion of Senator Kibbie, **House File 126**, a bill for an act relating to the filing of lobbyist registrations and lobbyist's client reports with the general assembly, placed on the Unfinished Business Calendar on April 7, 2011, with report of committee recommending passage, was taken up for consideration.

Senator Kibbie moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 126), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Concurrent Resolution 7** and **House File 126** be **immediately messaged** to the House.

SPECIAL GUESTS

Senator McKinley introduced to the Senate chamber the Honorable John Putney, former member of the Senate from Tama County, Gladbrook, Iowa. He was accompanied by his wife, Emily.

The Senate rose and expressed its welcome.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:27 a.m. until 1:30 p.m.

RECONVENED

The Senate reconvened at 1:48 p.m., President Kibbie presiding.

SPECIAL GUEST

Senator Anderson introduced to the Senate chamber the Honorable Dan Lederman, State Senator from South Dakota.

The Senate rose and expressed its welcome.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 526.

Senate File 526

On motion of Senator Danielson, **Senate File 526**, a bill for an act relating to certain forms of gambling, including horse racing, pari-mutuel wagering, and gambling games, and requiring a study of

intrastate internet poker, and including effective date and retroactive applicability provisions, was taken up for consideration.

(Senate File 526 was deferred.)

The Senate stood at ease at 1:58 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 2:55 p.m., President Kibbie presiding.

The Senate resumed consideration of Senate File 526, previously deferred.

Senator Gronstal asked and received unanimous consent that action on **Senate File 526** be **deferred**.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 525.

Senate File 525

On motion of Senator Hatch, **Senate File 525**, a bill for an act relating to reforming state and county responsibilities for adult disability services, making appropriations, and including effective date provisions, was taken up for consideration.

Senator Hatch offered amendment S-3266, filed by him on April 19, 2011, to pages 4 and 6 of the bill, and moved its adoption.

Amendment S-3266 was adopted by a voice vote.

Senator Hatch moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 525), the vote was:

Yeas, 27:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Seymour
Courtney	Gronstal	McCoy	Sodders
Dandekar	Hancock	Quirmbach	Wilhelm
Danielson	Hatch	Ragan	

Nays, 23:

Anderson	Chelgren	Hamerlinck	Smith
Bacon	Dix	Houser	Sorenson
Bartz	Ernst	Johnson	Ward
Behn	Feenstra	Kapucian	Whitver
Bertrand	Greiner	Kettering	Zaun
Boettger	Hahn	McKinley	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 525** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 646.

House File 646

On motion of Senator Jochum, **House File 646**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and including effective date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Jochum offered amendment S-3239, filed by the committee on Appropriations on April 12, 2011, striking and replacing everything after the enacting clause of the bill.

Senator Jochum offered amendment S-3277, filed by her from the floor to pages 1, 3, 9, 10, 21, 23, and 24 of amendment S-3239, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3277 to amendment S-3239 be adopted?" (H.F. 646), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

Amendment S-3277 to amendment S-3239 was adopted.

With the adoption of amendment S-3277 to amendment S-3239, the Chair ruled the following amendments out of order:

S-3257, filed by Senator Bartz on April 13, 2011, to page 3 of amendment S-3239;

S-3253, filed by Senator Jochum on April 13, 2011, to pages 9, 10, and 21 of amendment S-3239; and

S-3252, filed by Senator Jochum on April 13, 2011, to page 9 of amendment S-3239.

Senator Quirnbach offered amendment S-3272, filed by him on April 19, 2011, to pages 10, 21, and 24 of amendment S-3239, and moved its adoption.

Amendment S-3272 to amendment S-3239 was adopted by a voice vote.

Senator Chelgren withdrew amendment S-3249, filed by him on April 13, 2011, to page 14 of amendment S-3239.

Senator Hahn offered amendment S-3254, filed by him on April 13, 2011, to page 20 of amendment S-3239.

Senator Jochum raised the point of order that amendment S-3254 to amendment S-3239 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-3254 to amendment S-3239 out of order.

MOTION TO RECONSIDER WITHDRAWN

House File 646

Senator Bartz withdrew the following motion to reconsider filed by him from the floor:

MR. PRESIDENT: I move to reconsider the vote by which amendment S-3272 to amendment S-3239 to H.F. 646 was adopted by the Senate on April 20, 2011.

Senator Jochum moved the adoption of amendment S-3239, as amended.

A record roll call was requested.

On the question "Shall amendment S-3239, as amended, be adopted?" (H.F. 646), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders

Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

Amendment S-3239, as amended, was adopted.

Senator Jochum moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 646), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 646** be **immediately messaged** to the House.

BUSINESS PENDING

Senate File 526

The Senate resumed consideration of **Senate File 526**, a bill for an act relating to certain forms of gambling, including horse racing, pari-mutuel wagering, and gambling games, and requiring a study of intrastate internet poker, and including effective date and retroactive applicability provisions, previously deferred.

Senator Zaun withdrew amendment S-3278, filed by him from the floor to pages 1, 3, 4, and 8 and amending the title page of the bill.

Senator Behn offered amendment S-3282, filed by him from the floor to pages 8-11 and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3282 be adopted?" (S.F. 526), the vote was:

Yeas, 16:

Anderson	Bolkcom	Hamerlinck	McKinley
Bartz	Dandekar	Hogg	Smith
Behn	Feenstra	Kapucian	Sodders
Boettger	Hahn	Kettering	Zaun

Nays, 34:

Bacon	Dix	Horn	Schoenjahn
Beall	Dotzler	Houser	Seng
Bertrand	Dvorsky	Jochum	Seymour
Black	Ernst	Johnson	Sorenson
Bowman	Fraise	Kibbie	Ward
Chelgren	Greiner	McCoy	Whitver

Courtney	Gronstal	Quirnbach	Wilhelm
Danielson	Hancock	Ragan	
Dearden	Hatch	Rielly	

Absent, none.

Amendment S-3282 lost.

Senator Feenstra offered amendment S-3279, filed by him from the floor to page 11 of the bill.

Senator Danielson raised the point of order that amendment S-3279 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-3279 out of order.

Senator Danielson asked and received unanimous consent to withdraw amendment S-3273, filed by Senators Danielson and Dix from the floor to page 11 of the bill.

Senator Danielson offered amendment S-3275, filed by Senators Danielson and Bartz from the floor to page 11 of the bill, and moved its adoption.

Amendment S-3275 was adopted by a voice vote.

Senator Feenstra withdrew amendment S-3281, filed by him from the floor to page 12 of the bill.

Senator Feenstra offered amendment S-3283, filed by Senators Feenstra and Quirnbach from the floor to page 12 of the bill, and moved its adoption.

Amendment S-3283 was adopted by a voice vote.

Senator Danielson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 526), the vote was:

Yeas, 38:

Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Bertrand	Ernst	Johnson	Sodders
Black	Fraise	Kapucian	Sorenson
Bowman	Greiner	Kibbie	Ward
Chelgren	Gronstal	McCoy	Whitver
Courtney	Hahn	Quirnbach	Wilhelm
Danielson	Hancock	Ragan	
Dearden	Hatch	Rielly	

Nays, 12:

Anderson	Bolkcom	Hamerlinck	McKinley
Behn	Dandekar	Hogg	Smith
Boettger	Feenstra	Kettering	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 526** be **immediately messaged** to the House.

The Senate stood at ease at 5:09 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:24 p.m., President Kibbie presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 20, 2011, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 517, A bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority,

and the public employment relations board, and related matters and including immediate effective date and retroactive applicability provisions. (S-3285)

HOUSE AMENDMENT CONSIDERED

Senate File 511

Senator Hogg called up for consideration **Senate File 511**, a bill for an act relating to and making appropriations to the judicial branch, amended by the House in House amendment S-3220, filed April 6, 2011.

Senator Hogg offered amendment S-3284, filed by him from the floor to pages 2, 4, and 5 of House amendment S-3220, and moved its adoption.

Amendment S-3284 was adopted by a voice vote.

Senator Hogg moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Hogg moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 511), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 511** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:30 p.m. until 9:00 a.m., Thursday, April 21, 2011.

APPENDIX

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Milo and Irene Dvorak, Traer—For celebrating their 70th wedding anniversary. Senator Kapucian (4/20/11).

INTRODUCTION OF BILLS

Senate File 528, by Chelgren, a bill for an act relating to the state individual income tax by imposing a flat tax at a single rate and providing effective date and applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 529, by Chelgren, a bill for an act excluding from the computation of net income for state tax purposes the net capital gain from sales or exchanges of assets and including retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

SUBCOMMITTEE ASSIGNMENTS

Senate File 528

WAYS AND MEANS: Bolkcom, Chair; Chelgren and Quirmbach

Senate File 529

WAYS AND MEANS: Bolkcom, Chair; Chelgren and Quirmbach

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 20, 2011, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 243 – Expanding the definition of alternate energy production facility for purposes of compliance with electric utility rate regulation requirements.

Senate File 326 – Relating to the appointment of judicial officers and senior judges.

Senate File 361 – Authorizing the Iowa state fair board to establish an endowment fund to receive gifts in trust dedicated to the maintenance and improvement of the Iowa state fairgrounds.

Senate File 438 – Relating to licensing by reciprocity for dentists.

Senate File 478 – Relating to livestock by providing for their feeding and care when the livestock are deemed to be neglected.

APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on April 20, 2011, to investigate the appointment and reappointment of the following appointees:

HUMAN RESOURCES

As a member of the Commission on Aging:

CAROLE DUNKIN – Seymour, Chair; Dotzler and Bolcom

As a member of the Board of Athletic Training:

GEOFF JENSEN – Boettger, Chair; Wilhelm and Dvorsky

JUDICIARY

As a member of the State Judicial Nominating Commission:

JIM KERSTEN – Hogg, Chair; Hancock and Boettger

As a member of the Commission on Judicial Qualifications:

SANDRA BLODGETT – Hogg, Chair; Jochum and Boettger

LOCAL GOVERNMENT

As a member of the County Finance Committee:

ALAN SOUKUP – Bowman, Chair; Beall and Bacon

NATURAL RESOURCES AND ENVIRONMENT

As a member of the Environmental Protection Commission:

NANCY COUSER – Black, Chair; Dearden and Hahn

As a member of the Renewable Fuel Infrastructure Board:

GLORIA JOHNSON – Seng, Chair; Ragan and Hahn

STATE GOVERNMENT

As a member of the Board of Barbering:

JOHN ANDERSON – Dearden, Chair; Hatch and Smith

As a member of the Board of Massage Therapy:

JILL ELLSWORTH – Sodders, Chair; Horn and Smith

AMENDMENTS FILED

S-3273	S.F.	526	Jeff Danielson William Dix
S-3274	S.F.	527	Nancy J. Boettger
S-3275	S.F.	526	Jeff Danielson Merlin Bartz
S-3276	S.F.	527	William A. Dotzler, Jr.
S-3277	H.F.	646	Pam Jochum
S-3278	S.F.	526	Brad Zaun
S-3279	S.F.	526	Randy Feenstra
S-3280	S.F.	527	William A. Dotzler, Jr.
S-3281	S.F.	526	Randy Feenstra
S-3282	S.F.	526	Jerry Behn
S-3283	S.F.	526	Randy Feenstra Herman C. Quirmbach
S-3284	S.F.	511	Robert M. Hogg
S-3285	S.F.	517	House
S-3286	H.F.	589	Tom Rielly Tim L. Kapucian David Johnson John P. Kibbie Joe M. Seng

JOURNAL OF THE SENATE

ONE HUNDRED SECOND CALENDAR DAY
SIXTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 21, 2011

The Senate met in regular session at 9:05 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Gene Fraise, member of the Senate from Lee County, Fort Madison, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Alicia Schalla.

The Journal of Wednesday, April 20, 2011, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:14 a.m. until 1:00 p.m., Monday, April 25, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Elmer and Evelyn Kinsinger, Oskaloosa—For celebrating their 65th wedding anniversary. Senator Rielly (4/21/11).

Hazel Lee, Oskaloosa—For celebrating her 100th birthday. Senator Rielly (4/21/11).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Thursday, April 21, 2011, 9:55 a.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Bartz, Black, Boettger, Bolkcom, Danielson, Dix, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Ragan, Schoenjahn, and Seymour.

Members Absent: Houser (excused).

Committee Business: Passed HFs 645 and 648, both as amended.

Recessed: 10:00 a.m.

Reconvened: 11:00 a.m.

Adjourned: 11:20 a.m.

WAYS AND MEANS

Convened: Thursday, April 21, 2011, 11:25 a.m.

Members Present: Bolkcom, Chair; Seng, Vice Chair; Zaun, Ranking Member; Anderson, Bartz, Black, Chelgren, Dandekar, Dotzler, Feenstra, Hogg, Jochum, McCoy, Quirmbach, and Smith.

Members Absent: None.

Committee Business: Passed SF 169 and HFs 652 and 679. Passed SF 496, as amended.

Recessed: 11:30 a.m.

Reconvened: 12:00 p.m.

Adjourned: 12:25 p.m.

INTRODUCTION OF BILL

Senate File 530, by committee on Ways and Means, a bill for an act relating to the family farm property tax credit by providing for eligible entities and including effective date and applicability provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: HOUSE FILE 645 (HSB 192), a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing for related matters and for effective date, applicability provisions and retroactive applicability provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-3287.

Final Vote: Ayes, 13: Dvorsky, McCoy, Black, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 7: Kettering, Bartz, Boettger, Dix, Johnson, Kapucian, and Seymour. Absent, 1: Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 648 (HSB 220), a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, and other funds, providing for related matters and including effective date provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-3289.

Final Vote: Ayes, 13: Dvorsky, McCoy, Black, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 7: Kettering, Bartz, Boettger, Dix, Johnson, Kapucian, and Seymour. Absent, 1: Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: SENATE FILE 530 (formerly SF 169), a bill for an act relating to the family farm property tax credit by providing for eligible entities and including effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, Seng, Zaun, Anderson, Bartz, Black, Chelgren, Dandekar, Dotzler, Feenstra, Hogg, Jochum, McCoy, Quirmbach, and Smith. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 652 (formerly HF 141), a bill for an act providing an exemption from the computation of the individual state income tax of all pay received for active duty military service and service in Operation New Dawn and including effective date and retroactive applicability provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Bolkcom, Seng, Zaun, Anderson, Bartz, Black, Chelgren, Dandekar, Dotzler, Feenstra, Hogg, Jochum, McCoy, Quirmbach, and Smith. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 679 (HSB 105), a bill for an act relating to the administration of the replacement tax for new cogeneration facilities, and including effective date and retroactive applicability provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Bolkcom, Seng, Zaun, Anderson, Bartz, Black, Chelgren, Dandekar, Dotzler, Feenstra, Hogg, Jochum, McCoy, Quirmbach, and Smith. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNOR'S ITEM VETO MESSAGE

April 21, 2011

The Honorable John P. Kibbie
President of the Senate
State Capitol
Des Moines, Iowa 50319

Dear Mr. President:

I hereby transmit **Senate File 209**, an Act relating to public funding and regulatory matters by making appropriations, providing for certain additional depreciation allowances, increasing the state earned income tax credit, and including effective date and retroactive applicability provisions.

Senate File 209 made supplemental appropriations that were necessary as a result of past bad budgeting practices. For example, the current shortfall in the funds available to pay the state's indigent defense bills is the result of actions taken during the 2010 Session of the General Assembly wherein the Governor and General Assembly approved a budget for indigent defense that purposely underfunded this program by nearly \$20 million. This decision was made with the full knowledge the 2011 General

Assembly would be forced to take action to provide supplemental funds to the State Public Defender's office for this purpose. Similar poor budgeting practices by the General Assembly and Governor in 2010 necessitated \$84 million dollars in cuts that were made in January of this year. Senate File 209 makes supplemental appropriations in areas where these cuts would affect the health and safety of Iowans.

Senate File 209 is, therefore, signed on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Division I. The item vetoed language in Division I of Senate File 209 would couple Iowa's tax law with that portion of the federal short term stimulus legislation which allows businesses to take additional depreciation related deductions, often referred to as "bonus depreciation". This short term measure is estimated to reduce revenue to the state general fund by over \$27 million in Fiscal Year 2011, over \$113 million in Fiscal Year 2012 and over \$35 million in Fiscal Year 2013. Any temporary economic stimulus effect of bonus depreciation is primarily accomplished through the federal tax code. Iowa should instead focus its energies on improving our state's long term competitive tax position for new job creation. With our limited budget, that is best accomplished by reducing our commercial property taxes which are second highest in the country and our marginal corporate tax rate which is the highest in the nation. The short term and misdirected approach to policy contained in Senate File 209 will not improve our tax climate for new jobs in Iowa.

I am committed to continuing a tax and jobs policy discussion with the House and Senate to adopt a package of tax reductions that stimulate our long-term economic growth and job creation. Acceptance of the provisions in Division I would prevent our ability to consider other more effective options and I disapprove these provisions in order to allow our tax policy discussions to continue.

I am unable to approve the item designated as Division II. The item vetoed language would increase the Earned Income Tax Credit from the current level of 7.0% of the federal credit to 10.0% of the federal credit. This change is estimated to reduce revenue to the state general fund by \$28.5 million for Fiscal Years 2011-2013.

As earlier indicated, it is my desire to approach tax policy in a comprehensive and holistic manner. As such, I urge members of the House and Senate to continue to work with my office on an overall tax reduction package that both fits within our sound budgeting principles while reducing those taxes that are impeding our state's ability to compete for new business and jobs.

For the above reasons, I respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 209 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

AMENDMENTS FILED

S-3287	H.F.	645	Appropriations
S-3288	S.F.	524	Merlin Bartz

JOURNAL OF THE SENATE

ONE HUNDRED SIXTH CALENDAR DAY
SIXTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 25, 2011

The Senate met in regular session at 1:13 p.m., President Kibbie presiding.

A moment of silence was observed in remembrance of Staff Sergeant James Justice, from Grimes, Iowa, who was killed in Afghanistan on Saturday, April 23, 2011.

Prayer was offered by Reverend Allen Wiese, pastor of First United Methodist Church in Chariton, Iowa. He was the guest of Senator McKinley.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Hannah Walsh.

The Journal of Thursday, April 21, 2011, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 1:20 p.m. until the fall of the gavel.

RECONVENED

The Senate reconvened at 1:23 p.m., President Kibbie presiding.

The Senate stood at ease at 1:24 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:09 p.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 3:10 p.m. until 4:30 p.m.

RECONVENED

The Senate reconvened at 5:38 p.m., President Kibbie presiding.

CONSIDERATION OF BILLS
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 524 and House File 679.

Senate File 524

On motion of Senator Hogg, **Senate File 524**, a bill for an act relating to wind and other sources of renewable energy development and production, was taken up for consideration.

Senator Hogg offered amendment S-3267, filed by him on April 19, 2011, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment S-3267 was adopted by a voice vote.

With the adoption of amendment S-3267, the Chair ruled amendment S-3288, filed by Senator Bartz on April 21, 2011, to pages 1, 3, and 4 of the bill, out of order.

Senator Hogg asked and received unanimous consent that **House File 672** be **substituted** for **Senate File 524**.

House File 672

On motion of Senator Hogg, **House File 672**, a bill for an act relating to wind and other sources of renewable energy development and production, was taken up for consideration.

Senator Bartz asked and received unanimous consent that action on **House File 672** be **deferred**.

House File 679

On motion of Senator McCoy, **House File 679**, a bill for an act relating to the administration of the replacement tax for new cogeneration facilities, and including effective date and retroactive applicability provisions, with report of committee recommending passage, was taken up for consideration.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 679), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 679** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 25, 2011, **passed** the following bill in which the concurrence of the House was asked:

Senate File 289, a bill for an act relating to open records and public meetings and including effective date provisions.

ALSO: That the House has on April 25, 2011, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 313, a bill for an act relating to medical assistance program-related provisions. (S-3292)

ALSO: That the House has on April 25, 2011, **passed** the following bill in which the concurrence of the Senate is asked:

House File 686, a bill for an act relating to a state marketing and advertising expenditure plan and including effective date and retroactive applicability provisions.

Read first time and referred to committee on **Appropriations**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:49 p.m. until 9:00 a.m., Tuesday, April 26, 2011.

APPENDIX**CERTIFICATES OF RECOGNITION**

The Secretary of the Senate issued the following certificates of recognition:

Brenda Axness, Trinity Regional Medical Center, Fort Dodge—For being named one of the 100 Great Iowa Nurses. Senator Beall (4/25/11).

Edwin and Connie Benson, Irwin—For celebrating their 50th wedding anniversary. Senator Boettger (4/25/11).

Ron and Charlotte Benton, Cumberland—For celebrating their 50th wedding anniversary. Senator Boettger (4/25/11).

Lindsay Calvert, Guthrie Center—For being elected 2011–2012 President of Iowa State FFA. Senator Boettger (4/25/11).

Jeannine Dencklau, Trinity Regional Medical Center, Fort Dodge—For being named one of the 100 Great Iowa Nurses. Senator Beall (4/25/11).

Madison Densmore, Ankeny—For being a Presidential Scholar Semifinalist. Senator Whitver (4/25/11).

Karen Johnson, Iowa Central Community College, Fort Dodge—For being named one of the 100 Great Iowa Nurses. Senator Beall (4/25/11).

Clarence Kruse, Hampton—For celebrating his 85th birthday. Senator Ragan (4/25/11).

Jim and Donna Phillips, Anita—For celebrating their 50th wedding anniversary. Senator Boettger (4/25/11).

Larry and Joni Perdue, Griswold—For celebrating their 50th wedding anniversary. Senator Boettger (4/25/11).

Bill and Carolyn Steele, Atlantic—For celebrating their 60th wedding anniversary. Senator Boettger (4/25/11).

Jim and Barb Waters, Cumberland—For celebrating their 50th wedding anniversary. Senator Boettger (4/25/11).

Merle and Lucille Winther, Harlan—For celebrating their 65th wedding anniversary. Senator Boettger (4/25/11).

Bob and Marie Zakeer, Fort Dodge—For serving as 2011 Frontier Day Parade Grand Marshals. Senator Beall (4/25/11).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Monday, April 25, 2011, 3:15 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Bartz, Black, Boettger, Bolkcom, Danielson, Dix, Dotzler, Fraise, Hancock, Hatch, Hogg, Houser, Jochum, Johnson, Kapucian, Ragan, Schoenjahn, and Seymour.

Members Absent: None.

Committee Business: Passed HF 649, as amended. Approved SSB 1209.

Recessed: 3:20 p.m.

Reconvened: 5:00 p.m.

Adjourned: 5:35 p.m.

RULES AND ADMINISTRATION

Convened: Monday, April 25, 2011, 1:20 p.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; McKinley, Ranking Member; Courtney, Danielson, Dearden, Dvorsky, Ragan, and Zaun.

Members Absent: Bartz and Kettering (both excused).

Committee Business: Approved governor's appointees. Passed SR 10.

Adjourned: 1:25 p.m.

INTRODUCTION OF BILL

Senate File 531, by committee on Ways and Means, a bill for an act relating to renewable fuels, including by providing for tax credits and refunds, and including effective date and applicability provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: HOUSE FILE 649, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and including effective, retroactive, and applicability date provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-3293.

Final Vote: Ayes, 13: Dvorsky, McCoy, Black, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 8: Kettering, Bartz, Boettger, Dix, Houser, Johnson, Kapucian, and Seymour. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 10, a resolution inviting the people of Yamanashi Prefecture, Japan, to be the guests of the State of Iowa at the rededication of the Japanese Bell of Peace and Friendship.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Kibbie, McKinley, Courtney, Danielson, Dearden, Dvorsky, Ragan, and Zaun. Nays, none. Absent, 2: Bartz and Kettering.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: *SENATE FILE 531 (formerly SF 496), a bill for an act relating to renewable fuels, including by providing for tax credits and refunds, and including effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Bolkcom, Seng, Anderson, Bartz, Black, Dandekar, Dotzler, Feenstra, Hogg, Jochum, McCoy, Quirnbach, and Smith. Nays, 2: Zaun and Chelgren. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 531, and they were attached to the committee report.

APPOINTMENTS

The following appointees were submitted to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

BY THE GOVERNOR

TERM

CIVIL RIGHTS COMMISSION, IOWA STATE (216.3) Patricia Lipski, Washington	05/01/2011 – 04/30/2015
LATINO AFFAIRS, COMMISSION OF (216A.12) Alejandro Pino, Bettendorf	04/20/2011 – 04/30/2014
NATIVE AMERICAN AFFAIRS, COMMISSION OF (216A.162) Vicky Apala-Cuevas, Davenport	05/01/2011 – 04/30/2015
Keith Carpenter, Bridgewater	05/01/2011 – 04/30/2015
NURSING, BOARD OF (147.14(1)(c)) Debra Larson, Marion	05/01/2011 – 04/30/2014

The appointments were referred to the committee on **Rules and Administration**.

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor's appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on April 25, 2011:

HUMAN RESOURCES

Alejandro Pino – Commission of Latino Affairs

JUDICIARY

Patricia Lipski – Iowa State Civil Rights Commission

STATE GOVERNMENT

Vicky Apala-Cuevas – Commission of Native American Affairs
Keith Carpenter – Commission of Native American Affairs

Debra Larson – Board of Nursing

AMENDMENTS FILED

S-3289	H.F.	648	Appropriations
S-3290	H.F.	672	Robert M. Hogg
S-3291	H.F.	672	Merlin Bartz
S-3292	S.F.	313	House

JOURNAL OF THE SENATE

ONE HUNDRED SEVENTH CALENDAR DAY
SIXTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 26, 2011

The Senate met in regular session at 9:10 a.m., President Kibbie presiding.

Prayer was offered by the Honorable David Johnson, member of the Senate from Osceola County, Ocheyedan, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Hannah Walsh.

The Journal of Monday, April 25, 2011, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:40 a.m. until 2:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 2:11 p.m., President Kibbie presiding.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 530.

Senate File 530

On motion of Senator Quirmbach, **Senate File 530**, a bill for an act relating to the family farm property tax credit by providing for

eligible entities and including effective date and applicability provisions, was taken up for consideration.

Senator Quirmbach moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 530), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Present, 1:

Chelgren

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 527.

Senate File 527

On motion of Senator Dotzler, **Senate File 527**, a bill for an act relating to the administration of the Iowa finance authority and making appropriations, was taken up for consideration.

Senator Boettger withdrew amendment S-3274, filed by her on April 20, 2011, striking and replacing everything after the enacting clause of the bill.

Senator Dotzler offered amendment S-3276, filed by him on April 20, 2011, to page 1 and amending the title page of the bill.

Senator Dotzler withdrew amendment S-3280, filed by him on April 20, 2011, to pages 2 and 3 and amending the title provisions of amendment S-3276.

Senator Dotzler moved the adoption of amendment S-3276.

Amendment S-3276 was adopted by a voice vote.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 527), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson

Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

UNFINISHED BUSINESS
(Deferred April 5, 2011)

House File 461

The Senate resumed consideration of **House File 461**, a bill for an act relating to the attachment of tags to deer carcasses, and amendment S-3218, deferred April 5, 2011.

Senator Chelgren withdrew amendment S-3218.

Senator Danielson withdrew amendment S-3225, filed by him on April 7, 2011, to page 1 and amending the title page of the bill.

Senator Sorenson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 461), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders
Bertrand	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun

Courtney	Hamerlinck	Quirnbach
Dandekar	Hancock	Ragan
Danielson	Hatch	Rielly

Nays, 1:

Black

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 328.

House File 328

On motion of Senator Kettering, **House File 328**, a bill for an act relating to matters under the purview of the division of banking of the department of commerce, and including effective date provisions, placed on the Unfinished Business Calendar on April 7, 2011, with report of committee recommending passage, was taken up for consideration.

Senator Dotzler withdrew amendment S-3263, filed by him on April 19, 2011, to page 1 of the bill.

Senator Kettering moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 328), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders

Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 527 and 530** and **House Files 328 and 461** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 2:43 p.m. until 11:00 a.m., Wednesday, April 27, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Shraddha Batra, Valley High School—For being selected as a 2011 Borlaug-Ruan International Intern as part of the World Food Prize Global Youth Initiative. Senator Ward (4/26/11).

Lou Ella Jones, Oskaloosa—For celebrating her 100th birthday. Senator Rielly (4/26/11).

Frances Karsten, Oskaloosa—For celebrating her 90th birthday. Senator Rielly (4/26/11).

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: Tuesday, April 26, 2011, 1:35 p.m.

Members Present: Bolkcom, Chair; Seng, Vice Chair; Zaun, Ranking Member; Anderson, Bartz, Black, Chelgren, Dandekar, Dotzler, Feenstra, Hogg, Jochum, McCoy, Quirnbach, and Smith.

Members Absent: None.

Committee Business: Passed HF 676.

Adjourned: 1:45 p.m.

INTRODUCTION OF BILL

Senate File 532, by committee on Appropriations, a bill for an act relating to flood mitigation by establishing a flood mitigation program, establishing a flood mitigation board, authorizing the use of certain sales tax revenue and other financial assistance for flood mitigation projects, establishing a flood mitigation fund, authorizing the issuance of bonds for certain flood mitigation projects, and including effective date provisions.

Read first time under Rule 28 and **placed on Appropriations calendar**.

SUBCOMMITTEE ASSIGNMENT

House File 686

APPROPRIATIONS: Dvorsky, Chair; and Kettering

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: *SENATE FILE 532 (SSB 1209), a bill for an act relating to flood mitigation by establishing a flood mitigation program, establishing a flood mitigation board, authorizing the use of certain sales tax revenue and other financial assistance for flood mitigation projects, establishing a flood mitigation fund, authorizing the issuance of bonds for certain flood mitigation projects, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 20: Dvorsky, McCoy, Kettering, Bartz, Black, Boettger, Danielson, Dix, Dotzler, Fraise, Hancock, Hatch, Hogg, Houser, Jochum, Johnson, Kapucian, Ragan, Schoenjahn, and Seymour. Nays, 1: Bolkom. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 532, and they were attached to the committee report.

WAYS AND MEANS

Bill Title: HOUSE FILE 676 (HSB 233), a bill for an act providing an exemption from the fee for new registration for motor vehicles leased to certain governmental agencies and nonprofit entities.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Bolkom, Seng, Zaun, Anderson, Bartz, Black, Dandekar, Dotzler, Feenstra, Hogg, Jochum, McCoy, Quirmbach, and Smith. Nays, 1: Chelgren. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following reports:

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, 2011.

Senate Files 236, 397, 407, 418, 424, 482, 515, and 521.

MICHAEL E. MARSHALL
Secretary of the Senate

APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on April 26, 2011, to investigate the appointment and reappointment of the following appointees:

HUMAN RESOURCES

As a member of the Commission of Latino Affairs:

ALEJANDRO PINO – Jochum; Chair; Wilhelm and Whitver

JUDICIARY

As a member of the Iowa State Civil Rights Commission:

PATRICIA LIPSKI – Quirnbach, Chair; Hancock and Sorenson

STATE GOVERNMENT

As members of the Commission of Native American Affairs:

VICKY APALA-CUEVAS – Sodders, Chair; Danielson and Behn
KEITH CARPENTER – Sodders, Chair; Danielson and Behn

As a member of the Board of Nursing:

DEBRA LARSON – Hatch, Chair; Courtney and Behn

AMENDMENTS FILED

S-3293	H.F.	649	Appropriations
S-3294	H.F.	645	Brian Schoenjahn

JOURNAL OF THE SENATE

ONE HUNDRED EIGHTH CALENDAR DAY
SIXTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 27, 2011

The Senate met in regular session at 11:10 a.m., President Kibbie presiding.

Prayer was offered by Katie Kustra of Carroll, Iowa, who sang “Amazing Grace”. She was the guest of Senators Kibbie and Kettering.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Hannah Walsh.

The Journal of Tuesday, April 26, 2011, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 26, 2011, **passed** the following bills in which the concurrence of the House was asked:

Senate File 302, a bill for an act increasing the amount of tax credits available under the endow Iowa program and including effective date and retroactive applicability provisions.

Senate File 412, a bill for an act relating to the powers and governance of benefited recreational lake districts, water quality districts, and combined recreational lake and water quality districts.

Senate File 434, a bill for an act relating to property taxes and fees by modifying provisions relating to receipts for the payment of property taxes and provisions relating to delinquent rates and charges and by specifying certain dates for notices and delinquency.

ALSO: That the House has on April 26, 2011, **passed** the following bill in which the concurrence of the Senate is asked:

House File 561, a bill for an act relating to the permitting, licensing, construction, and operation of nuclear generation facilities.

Read first time and attached to **similar Senate File 390**.

President Pro Tempore Danielson took the chair at 11:20 a.m.

SPECIAL GUEST

President Pro Tempore Danielson introduced to the Senate chamber the Honorable Keith Kreiman, former member of the Senate from Davis County, Bloomfield, Iowa.

The Senate rose and expressed its welcome.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:42 a.m. until 2:45 p.m.

RECONVENED

The Senate reconvened at 2:53 p.m., President Kibbie presiding.

The Senate stood at ease at 2:54 p.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 3:55 p.m., President Pro Tempore Danielson presiding.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 10.

Senate Resolution 10

On motion of Senator Beall, **Senate Resolution 10**, a resolution inviting the people of Yamanashi Prefecture, Japan, to be the guests of the State of Iowa at the rededication of the Japanese Bell of Peace and Friendship, with report of committee recommending passage, was taken up for consideration.

Senator Beall moved the adoption of Senate Resolution 10, which motion prevailed by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, until he arrives, on request of Senator Kettering.

HOUSE AMENDMENT CONSIDERED

Senate File 313

Senator Gronstal called up for consideration **Senate File 313**, a bill for an act relating to medical assistance program-related provisions, amended by the House in House amendment S-3292, filed April 25, 2011.

Senator Ragan offered amendment S-3296, filed by her from the floor to pages 1-3 of House amendment S-3292, and moved its adoption.

Amendment S-3296 to amendment S-3292 was adopted by a voice vote.

Senator Ragan moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Ragan moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last

time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 313), the vote was:

Yeas, 49:

Anderson	Danielson	Hatch	Schoenjahn
Bacon	Dearden	Hogg	Seng
Bartz	Dix	Horn	Seymour
Beall	Dotzler	Jochum	Smith
Behn	Dvorsky	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hahn	Quirnbach	
Courtney	Hamerlinck	Ragan	
Dandekar	Hancock	Rielly	

Nays, none.

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 313** be **immediately messaged** to the House.

SPECIAL GUEST

President Pro Tempore Danielson introduced to the Senate chamber the Honorable Jeff Angelo, former member of the Senate from Union County, Creston, Iowa.

The Senate rose and expressed its welcome.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:12 p.m. until 9:00 a.m., Thursday, April 28, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Donna Briggs, Sigourney—For celebrating her 85th birthday. Senator Rielly (4/27/11).

Carroll Oskvig, Milford—For many years of service protecting our water resources and soil quality. Senator Johnson (4/27/11).

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: Wednesday, April 27, 2011, 2:00 p.m.

Members Present: Ragan, Chair; Wilhelm, Vice Chair; Seymour, Ranking Member; Bacon, Boettger, Bolkcom, Dotzler, Jochum, Johnson, and Whitver.

Members Absent: Dvorsky, Hatch, and Quirmbach (all excused).

Committee Business: Approved governor's appointees.

Adjourned: 2:10 p.m.

JUDICIARY

Convened: Wednesday, April 27, 2011, 2:00 p.m.

Members Present: Fraise, Chair; Hogg, Vice Chair; Boettger, Ranking Member; Dix, Hancock, Horn, Jochum, Soddors, Ward, and Whitver.

Members Absent: Dvorsky, Quirmbach, and Sorenson (all excused).

Committee Business: Approved governor's appointee.

Adjourned: 2:05 p.m.

LOCAL GOVERNMENT

Convened: Wednesday, April 27, 2011, 1:40 p.m.

Members Present: Wilhelm, Chair; Beall, Vice Chair; Bartz, Ranking Member; Bacon, Bowman, Ernst, McCoy, Rielly, and Schoenjahn.

Members Absent: Hamerlinck and Quirmbach (both excused).

Committee Business: Approved governor's appointee.

Adjourned: 1:50 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Wednesday, April 27, 2011, 2:30 p.m.

Members Present: Dearden, Chair; Black, Vice Chair; Hahn, Ranking Member; Hogg, Ragan, Schoenjahn, and Seng.

Members Absent: Behn, Bolkcom, Hamerlinck, Hancock, Kapucian, and Sorenson (all excused).

Committee Business: Approved governor's appointees.

Adjourned: 2:35 p.m.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 27, 2011, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 418 – Relating to disclosure of specified information in connection with new motor vehicle repairs.

Senate File 424 – Establishing a district-to-community college program and facilities sharing pilot program.

Senate File 515 – Relating to the administration of the streamlined sales tax agreement by the department of revenue.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendation for confirmation:

HUMAN RESOURCES

Carole Dunkin – Commission on Aging

Geoff Jensen – Board of Athletic Training

Roberta Chambers – Health Facilities Council

Alejandro Pino – Commission of Latino Affairs

JUDICIARY

Jim Kersten – State Judicial Nominating Commission

LOCAL GOVERNMENT

Alan Soukup – County Finance Committee

STATE GOVERNMENT

John Anderson – Board of Barbering

Dennis Young – Investment Board of the IPERS

Vicky Apala-Cuevas – Commission of Native American Affairs

Keith Carpenter – Commission of Native American Affairs

Debra Larson – Board of Nursing

AMENDMENTS FILED

S-3295	H.F.	645	Matt McCoy
S-3296	S.F.	313	Amanda Ragan
S-3297	H.F.	589	Tom Rielly
			David Johnson
			John P. Kibbie
			Tim L. Kapucian
			Joe M. Seng

JOURNAL OF THE SENATE

ONE HUNDRED NINTH CALENDAR DAY
SIXTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 28, 2011

The Senate met in regular session at 9:07 a.m., President Kibbie presiding.

Prayer was offered by Reverend Ron Bolinger, pastor of Emmanuel Lutheran Church in Grafton, Iowa. He was the guest of Senators Bartz and Ragan.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Merlin Bartz, member of the Senate from Worth County, Grafton, Iowa.

The Journal of Wednesday, April 27, 2011, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:09 a.m. until 1:00 p.m., Monday, May 2, 2011.

APPENDIX

AMENDMENTS FILED

S-3298	S.F.	390	Swati A. Dandekar
S-3299	H.F.	590	Steven J. Sadders

JOURNAL OF THE SENATE

ONE HUNDRED THIRTEENTH CALENDAR DAY
SIXTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, May 2, 2011

The Senate met in regular session at 1:10 p.m., President Kibbie presiding.

Prayer was offered by the Honorable John Kibbie, member of the Senate from Palo Alto County, Emmetsburg, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Natasha Dutta.

The Journal of Thursday, April 28, 2011, was approved.

The Senate stood at ease at 1:47 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:25 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Behn, until he arrives, on request of Senator Zaun.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration Senate File 531.

Senate File 531

On motion of Senator Hogg, **Senate File 531**, a bill for an act relating to renewable fuels, including by providing for tax credits and refunds, and including effective date and applicability provisions, was taken up for consideration.

Senator Hogg offered amendment S-3303, filed by him from the floor to pages 2-6, 9, 12, 15-17, and 19, and amending the title page of the bill, and moved its adoption.

Amendment S-3303 was adopted by a voice vote.

Senator Hogg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 531), the vote was:

Yeas, 48:

Anderson	Dearden	Hatch	Ragan
Bacon	Dix	Hogg	Rielly
Bartz	Dotzler	Horn	Schoenjahn
Beall	Dvorsky	Houser	Seng
Bertrand	Ernst	Jochum	Seymour
Black	Feenstra	Johnson	Smith
Boettger	Fraise	Kapucian	Sodders
Bolkcom	Greiner	Kettering	Sorenson
Bowman	Gronstal	Kibbie	Ward
Courtney	Hahn	McCoy	Whitver
Dandekar	Hamerlinck	McKinley	Wilhelm
Danielson	Hancock	Quirmbach	Zaun

Nays, 1:

Chelgren

Absent, 1:

Behn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Courtney asked and received unanimous consent that **Senate File 531** be **immediately messaged** to the House.

The Senate stood at ease at 4:33 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 5:13 p.m., President Kibbie presiding.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration House File 648.

House File 648

On motion of Senator McCoy, **House File 648**, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, and other funds, providing for related matters and including effective date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator McCoy offered amendment S-3289, filed by the committee on Appropriations on April 25, 2011, striking and replacing everything after the enacting clause of the bill.

Senator McCoy offered amendment S-3301, filed by him from the floor to pages 1-3, 5, 7, 10, 11, and 18, and amending the title provisions of amendment S-3289, and moved its adoption.

Amendment S-3301 was adopted by a voice vote.

Senator Hancock offered amendment S-3302, filed by him from the floor to page 4 of amendment S-3289, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–3302 be adopted?” (H.F. 648), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 23:

Anderson	Dix	Houser	Smith
Bacon	Ernst	Johnson	Sorenson
Bartz	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Seymour	

Absent, 1:

Behn

Amendment S–3302 was adopted.

Senator McCoy offered amendment S–3304, filed by him from the floor to page 12 of amendment S–3289, and moved its adoption.

Amendment S–3304 was adopted by a voice vote.

Senator McCoy moved the adoption of amendment S–3289, as amended.

A record roll call was requested.

On the question “Shall amendment S–3289, as amended, be adopted?” (H.F. 648), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders

Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, 23:

Anderson	Dix	Houser	Smith
Bacon	Ernst	Johnson	Sorenson
Bartz	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Seymour	

Absent, 1:

Behn

Amendment S-3289, as amended, was adopted.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 648), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, 23:

Anderson	Dix	Houser	Smith
Bacon	Ernst	Johnson	Sorenson
Bartz	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Seymour	

Absent, 1:

Behn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 648** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:51 p.m. until 9:00 a.m., Tuesday, May 3, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Cynthia Carstens, Stewart Memorial Hospital, Lake City—For being named one of the 100 Great Iowa Nurses. Senator Beall (5/2/11).

Geri Derner, Ames—For celebrating her 50th birthday. Senator Quirnbach (5/2/11).

Friends of Veterans Memorial Park, Davenport—Upon the dedication of their park. Senator Hamerlinck (5/2/11).

Moriah Morgan, Wayne County—For being named a 2011 Borlaug-Ruan International Intern at the World Food Prize Global Youth Institute. Senator Chelgren (5/2/11).

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: Monday, May 2, 2011, 6:05 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Bartz, Black, Bolkom, Danielson, Dix, Dotzler, Fraise, Hancock, Hatch, Hogg, Houser, Jochum, Johnson, Kapucian, Ragan, Schoenjahn, and Seymour.

Members Absent: Boettger (excused).

Committee Business: Approved SSB 1210.

Adjourned: 6:10 p.m.

INTRODUCTION OF BILL

Senate File 533, by committee on Appropriations, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

Read first time under Rule 28 and **placed on Appropriations calendar.**

STUDY BILL RECEIVED

SSB 1210 Appropriations

Relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

SUBCOMMITTEE ASSIGNMENT

SSB 1210

APPROPRIATIONS: Dvorsky, Chair; Danielson and Kettering

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: *SENATE FILE 533 (SSB 1210), a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dvorsky, McCoy, Black, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 7: Kettering, Bartz, Dix, Houser, Johnson, Kapucian, and Seymour. Absent, 1: Boettger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 533, and they were attached to the committee report.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 28, 2011, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 236 – Relating to public safety including the Iowa law enforcement academy council, the state fire service and emergency response council, the state building code commissioner, fingerprint records, disposition records, the sex offender registry, and access to deferred judgment docket records.

Senate File 397 – Creating a criminal offense for impersonating a decorated military veteran and providing penalties.

Senate File 407 – Relating to counties and other regulated entities and the permitting and enforcement powers of the department of natural resources in relation to the inspection and construction of certain sewage disposal systems and authorizing penalties.

Senate File 482 – Relating to requirements of the department of human services involving individuals and families and including effective date provisions.

Senate File 521 – Relating to the administration of the property rehabilitation tax credit program by the department of cultural affairs and including retroactive applicability provisions.

GOVERNOR'S APPOINTEE PLACED ON EN BLOC CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

NATURAL RESOURCES AND ENVIRONMENT

Gloria Johnson – Renewable Fuel Infrastructure Board

**GOVERNOR'S APPOINTEE PLACED ON
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar without recommendation for confirmation:

NATURAL RESOURCES AND ENVIRONMENT

Nancy Couser – Environmental Protection Commission

REFERRAL TO INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the “En Bloc Confirmation Calendar” and placed on the “Individual Confirmation Calendar”:

Jim Kersten – State Judicial Nominating Commission

ROBERT M. HOGG

AMENDMENTS FILED

S-3300	H.F.	652	Mark Chelgren
S-3301	H.F.	648	Matt McCoy
S-3302	H.F.	648	Tom Hancock
S-3303	S.F.	531	Robert M. Hogg
S-3304	H.F.	648	Matt McCoy

JOURNAL OF THE SENATE

ONE HUNDRED FOURTEENTH CALENDAR DAY
SIXTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, May 3, 2011

The Senate met in regular session at 9:10 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Gene Fraise, member of the Senate from Lee County, Fort Madison, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Natasha Dutta.

The Journal of Monday, May 2, 2011, was approved.

The Senate stood at ease at 9:29 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:59 a.m., President Kibbie presiding.

RECESS

On motion of Senator Courtney, the Senate recessed at 10:00 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:10 p.m., President Kibbie presiding.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 533.

Senate File 533

On motion of Senator Dvorsky, **Senate File 533**, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions, was taken up for consideration.

(Senate File 533 was deferred.)

The Senate stood at ease at 1:12 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 1:51 p.m., President Kibbie presiding.

The Senate resumed consideration of Senate File 533, previously deferred.

Senator Gronstal asked and received unanimous consent that action on **Senate File 533** be **deferred**.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators McKinley, Behn, and Kapucian, until they arrive, on request of Senator Johnson.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 676.

House File 676

On motion of Senator McCoy, **House File 676**, a bill for an act providing an exemption from the fee for new registration for motor vehicles leased to certain governmental agencies and nonprofit entities, with report of committee recommending passage, was taken up for consideration.

Senator Chelgren offered amendment S-3305, filed by him from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment S-3305 lost by a voice vote.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 676), the vote was:

Yeas, 47:

Anderson	Danielson	Hancock	Rielly
Bacon	Dearden	Hatch	Schoenjahn
Bartz	Dix	Hogg	Seng
Beall	Dotzler	Horn	Seymour
Bertrand	Dvorsky	Houser	Smith
Black	Ernst	Jochum	Sodders
Boettger	Feenstra	Johnson	Sorenson
Bolkcom	Fraise	Kettering	Ward
Bowman	Greiner	Kibbie	Whitver
Chelgren	Gronstal	McCoy	Wilhelm
Courtney	Hahn	Quirmbach	Zaun
Dandekar	Hamerlinck	Ragan	

Nays, none.

Absent, 3:

Behn	Kapucian	McKinley
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 676** be **immediately messaged** to the House.

UNFINISHED BUSINESS
(Deferred April 25, 2011)**House File 672**

The Senate resumed consideration of **House File 672**, a bill for an act relating to wind and other sources of renewable energy development and production, deferred April 25, 2011.

Senator Chelgren withdrew amendment S-3271, filed by him on April 19, 2011, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Hogg withdrew amendment S-3290, filed by him on April 25, 2011, to pages 1, 3, 4, and 6, and amending the title page of the bill.

With the withdrawal of amendment S-3290, the Chair ruled amendment S-3291, filed by Senator Bartz on April 25, 2011, to page 1 of amendment S-3290, out of order.

Senator Hogg offered amendment S-3308, filed by him from the floor to pages 1, 3, 4, and 6, and amending the title page of the bill, and moved its adoption.

Amendment S-3308 was adopted by a voice vote.

Senator Hogg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 672), the vote was:

Yeas, 46:

Anderson	Dearden	Hatch	Schoenjahn
Bacon	Dix	Hogg	Seng
Bartz	Dotzler	Horn	Seymour
Beall	Dvorsky	Houser	Smith

Bertrand	Ernst	Jochum	Sodders
Black	Feenstra	Johnson	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Courtney	Hahn	Quirnbach	Zaun
Dandekar	Hamerlinck	Ragan	
Danielson	Hancock	Rielly	

Nays, 1:

Chelgren

Absent, 3:

Behn	Kapucian	McKinley
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 672** be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Jim Kersten as a member of the State Judicial Nominating Commission, placed on the Individual Confirmation Calendar on May 2, 2011, found on page 1084 of the Senate Journal.

Senator Hogg moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 47:

Anderson	Danielson	Hancock	Rielly
Bacon	Dearden	Hatch	Schoenjahn
Bartz	Dix	Hogg	Seng
Beall	Dotzler	Horn	Seymour
Bertrand	Dvorsky	Houser	Smith
Black	Ernst	Jochum	Sodders
Boettger	Feenstra	Johnson	Sorenson

Bolkcom	Fraise	Kettering	Ward
Bowman	Greiner	Kibbie	Whitver
Chelgren	Gronstal	McCoy	Wilhelm
Courtney	Hahn	Quirmbach	Zaun
Dandekar	Hamerlinck	Ragan	

Nays, none.

Absent, 3:

Behn	Kapucian	McKinley
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 652.

House File 652

On motion of Senator Dandekar, **House File 652**, a bill for an act providing an exemption from the computation of the individual state income tax of all pay received for active duty military service and service in Operation New Dawn and including effective date and retroactive applicability provisions, with report of committee recommending passage, was taken up for consideration.

Senator Chelgren withdrew amendment S-3300, filed by him on May 2, 2011, to page 1 and amending the title page of the bill.

Senator Dandekar moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 652), the vote was:

Yeas, 47:

Anderson	Danielson	Hancock	Rielly
Bacon	Dearden	Hatch	Schoenjahn
Bartz	Dix	Hogg	Seng
Beall	Dotzler	Horn	Seymour

Bertrand	Dvorsky	Houser	Smith
Black	Ernst	Jochum	Sodders
Boettger	Feenstra	Johnson	Sorenson
Bolkcom	Fraise	Kettering	Ward
Bowman	Greiner	Kibbie	Whitver
Chelgren	Gronstal	McCoy	Wilhelm
Courtney	Hahn	Quirmbach	Zaun
Dandekar	Hamerlinck	Ragan	

Nays, none.

Absent, 3:

Behn	Kapucian	McKinley
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 652** be **immediately messaged** to the House.

The Senate stood at ease at 2:23 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:37 p.m., President Kibbie presiding.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 3, 2011, **passed** the following bill in which the concurrence of the House was asked:

Senate File 526, a bill for an act relating to certain forms of gambling, including horse racing, pari-mutuel wagering, and gambling games, and requiring a study of intrastate internet poker, and including effective date and retroactive applicability provisions.

WITHDRAWN

Senator Hogg asked and received unanimous consent that **Senate File 524** be **withdrawn** from further consideration of the Senate.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Zaun and Houser, until they return, on request of Senator Kettering; and Senator Bowman, until he returns, on request of Senator Gronstal.

BUSINESS PENDING

Senate File 533

The Senate resumed consideration of **Senate File 533**, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions, previously deferred.

Senator Chelgren offered amendment S-3318, filed by him from the floor to page 3 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3318 be adopted?" (S.F. 533), the vote was:

Yeas, 19:

Anderson	Chelgren	Hahn	Smith
Bacon	Dix	Hamerlinck	Sorenson
Bartz	Ernst	Johnson	Ward
Bertrand	Feenstra	Kettering	Whitver
Boettger	Greiner	Seymour	

Nays, 25:

Beall	Dotzler	Horn	Schoenjahn
Black	Dvorsky	Jochum	Seng
Bolkcom	Fraise	Kibbie	Sodders

Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	
Dearden	Hogg	Rielly	

Absent, 6:

Behn	Houser	McKinley
Bowman	Kapucian	Zaun

Amendment S–3318 lost.

Senator Dix offered amendment S–3316, filed by him from the floor to page 7 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–3316 be adopted?” (S.F. 533), the vote was:

Yeas, 19:

Anderson	Chelgren	Hahn	Smith
Bacon	Dix	Hamerlinck	Sorenson
Bartz	Ernst	Johnson	Ward
Bertrand	Feenstra	Kettering	Whitver
Boettger	Greiner	Seymour	

Nays, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Absent, 5:

Behn	Kapucian	Zaun
Houser	McKinley	

Amendment S–3316 lost.

Senator Dvorsky offered amendment S–3309, filed by him from the floor to pages 17, 29, and 33 of the bill, and moved its adoption.

Amendment S–3309 was adopted by a voice vote.

Senator Ernst offered amendment S-3315, filed by her from the floor to page 22 of the bill, and moved its adoption.

Amendment S-3315 was adopted by a voice vote.

Senator Black asked and received unanimous consent to withdraw amendment S-3306, filed by Senators Black and McCoy from the floor to page 22 of the bill.

Senator Bartz offered amendment S-3311, filed by him from the floor to page 22 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3311 be adopted?" (S.F. 533), the vote was:

Yeas, 19:

Anderson	Chelgren	Hahn	Smith
Bacon	Dix	Hamerlinck	Sorenson
Bartz	Ernst	Johnson	Ward
Bertrand	Feenstra	Kettering	Whitver
Boettger	Greiner	Seymour	

Nays, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Absent, 5:

Behn	Kapucian	Zaun
Houser	McKinley	

Amendment S-3311 lost.

Senator Black offered amendment S-3313, filed by Senators Black and McCoy from the floor to page 22 of the bill, and moved its adoption.

Amendment S–3313 was adopted by a voice vote.

Senator Seng offered amendment S–3312, filed by Senator Seng, et al., from the floor to page 24 of the bill.

Senator Feenstra offered amendment S–3326, filed by Senators Feenstra and Johnson from the floor to page 1 of amendment S–3312, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–3326 to amendment S–3312 be adopted?” (S.F. 533), the vote was:

Yeas, 19:

Anderson	Chelgren	Hahn	Smith
Bacon	Dix	Hamerlinck	Sorenson
Bartz	Ernst	Johnson	Ward
Bertrand	Feenstra	Kettering	Whitver
Boettger	Greiner	Seymour	

Nays, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Absent, 5:

Behn	Kapucian	Zaun
Houser	McKinley	

Amendment S–3326 to amendment S–3312 lost.

Senator Seng moved the adoption of amendment S–3312.

Amendment S–3312 was adopted by a voice vote.

With the adoption of amendment S–3312, the Chair ruled amendment S–3317, filed by Senators Feenstra and Johnson from the floor to page 24 of the bill, out of order.

Senator Bolkcom offered amendment S-3327, filed by him from the floor to page 24 of the bill, and moved its adoption.

Amendment S-3327 was adopted by a voice vote.

Senator Feenstra withdrew amendment S-3314, filed by him from the floor to page 24 of the bill.

Senator Danielson offered amendment S-3310, filed by him from the floor to pages 30 and 31 of the bill, and moved its adoption.

Amendment S-3310 was adopted by a voice vote.

Senator Courtney withdrew amendment S-3307, filed by him from the floor to page 33 of the bill.

Senator Hamerlinck offered amendment S-3319, filed by him from the floor to page 33 of the bill.

Senator Dvorsky raised the point of order that amendment S-3319 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-3319 out of order.

Senator Hamerlinck withdrew amendment S-3320, filed by him from the floor to page 33 of the bill.

Senator Kettering asked and received unanimous consent that action on amendment S-3321 be deferred.

Senator Hamerlinck withdrew amendment S-3322, filed by him from the floor to page 33 of the bill.

Senator Hamerlinck offered amendment S-3323, filed by him from the floor to page 33 of the bill.

Senator Danielson raised the point of order that amendment S-3323 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-3323 out of order.

Senator Courtney offered amendment S-3324, filed by him from the floor to page 33 of the bill, and moved its adoption.

Amendment S-3324 was adopted by a voice vote.

Senator Dix offered amendment S-3325, filed by him from the floor to page 33 of the bill.

Senator Sodders raised the point of order that amendment S-3325 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-3325 out of order.

The Senate resumed consideration of amendment S-3321, filed by Senator Zaun from the floor to page 33 of the bill.

Senator Hogg raised the point of order that amendment S-3321 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-3321 out of order.

Senator Dvorsky moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 533), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, 20:

Anderson	Chelgren	Hahn	Smith
Bacon	Dix	Hamerlinck	Sorenson

Bartz	Ernst	Johnson	Ward
Bertrand	Feenstra	Kettering	Whitver
Boettger	Greiner	Seymour	Zaun

Absent, 4:

Behn	Houser	Kapucian	McKinley
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 533** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 3, 2011, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 466, a bill for an act relating to residential contractors and providing a penalty. (S-3329)

Senate File 514, a bill for an act relating to the administration of the redevelopment tax credit program for brownfields and grayfields and including retroactive applicability provisions. (S-3328)

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:40 p.m. until 10:00 a.m., Friday, May 6, 2011.

APPENDIX

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the northeast Senate gallery:

Twenty-seven students from Assumption School in France, studying at Saint Edmond School in Fort Dodge, accompanied by teacher Nancy Gabriel. Senator Beall (5/3/11).

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Ruth Bowers, Waterloo—For celebrating her 90th birthday. Senator Dotzler (5/3/11).

Laurel “Johnny” Johnson, Arnolds Park—For 60 years of dedicated service in the maintenance department at Pure Fishing. Senator Johnson (5/3/11).

Bill and Bobbie Lawrence, Waterloo—For celebrating their 60th wedding anniversary. Senator Dotzler (5/3/11).

STUDY BILL RECEIVED

SSB 1211 Appropriations

Relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations.

SUBCOMMITTEE ASSIGNMENT

SSB 1211

APPROPRIATIONS: Dvorsky, Chair; and Kettering

RULE 42 WITHDRAWAL

MR. PRESIDENT: Pursuant to Senate Rule 42, the following senators, constituting a constitutional majority of the Senate, request that House File 657 be withdrawn from the Government Oversight committee:

Joe M. Seng	Tom Hancock	Roby Smith
Mark Chelgren	Shawn Hamerlinck	Nancy J. Boettger
David Johnson	Tim L. Kapucian	Jerry Behn
Sandra Greiner	Robert Bacon	Jack Whitver
James F. Hahn	Randy Feenstra	Pat Ward
Joni Ernst	James A. Seymour	Kent Sorenson
Steve Kettering	Merlin Bartz	Bill Anderson
Paul McKinley	Hubert Houser	Rick Bertrand
Brad Zaun	Bill Dix	

AMENDMENTS FILED

S-3305	H.F.	676	Mark Chelgren
S-3306	S.F.	533	Dennis H. Black Matt McCoy
S-3307	S.F.	533	Thomas G. Courtney
S-3308	H.F.	672	Robert M. Hogg
S-3309	S.F.	533	Robert E. Dvorsky
S-3310	S.F.	533	Jeff Danielson
S-3311	S.F.	533	Merlin Bartz
S-3312	S.F.	533	Joe M. Seng Tom Hancock Jeff Danielson Tom Rielly John P. Kibbie
S-3313	S.F.	533	Dennis H. Black Matt McCoy
S-3314	S.F.	533	Randy Feenstra
S-3315	S.F.	533	Joni Ernst
S-3316	S.F.	533	Bill Dix
S-3317	S.F.	533	Randy Feenstra David Johnson
S-3318	S.F.	533	Mark Chelgren
S-3319	S.F.	533	Shawn Hamerlinck
S-3320	S.F.	533	Shawn Hamerlinck
S-3321	S.F.	533	Brad Zaun
S-3322	S.F.	533	Shawn Hamerlinck
S-3323	S.F.	533	Shawn Hamerlinck

S-3324	S.F.	533	Thomas G. Courtney
S-3325	S.F.	533	Bill Dix
S-3326	S.F.	533	Randy Feenstra David Johnson
S-3327	S.F.	533	Joe Bolkom
S-3328	S.F.	514	House
S-3329	S.F.	466	House

JOURNAL OF THE SENATE

ONE HUNDRED SEVENTEENTH CALENDAR DAY
SIXTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, May 6, 2011

The Senate met in regular session at 10:02 a.m., Senator Black presiding.

The Journal of Tuesday, May 3, 2011, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 4, 2011, **passed** the following bill in which the concurrence of the House was asked:

Senate File 531, a bill for an act relating to motor fuels, including biofuels and renewable fuels dispensed by retail dealers, and by providing for tax credits and refunds, providing an appropriation, and including effective date and retroactive and other applicability provisions.

ALSO: That the House has on May 4, 2011, **amended** the Senate amendment, **concurred** in the Senate amendment as amended, **and passed** the following bill in which the concurrence of the Senate is asked:

House File 651, a bill for an act providing for a special civil war sesquicentennial motor vehicle registration plate, establishing fees, and making an appropriation. (S-3330)

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:03 a.m. until 9:00 a.m., Tuesday, May 10, 2011.

APPENDIX

AMENDMENT FILED

S-3330 H.F. 651 House

JOURNAL OF THE SENATE

ONE HUNDRED TWENTY-FIRST CALENDAR DAY
SIXTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, May 10, 2011

The Senate met in regular session at 9:06 a.m., President Kibbie presiding.

The Journal of Friday, May 6, 2011, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:07 a.m. until 9:00 a.m., Wednesday, May 11, 2011.

APPENDIX

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following reports:

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 9th day of May, 2011.

Senate Files 289, 302, 412, and 434.

MICHAEL E. MARSHALL
Secretary of the Senate

JOURNAL OF THE SENATE

ONE HUNDRED TWENTY-SECOND CALENDAR DAY
SIXTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, May 11, 2011

The Senate met in regular session at 9:09 a.m., Senator Bartz presiding.

The Journal of Tuesday, May 10, 2011, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 10, 2011, **adopted** the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 2, a concurrent resolution relating to the compensation of chaplains, officers, and employees of the eighty-fourth general assembly.

ALSO: That the House has on May 10, 2011, **passed** the following bill in which the concurrence of the House was asked:

Senate File 530, a bill for an act relating to the family farm property tax credit by providing for eligible entities and including effective date and applicability provisions.

ALSO: That the House has on May 10, 2011, **amended** the Senate amendment, **concurred** in the Senate amendment as amended, **and passed** the following bill in which the concurrence of the Senate is asked:

House File 672, a bill for an act relating to wind and other sources of renewable energy development and production. (S-3331)

ALSO: That the House has on May 10, 2011, **passed** the following bills in which the concurrence of the Senate is asked:

House File 688, a bill for an act relating to tax credits for investment in certain qualifying businesses or community-based seed capital funds and including retroactive applicability provisions.

Read first time and referred to committee on **Ways and Means**.

House File 693, a bill for an act relating to advertisements for the sale of hearing aids.

Read first time and referred to committee on **Human Resources**.

House File 694, a bill for an act relating to tax rates for employers with inactive accounts under the state unemployment compensation law.

Read first time and referred to committee on **Labor and Business Relations**.

House File 695, a bill for an act relating to the testing requirements for sign language interpreters and transliterators.

Read first time and referred to committee on **Human Resources**.

House File 696, a bill for an act allowing criminal history and abuse registry background checks for certain food vendors.

Read first time and referred to committee on **Human Resources**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:11 a.m. until 10:00 a.m., Thursday, May 12, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Cindy Engler, Cedar Rapids—In honor of 37 years of service with the Iowa Department of Corrections. Senator Dvorsky (5/11/11).

Mick Meeks, Cedar Rapids—In honor of 39 years of service with the Iowa Department of Corrections. Senator Dvorsky (5/11/11).

STUDY BILL RECEIVED

SSB 1212 Ways and Means

Relating to the application of certificate of need requirements to specialized outpatient surgical facilities, providing for fees, and including effective date and applicability provisions.

SUBCOMMITTEE ASSIGNMENT

SSB 1212

WAYS AND MEANS: Bolkcom, Chair; Dotzler and Smith

REPORT OF THE DIRECTOR OF THE LEGISLATIVE SERVICES AGENCY

SECRETARY OF THE SENATE: Pursuant to Senate Concurrent Resolution 2, Glen P. Dickinson, Legislative Services Agency, submits the following list of position classifications in the Office of the Legislative Services Agency and the following list of the names, positions, and grades and steps of the employees in the Legislative Services Agency:

POSITION CLASSIFICATIONS

<u>POSITION CLASSIFICATION</u>	<u>PAY GRADE</u>
Administrative Services Assistant	20
Administrative Services Officer	23
Administrative Services Officer 1	26
Administrative Services Officer 2	29
Administrative Services Officer 3	32
Senior Administrative Services Officer	35

Capitol Tour Guide Supervisor 2	25
Capitol Tour Guide Supervisor 1	22
Capitol Tour Guide	18
Director	00
Division Director	43
Senior Finance Officer 2	35
Senior Finance Officer	31
Finance Officer 2	27
Finance Officer 1	24
Legislative Document Specialist 3	30
Legislative Document Specialist 2	27
Legislative Document Specialist 1	24
Legislative Document Specialist	21
Legis. Doc. Tech. Supervisor	28
Legislative Document Tech. 3	25
Legislative Document Tech. 2	22
Legislative Document Tech. 1	19
Legislative Document Tech.	16
Senior Librarian	27
Librarian	24
Assistant Librarian	22
LIO Director 3	38
LIO Director 2	35
LIO Director 1	32
LIO Officer 3	30
LIO Officer 2	27
LIO Officer 1	24
LSA Page	9
Systems Analyst	32
CSD Division Editor/Supervisor	36
Senior Computer Systems Analyst	35
Computer Systems Analyst 3	32
Computer Systems Analyst 2	29
Computer Systems Analyst 1	27
Computer Systems Analyst	24
Senior Computer Systems Engineer	35
Computer Systems Engineer 2	32
Computer Systems Engineer 1	29
Division Administrator 2	41
Division Administrator 1	38
Session Technology Floor Asst.	17
Senior Legislative Analyst	38
Legislative Analyst 3	35
Legislative Analyst 2	32
Legislative Analyst 1	29
Legislative Analyst	27
Assistant Editor 3	30
Assistant Editor 2	27
Assistant Editor 1	24
Code Editor	41
Deputy Code Editor	35
Index Supervisor	28

Indexer 2	25
Indexer 1	22
Assistant Indexer	19
Division Editor/Supervisor	39
Senior Legal Counsel	38
Legal Counsel 2	35
Legal Counsel 1	32
Legal Counsel	30
Publications Assistant	21
Senior Research Analyst	38
Research Analyst 3	35
Research Analyst 2	32
Research Analyst 1	29
Research Analyst	27

NAMES, POSITIONS, AND GRADES AND
STEPS OF EMPLOYEES

<u>NAME</u>	<u>POSITION</u>	<u>GRADE/STEP</u>
D. Ackerman	Senior Research Analyst	38-5
J. Acton	Senior Legislative Analyst	38-3
D. Adkisson	Senior Legal Counsel	38-7
D. Allen	Senior Computer Systems Analyst	35-5
M. Anfinson	Capitol Tour Guide	18-2
J. Arnett	Capitol Tour Guide Supervisor 2	25-7
J. Bellizzi	Computer Systems Analyst 2	29-5
J. Benson	Legislative Analyst 2	32-4
J. Brandstatter	Legislative Analyst 1	29-3
M. Bray	Capitol Tour Guide	18-1
A. Bridges	Capitol Tour Guide	18-1
J. Clark	Assistant Editor 2	27-3
E. Cook	Senior Legal Counsel	38-7
C. Coppock	Capitol Tour Guide	18-1
D. Craft	Legislative Document Technician 3	25-5
J. Croatt	Assistant Editor 2	27-1
C. Cronbaugh	LIO Director 1	32-7
S. Crowley	Division Editor/Supervisor	39-7
D. Degen	Legislative Document Technician 2	22-7
G. Dickinson	Director	\$130,000.00
J. Douglas	Legislative Document Specialist 2	27-7
S. Downey	Capitol Tour Guide	18-1
T. Duncan	Legislative Document Technician 2	22-1
M. Duster	Legal Counsel 1	32-3
M. Eaton	Division Administrator 1	38-7
J. Ellenwood	Legislative Document Technician 3	25-3
A. Erazo	Assistant Editor 1	24-3
J. Ewing	Legal Counsel	30-1
D. Ferguson	Senior Legislative Analyst	38-7
C. Fisher	Systems Analyst	32-7
M. Fisher	Capitol Tour Guide	18-2
P. Funaro	Senior Legal Counsel	38-7

G. Garrett	Legislative Doc. Tech. Supervisor	28-5
M. Hagen	Legislative Document Technician 2	22-3
K. Hanlon	Senior Research Analyst	38-7
L. Henschel	Computer Systems Analyst 1	27-1
N. Herselius	Capitol Tour Guide	18-1
L. Hickey	Iowa Code Editor	41-7
R. Hjelmaas	Senior Legal Counsel	38-5
S. Hoff	Division Administrator 1	38-3
N. Hoffman	Division Editor/Supervisor	39-7
J. Ihm	Computer Systems Analyst 1	27-1
J. Jess	Capitol Tour Guide	18-1
R. Johnson	Division Director	43-7
T. Johnson	Capitol Tour Guide	18-1
J. Joy	Computer Systems Analyst 1	27-1
D. Kair	Division Administrator 1	38-7
R. Karns	Assistant Editor 3	30-5
D. Kirk	Legislative Document Technician 2	22-2
J. Koth	Senior Computer Systems Engineer	35-6
D. Kozel	Senior Legislative Analyst	38-7
J. Kroes	Senior Computer Systems Engineer	35-7
M. Kruse	Senior Finance Officer 2	35-6
B. Lambertti	LIO Officer 2	27-4
S. Laust	Legislative Doc. Tech. Supervisor	28-6
B. Lenstra	Senior Legislative Analyst	38-7
S. Lerdal	Senior Legislative Analyst	38-7
A. Lynch	Legislative Document Technician 1	19-3
E. Lyons	Capitol Tour Guide	18-1
H. Lyons	Division Director	43-7
R. Madison	Senior Legislative Analyst	38-3
T. McDermott	Senior Legal Counsel	38-7
J. McEniry	Senior Legal Counsel	38-7
C. Mercati	Capitol Tour Guide	18-1
E. Meyer	Computer Systems Analyst 1	27-4
L. Morford	Legislative Document Technician 3	25-7
S. Nabholz	Legislative Document Technician 2	22-7
N. Navara	Legislative Document Technician 3	25-7
K. Nelson	Legislative Document Technician 2	22-4
R. Nelson	Senior Legal Counsel	38-7
K. Ohms	Legislative Analyst	27-1
W. Paxson	Capitol Tour Guide	18-1
S. Person	Capitol Tour Guide	18-2
J. Pollak	Division Administrator 2	41-7
J. Powell	Indexer 2	25-6
D. Reynolds	Senior Legislative Analyst	38-7
E. Robinson	Capitol Tour Guide	18-2
J. Robinson	Senior Legislative Analyst	38-7
R. Robinson	Senior Legislative Analyst	38-5
B. Rodenkirk	Senior Computer Systems Engineer	35-2
J. Royce	Senior Legal Counsel	38-7
G. Rudicil	Senior Computer Systems Analyst	35-7
M. Rykhoek	Computer Systems Analyst 1	27-2
R. Schulze	Assistant Editor 3	30-7

M. Shipman	Division Editor/Supervisor	39-7
S. Snyder	Division Administrator 2	41-6
T. Souer	Legislative Doc. Tech. Supervisor	28-7
M. Tannian	Legislative Analyst 2	32-2
E. Terry	Session Technology Floor Asst.	17-2
D. Thompson	Legislative Analyst 1	29-4
M. Thompson	Legislative Document Technician 3	25-6
C. Thurmond	Assistant Editor 1	24-4
J. Van Engelenhoven	Division Administrator 1	38-7
V. Van Vlair Hansen	Senior Computer Systems Analyst	35-6
T. Vander Linden	Assistant Editor 3	30-7
D. Vasey	Capitol Tour Guide	18-1
T. Vasey	Capitol Tour Guide	18-1
A. Ver Heul	Senior Legal Counsel	38-4
A. Ward	Legal Counsel	30-1
J. Warner	Assistant Editor 2	27-6
M. Weber	Capitol Tour Guide	18-2
M. Weiford	Assistant Editor 1	24-5
K. Wesely	Senior Finance Officer 2	35-4
N. Westbrook	Assistant Editor 3	30-4
T. Whipple	Legal Counsel 1	32-3
J. Wood	Capitol Tour Guide	18-2

AMENDMENTS FILED

S-3331	H.F.	672	House
S-3332	H.F.	657	Kent Sorenson

JOURNAL OF THE SENATE

ONE HUNDRED TWENTY-THIRD CALENDAR DAY
SEVENTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, May 12, 2011

The Senate met in regular session at 10:09 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Nancy J. Boettger, member of the Senate from Shelby County, Harlan, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jared Elm.

The Journal of Wednesday, May 11, 2011, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 10, 2011, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 522, a bill for an act establishing a property tax credit for certain commercial, industrial, and railway property, providing penalties, and including applicability provisions. (S-3336)

Senate File 525, a bill for an act relating to reforming state and county responsibilities for adult disability services, making appropriations, and including effective date provisions. (S-3335)

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:40 a.m. until the fall of the gavel.

RECONVENED

The Senate reconvened at 12:36 p.m., President Kibbie presiding.

QUORUM CALL

Senator Gronstal requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 39 present, 11 absent, and a quorum present.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 649.

House File 649

On motion of Senator Hatch, **House File 649**, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and including effective, retroactive, and applicability date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Hatch offered amendment S-3293, filed by the committee on Appropriations on April 26, 2011, to pages 1-3, 6-12, 23, 29-31, 33-35, 37, 39-41, 47-51, 56-62, 64, 65, 70-77, 79, 81-150, and amending the title page of the bill.

Senator Johnson asked and received unanimous consent that action on amendment S-3293 be deferred.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Seymour, until he arrives, on request of Senator McKinley.

Senator Bartz offered amendment S-3337, filed by Senators Bartz and Zaun from the floor to page 48 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3337 be adopted?" (H.F. 649), the vote was:

Yeas, 24:

Anderson	Bowman	Hahn	McKinley
Bacon	Chelgren	Hamerlinck	Smith
Bartz	Dix	Houser	Sorenson
Behn	Ernst	Johnson	Ward
Bertrand	Feenstra	Kapucian	Whitver
Boettger	Greiner	Kettering	Zaun

Nays, 25:

Beall	Dotzler	Horn	Schoenjahn
Black	Dvorsky	Jochum	Seng
Bolkcom	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	
Dearden	Hogg	Rielly	

Absent, 1:

Seymour

Amendment S-3337 lost.

The Senate resumed consideration of amendment S-3293, previously deferred.

Senator Hatch offered amendment S-3333, filed by him from the floor to pages 1-4, 8-10, 12-15, 19, 21-24, 28, 51, and 52 of amendment S-3293, and moved its adoption.

Amendment S-3333 was adopted by a voice vote.

Senator Johnson offered amendment S-3339, filed by him from the floor to page 52 of amendment S-3293.

Senator Gronstal asked and received unanimous consent that action on amendment S-3339 and **House File 649** be **deferred**.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 645.

House File 645

On motion of Senator Schoenjahn, **House File 645**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing for related matters and for effective date, applicability provisions and retroactive applicability provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Schoenjahn offered amendment S-3287, filed by the committee on Appropriations on April 21, 2011, striking and replacing everything after the enacting clause of the bill.

Senator Schoenjahn withdrew amendment S-3294, filed by him on April 26, 2011, to pages 8, 14, 19, 21, 24, 36, 37, and 40 of amendment S-3287.

Senator Schoenjahn withdrew amendment S-3334, filed by him from the floor to pages 8, 14, 17, 21, 22, 24, 25, 28, 33, 36, 37, and 40 of amendment S-3287.

Senator Schoenjahn offered amendment S-3338, filed by him from the floor to pages 8, 14, 17, 19, 21, 22, 24, 25, 28, 33, 36, 37, and 40 of amendment S-3287, and moved its adoption.

Amendment S-3338 was adopted by a voice vote.

With the adoption of amendment S-3338 (to amendment S-3287), the Chair ruled amendment S-3295, filed by Senator McCoy on April 27, 2011, to pages 22 and 25 of the bill, out of order.

Senator Schoenjahn moved the adoption of amendment S-3287, as amended.

A record roll call was requested.

On the question "Shall amendment S-3287, as amended, be adopted?" (H.F. 645), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, 23:

Anderson	Chelgren	Hamerlinck	Smith
Bacon	Dix	Houser	Sorenson
Bartz	Ernst	Johnson	Ward
Behn	Feenstra	Kapucian	Whitver
Bertrand	Greiner	Kettering	Zaun
Boettger	Hahn	McKinley	

Absent, 1:

Seymour

Amendment S-3287, as amended, was adopted.

Senator Schoenjahn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 645), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, 23:

Anderson	Chelgren	Hamerlinck	Smith
Bacon	Dix	Houser	Sorenson
Bartz	Ernst	Johnson	Ward
Behn	Feenstra	Kapucian	Whitver
Bertrand	Greiner	Kettering	Zaun
Boettger	Hahn	McKinley	

Absent, 1:

Seymour

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

SPECIAL GUEST

President Kibbie introduced to the Senate chamber the Honorable Neal Schuerer, former member of the Senate from Iowa County, Amana, Iowa.

The Senate rose and expressed its welcome.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 645** be **immediately messaged** to the House.

The Senate stood at ease at 2:12 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:38 p.m., President Kibbie presiding.

BUSINESS PENDING

House File 649

The Senate resumed consideration of **House File 649**, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and including effective, retroactive, and applicability date provisions, and amendment S-3339, previously deferred.

Senator Hatch raised the point of order that amendment S-3339 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-3339 out of order.

Senator Johnson offered amendment S-3340, filed by him from the floor to page 52 of amendment S-3293.

(Amendment S-3340 and House File 649 were deferred.)

The Senate stood at ease at 2:46 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 3:12 p.m., President Kibbie presiding.

The Senate resumed consideration of amendment S-3340 and House File 649, previously deferred.

Senator Gronstal asked and received unanimous consent that action on amendment S-3340 and **House File 649** be **deferred**.

HOUSE AMENDMENT CONSIDERED

Senate File 514

Senator Dotzler called up for consideration **Senate File 514**, a bill for an act relating to the administration of the redevelopment tax credit program for brownfields and grayfields and including

retroactive applicability provisions, amended by the House in House amendment S-3328, filed May 3, 2011.

Senator Dotzler moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Dotzler moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 514), the vote was:

Yeas, 49:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Smith
Behn	Dvorsky	Jochum	Sodders
Bertrand	Ernst	Johnson	Sorenson
Black	Feenstra	Kapucian	Ward
Boettger	Fraise	Kettering	Whitver
Bolkcom	Greiner	Kibbie	Wilhelm
Bowman	Gronstal	McCoy	Zaun
Chelgren	Hahn	McKinley	
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, 1:

Seymour

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 514** be **immediately messaged** to the House.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

House File 672

Senator Hogg called up for consideration **House File 672**, a bill for an act relating to wind and other sources of renewable energy development and production, amended by the Senate and further amended by the House in House amendment S-3331 to Senate amendment H-1706, filed May 11, 2011.

Senator Hogg moved that the Senate concur in the House amendment to the Senate amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Hogg moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 672), the vote was:

Yeas, 49:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Smith
Behn	Dvorsky	Jochum	Sodders
Bertrand	Ernst	Johnson	Sorenson
Black	Feenstra	Kapucian	Ward
Boettger	Fraise	Kettering	Whitver
Bolkcom	Greiner	Kibbie	Wilhelm
Bowman	Gronstal	McCoy	Zaun
Chelgren	Hahn	McKinley	
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, 1:

Seymour

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 672** be **immediately messaged** to the House.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED**House File 651**

Senator McCoy called up for consideration **House File 651**, a bill for an act providing for a special civil war sesquicentennial motor vehicle registration plate, establishing fees, and making an appropriation, amended by the Senate and further amended by the House in House amendment S-3330 to Senate amendment H-1662, filed May 6, 2011.

Senator McCoy moved that the Senate concur in the House amendment to the Senate amendment.

A record roll call was requested.

On the question “shall the motion to concur be adopted?” (H.F. 651), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 23:

Anderson	Chelgren	Hamerlinck	Smith
Bacon	Dix	Houser	Sorenson
Bartz	Ernst	Johnson	Ward
Behn	Feenstra	Kapucian	Whitver
Bertrand	Greiner	Kettering	Zaun
Boettger	Hahn	McKinley	

Absent, 1:

Seymour

The motion prevailed and the Senate **concurred** in the House amendment to the Senate amendment.

Senator McCoy moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 651), the vote was:

Yeas, 49:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Smith
Behn	Dvorsky	Jochum	Sodders
Bertrand	Ernst	Johnson	Sorenson
Black	Feenstra	Kapucian	Ward
Boettger	Fraise	Kettering	Whitver
Bolkcom	Greiner	Kibbie	Wilhelm
Bowman	Gronstal	McCoy	Zaun
Chelgren	Hahn	McKinley	
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, 1:

Seymour

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 651** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 3:31 p.m. until 4:45 p.m.

EVENING SESSION

The Senate reconvened at 7:20 p.m., President Kibbie presiding.

SPECIAL PRESENTATION TO SENATE PAGES

The Senate Pages were invited to the well of the Senate for a special presentation and were thanked by Senators Gronstal and McKinley for their service to the Senate.

Certificates of Excellence for serving with honor and distinction as Senate Pages during the 2011 Regular Session of the Eighty-fourth General Assembly were given to the following:

Jonathan Beatty, Joelle Brown, Natasha Dutta, Jared Elm, Ethan Fredrick, Jim Gulbranson, Quinn Hejlik, Maria Lewis, Austin Pappan, Alicia Schalla, Hannah Walsh, and Samantha Wehr.

The Senate rose and expressed its appreciation.

The Senate stood at ease at 7:24 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 8:08 p.m., President Kibbie presiding.

BUSINESS PENDING

House File 649

The Senate resumed consideration of **House File 649**, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and including effective, retroactive, and applicability date provisions, and amendment S-3340, previously deferred.

Senator Johnson asked and received unanimous consent that action on amendment S-3340 be deferred.

Senator Quirmbach offered amendment S-3342, filed by him from the floor to pages 24 and 25 of amendment S-3293, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 25, nays 23, absent 1.

Amendment S-3342 was adopted.

Senator Johnson withdrew amendment S-3340.

Senator Johnson offered amendment S-3343, filed by him from the floor to pages 4 and 52 of amendment S-3293.

Senator Hatch raised the point of order that amendment S-3343 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-3343 out of order.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, until he returns, on request of Senator Kettering.

Senator Hatch moved the adoption of amendment S-3293, as amended.

A record roll call was requested.

On the question "Shall amendment S-3293, as amended, be adopted?" (H.F. 649), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, 22:

Anderson	Chelgren	Hamerlinck	Sorenson
Bacon	Dix	Johnson	Ward
Bartz	Ernst	Kapucian	Whitver
Behn	Feenstra	Kettering	Zaun
Bertrand	Greiner	McKinley	
Boettger	Hahn	Smith	

Absent, 2:

Houser	Seymour
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Amendment S-3293, as amended, was adopted.

Senator Hatch moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 649), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 22:

Anderson	Chelgren	Hamerlinck	Sorenson
Bacon	Dix	Johnson	Ward
Bartz	Ernst	Kapucian	Whitver
Behn	Feenstra	Kettering	Zaun
Bertrand	Greiner	McKinley	
Boettger	Hahn	Smith	

Absent, 2:

Houser	Seymour
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 649** be **immediately messaged** to the House.

INTRODUCTION OF BILL

Senate File 534, by committee on Ways and Means, a bill for an act relating to the application of certificate of need requirements to specialized outpatient surgical facilities, providing for fees, and including effective date and applicability provisions.

Read first time and **placed on Ways and Means calendar**.

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: *SENATE FILE 534 (SSB 1212), a bill for an act relating to the application of certificate of need requirements to specialized outpatient surgical facilities, providing for fees, and including effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Bolkcom, Seng, Black, Dandekar, Dotzler, Hogg, Jochum, McCoy, and Quirmbach. Nays, 6: Zaun, Anderson, Bartz, Chelgren, Feenstra, and Smith. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 534, and they were attached to the committee report.

Senator Gronstal asked unanimous consent to take up for consideration Senate File 534.

Objection was raised by Senator Sorenson.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:40 p.m. until 8:00 a.m., Friday, May 13, 2011.

APPENDIX

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Mabel Smith, Spencer (formerly Terril)—For celebrating her 100th birthday. Senator Johnson (5/12/11).

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: Thursday, May 12, 2011, 10:40 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; McKinley, Ranking Member; Bartz, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun.

Members Absent: None.

Committee Business: Approved governor's appointees.

Adjourned: 10:45 a.m.

WAYS AND MEANS

Convened: Thursday, May 12, 2011, 4:30 p.m.

Members Present: Bolkcom, Chair; Seng, Vice Chair; Zaun, Ranking Member; Anderson, Bartz, Black, Chelgren, Dandekar, Dotzler, Feenstra, Hogg, Jochum, McCoy, Quirmbach, and Smith.

Members Absent: None.

Committee Business: Approved SSB 1212, as amended.

Recessed: 4:35 p.m.

Reconvened: 5:15 p.m.

Recessed: 5:40 p.m.

Reconvened: 6:00 p.m.

Recessed: 6:30 p.m.

Reconvened: 7:05 p.m.

Adjourned: 7:10 p.m.

SUBCOMMITTEE ASSIGNMENT

House File 694

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Courtney and Ward

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on May 12, 2011, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 289 – Relating to open records and public meetings and including effective date provisions.

Senate File 302 – Increasing the amount of tax credits available under the endow Iowa program and including effective date and retroactive applicability provisions.

Senate File 412 – Relating to the powers and governance of benefited recreational lake districts, water quality districts, and combined recreational lake and water quality districts.

Senate File 434 – Relating to property taxes and fees by modifying provisions relating to receipts for the payment of property taxes and provisions relating to delinquent rates and charges and by specifying certain dates for notices and delinquency.

APPOINTMENTS

The following appointees were submitted to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

BY THE GOVERNOR

TERM

AFRICAN AMERICANS, COMMISSION ON THE STATUS OF (216A.142)

L. Duane Murray, West Des Moines	05/02/2011 – 04/30/2012
Clair Rudison, Jr., Des Moines	04/28/2011 – 04/30/2012

COMMUNITY ACTION AGENCIES, COMMISSION ON (216A.92A)

Anna Brown, De Witt	05/01/2011 – 04/30/2014
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TRANSPORTATION, DIRECTOR OF (307.11)

Paul Trombino III, Verona, WI	05/09/2011 – Pleasure of the Governor
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WORKFORCE DEVELOPMENT BOARD, IOWA (84A.1A)

Andy Roberts, Urbandale	05/01/2011 – 04/30/2015
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The appointments were referred to the committee on **Rules and Administration**.

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor's appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on May 12, 2011:

LABOR AND BUSINESS RELATIONS

Andy Roberts – Iowa Workforce Development Board

STATE GOVERNMENT

L. Duane Murray – Commission on the Status of African Americans
Clair Rudison, Jr. – Commission on the Status of African Americans

Anna Brown – Commission on Community Action Agencies

TRANSPORTATION

Paul Trombino III – Director of Transportation

APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on May 12, 2011, to investigate the appointment and reappointment of the following appointees:

LABOR AND BUSINESS RELATIONS

As a member of the Iowa Workforce Development Board:

ANDY ROBERTS – Jochum, Chair; Hatch and Ward

STATE GOVERNMENT

As members of the Commission on the Status of African Americans:

L. DUANE MURRAY – Jochum, Chair; Danielson and Feenstra
CLAIR RUDISON, JR. – Jochum, Chair; Danielson and Feenstra

As a member of the Commission on Community Action Agencies:

ANNA BROWN – Jochum, Chair; Danielson and Feenstra

TRANSPORTATION

As Director of Transportation:

PAUL TROMBINO III – Rielly, Chair; Danielson and Kapucian

REPORT OF THE CITIZENS' AIDE/OMBUDSMAN

SECRETARY OF THE SENATE: Pursuant to Senate Concurrent Resolution 2, Ruth H. Cooperrider, Citizens' Aide/Ombudsman, submits the following list of position classifications in the Office of the Citizens' Aide/Ombudsman and the following list of the names, positions, and grades and steps of the employees in the Office of the Citizens' Aide/Ombudsman:

POSITION CLASSIFICATIONS

<u>POSITION CLASSIFICATION</u>	<u>PAY GRADE</u>
Citizens' Aide/Ombudsman	45
Deputy	41
Senior Legal Counsel	38
Legal Counsel 2	35
Legal Counsel 1	32
Senior Assistant Ombudsman	38
Assistant Ombudsman 3	35
Assistant Ombudsman 2	32
Assistant Ombudsman 1	29
Senior Finance Officer 2	35
Senior Finance Officer	31
Finance Officer 2	27
Finance Officer 1	24
Executive Secretary	24
Administrative Secretary	21
Secretary/Receptionist	19
Intern	19

NAMES, POSITIONS, AND GRADES AND STEPS OF EMPLOYEES

<u>NAME</u>	<u>POSITION</u>	<u>GRADE/STEP</u>
L. Brundies	Assistant Ombudsman 1	29-3
J. Burdick Crane	Senior Finance Officer 2	35-4
J. Burnham	Senior Assistant Ombudsman	38-7
R. Calloway	Assistant Ombudsman 3	35-6
R. Cooperrider	Citizens' Aide/Ombudsman	45-5
B. Dalmer	Assistant Ombudsman 2	35-2
E. Hart	Assistant Ombudsman 2	32-5
K. Hirschman	Senior Assistant Ombudsman	38-7
E. Johnson	Intern	Unpaid

D. Julien	Citizens' Aide/Ombudsman Secretary/ Receptionist	19-3
A. McBride	Assistant Ombudsman 2	32-5
E. Mitchell-Sadler	Assistant Ombudsman 2	32-6
C. Teas	Assistant Ombudsman 2	32-2
B. Van Allen	Assistant Ombudsman 2	32-4
K. White	Assistant Ombudsman 3	35-6

AMENDMENTS FILED

S-3333	H.F.	649	Jack Hatch
S-3334	H.F.	645	Brian Schoenjahn
S-3335	S.F.	525	House
S-3336	S.F.	522	House
S-3337	H.F.	649	Merlin Bartz Brad Zaun
S-3338	H.F.	645	Brian Schoenjahn
S-3339	H.F.	649	David Johnson
S-3340	H.F.	649	David Johnson
S-3341	H.F.	589	Tom Rielly Tim L. Kapucian
S-3342	H.F.	649	Herman C. Quirnbach
S-3343	H.F.	649	David Johnson

JOURNAL OF THE SENATE

ONE HUNDRED TWENTY-FOURTH CALENDAR DAY
SEVENTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, May 13, 2011

The Senate met in regular session at 8:05 a.m., Senator Schoenjahn presiding.

The Journal of Thursday, May 12, 2011, was approved.

ADJOURNMENT

On motion of Senator Courtney, the Senate adjourned at 8:06 a.m. until 9:30 a.m., Saturday, May 14, 2011.

JOURNAL OF THE SENATE

ONE HUNDRED TWENTY-FIFTH CALENDAR DAY
SEVENTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Saturday, May 14, 2011

The Senate met in regular session at 9:30 a.m., Senator Black presiding.

The Journal of Friday, May 13, 2011, was approved.

ADJOURNMENT

On motion of Senator McCoy, the Senate adjourned at 9:31 a.m. until 1:00 p.m., Monday, May 16, 2011.

JOURNAL OF THE SENATE

ONE HUNDRED TWENTY-SEVENTH CALENDAR DAY
SEVENTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, May 16, 2011

The Senate met in regular session at 1:13 p.m., President Kibbie presiding.

Prayer was offered by the Honorable Daryl Beall, member of the Senate from Webster County, Fort Dodge, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senator Beall.

The Journal of Saturday, May 14, 2011, was approved.

The Senate stood at ease at 1:17 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:11 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, until he arrives, on request of Senator Kettering.

Senator Sorenson made the motion, under Rule 19, that the Senate resolve itself into a Committee of the Whole to consider House File 657.

On the question “Shall the Senate resolve itself into a Committee of the Whole to consider H.F. 657?”, the vote was:

Yeas, 23:

Anderson	Chelgren	Hamerlinck	Smith
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Greiner	McKinley	Zaun
Boettger	Hahn	Seymour	

Nays, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Absent, 1:

Houser

The motion lost.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 534.

Senate File 534

On motion of Senator Bolkcom, **Senate File 534**, a bill for an act relating to the application of certificate of need requirements to specialized outpatient surgical facilities, providing for fees, and including effective date and applicability provisions, was taken up for consideration.

Senator Chelgren offered amendment S-3345, filed by him from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Bolkcom raised the point of order that amendment S-3345 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-3345 out of order.

Senator Chelgren offered amendment S-3346, filed by him from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Bolkcom raised the point of order that amendment S-3346 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-3346 out of order.

Senator Chelgren offered amendment S-3348, filed by him from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Bolkcom raised the point of order that amendment S-3348 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-3348 out of order.

Senator Ernst offered amendment S-3344, filed by Senators Ernst and Dix from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3344 be adopted?" (S.F. 534), the vote was:

Yeas, 23:

Anderson	Chelgren	Hamerlinck	Smith
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Greiner	McKinley	Zaun
Boettger	Hahn	Seymour	

Nays, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Absent, 1:

Houser

Amendment S–3344 lost.

Senator Bartz offered amendment S–3347, filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–3347 be adopted?” (S.F. 534), the vote was:

Yeas, 23:

Anderson	Chelgren	Hamerlinck	Smith
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Greiner	McKinley	Zaun
Boettger	Hahn	Seymour	

Nays, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Absent, 1:

Houser

Amendment S–3347 lost.

Senator Bolkcom moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 534), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 23:

Anderson	Chelgren	Hamerlinck	Smith
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Greiner	McKinley	Zaun
Boettger	Hahn	Seymour	

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 534** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:17 p.m. until 9:00 a.m., Thursday, May 19, 2011.

APPENDIX

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Story County Conservation Director Steve Lekwa—For 38 years of leadership and service in protecting the natural environment and outdoor recreational opportunities for the people of Story County. Senator Quirnbach (5/16/11).

GOVERNOR'S APPOINTEE PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

Pursuant to Senate Rule 59, the Judiciary committee having failed to file its report within the prescribed time, the nominee, Sandra Blodgett as a member of the Commission on Judicial Qualifications, is now automatically placed, without recommendation, upon the individual confirmation calendar.

AMENDMENTS FILED

S-3344	S.F.	534	Joni Ernst Bill Dix
S-3345	S.F.	534	Mark Chelgren
S-3346	S.F.	534	Mark Chelgren
S-3347	S.F.	534	Merlin Bartz
S-3348	S.F.	534	Mark Chelgren

JOURNAL OF THE SENATE

ONE HUNDRED THIRTIETH CALENDAR DAY
SEVENTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, May 19, 2011

The Senate met in regular session at 1:35 p.m., President Kibbie presiding.

The Journal of Monday, May 16, 2011, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:36 p.m. until 1:00 p.m., Monday, May 23, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Honorable Li Sheng, Director-General within the Ministry of Agriculture of the People's Republic of China—For being welcomed as an honored guest and proclaimed an Honorary Iowan. Senator Beall (5/19/11).

Honorable Mauro Vieria, Brazilian Ambassador to the United States—For being welcomed as an honored guest and proclaimed an Honorary Iowan. Senator Beall (5/19/11).

Jodi Chipman, RN, IBCLC—For being named one of the 100 Great Iowa Nurses. Senator Rielly (5/19/11).

Melinda Groenendyk, RN—For being named one of the 100 Great Iowa Nurses. Senator Rielly (5/19/11).

SUBCOMMITTEE ASSIGNMENT

House File 688

WAYS AND MEANS: Dotzler, Chair; Bartz and Bolkcom

GOVERNOR'S APPOINTEE PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

Pursuant to Senate Rule 59, the State Government committee having failed to file its report within the prescribed time, the nominee, Jill Ellsworth as a member of the Board of Massage Therapy, is now automatically placed, without recommendation, upon the individual confirmation calendar.

JOURNAL OF THE SENATE

ONE HUNDRED THIRTY-FOURTH CALENDAR DAY
SEVENTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, May 23, 2011

The Senate met in regular session at 1:03 p.m., President Kibbie presiding.

The Journal of Thursday, May 19, 2011, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:04 p.m. until 10:00 a.m., Thursday, May 26, 2011.

APPENDIX

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 23rd day of May, 2011.

Senate Files 526, 530, and 531.

MICHAEL E. MARSHALL
Secretary of the Senate

GOVERNOR'S APPOINTEE PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

Pursuant to Senate Rule 59, the Judiciary committee having failed to file its report within the prescribed time, the nominee, Patricia Lipski as a member of the Iowa State Civil Rights Commission, is now automatically placed, without recommendation, upon the individual confirmation calendar.

JOURNAL OF THE SENATE

ONE HUNDRED THIRTY-SEVENTH CALENDAR DAY
SEVENTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, May 26, 2011

The Senate met in regular session at 10:10 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Daryl Beall, member of the Senate from Webster County, Fort Dodge, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senator Beall.

The Journal of Monday, May 23, 2011, was approved.

The Senate stood at ease at 10:35 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 1:56 p.m., President Kibbie presiding.

QUORUM CALL

Senator Gronstal requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent, and a quorum present.

HOUSE AMENDMENT CONSIDERED

Senate File 525

Senator Hatch called up for consideration **Senate File 525**, a bill for an act relating to reforming state and county responsibilities for

adult disability services, making appropriations, and including effective date provisions, amended by the House in House amendment S-3335, filed May 12, 2011.

Senator Hatch offered amendment S-3349, filed by him from the floor to pages 1, 2, 4, 6-9, 11, 12, and 17 of House amendment S-3335.

(Amendment S-3349 to amendment S-3335 and **Senate File 525** were **deferred**.)

The Senate stood at ease at 2:15 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 2:30 p.m., President Kibbie presiding.

The Senate resumed consideration of amendment S-3349 to amendment S-3335, previously deferred.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Anderson, Bertrand, Hamerlinck, Houser, and Johnson, until they arrive, on request of Senator McKinley.

Senator Hatch moved the adoption of amendment S-3349 to amendment S-3335.

Amendment S-3349 to amendment S-3335 was adopted by a voice vote.

Senator Hatch moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Hatch moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 525), the vote was:

Yeas, 36:

Bartz	Dearden	Hatch	Ragan
Beall	Dotzler	Hogg	Rielly
Black	Dvorsky	Horn	Schoenjahn
Boettger	Ernst	Jochum	Seng
Bolkcom	Fraise	Kapucian	Seymour
Bowman	Greiner	Kettering	Sodders
Courtney	Gronstal	Kibbie	Ward
Dandekar	Hahn	McCoy	Wilhelm
Danielson	Hancock	Quirmbach	Zaun

Nays, 9:

Bacon	Dix	Smith
Behn	Feenstra	Sorenson
Chelgren	McKinley	Whitver

Absent, 5:

Anderson	Hamerlinck	Johnson
Bertrand	Houser	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 525** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 2:34 p.m. until 11:30 a.m., Friday, May 27, 2011.

APPENDIX

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Richard and Mary Jane Rasmussen—For celebrating their 60th wedding anniversary. Senator Seng (5/26/11).

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: Thursday, May 26, 2011, 2:40 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Bartz, Black, Boettger, Bolkcom, Danielson, Dix, Dotzler, Fraise, Hancock, Hogg, Jochum, Kapucian, Ragan, Schoenjahn, and Seymour.

Members Absent: Hatch, Houser, and Johnson (all excused).

Committee Business: Passed SF 500, as amended.

Adjourned: 2:45 p.m.

INTRODUCTION OF BILL

Senate File 535, by committee on Appropriations, a bill for an act relating to the water resources coordinating council, including by transferring associated powers and duties from the office of the governor to the department of agriculture and land stewardship.

Read first time under Rule 28 and **placed on Appropriations calendar**.

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: *SENATE FILE 535 (formerly SF 500), a bill for an act relating to the water resources coordinating council, including by transferring associated powers and duties from the office of the governor to the department of agriculture and land stewardship.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 18: Dvorsky, McCoy, Kettering, Bartz, Black, Boettger, Bolkcom, Danielson, Dix, Dotzler, Fraise, Hancock, Hogg, Jochum, Kapucian, Ragan, Schoenjahn, and Seymour. Nays, none. Absent, 3: Hatch, Houser, and Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 535, and they were attached to the committee report.

AMENDMENTS FILED

S-3349	S.F.	525	Jack Hatch
S-3350	H.F.	590	Steven J. Soddors

JOURNAL OF THE SENATE

ONE HUNDRED THIRTY-EIGHTH CALENDAR DAY
SEVENTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, May 27, 2011

The Senate met in regular session at 11:32 a.m., Senator McCoy presiding.

The Journal of Thursday, May 26, 2011, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 11:33 a.m. until 4:00 p.m., Tuesday, May 31, 2011.

APPENDIX

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on May 26, 2011, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 526 – Relating to certain forms of gambling, including horse racing, pari-mutuel wagering, and gambling games, and requiring a study of intrastate internet poker, and including effective date and retroactive applicability provisions.

Senate File 530 – Relating to the family farm property tax credit by providing for eligible entities and including effective date and applicability provisions.

Senate File 531 – Relating to motor fuels, including biofuels and renewable fuels dispensed by retail dealers, and by providing for tax credits and refunds, providing an appropriation, and including effective date and retroactive and other applicability provisions.

JOURNAL OF THE SENATE

ONE HUNDRED FORTY-SECOND CALENDAR DAY
SEVENTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, May 31, 2011

The Senate met in regular session at 4:05 p.m., President Kibbie presiding.

The Journal of Friday, May 27, 2011, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:06 p.m. until 8:00 a.m., Friday, June 3, 2011.

APPENDIX

COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

OFFICE OF CITIZENS' AIDE/OMBUDSMAN

2010 Annual Report, pursuant to Iowa Code section 2C.18. Report received on May 31, 2011.

JOURNAL OF THE SENATE

ONE HUNDRED FORTY-FIFTH CALENDAR DAY
SEVENTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, June 3, 2011

The Senate met in regular session at 8:10 a.m., President Kibbie presiding.

The Journal of Tuesday, May 31, 2011, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:11 a.m. until 10:00 a.m., Tuesday, June 7, 2011.

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

The Honorable Leonard Andersen—For celebrating his 100th birthday and for his years of service in the Iowa Legislature. Senator Anderson (6/3/11).

JOURNAL OF THE SENATE

ONE HUNDRED FORTY-NINTH CALENDAR DAY
EIGHTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, June 7, 2011

The Senate met in regular session at 10:08 a.m., President Kibbie presiding.

The Journal of Friday, June 3, 2011, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:09 a.m. until 11:00 a.m., Friday, June 10, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Emily Baker, Marion—For being honored at the Ninth Annual Governor's Scholar Recognition Ceremony for her outstanding academic achievement. Senator Dandekar (6/7/11).

Guttenberg Municipal Hospital Workers and Staff—For participating in the renovation and joining in the celebration of the Ribbon Cutting Event and Dedication. Senator Schoenjahn (6/7/11).

Markus Newton, Marion—For being honored at the Ninth Annual Governor's Scholar Recognition Ceremony for his outstanding academic achievement. Senator Dandekar (6/7/11).

Fannie Zeigler, Mason City—For celebrating her 90th birthday. Senator Ragan (6/7/11).

BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 7th day of June, 2011.

Senate File 514.

MICHAEL E. MARSHALL
Secretary of the Senate

JOURNAL OF THE SENATE

ONE HUNDRED FIFTY-SECOND CALENDAR DAY
EIGHTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, June 10, 2011

The Senate met in regular session at 11:07 a.m., Senator Dearden presiding.

The Journal of Tuesday, June 7, 2011, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on June 8, 2011, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 534, a bill for an act relating to the application of certificate of need requirements to specialized outpatient surgical facilities, providing for fees, and including effective date and applicability provisions. (S-3351)

ALSO: That the House has on June 8, 2011, **passed** the following bill in which the concurrence of the Senate is asked:

House File 697, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to taxation, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

Read first time and referred to committee on **Appropriations**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 11:08 a.m. until 10:00 a.m., Tuesday, June 14, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

His Excellency Han Duk-soo, Korean Ambassador to the United States—For being recognized as a Distinguished Guest of the people of Iowa and as an Honorary Iowan. Senator Beall (6/10/11).

The Honorable Kou Jianping, from the Chinese Ministry of Agriculture—For being recognized as a Distinguished Guest of the people of Iowa and as an Honorary Iowan. Senator Beall (6/10/11).

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on June 9, 2011, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 514 – Relating to the administration of the redevelopment tax credit program for brownfields and grayfields and including retroactive applicability provisions.

AMENDMENT FILED

S-3351 S.F. 534 House

JOURNAL OF THE SENATE

ONE HUNDRED FIFTY-SIXTH CALENDAR DAY
EIGHTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, June 14, 2011

The Senate met in regular session at 10:00 a.m., Senator Hogg presiding.

The Journal of Friday, June 10, 2011, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:01 a.m. until 10:00 a.m., Friday, June 17, 2011.

APPENDIX

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Sean Mitchell Loew—For achieving the rank of Eagle Scout, Troop 150. Senator Behn (6/14/11).

JOURNAL OF THE SENATE

ONE HUNDRED FIFTY-NINTH CALENDAR DAY
EIGHTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, June 17, 2011

The Senate met in regular session at 10:13 a.m., Senator Hatch presiding.

The Journal of Tuesday, June 14, 2011, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:14 a.m. until 1:00 p.m., Monday, June 20, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Kyle McGriff, Badger—For achieving the rank of Eagle Scout, Troop 108. Senator Beall (6/17/11).

Aaron Daniel Sprengeler—For achieving the rank of Eagle Scout, Troop 145. Senator Behn (6/17/11).

SUBCOMMITTEE ASSIGNMENT

House File 697

APPROPRIATIONS: Dvorsky, Chair; Bolkcom, Dix, Hatch, and Kettering

JOURNAL OF THE SENATE

ONE HUNDRED SIXTY-SECOND CALENDAR DAY
EIGHTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, June 20, 2011

The Senate met in regular session at 1:06 p.m., President Kibbie presiding.

The Journal of Friday, June 17, 2011, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:07 p.m. until 10:00 a.m., Tuesday, June 21, 2011.

APPENDIX

COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF TRANSPORTATION

Motor Vehicle Division Building Project Report, pursuant to 2006 Iowa Acts, HF 466. Report received on June 20, 2011.

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Gilbert School Superintendent John Kinley—For 36 years of outstanding leadership and service to the students of Gilbert, Ames, and all of Iowa. Senator Quirnbach (6/20/11).

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: Monday, June 20, 2011, 5:05 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Bartz, Black, Boettger, Bolkom, Danielson, Dix, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Ragan, Schoenjahrn, and Seymour.

Members Absent: Houser (excused).

Committee Business: Approved SSBs 1213, 1214, 1215, 1216, 1217, 1218, and 1219.

Recessed: 5:10 p.m.

Reconvened: 6:00 p.m.

Adjourned: 6:35 p.m.

INTRODUCTION OF BILLS

Senate File 536, by committee on Appropriations, a bill for an act 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 conditional retroactive applicability provisions.

Read first time under Rule 28 and **placed on Appropriations calendar.**

Senate File 537, by committee on Appropriations, a bill for an act relating to and making appropriations to the judicial branch and including effective date and retroactive applicability provisions.

Read first time under Rule 28 and **placed on Appropriations calendar.**

Senate File 538, by committee on Appropriations, a bill for an act relating to the finances of state and local government by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities,

and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

Read first time under Rule 28 and **placed on Appropriations calendar.**

Senate File 539, by committee on Appropriations, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing for related matters, for penalties and remedies, and for effective date, applicability, and retroactive applicability provisions.

Read first time under Rule 28 and **placed on Appropriations calendar.**

Senate File 540, by committee on Appropriations, a bill for an act relating to and making appropriations to designated state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and including effective date and contingent retroactive applicability date provisions.

Read first time under Rule 28 and **placed on Appropriations calendar.**

Senate File 541, by committee on Appropriations, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, and other funds, providing for related matters and including effective date and retroactive applicability provisions.

Read first time under Rule 28 and **placed on Appropriations calendar.**

Senate File 542, by committee on Appropriations, a bill for an act relating to and making appropriations for health and human services and including other related provisions, providing penalties, and including effective, retroactive, and applicability date provisions.

Read first time under Rule 28 and **placed on Appropriations calendar.**

STUDY BILLS RECEIVED

SSB 1213 Appropriations

Relating to and making appropriations to the judicial branch and including effective date and retroactive applicability provisions.

SSB 1214 Appropriations

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 conditional retroactive applicability provisions.

SSB 1215 Appropriations

Relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, and other funds, providing for related matters and including effective date and retroactive applicability provisions.

SSB 1216 Appropriations

Relating to and making appropriations to designated state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and including effective date and contingent retroactive applicability date provisions.

SSB 1217 Appropriations

Relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing for related matters, for penalties and remedies, and for effective date, applicability, and retroactive applicability provisions.

SSB 1218 Appropriations

Relating to and making appropriations for health and human services and including other related provisions, providing penalties, and including effective, retroactive, and applicability date provisions.

SSB 1219 Appropriations

Relating to the finances of state and local government by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

SUBCOMMITTEE ASSIGNMENTS**SSB 1213**

APPROPRIATIONS: Hancock, Chair; Hogg and Seymour

SSB 1214

APPROPRIATIONS: McCoy, Chair; Dvorsky and Kapucian

SSB 1215

APPROPRIATIONS: McCoy, Chair; Dvorsky and Kapucian

SSB 1216

APPROPRIATIONS: Jochum, Chair; Bartz and Danielson

SSB 1217

APPROPRIATIONS: Schoenjahn, Chair; Dix and Dvorsky

SSB 1218

APPROPRIATIONS: Hatch, Chair; Johnson and Ragan

SSB 1219

APPROPRIATIONS: Dvorsky, Chair; Danielson and Kettering

FINAL COMMITTEE REPORTS OF BILL ACTION**APPROPRIATIONS**

Bill Title: SENATE FILE 536 (SSB 1214), a bill for an act 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 conditional retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dvorsky, McCoy, Black, Bolkom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 7: Kettering, Bartz, Boettger, Dix, Johnson, Kapucian, and Seymour. Absent, 1: Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 537 (SSB 1213), a bill for an act relating to and making appropriations to the judicial branch and including effective date and retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dvorsky, McCoy, Black, Bolkom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 7: Kettering, Bartz, Boettger, Dix, Johnson, Kapucian, and Seymour. Absent, 1: Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 538 (SSB 1219), a bill for an act relating to the finances of state and local government by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for

properly related matters, and including effective date and retroactive and other applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dvorsky, McCoy, Black, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 7: Kettering, Bartz, Boettger, Dix, Johnson, Kapucian, and Seymour. Absent, 1: Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 539 (SSB 1217), a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing for related matters, for penalties and remedies, and for effective date, applicability, and retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dvorsky, McCoy, Black, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 7: Kettering, Bartz, Boettger, Dix, Johnson, Kapucian, and Seymour. Absent, 1: Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 540 (SSB 1216), a bill for an act relating to and making appropriations to designated state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and including effective date and contingent retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dvorsky, McCoy, Black, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 7: Kettering, Bartz, Boettger, Dix, Johnson, Kapucian, and Seymour. Absent, 1: Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 540, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 541 (SSB 1215), a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds

capitals fund, and other funds, providing for related matters and including effective date and retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dvorsky, McCoy, Black, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 7: Kettering, Bartz, Boettger, Dix, Johnson, Kapucian, and Seymour. Absent, 1: Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 541, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 542 (SSB 1218), a bill for an act relating to and making appropriations for health and human services and including other related provisions, providing penalties, and including effective, retroactive, and applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dvorsky, McCoy, Black, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 7: Kettering, Bartz, Boettger, Dix, Johnson, Kapucian, and Seymour. Absent, 1: Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNOR'S APPOINTEES PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

Pursuant to Senate Rule 59, the Labor and Business Relations committee having failed to file its report within the prescribed time, the nominee, Andy Roberts as a member of the Iowa Workforce Development Board, is now automatically placed, without recommendation, upon the individual confirmation calendar.

Pursuant to Senate Rule 59, the State Government committee having failed to file its report within the prescribed time, the nominee, L. Duane Murray as a member of the Commission on the Status of African Americans, is now automatically placed, without recommendation, upon the individual confirmation calendar.

Pursuant to Senate Rule 59, the State Government committee having failed to file its report within the prescribed time, the nominee, Clair Rudison, Jr. as a member of the Commission on the Status of African Americans, is now automatically placed, without recommendation, upon the individual confirmation calendar.

Pursuant to Senate Rule 59, the State Government committee having failed to file its report within the prescribed time, the nominee, Anna Brown as a member of the Commission on Community Action Agencies, is now automatically placed, without recommendation, upon the individual confirmation calendar.

Pursuant to Senate Rule 59, the Transportation committee having failed to file its report within the prescribed time, the nominee, Paul Trombino III as Director of Transportation, is now automatically placed, without recommendation, upon the individual confirmation calendar.

AMENDMENTS FILED

S-3352	H.F.	590	Steven J. Soddors
S-3353	S.F.	510	Tom Hancock

JOURNAL OF THE SENATE

ONE HUNDRED SIXTY-THIRD CALENDAR DAY
EIGHTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, June 21, 2011

The Senate met in regular session at 10:08 a.m., President Kibbie presiding.

Prayer was offered by the Honorable David Johnson, member of the Senate from Osceola County, Ocheyedan, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senator Kibbie.

The Journal of Monday, June 20, 2011, was approved.

The Senate stood at ease at 10:11 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 12:10 p.m., President Kibbie presiding.

QUORUM CALL

Senator Gronstal requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 35 present, 15 absent, and a quorum present.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Feenstra, Hamerlinck, Kapucian, and Ward, until they arrive, on request of Senator McKinley; and Senator Houser, until he arrives, on request of Senator Kettering.

CONSIDERATION OF BILLS
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 537 and 536.

Senate File 537

On motion of Senator Hancock, **Senate File 537**, a bill for an act relating to and making appropriations to the judicial branch and including effective date and retroactive applicability provisions, was taken up for consideration.

Senator Hancock moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 537), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, 19:

Anderson	Boettger	Hahn	Smith
Bacon	Chelgren	Johnson	Sorenson
Bartz	Dix	Kettering	Whitver
Behn	Ernst	McKinley	Zaun
Bertrand	Greiner	Seymour	

Absent, 5:

Feenstra	Houser	Ward
Hamerlinck	Kapucian	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 536

On motion of Senator McCoy, **Senate File 536**, a bill for an act 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 conditional retroactive applicability provisions, was taken up for consideration.

Senator Chelgren asked and received unanimous consent that action on **Senate File 536** be **deferred**.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 535.

Senate File 535

On motion of Senator Black, **Senate File 535**, a bill for an act relating to the water resources coordinating council, including by transferring associated powers and duties from the office of the governor to the department of agriculture and land stewardship, was taken up for consideration.

Senator Black moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 535), the vote was:

Yeas, 46:

Anderson	Dandekar	Hatch	Rielly
Bacon	Danielson	Hogg	Schoenjahn
Bartz	Dearden	Horn	Seng
Beall	Dix	Houser	Seymour
Behn	Dotzler	Jochum	Smith
Bertrand	Dvorsky	Johnson	Sodders
Black	Ernst	Kettering	Sorenson
Boettger	Fraise	Kibbie	Whitver

Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hahn	Quirmbach	
Courtney	Hancock	Ragan	

Nays, none.

Absent, 4:

Feenstra	Hamerlinck	Kapucian	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 517

Senator Dotzler called up for consideration **Senate File 517**, a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters and including immediate effective date and retroactive applicability provisions, amended by the House in House amendment S-3285, filed April 20, 2011.

Senator Dotzler offered amendment S-3354, filed by him from the floor to pages 1-20 and amending the title provisions of House amendment S-3285.

Senator Dotzler offered amendment S-3355, filed by him from the floor to pages 16 and 17 of amendment S-3354, to amendment S-3285, and moved its adoption.

Amendment S-3355 was adopted by a voice vote.

Senator Dotzler moved the adoption of amendment S-3354 to House amendment S-3285, as amended.

A record roll call was requested.

On the question "Shall amendment S-3354 to House amendment S-3285, as amended, be adopted?" (S.F. 517), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 20:

Anderson	Boettger	Hahn	Seymour
Bacon	Chelgren	Houser	Smith
Bartz	Dix	Johnson	Sorenson
Behn	Ernst	Kettering	Whitver
Bertrand	Greiner	McKinley	Zaun

Absent, 4:

Feenstra	Hamerlinck	Kapucian	Ward
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Amendment S-3354 to House amendment S-3285, as amended, was adopted.

Senator Dotzler moved that the Senate concur in the House amendment, as amended.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (S.F. 517), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 20:

Anderson	Boettger	Hahn	Seymour
Bacon	Chelgren	Houser	Smith

Bartz	Dix	Johnson	Sorenson
Behn	Ernst	Kettering	Whitver
Bertrand	Greiner	McKinley	Zaun

Absent, 4:

Feenstra	Hamerlinck	Kapucian	Ward
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The motion prevailed and the Senate **concurred** in the House amendment, as amended.

Senator Dotzler moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 517), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, 20:

Anderson	Boettger	Hahn	Seymour
Bacon	Chelgren	Houser	Smith
Bartz	Dix	Johnson	Sorenson
Behn	Ernst	Kettering	Whitver
Bertrand	Greiner	McKinley	Zaun

Absent, 4:

Feenstra	Hamerlinck	Kapucian	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 517, 535, and 537** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 510

Senator Hancock called up for consideration **Senate File 510**, a bill for an act relating to and making appropriations to the justice system, amended by the House in House amendment S-3233, filed April 12, 2011.

Senator Hancock offered amendment S-3353, filed by him on June 20, 2011, to pages 1-28 and amending the title provisions of House amendment S-3233.

Senator Sodders withdrew amendment S-3357, filed by him from the floor to page 17 of amendment S-3353, to amendment S-3233.

Senator Hancock moved the adoption of amendment S-3353 to House amendment S-3233.

A record roll call was requested.

On the question "Shall amendment S-3353 to House amendment S-3233 be adopted?" (S.F. 510), the vote was:

Yeas, 27:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	Zaun
Danielson	Hatch	Ragan	

Nays, 19:

Anderson	Boettger	Hahn	Seymour
Bacon	Chelgren	Houser	Smith
Bartz	Dix	Johnson	Sorenson
Behn	Ernst	Kettering	Whitver
Bertrand	Greiner	McKinley	

Absent, 4:

Feenstra	Hamerlinck	Kapucian	Ward
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Amendment S-3353 to House amendment S-3233 was adopted.

Senator Hancock moved that the Senate concur in the House amendment, as amended.

A record roll call was requested.

On the question “Shall the motion to concur be adopted?” (S.F. 510), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 20:

Anderson	Boettger	Hahn	Seymour
Bacon	Chelgren	Houser	Smith
Bartz	Dix	Johnson	Sorenson
Behn	Ernst	Kettering	Whitver
Bertrand	Greiner	McKinley	Zaun

Absent, 4:

Feenstra	Hamerlinck	Kapucian	Ward
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The motion prevailed and the Senate **concurred** in the House amendment, as amended.

Senator Hancock moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 510), the vote was:

Yeas, 27:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders

Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	Zaun
Danielson	Hatch	Ragan	

Nays, 19:

Anderson	Boettger	Hahn	Seymour
Bacon	Chelgren	Houser	Smith
Bartz	Dix	Johnson	Sorenson
Behn	Ernst	Kettering	Whitver
Bertrand	Greiner	McKinley	

Absent, 4:

Feenstra	Hamerlinck	Kapucian	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 508

Senator Ragan called up for consideration **Senate File 508**, a bill for an act relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants and other nonstate sources, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, amended by the House in House amendment S-3214, filed April 4, 2011.

Senator Ragan moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Ragan moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 508), the vote was:

Yeas, 46:

Anderson	Dandekar	Hatch	Rielly
Bacon	Danielson	Hogg	Schoenjahn
Bartz	Dearden	Horn	Seng
Beall	Dix	Houser	Seymour
Behn	Dotzler	Jochum	Smith
Bertrand	Dvorsky	Johnson	Sodders
Black	Ernst	Kettering	Sorenson
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hahn	Quirmbach	
Courtney	Hancock	Ragan	

Nays, none.

Absent, 4:

Feenstra	Hamerlinck	Kapucian	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 508** and **510** be **immediately messaged** to the House.

BUSINESS PENDING

Senate File 536

The Senate resumed consideration of **Senate File 536**, a bill for an act 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 conditional retroactive applicability provisions, previously deferred.

Senator Chelgren offered amendment S-3358, filed by him from the floor to page 8 of the bill.

Senator McCoy raised the point of order that amendment S-3358 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-3358 out of order.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 536), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 20:

Anderson	Boettger	Hahn	Seymour
Bacon	Chelgren	Houser	Smith
Bartz	Dix	Johnson	Sorenson
Behn	Ernst	Kettering	Whitver
Bertrand	Greiner	McKinley	Zaun

Absent, 4:

Feenstra	Hamerlinck	Kapucian	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 536** be **immediately messaged** to the House.

The Senate stood at ease at 1:42 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:45 p.m., President Kibbie presiding.

HOUSE AMENDMENT CONSIDERED

Senate File 509

Senator Black called up for consideration **Senate File 509**, a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions, amended by the House in House amendment S-3227, filed April 11, 2011.

Senator Black offered amendment S-3356, filed by him from the floor to pages 1-21 and amending the title provisions of House amendment S-3227, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3356 to House amendment S-3227 be adopted?" (S.F. 509), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 21:

Anderson	Chelgren	Houser	Sorenson
Bacon	Dix	Johnson	Whitver
Bartz	Ernst	Kettering	Zaun
Behn	Feenstra	McKinley	
Bertrand	Greiner	Seymour	
Boettger	Hahn	Smith	

Absent, 3:

Hamerlinck	Kapucian	Ward
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Amendment S-3356 to House amendment S-3227 was adopted.

Senator Black moved that the Senate concur in the House amendment, as amended.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (S.F. 509), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 21:

Anderson	Chelgren	Houser	Sorenson
Bacon	Dix	Johnson	Whitver
Bartz	Ernst	Kettering	Zaun
Behn	Feenstra	McKinley	
Bertrand	Greiner	Seymour	
Boettger	Hahn	Smith	

Absent, 3:

Hamerlinck	Kapucian	Ward
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The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Black moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 509), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders

Courtney Dandekar Danielson	Gronstal Hancock Hatch	McCoy Quirmbach Ragan	Wilhelm
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Nays, 21:

Anderson Bacon Bartz Behn Bertrand Boettger	Chelgren Dix Ernst Feenstra Greiner Hahn	Houser Johnson Kettering McKinley Seymour Smith	Sorenson Whitver Zaun
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Absent, 3:

Hamerlinck	Kapucian	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 509** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:16 p.m. until 9:00 a.m., Wednesday, June 22, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Devin Peer, Mount Pleasant—For achieving the rank of Eagle Scout, Troop 28. Senator Fraise (6/21/11).

Bonnie Saxen, Pierson—Upon her retirement after 34 and a half years with the U.S. Postal Service. Senator Anderson (6/21/11).

INTRODUCTION OF RESOLUTION

Senate Resolution 13, by Soddors, Anderson, Bacon, Bartz, Beall, Behn, Bertrand, Black, Boettger, Bolcom, Bowman, Chelgren, Courtney, Dandekar, Danielson, Dearden, Dix, Dotzler, Dvorsky, Ernst, Fraise, Greiner, Gronstal, Hahn, Hancock, Hatch, Horn, Houser, Jochum, Johnson, Kapucian, Kettering, Kibbie, McCoy, McKinley, Quirmbach, Ragan, Rielly, Schoenjahn, Seng, Seymour, Smith, and Wilhelm, a resolution honoring the Main Street Iowa Program on its 25th anniversary.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

AMENDMENTS FILED

S-3354	S.F.	517	William A. Dotzler, Jr.
S-3355	S.F.	517	William A. Dotzler, Jr.
S-3356	S.F.	509	Dennis H. Black
S-3357	S.F.	510	Steven J. Soddors
S-3358	S.F.	536	Mark Chelgren
S-3359	S.F.	539	Brian Schoenjahn
S-3360	S.F.	542	Herman C. Quirmbach

JOURNAL OF THE SENATE

ONE HUNDRED SIXTY-FOURTH CALENDAR DAY
EIGHTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, June 22, 2011

The Senate met in regular session at 9:20 a.m., President Kibbie presiding.

Prayer was offered by the Honorable David Johnson, member of the Senate from Osceola County, Ocheyedan, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senator Kibbie.

The Journal of Tuesday, June 21, 2011, was approved.

The Senate stood at ease at 9:25 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:20 a.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hamerlinck, until he returns, on request of Senator Bartz.

CONSIDERATION OF BILLS (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 542, 540, and 539.

Senate File 542

On motion of Senator Hatch, **Senate File 542**, a bill for an act relating to and making appropriations for health and human services and including other related provisions, providing penalties, and including effective, retroactive, and applicability date provisions, was taken up for consideration.

Senator Hatch offered amendment S–3361, filed by him from the floor to pages 9, 12, 18, 19, 27, 33, 65, 69, 75, 98, 137, 138, 141, 143, 151, 152, 159, 164, 169, 175, 183, 195, 196, and 201 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–3361 be adopted?” (S.F. 542), the vote was:

Yeas, 49:

Anderson	Danielson	Hogg	Schoenjahn
Bacon	Dearden	Horn	Seng
Bartz	Dix	Houser	Seymour
Beall	Dotzler	Jochum	Smith
Behn	Dvorsky	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hahn	Quirnbach	
Courtney	Hancock	Ragan	
Dandekar	Hatch	Rielly	

Nays, none.

Absent, 1:

Hamerlinck

Amendment S–3361 was adopted.

Senator Quirnbach offered amendment S–3360, filed by him on June 21, 2011, to page 78 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–3360 be adopted?” (S.F. 542), the vote was:

Yeas, 49:

Anderson	Danielson	Hogg	Schoenjahn
Bacon	Dearden	Horn	Seng
Bartz	Dix	Houser	Seymour
Beall	Dotzler	Jochum	Smith
Behn	Dvorsky	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hahn	Quirmbach	
Courtney	Hancock	Ragan	
Dandekar	Hatch	Rielly	

Nays, none.

Absent, 1:

Hamerlinck

Amendment S–3360 was adopted.

Senator Hatch moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 542), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 23:

Anderson	Chelgren	Houser	Smith
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward

Behn	Feenstra	Kettering	Whitver
Bertrand	Greiner	McKinley	Zaun
Boettger	Hahn	Seymour	

Absent, 1:

Hamerlinck

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 540

On motion of Senator Jochum, **Senate File 540**, a bill for an act relating to and making appropriations to designated state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and including effective date and contingent retroactive applicability date provisions, was taken up for consideration.

Senator Jochum moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 540), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, 23:

Anderson	Chelgren	Houser	Smith
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Greiner	McKinley	Zaun
Boettger	Hahn	Seymour	

Absent, 1:

Hamerlinck

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Bacon, until he returns, on request of Senator Behn.

Senate File 539

On motion of Senator Schoenjahn, **Senate File 539**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing for related matters, for penalties and remedies, and for effective date, applicability, and retroactive applicability provisions, was taken up for consideration.

Senator Schoenjahn offered amendment S-3359, filed by him on June 21, 2011, to pages 8 and 11-17 of the bill, and moved its adoption.

Amendment S-3359 was adopted by a voice vote.

Senator Schoenjahn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 539), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 22:

Anderson	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver

Bertrand	Greiner	McKinley	Zaun
Boettger	Hahn	Seymour	
Chelgren	Houser	Smith	

Absent, 2:

Bacon Hamerlinck

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 539, 540, and 542** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 148.

House File 148

On motion of Senator Dix, **House File 148**, a bill for an act relating to state expenditure requirements involving the revenue estimating conference and appropriation transfers and including effective date provisions, placed on the Unfinished Business Calendar on April 7, 2011, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Danielson asked and received unanimous consent to withdraw amendment S-3211, filed by the committee on State Government on April 4, 2011, to pages 1 and 2 of the bill.

With the withdrawal of amendment S-3211, the Chair ruled amendment S-3221, filed by Senators Danielson and Dix on April 7, 2011, to page 1 of the bill; and amendment S-3362, filed by Senator Quirnbach from the floor, to page 1 of the bill, out of order.

Senator Danielson offered amendment S-3364, filed by Senators Danielson and Dix from the floor to pages 1 and 2 of the bill, and moved its adoption.

Amendment S-3364 was adopted by a voice vote.

Senator Dix moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 148), the vote was:

Yeas, 48:

Anderson	Danielson	Hatch	Ragan
Bartz	Dearden	Hogg	Rielly
Beall	Dix	Horn	Schoenjahn
Behn	Dotzler	Houser	Seng
Bertrand	Dvorsky	Jochum	Seymour
Black	Ernst	Johnson	Smith
Boettger	Feenstra	Kapucian	Sodders
Bolkcom	Fraise	Kettering	Sorenson
Bowman	Greiner	Kibbie	Ward
Chelgren	Gronstal	McCoy	Whitver
Courtney	Hahn	McKinley	Wilhelm
Dandekar	Hancock	Quirmbach	Zaun

Nays, none.

Absent, 2:

Bacon Hamerlinck

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on June 22, 2011, **refused to concur** in the Senate amendment to the House amendment to the following bills in which the concurrence of the Senate is asked:

Senate File 509, a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions.

Senate File 510, a bill for an act relating to and making appropriations to the justice system.

Senate File 517, a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters and including immediate effective date and retroactive applicability provisions.

Senate File 525, a bill for an act relating to reforming state and county responsibilities for adult disability services, making appropriations, and including effective date provisions.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 148** be **immediately messaged** to the House.

The Senate stood at ease at 1:35 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:44 p.m., President Kibbie presiding.

SENATE INSISTS

Senate File 509

Senator Black called up for consideration **Senate File 509**, a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions, amended by the House, further amended and concurred in by the Senate and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 509** on the part of the Senate: Senators Black, Chair; Dearden, Hahn, Houser, and Wilhelm.

SENATE INSISTS

Senate File 510

Senator Hancock called up for consideration **Senate File 510**, a bill for an act relating to and making appropriations to the justice system, amended by the House, further amended and concurred in by the Senate and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 510** on the part of the Senate: Senators Hancock, Chair; Bartz, Fraise, Hogg, and Smith.

SENATE INSISTS

Senate File 517

Senator Dotzler called up for consideration **Senate File 517**, a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters and including immediate effective date and retroactive applicability provisions, amended by the House, further amended and concurred in by the Senate and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 517** on the part of the Senate: Senators Dotzler, Chair; Boettger, Dandekar, Dvorsky, and Whitver.

SENATE INSISTS

Senate File 525

Senator Hatch called up for consideration **Senate File 525**, a bill for an act relating to reforming state and county responsibilities for adult disability services, making appropriations, and including effective date provisions, amended by the House, further amended and concurred in by the Senate and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 525** on the part of the Senate: Senators Hatch, Chair; Bolcom, Johnson, Ragan, and Ward.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 509, 510, 517, and 525** be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Bertrand, until he returns, on request of Senator McKinley.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 538.

Senate File 538

On motion of Senator Dvorsky, **Senate File 538**, a bill for an act relating to the finances of state and local government by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions, was taken up for consideration.

Senator Dvorsky offered amendment S-3366, filed by him from the floor to pages 6-16, 18-20, 23, 44, 46, 60, and 82 of the bill.

Senator Kettering called for the following division of amendment S-3366:

Division S-3366A: Page 3, lines 26-43;

Division S-3366B: Page 1, line 2-Page 3, line 25; and
Page 3, line 44-Page 6, line 2.

Senator Dvorsky moved the adoption of division S-3366A.

A record roll call was requested.

On the question "Shall division S-3366A be adopted?" (S.F. 538) the vote was:

Yeas, 47:

Anderson	Dearden	Hogg	Rielly
Bartz	Dix	Horn	Schoenjahn
Beall	Dotzler	Houser	Seng
Behn	Dvorsky	Jochum	Seymour
Black	Ernst	Johnson	Smith
Boettger	Feenstra	Kapucian	Sodders

Bolkcom	Fraise	Kettering	Sorenson
Bowman	Greiner	Kibbie	Ward
Chelgren	Gronstal	McCoy	Whitver
Courtney	Hahn	McKinley	Wilhelm
Dandekar	Hancock	Quirmbach	Zaun
Danielson	Hatch	Ragan	

Nays, none.

Absent, 3:

Bacon	Bertrand	Hamerlinck
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Division S-3366A was adopted.

Senator Dvorsky moved the adoption of division S-3366B.

Division S-3366B was adopted by a voice vote.

Senator Dvorsky moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 538), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 21:

Anderson	Ernst	Kapucian	Ward
Bartz	Feenstra	Kettering	Whitver
Behn	Greiner	McKinley	Zaun
Boettger	Hahn	Seymour	
Chelgren	Houser	Smith	
Dix	Johnson	Sorenson	

Absent, 3:

Bacon	Bertrand	Hamerlinck
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 538** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 541.

Senate File 541

On motion of Senator McCoy, **Senate File 541**, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, and other funds, providing for related matters and including effective date and retroactive applicability provisions, was taken up for consideration.

Senator Bartz offered amendment S-3369, filed by him from the floor to page 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3369 be adopted?" (S.F. 541), the vote was:

Yeas, 23:

Anderson	Ernst	Kapucian	Sorenson
Bartz	Feenstra	Kettering	Ward
Behn	Greiner	McKinley	Whitver
Boettger	Hahn	Ragan	Wilhelm
Chelgren	Houser	Seymour	Zaun
Dix	Johnson	Smith	

Nays, 24:

Beall	Danielson	Hancock	McCoy
Black	Dearden	Hatch	Quirnbach
Bolkcom	Dotzler	Hogg	Rielly

Bowman	Dvorsky	Horn	Schoenjahn
Courtney	Fraise	Jochum	Seng
Dandekar	Gronstal	Kibbie	Sodders

Absent, 3:

Bacon	Bertrand	Hamerlinck
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Amendment S-3369 lost.

Senator Kapucian offered amendment S-3365, filed by Senator Kapucian, et al., from the floor to page 13 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3365 be adopted?" (S.F. 541), the vote was:

Yeas, 21:

Anderson	Ernst	Kapucian	Ward
Bartz	Feenstra	Kettering	Whitver
Behn	Greiner	McKinley	Zaun
Boettger	Hahn	Seymour	
Chelgren	Houser	Smith	
Dix	Johnson	Sorenson	

Nays, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Absent, 3:

Bacon	Bertrand	Hamerlinck
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Amendment S-3365 lost.

Senator Johnson asked and received unanimous consent to withdraw amendment S-3368, filed by Senators Johnson and Bartz from the floor to page 23 of the bill.

Senator McCoy offered amendment S-3367, filed by him from the floor to page 23 of the bill, and moved its adoption.

Amendment S-3367 was adopted by a voice vote.

Senator Johnson offered amendment S-3370, filed by Senators Johnson and Bartz from the floor to page 23 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3370 be adopted?" (S.F. 541), the vote was:

Yeas, 15:

Anderson	Feenstra	Johnson	Seymour
Bartz	Greiner	Kapucian	Whitver
Boettger	Hahn	Kettering	Wilhelm
Ernst	Houser	McKinley	

Nays, 32:

Beall	Danielson	Hatch	Rielly
Behn	Dearden	Hogg	Schoenjahn
Black	Dix	Horn	Seng
Bolkcom	Dotzler	Jochum	Smith
Bowman	Dvorsky	Kibbie	Sodders
Chelgren	Fraise	McCoy	Sorenson
Courtney	Gronstal	Quirnbach	Ward
Dandekar	Hancock	Ragan	Zaun

Absent, 3:

Bacon	Bertrand	Hamerlinck
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Amendment S-3370 lost.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 541), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng

Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, 21:

Anderson	Ernst	Kapucian	Ward
Bartz	Feenstra	Kettering	Whitver
Behn	Greiner	McKinley	Zaun
Boettger	Hahn	Seymour	
Chelgren	Houser	Smith	
Dix	Johnson	Sorenson	

Absent, 3:

Bacon	Bertrand	Hamerlinck
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 541** be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Patricia Lipski as a member of the Iowa State Civil Rights Commission, placed on the Individual Confirmation Calendar on May 23, 2011, found on page 1142 of the Senate Journal.

Senator Gronstal moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 47:

Anderson	Dearden	Hogg	Rielly
Bartz	Dix	Horn	Schoenjahn
Beall	Dotzler	Houser	Seng
Behn	Dvorsky	Jochum	Seymour
Black	Ernst	Johnson	Smith
Boettger	Feenstra	Kapucian	Sodders

Bolkcom	Fraise	Kettering	Sorenson
Bowman	Greiner	Kibbie	Ward
Chelgren	Gronstal	McCoy	Whitver
Courtney	Hahn	McKinley	Wilhelm
Dandekar	Hancock	Quirnbach	Zaun
Danielson	Hatch	Ragan	

Nays, none.

Absent, 3:

Bacon	Bertrand	Hamerlinck
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Nancy Couser as a member of the Environmental Protection Commission, placed on the Individual Confirmation Calendar on May 2, 2011, found on page 1084 of the Senate Journal.

Senator Gronstal moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 47:

Anderson	Dearden	Hogg	Rielly
Bartz	Dix	Horn	Schoenjahn
Beall	Dotzler	Houser	Seng
Behn	Dvorsky	Jochum	Seymour
Black	Ernst	Johnson	Smith
Boettger	Feenstra	Kapucian	Sodders
Bolkcom	Fraise	Kettering	Sorenson
Bowman	Greiner	Kibbie	Ward
Chelgren	Gronstal	McCoy	Whitver
Courtney	Hahn	McKinley	Wilhelm
Dandekar	Hancock	Quirnbach	Zaun
Danielson	Hatch	Ragan	

Nays, none.

Absent, 3:

Bacon	Bertrand	Hamerlinck
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Sandra Blodgett as a member of the Commission on Judicial Qualifications, placed on the Individual Confirmation Calendar on May 16, 2011, found on page 1139 of the Senate Journal.

Senator Gronstal moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 47:

Anderson	Dearden	Hogg	Rielly
Bartz	Dix	Horn	Schoenjahn
Beall	Dotzler	Houser	Seng
Behn	Dvorsky	Jochum	Seymour
Black	Ernst	Johnson	Smith
Boettger	Feenstra	Kapucian	Sodders
Bolkcom	Fraise	Kettering	Sorenson
Bowman	Greiner	Kibbie	Ward
Chelgren	Gronstal	McCoy	Whitver
Courtney	Hahn	McKinley	Wilhelm
Dandekar	Hancock	Quirnbach	Zaun
Danielson	Hatch	Ragan	

Nays, none.

Absent, 3:

Bacon	Bertrand	Hamerlinck
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Jill Ellsworth as a member of the Board of Massage Therapy, placed on the Individual Confirmation Calendar on May 19, 2011, found on page 1141 of the Senate Journal.

Senator Gronstal moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 47:

Anderson	Dearden	Hogg	Rielly
Bartz	Dix	Horn	Schoenjahn
Beall	Dotzler	Houser	Seng

Behn	Dvorsky	Jochum	Seymour
Black	Ernst	Johnson	Smith
Boettger	Feenstra	Kapucian	Soddors
Bolkcom	Fraise	Kettering	Sorenson
Bowman	Greiner	Kibbie	Ward
Chelgren	Gronstal	McCoy	Whitver
Courtney	Hahn	McKinley	Wilhelm
Dandekar	Hancock	Quirmbach	Zaun
Danielson	Hatch	Ragan	

Nays, none.

Absent, 3:

Bacon	Bertrand	Hamerlinck
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on June 22, 2011, appointed the conference committee to **Senate File 509**, a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions, and the conference committee members on the part of the House are: the representative from Cass, Representative Drake, Chair; the representative from Sioux, Representative Alons; the representative from Woodbury, Representative Hall; the representative from Linn, Representative Tyler Olson; the representative from Scott, Representative Paustian.

ALSO: That the House has on June 22, 2011, appointed the conference committee to **Senate File 510**, a bill for an act relating to and making appropriations to the justice system, and the conference committee members on the part of the House are: the representative from Buena Vista, Representative Worthan, Chair; the representative from Warren, Representative Garrett; the representative from Tama, Representative Horbach; the representative from Linn, Representative Todd Taylor; the representative from Linn, Representative Tyler Olson.

ALSO: That the House has on June 22, 2011, appointed the conference committee to **Senate File 517**, a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters and including immediate effective date and retroactive applicability provisions, and the conference committee members on the part of the House are: the representative from Crawford, Representative Schultz, Chair; the representative from Johnson, Representative Jacoby; the representative from Muscatine, Representative Lofgren; the representative from Clayton, Representative Thomas; the representative from Plymouth, Representative Soderberg.

ALSO: That the House has on June 22, 2011, appointed the conference committee to **Senate File 525**, a bill for an act relating to reforming state and county responsibilities for adult disability services, making appropriations, and including effective date provisions, and the conference committee members on the part of the House are: the representative from Hancock, Representative Upmeyer, Chair; the representative from Clarke, Representative Fry; the representative from Story, Representative Heddens; the representative from Linn, Representative Schulte; the representative from Marshall, Representative Mark Smith.

Senator Gronstal moved that the Senate adjourn until 9:00 a.m., Friday, June 24, 2011.

A record roll call was requested.

On the question "Shall the motion for the Senate to adjourn be adopted?" the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 1:

Kibbie

Nays, 46:

Anderson	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Black	Ernst	Johnson	Sodders
Boettger	Feenstra	Kapucian	Sorenson
Bolkcom	Fraise	Kettering	Ward
Bowman	Greiner	McCoy	Whitver
Chelgren	Gronstal	McKinley	Wilhelm
Courtney	Hahn	Quirnbach	Zaun
Dandekar	Hancock	Ragan	
Danielson	Hatch	Rielly	

Absent, 3:

Bacon	Bertrand	Hamerlinck
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The motion to adjourn failed.

The Senate stood at ease at 5:37 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 8:31 p.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Black, Bolkcom, Bowman, Courtney, Dearden, Dvorsky, Fraise, Hatch, Horn, Jochum, Quirnbach, Schoenjahn, Seng, Soddors, and Wilhelm, until they return, on request of Senator Gronstal.

The voting system also indicated that Senator Hahn had been excused.

Senator Gronstal moved that the Senate adjourn until 9:00 a.m., Friday, June 24, 2011.

Senator Smith requested a quorum call.

The Chair ruled the request not well-taken and out of order. The Chair ruled the motion to adjourn took precedence and would be voted on before any other motions or requests would be recognized.

A record roll call was requested on the motion to adjourn.

On the question "Shall the motion for the Senate to adjourn be adopted?" the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 11:

Beall	Dotzler	Hogg	Ragan
Dandekar	Gronstal	Kibbie	Rielly
Danielson	Hancock	McCoy	

Nays, 4:

Boettger	McKinley	Smith	Sorenson
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Absent, 35:

Anderson	Courtney	Hamerlinck	Schoenjahn
Bacon	Dearden	Hatch	Seng
Bartz	Dix	Horn	Seymour
Behn	Dvorsky	Houser	Soddors
Bertrand	Ernst	Jochum	Ward
Black	Feenstra	Johnson	Whitver

Bolkcom	Fraise	Kapucian	Wilhelm
Bowman	Greiner	Kettering	Zaun
Chelgren	Hahn	Quirnbach	

The motion to adjourn prevailed.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:40 p.m. until 9:00 a.m., Friday, June 24, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

WWII Veteran Floyd Gager, Cresco—For celebrating his 100th birthday. Senator Wilhelm (6/22/11).

Chief Rick Kremer, Cascade—For his many years of dedicated service to Iowa's emergency services. Senator Hancock (6/22/11).

Merlin Manatt, Brooklyn—For being inducted into the Transportation Heroes Center. Senator Rielly (6/22/11).

Al and Mary Shipman, Mason City—For celebrating their 70th wedding anniversary. Senator Ragan (6/22/11).

INTRODUCTION OF RESOLUTION

Senate Resolution 14, by Sodders, Dandekar, Beall, Wilhelm, Bowman, Jochum, Dvorsky, Dearden, Black, Horn, Fraise, Hatch, Courtney, Ragan, Bolkcom, McCoy, Quirnbach, Dotzler, Schoenjahn, Hogg, Gronstal, and Danielson, a resolution recognizing the work of the Rebuild Iowa Office during and after the disastrous tornadoes, storms, and floods which occurred in 2008.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

ARTICLE 3, SECTION 10 PROTEST/REASONS FOR DISSENT

The following reasons for protest were received in the office of the Secretary of the Senate for entry hereon:

We are submitting our official protest vote with regards to the Senate Motion to Adjourn made on the evening of June 22, 2011, which we believe was injurious to the public and a violation of their right to fair and equal representation.

Rule 1, Rules of the Senate, states any Senator may insist a quorum be present in order to conduct business. A quorum shall consist of a constitutional majority, or twenty-six Senators. This concept is a fundamental precept to our representative democracy and is intended to thwart a small, organized group of members acting with dictatorial purposes from usurping the constitutional protections afforded to the citizens of Iowa.

On June 22, 2011, at approximately 8:31 p.m., the Senate was convened, President Kibbie assumed the chair, and Majority Leader Gronstal assumed leadership of the floor. When the Senate was gavelled-in, a quorum call was requested by members of the Republican Caucus. The calls for a quorum went unheeded in violation of Rule 1. The Majority Leader proceeded to adjourn the Senate with only fifteen members present.

We list the following reasons in support of our protest:

1. Common courtesy of the Senate and Senate Rule 1 allow any Senator to insist upon a quorum. Numerous Senators requested a quorum call.
2. Common courtesy in the Senate suggests a chronological order to motions, and clearly the call for a quorum preceded the Majority Leader's Motion to Adjourn.
3. Common courtesy in the Senate allows leadership in all parties to excuse members who for personal, professional, or emergency reasons cannot be present for a vote. The Majority Leader did not allow an opportunity for members of the Republican Caucus to be excused.
4. Common courtesy and Senate Rules require the President of the Senate to immediately recognize any Point of Order raised. A Point of Order was raised and ignored.
5. Common courtesy in the Senate allows for the voting machine to be left open so that Senators who may be conducting legislative business outside the chamber to be allowed to vote. This long-standing courtesy was not observed.

SENATOR STEVE KETTERING

AMENDMENTS FILED

S-3361	S.F.	542	Jack Hatch
S-3362	H.F.	148	Herman C. Quirmbach
S-3363	H.F.	590	Robert M. Hogg Matt McCoy
S-3364	H.F.	148	Jeff Danielson Bill Dix
S-3365	S.F.	541	Tim L. Kapucian David Johnson Sandra Greiner Nancy J. Boettger Brad Zaun Bill Anderson Joni Ernst James F. Hahn James A. Seymour Steve Kettering Paul McKinley Randy Feenstra
S-3366	S.F.	538	Robert E. Dvorsky
S-3367	S.F.	541	Matt McCoy
S-3368	S.F.	541	David Johnson Merlin Bartz
S-3369	S.F.	541	Merlin Bartz
S-3370	S.F.	541	David Johnson Merlin Bartz

JOURNAL OF THE SENATE

ONE HUNDRED SIXTY-SIXTH CALENDAR DAY
EIGHTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, June 24, 2011

The Senate met in regular session at 9:10 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Gene Fraise, member of the Senate from Lee County, Fort Madison, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senator Kibbie.

On the question “Are there corrections to the Journal?” Senator Bartz requested a correction to the vote recorded to adjourn on Wednesday, June 22, 2011 (S.J. p. 1201). The voting system record indicated Senator Hahn had been excused, but the Journal did not so indicate.

The Chair stated the correction would be made and appear in the hardbound and Internet versions of the Journal.

The Journal of Wednesday, June 22, 2011, was approved.

INTRODUCTION OF GOVERNOR’S APPOINTEE

The Secretary of the Senate introduced Paul Trombino III, the governor’s appointee to be the Director of the Department of Transportation. He was the guest of Senators Rielly and Kapucian and the committee on Transportation.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:30 a.m. until the completion of a meeting of the committee on Rules and Administration

RECONVENED

The Senate reconvened at 9:37 a.m., President Kibbie presiding.

The Senate stood at ease at 9:38 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:50 a.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Bacon, Bertrand, Feenstra, and Sorenson, until they arrive, on request of Senator Kettering.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Carole Dunkin, Commission on Aging

Geoffrey Jensen, Board of Athletic Training

John Anderson, Board of Barbering

Alan Soukup, County Finance Committee

Roberta Chambers, Health Facilities Council

Dennis Young, Investment Board of the IPERS

Alejandro Pino, Commission of Latino Affairs

Todd Kale, Board of Mortuary

Vicky Apala-Cuevas, Commission of Native American Affairs
Keith Carpenter, Commission of Native American Affairs

Debra Larson, Board of Nursing

Gloria Johnson, Renewable Fuel Infrastructure Board

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 46:

Anderson	Dearden	Hogg	Rielly
Bartz	Dix	Horn	Schoenjahn
Beall	Dotzler	Houser	Seng
Behn	Dvorsky	Jochum	Seymour
Black	Ernst	Johnson	Smith
Boettger	Fraise	Kapucian	Sodders
Bolkcom	Greiner	Kettering	Ward
Bowman	Gronstal	Kibbie	Whitver
Chelgren	Hahn	McCoy	Wilhelm
Courtney	Hamerlinck	McKinley	Zaun
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, 4:

Bacon	Bertrand	Feenstra	Sorenson
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The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

CONFERENCE COMMITTEE REPORT RECEIVED AND CONSIDERED

Senate File 525

A conference committee report, signed by the following Senate and House members, was filed June 24, 2011, on **Senate File 525**, a bill for an act relating to reforming state and county responsibilities for

adult disability services, making appropriations, and including effective date provisions:

On the part of the Senate:

JACK HATCH, Chair
JOE BOLKCOM
DAVID JOHNSON
AMANDA RAGAN
PAT WARD

On the part of the House:

LINDA UPMEYER, Chair
LISA HEDDENS
RENEE SCHULTE
MARK SMITH

Senate File 525

Senator Hatch called up the conference committee report on **Senate File 525**, a bill for an act relating to reforming state and county responsibilities for adult disability services, making appropriations, and including effective date provisions, filed on June 24, 2011, and moved its adoption.

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Hatch moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 525), the vote was:

Yeas, 46:

Anderson	Dearden	Hogg	Rielly
Bartz	Dix	Horn	Schoenjahn
Beall	Dotzler	Houser	Seng
Behn	Dvorsky	Jochum	Seymour
Black	Ernst	Johnson	Smith
Boettger	Fraise	Kapucian	Sodders
Bolkcom	Greiner	Kettering	Ward
Bowman	Gronstal	Kibbie	Whitver
Chelgren	Hahn	McCoy	Wilhelm

Courtney	Hamerlinck	McKinley	Zaun
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, 4:

Bacon	Bertrand	Feenstra	Sorenson
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONFERENCE COMMITTEE REPORT RECEIVED AND CONSIDERED

Senate File 517

A conference committee report, signed by the following Senate and House members, was filed June 24, 2011, on **Senate File 517**, a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters and including immediate effective date and retroactive applicability provisions:

On the part of the Senate:

WILLIAM A. DOTZLER, Chair
NANCY J. BOETTGER
SWATI A. DANDEKAR
ROBERT E. DVORSKY

On the part of the House:

JASON SCHULTZ, Chair
MARK LOFGREN
CHUCK SODERBERG

Senate File 517

Senator Dotzler called up the conference committee report on **Senate File 517**, a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters and including immediate effective date and retroactive applicability provisions, filed on June 24, 2011, and moved its adoption.

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 517), the vote was:

Yeas, 36:

Anderson	Dandekar	Hancock	McCoy
Bartz	Danielson	Hatch	Quirmbach
Beall	Dearden	Hogg	Ragan
Behn	Dotzler	Horn	Rielly
Black	Dvorsky	Houser	Schoenjahn
Boettger	Ernst	Jochum	Seng
Bolkcom	Fraise	Johnson	Sodders
Bowman	Greiner	Kettering	Ward
Courtney	Gronstal	Kibbie	Wilhelm

Nays, 11:

Chelgren	Hamerlinck	Seymour	Whitver
Dix	Kapucian	Smith	Zaun
Hahn	McKinley	Sorenson	

Absent, 3:

Bacon	Bertrand	Feenstra
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONFERENCE COMMITTEE REPORT RECEIVED AND CONSIDERED

Senate File 510

A conference committee report, signed by the following Senate and House members, was filed June 24, 2011, on **Senate File 510**, a bill for an act relating to and making appropriations to the justice system:

On the part of the Senate:

TOM HANCOCK, Chair
 MERLIN BARTZ
 EUGENE S. FRAISE
 ROBERT M. HOGG

On the part of the House:

GARY WORTHAN, Chair
 JULIAN GARRETT
 LANCE HORBACH

Senate File 510

Senator Hancock called up the conference committee report on **Senate File 510**, a bill for an act relating to and making appropriations to the justice system, filed on June 24, 2011, and moved its adoption.

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Hancock moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 510), the vote was:

Yeas, 38:

Anderson	Dearden	Horn	Rielly
Bartz	Dotzler	Houser	Schoenjahn
Beall	Dvorsky	Jochum	Seng
Black	Ernst	Johnson	Seymour
Boettger	Fraise	Kettering	Sodders
Bolkcom	Greiner	Kibbie	Ward
Bowman	Gronstal	McCoy	Wilhelm
Courtney	Hancock	McKinley	Zaun
Dandekar	Hatch	Quirmbach	
Danielson	Hogg	Ragan	

Nays, 9:

Behn	Hahn	Smith
Chelgren	Hamerlinck	Sorenson
Dix	Kapucian	Whitver

Absent, 3:

Bacon	Bertrand	Feenstra
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONFERENCE COMMITTEE REPORT RECEIVED AND
CONSIDERED

Senate File 509

A conference committee report, signed by the following Senate and House members, was filed June 24, 2011, on **Senate File 509**, a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions:

On the part of the Senate:

DENNIS BLACK, Chair
DICK L. DEARDEN
JAMES F. HAHN
HUBERT HOUSER
MARY JO WILHELM

On the part of the House:

JACK DRAKE, Chair
DWAYNE ALONS
ROSS PAUSTIAN

Senate File 509

Senator Black called up the conference committee report on **Senate File 509**, a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions, filed on June 24, 2011, and moved its adoption.

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Black moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 509), the vote was:

Yeas, 34:

Bartz	Dearden	Hogg	Ragan
Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Houser	Schoenjahn
Boettger	Ernst	Jochum	Seng
Bolkcom	Fraise	Johnson	Seymour

Bowman	Gronstal	Kettering	Sodders
Courtney	Hahn	Kibbie	Wilhelm
Dandekar	Hancock	McCoy	
Danielson	Hatch	Quirnbach	

Nays, 13:

Anderson	Greiner	Smith	Zaun
Behn	Hamerlinck	Sorenson	
Chelgren	Kapucian	Ward	
Dix	McKinley	Whitver	

Absent, 3:

Bacon	Bertrand	Feenstra
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 509, 510, 517, and 525** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 11:28 a.m. until 10:00 a.m., Monday, June 27, 2011.

APPENDIX

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the northeast Senate gallery:

From Nanning, in the Guangxi Province of China: Xuelin Zhao, Fengying Long, Kunlun Long, and Deying Lee. Senator Beall.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Xuelin Zhao and Fengying Long, Nanning—For being recognized and honored as distinguished guests of the people of Iowa. Senator Beall (6/24/11).

Kunlun Long and Deying Lee, Nanning—For being recognized and honored as distinguished guests of the people of Iowa. Senator Beall (6/24/11).

Randie Dixon, Oskaloosa—For being chosen to attend Iowa Girls State. Senator Rielly (6/24/11).

Jim Patton, Rockwell City—Thanking him for his ISU Extension service to countless Iowans and wishing him the very best in his retirement. Senator Beall (6/24/11).

West High School, Iowa City—For being named the best high school in Iowa by *Newsweek Magazine*. Senator Dvorsky (6/24/11).

INTRODUCTION OF RESOLUTION

Senate Resolution 15, by McCoy, Beall, Black, Bolkom, Bowman, Courtney, Dandekar, Danielson, Dearden, Dotzler, Dvorsky, Fraise, Gronstal, Hancock, Hatch, Hogg, Horn, Jochum, Kibbie, Quirmbach, Ragan, Rielly, Schoenjahn, Seng, Soddors, and Wilhelm, a resolution opposing proposed Congressional changes to the Medicare and Medicaid programs.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: Friday, June 24, 2011, 9:30 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; McKinley, Ranking Member; Bartz, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun.

Members Absent: None.

Committee Business: Assigned governor's appointees to committees. Passed SR 15.

Adjourned: 9:35 a.m.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 15, a resolution opposing proposed Congressional changes to the Medicare and Medicaid programs.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Gronstal, Kibbie, Courtney, Danielson, Dearden, Dvorsky, and Ragan. Nays, 4: McKinley, Bartz, Kettering, and Zaun. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on June 22, 2011, when the vote was taken on the Motion to Adjourn. Had I been present, I would have voted "Nay."

MARK CHELGREN

APPOINTMENTS

The following appointees were submitted to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

BY THE GOVERNOR

TERM

HUMAN RIGHTS, DIRECTOR OF DEPARTMENT OF (Sec. 216A.2)

San Wong, Urbandale (recvd 6/23/11)

07/11/2011 – Pleasure of the Governor

JOBS BOARD, IOWA (Sec. 16.191)

Brenda Neville, Cambridge (recvd 5/27/11)

05/27/2011 – 04/30/2014

Robert Taylor, Jr., West Des Moines (recvd 5/27/11)

05/27/2011 – 04/30/2014

The appointments were referred to the committee on **Rules and Administration**.

**REPORT OF THE COMMITTEE ON
RULES AND ADMINISTRATION**

The committee on Rules and Administration referred the following Governor's appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on June 24, 2011:

ECONOMIC GROWTH/REBUILD IOWA

Brenda Neville – Iowa Jobs Board

Robert Taylor, Jr. – Iowa Jobs Board

STATE GOVERNMENT

San Wong – Director of Department of Human Rights

JOURNAL OF THE SENATE

ONE HUNDRED SIXTY-NINTH CALENDAR DAY
EIGHTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, June 27, 2011

The Senate met in regular session at 10:08 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Daryl Beall, member of the Senate from Webster County, Fort Dodge, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senator Beall.

The Journal of Friday, June 24, 2011, was approved.

The Senate stood at ease at 10:11 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 1:35 p.m., President Kibbie presiding.

RECESS

On motion of Senator Dotzler, the Senate recessed at 1:36 p.m. until the fall of the gavel.

RECONVENED

The Senate reconvened at 2:47 p.m., President Kibbie presiding.

QUORUM CALL

Senator Gronstal requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent, and a quorum present.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on June 27, 2011, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 533, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions. (S-3372)

ALSO: That the House has on June 27, 2011, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

House File 148, a bill for an act relating to state expenditure requirements involving the revenue estimating conference and appropriation transfers and including effective date provisions.

ALSO: That the House has on June 27, 2011, **amended** the Senate amendment, **concurred** in the Senate amendment as amended, **and passed** the following bill in which the concurrence of the Senate is asked:

House File 648, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, and other funds, providing for related matters and including effective date provisions. (S-3371)

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED**House File 648**

Senator McCoy called up for consideration **House File 648**, a bill for an act relating to and making, reducing, and transferring

appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, and other funds, providing for related matters and including effective date provisions, amended by the Senate and further amended by the House in House amendment S-3371 to Senate amendment H-1702, filed June 27, 2011.

Senator McCoy moved that the Senate refuse to concur in the House amendment to the Senate amendment.

The motion prevailed by a voice vote and the Senate **refused to concur** in the House amendment to the Senate amendment.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 648** be **immediately messaged** to the House.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Bertrand, Chelgren, and Hamerlinck, until they return, on request of Senator Kettering.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 15.

Senate Resolution 15

On motion of Senator Danielson, **Senate Resolution 15**, a resolution opposing proposed Congressional changes to the Medicare and Medicaid programs, with report of committee recommending passage, was taken up for consideration.

(Senate Resolution 15 was deferred.)

The Senate stood at ease at 2:57 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 3:19 p.m., President Kibbie presiding.

The Senate resumed consideration of Senate Resolution 15, previously deferred.

Senator Danielson moved the adoption of Senate Resolution 15.

On the question "Shall the resolution be adopted?" (S.R. 15), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, 21:

Anderson	Ernst	Kapucian	Ward
Bacon	Feenstra	Kettering	Whitver
Bartz	Greiner	McKinley	Zaun
Behn	Hahn	Seymour	
Boettger	Houser	Smith	
Dix	Johnson	Sorenson	

Absent, 3:

Bertrand	Chelgren	Hamerlinck
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The resolution, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Gronstal called up the appointment of L. Duane Murray as a member of the Commission on the Status of African Americans, placed on the Individual Confirmation Calendar on June 20, 2011, found on page 1164 of the Senate Journal.

Senator Gronstal moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 47:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Black	Feenstra	Kapucian	Sodders
Boettger	Fraise	Kettering	Sorenson
Bolkcom	Greiner	Kibbie	Ward
Bowman	Gronstal	McCoy	Whitver
Courtney	Hahn	McKinley	Wilhelm
Dandekar	Hancock	Quirnbach	Zaun
Danielson	Hatch	Ragan	

Nays, none.

Absent, 3:

Bertrand	Chelgren	Hamerlinck
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Clair Rudison Jr. as a member of the Commission on the Status of African Americans, placed on the Individual Confirmation Calendar on June 20, 2011, found on page 1164 of the Senate Journal.

Senator Gronstal moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 48:

Anderson	Danielson	Hatch	Ragan
Bacon	Dearden	Hogg	Rielly
Bartz	Dix	Horn	Schoenjahn
Beall	Dotzler	Houser	Seng
Behn	Dvorsky	Jochum	Seymour
Bertrand	Ernst	Johnson	Smith
Black	Feenstra	Kapucian	Sodders

Boettger	Fraise	Kettering	Sorenson
Bolkcom	Greiner	Kibbie	Ward
Bowman	Gronstal	McCoy	Whitver
Courtney	Hahn	McKinley	Wilhelm
Dandekar	Hancock	Quirmbach	Zaun

Nays, none.

Absent, 2:

Chelgren Hamerlinck

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Anna Brown as a member of the Commission on Community Action Agencies, placed on the Individual Confirmation Calendar on June 20, 2011, found on page 1165 of the Senate Journal.

Senator Gronstal moved that the foregoing appointment be confirmed by the Senate.

On the question “Shall the appointee be confirmed?” the vote was:

Yeas, 48:

Anderson	Danielson	Hatch	Ragan
Bacon	Dearden	Hogg	Rielly
Bartz	Dix	Horn	Schoenjahn
Beall	Dotzler	Houser	Seng
Behn	Dvorsky	Jochum	Seymour
Bertrand	Ernst	Johnson	Smith
Black	Feenstra	Kapucian	Sodders
Boettger	Fraise	Kettering	Sorenson
Bolkcom	Greiner	Kibbie	Ward
Bowman	Gronstal	McCoy	Whitver
Courtney	Hahn	McKinley	Wilhelm
Dandekar	Hancock	Quirmbach	Zaun

Nays, none.

Absent, 2:

Chelgren Hamerlinck

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Andy Roberts as a member of the Iowa Workforce Development Board, placed on the Individual Confirmation Calendar on June 20, 2011, found on page 1164 of the Senate Journal.

Senator Gronstal moved that the foregoing appointment be confirmed by the Senate.

On the question “Shall the appointee be confirmed?” the vote was:

Yeas, 48:

Anderson	Danielson	Hatch	Ragan
Bacon	Dearden	Hogg	Rielly
Bartz	Dix	Horn	Schoenjahn
Beall	Dotzler	Houser	Seng
Behn	Dvorsky	Jochum	Seymour
Bertrand	Ernst	Johnson	Smith
Black	Feenstra	Kapucian	Sodders
Boettger	Fraise	Kettering	Sorenson
Bolkcom	Greiner	Kibbie	Ward
Bowman	Gronstal	McCoy	Whitver
Courtney	Hahn	McKinley	Wilhelm
Dandekar	Hancock	Quirnbach	Zaun

Nays, none.

Absent, 2:

Chelgren	Hamerlinck
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

The Senate stood at ease at 3:53 p.m. until the fall of the gavel.

The Senate resumed session at 4:15 p.m., President Kibbie presiding.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on June 27, 2011, appointed the conference committee to **House File 648**, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, and other funds, providing for related matters and including effective date provisions, and the conference committee

members on the part of the House are: the representative from Cherokee, Representative Huseman; the representative from O'Brien, Representative Chambers; the representative from Des Moines, Representative Cohoon; the representative from Polk, Representative Helland; the representative from Polk, Representative Jo Oldson.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 648** on the part of the Senate: Senators McCoy, Chair; Beall, Dvorsky, Houser, and Kapucian.

HOUSE AMENDMENT CONSIDERED

Senate File 533

Senator Dvorsky called up for consideration **Senate File 533**, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions, amended by the House in House amendment S-3372, filed June 27, 2011.

Senator Dvorsky offered amendment S-3373, filed by him from the floor to pages 1-52 of House amendment S-3372, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3373 to House amendment S-3372 be adopted?" (S.F. 533), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 22:

Anderson	Dix	Johnson	Sorenson
Bacon	Ernst	Kapucian	Ward
Bartz	Feenstra	Kettering	Whitver
Behn	Greiner	McKinley	Zaun
Bertrand	Hahn	Seymour	
Boettger	Houser	Smith	

Absent, 2:

Chelgren Hamerlinck

Amendment S-3373 to House amendment S-3372 was adopted.

Senator Dvorsky moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Dvorsky moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 533), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, 22:

Anderson	Dix	Johnson	Sorenson
Bacon	Ernst	Kapucian	Ward
Bartz	Feenstra	Kettering	Whitver
Behn	Greiner	McKinley	Zaun
Bertrand	Hahn	Seymour	
Boettger	Houser	Smith	

Absent, 2:

Chelgren Hamerlinck

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 533** and **House File 648** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 4:30 p.m. until 6:00 p.m.

RECONVENED

The Senate reconvened at 6:22 p.m., President Kibbie presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on June 27, 2011, **concurred** in the Senate amendment to the House amendment, **and passed** the following bills in which the concurrence of the House was asked:

Senate File 313, a bill for an act relating to medical assistance program-related provisions.

Senate File 511, a bill for an act relating to and making appropriations to the judicial branch.

ALSO: That the House has on June 27, 2011, **passed** the following bill in which the concurrence of the House was asked:

Senate File 535, a bill for an act relating to the water resources coordinating council, including by transferring associated powers and duties from the office of the governor to the department of agriculture and land stewardship.

ALSO: That the House has on June 27, 2011, **adopted** the conference committee reports **and passed** the following bills:

Senate File 509, a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions.

Senate File 510, a bill for an act relating to and making appropriations to the justice system.

Senate File 517, a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters and including immediate effective date and retroactive applicability provisions.

Senate File 525, a bill for an act relating to reforming state and county responsibilities for adult disability services, making appropriations, and including effective date provisions.

ALSO: That the House has on June 27, 2011, **passed** the following bill in which the concurrence of the Senate is asked:

House File 683, a bill for an act 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 conditional retroactive applicability provisions.

Read first time and referred to committee on **Appropriations**.

ALSO: That the House has on June 27, 2011, **amended** the Senate amendment, **concurred** in the Senate amendment as amended, **and passed** the following bill in which the concurrence of the Senate is asked:

House File 646, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and including effective date provisions. (S-3374)

RECESS

On motion of Senator Gronstal, the Senate recessed at 6:25 p.m. until the fall of the gavel.

RECONVENED

The Senate reconvened at 6:38 p.m., President Kibbie presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on June 27, 2011, **refused to concur** in the Senate amendment to the House amendment to the following bill in which the concurrence of the Senate is asked:

Senate File 533, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

SENATE INSISTS

Senate File 533

Senator Dvorsky called up for consideration **Senate File 533**, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions, amended by the House, further amended by the Senate and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 533** on the part of the Senate: Senators Dvorsky, Chair; Danielson, Dix, Jochum, and Kettering.

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: HOUSE FILE 683, a bill for an act 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 conditional retroactive applicability provisions.

Recommendation: DO PASS

Final Vote: Ayes, 21: Dvorsky, McCoy, Kettering, Bartz, Black, Boettger, Bolkcom, Danielson, Dix, Dotzler, Fraise, Hancock, Hatch, Hogg, Houser, Jochum, Johnson, Kapucian, Ragan, Schoenjahn, and Seymour. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 683.

House File 683

On motion of Senator McCoy, **House File 683**, a bill for an act 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 conditional retroactive applicability provisions, with report of committee recommending passage, was taken up for consideration.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 683), the vote was:

Yeas, 27:

Bartz	Danielson	Hatch	Ragan
Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng

Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	

Nays, 21:

Anderson	Ernst	Kapucian	Ward
Bacon	Feenstra	Kettering	Whitver
Behn	Greiner	McKinley	Zaun
Bertrand	Hahn	Seymour	
Boettger	Houser	Smith	
Dix	Johnson	Sorenson	

Absent, 2:

Chelgren	Hamerlinck
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 533** and **House File 683** be **immediately messaged** to the House.

The Senate stood at ease at 6:55 p.m. until the fall of the gavel.

The Senate resumed session at 7:22 p.m., President Kibbie presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on June 27, 2011, appointed the conference committee to **Senate File 533**, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions, and the conference committee members on the part of the House are: the representative from Cedar, Representative Kaufmann; the representative from Linn, Representative Tyler Olson; the representative from Polk,

Representative Raecker; the representative from Linn, Representative Running-Marquardt; the representative from Linn, Representative Wagner.

ALSO: That the House has on June 27, 2011, **amended** the Senate amendment, **concurrent** in the Senate amendment as amended, **and passed** the following bill in which the concurrence of the Senate is asked:

House File 649, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and including effective, retroactive, and applicability date provisions. (S-3375)

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

House File 649

Senator Gronstal called up for consideration **House File 649**, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and including effective, retroactive, and applicability date provisions, amended by the Senate and further amended by the House in House amendment S-3375 to Senate amendment H-1732, filed June 27, 2011.

Senator Hatch moved that the Senate refuse to concur in the House amendment to the Senate amendment.

The motion prevailed by a voice vote and the Senate **refused to concur** in the House amendment to the Senate amendment.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 649** be **immediately messaged** to the House.

The Senate stood at ease at 7:25 p.m. until the fall of the gavel.

The Senate resumed session at 7:43 p.m., President Kibbie presiding.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on June 27, 2011, appointed the conference committee to **House File 649**, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and including effective, retroactive, and applicability date provisions, and the conference committee members on the part of the House are: the representative from Story, Representative Heddens; the representative from Clarke, Representative Fry; the representative from Henry, Representative Heaton; the representative from Story, Representative Wessel-Kroeschell; the representative from Harrison, Representative Windschitl.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 649** on the part of the Senate: Senators Hatch, Chair; Bacon, Bolkcom, Johnson, and Ragan.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 649** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 7:45 p.m. until 1:00 p.m., Tuesday, June 28, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Jean Bartley, Iowa City—For 50 years of service as an attorney in Iowa. Senator Dvorsky (6/27/11).

Wayne Hult, Mason City—For celebrating his 90th birthday. Senator Ragan (6/27/11).

Iowa Writers' Workshop at the University of Iowa—For celebrating its 75th anniversary. Senator Dvorsky (6/27/11).

William and Mary Moore, Mason City—For celebrating their 60th wedding anniversary. Senator Ragan (6/27/11).

Madeline Peterson, Mason City—For celebrating her 100th birthday. Senator Ragan (6/27/11).

Dennis Schuur, Muscatine—For being named the nation's top prep softball coach. Senator Hahn (6/27/11).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Monday, June 27, 2011, 6:30 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Bartz, Black, Boettger, Bolkcom, Danielson, Dix, Dotzler, Fraise, Hancock, Hatch, Hogg, Houser, Jochum, Johnson, Kapucian, Ragan, Schoenjahn, and Seymour.

Members Absent: None.

Committee Business: Passed HF 683.

Adjourned: 6:35 p.m.

ECONOMIC GROWTH/REBUILD IOWA

Convened: Monday, June 27, 2011, 1:50 p.m.

Members Present: Soddors, Chair; Dotzler, Vice Chair; Greiner, Ranking Member; Bacon, Bertrand, Bowman, Danielson, Hatch, Horn, Rielly, Ward, and Whitver.

Members Absent: Chelgren, Dandekar, and Wilhelm (all excused).

Committee Business: Approved governor's appointees.

Adjourned: 1:55 p.m.

APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on June 24, 2011, to investigate the appointment and reappointment of the following appointees:

ECONOMIC GROWTH/REBUILD IOWA

As members of the Iowa Jobs Board:

BRENDA NEVILLE – Sodders, Chair; Bowman and Greiner
 ROBERT TAYLOR, JR. – Sodders, Chair; Bowman and Greiner

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committee for investigation, were placed on the En Bloc Calendar with recommendation for confirmation:

ECONOMIC GROWTH/REBUILD IOWA

Brenda Neville – Iowa Jobs Board
 Robert Taylor, Jr. – Iowa Jobs Board

AMENDMENTS FILED

S-3371	H.F.	648	House
S-3372	S.F.	533	House
S-3373	S.F.	533	Robert E. Dvorsky
S-3374	H.F.	646	House
S-3375	H.F.	649	House

JOURNAL OF THE SENATE

ONE HUNDRED SEVENTIETH CALENDAR DAY
EIGHTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, June 28, 2011

The Senate met in regular session at 1:20 p.m., President Kibbie presiding.

Prayer was offered by the Honorable Nancy J. Boettger, member of the Senate from Shelby County, Harlan, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senator Kibbie.

The Journal of Monday, June 27, 2011, was approved.

The Senate stood at ease at 1:23 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:14 p.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Anderson, Bertrand, Hamerlinck, and Ward, until they arrive, on request of Senator McKinley.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 646

Senator Gronstal called up for consideration **House File 646**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and

including effective date provisions, amended by the Senate and further amended by the House in House amendment S-3374 to Senate amendment H-1682, filed June 27, 2011.

Senator Jochum moved that the Senate concur in the House amendment to the Senate amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Jochum moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 646), the vote was:

Yeas, 30:

Bartz	Danielson	Hatch	Ragan
Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Boettger	Dvorsky	Houser	Seng
Bolkcom	Ernst	Jochum	Sodders
Bowman	Fraise	Kibbie	Wilhelm
Courtney	Gronstal	McCoy	
Dandekar	Hancock	Quirnbach	

Nays, 16:

Bacon	Feenstra	Kapucian	Smith
Behn	Greiner	Kettering	Sorenson
Chelgren	Hahn	McKinley	Whitver
Dix	Johnson	Seymour	Zaun

Absent, 4:

Anderson	Bertrand	Hamerlinck	Ward
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 646** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 2:25 p.m. until 7:00 p.m.

RECONVENED

The Senate reconvened at 7:04 p.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Seymour and Behn, until they return, on request of Senator Hamerlinck.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Brenda Neville, Iowa Jobs Board
Robert Taylor, Jr., Iowa Jobs Board

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 45:

Bacon	Dix	Hogg	Rielly
Bartz	Dotzler	Horn	Schoenjahn
Beall	Dvorsky	Houser	Seng
Black	Ernst	Jochum	Smith
Boettger	Feenstra	Johnson	Sodders
Bolkcom	Fraise	Kapucian	Sorenson
Bowman	Greiner	Kettering	Whitver
Chelgren	Gronstal	Kibbie	Wilhelm
Courtney	Hahn	McCoy	Zaun
Dandekar	Hamerlinck	McKinley	
Danielson	Hancock	Quirnbach	
Dearden	Hatch	Ragan	

Nays, none.

Absent, 5:

Anderson	Bertrand	Ward
Behn	Seymour	

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Paul Trombino III as Director of Transportation, placed on the Individual Confirmation Calendar on June 26, 2011, found on page 1165 of the Senate Journal.

Senator Gronstal moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 45:

Bacon	Dix	Hogg	Rielly
Bartz	Dotzler	Horn	Schoenjahn
Beall	Dvorsky	Houser	Seng
Black	Ernst	Jochum	Smith
Boettger	Feenstra	Johnson	Sodders
Bolkcom	Fraise	Kapucian	Sorenson
Bowman	Greiner	Kettering	Whitver
Chelgren	Gronstal	Kibbie	Wilhelm
Courtney	Hahn	McCoy	Zaun
Dandekar	Hamerlinck	McKinley	
Danielson	Hancock	Quirnbach	
Dearden	Hatch	Ragan	

Nays, none.

Absent, 5:

Anderson	Bertrand	Ward
Behn	Seymour	

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 7:27 p.m. until 10:00 a.m., Wednesday, June 29, 2011.

APPENDIX

INTRODUCTION OF RESOLUTION

Senate Resolution 16, by Beall, Bowman, Dotzler, Hancock, Kibbie, and Schoenjahn, a resolution calling for a moratorium on the closing of United States Postal Service offices in Iowa.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

JOURNAL OF THE SENATE

ONE HUNDRED SEVENTY-FIRST CALENDAR DAY
NINETIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, June 29, 2011

The Senate met in regular session at 10:28 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Gene Fraise, member of the Senate from Lee County, Fort Madison, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senator Kibbie.

The Journal of Tuesday, June 28, 2011, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:31 a.m. until 11:45 a.m.

RECONVENED

The Senate reconvened at 12:09 p.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 12:10 p.m. until 2:00 p.m.

RECONVENED

The Senate reconvened at 2:50 p.m., President Kibbie presiding.

The Senate stood at ease at 2:51 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:23 p.m., President Kibbie presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on June 29, 2011, **amended** the Senate amendment, **concurred** in the Senate amendment as amended, **and passed** the following bill in which the concurrence of the Senate is asked:

House File 645, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing for related matters and for effective date, applicability provisions and retroactive applicability provisions. (S-3379)

CONSIDERATION OF BILL (Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 590.

House File 590

On motion of Senator Sodders, **House File 590**, a bill for an act relating to the organization of the executive branch agencies responsible for administering economic development programs, making certain properly related changes, and including effective date and transition provisions, placed on the Unfinished Business Calendar on April 7, 2011, with report of committee without recommendation, was taken up for consideration.

Senator Sodders offered amendment S-3299, filed by him on April 28, 2011, to pages 1-7, 10-20, 23, and 26 of the bill.

Senator Sodders withdrew amendment S-3376, filed by him from the floor to pages 1-3 and 7-10 of amendment S-3299.

Senator Sodders offered amendment S-3378, filed by him from the floor to pages 1-3 and 7-10 of amendment S-3299.

Senator Chelgren called for the following division of amendment S-3378:

Division S-3378A: Page 1, line 4-Page 2, line 6; and
Page 3, lines 13-22; and
Division S-3378B: Page 2, line 7-Page 3, line 12.

Senator Chelgren raised the point of order that division S-3378B was not germane to the bill.

The Chair ruled the point not well-taken and division S-3378B in order.

(Division S-3378B and House File 590 were deferred.)

The Senate stood at ease at 4:41 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 4:46 p.m., President Kibbie presiding.

The Senate resumed consideration of division S-3378B and House File 590, previously deferred.

Senator Sodders moved the adoption of division S-3378B.

Division S-3378B was adopted by a voice vote.

Senator Sodders moved the adoption of division S-3378A.

Division S-3378A was adopted by a voice vote.

With the adoption of amendment S-3378, the Chair ruled the following amendments out of order:

S-3350, filed by Senator Sodders on May 26, 2011, to pages 2, 3, and 9 of amendment S-3299; and

S-3352, filed by Senator Sodders on June 20, 2011, to pages 2, 3, 9 and 10 of amendment S-3299.

Senator Hogg offered amendment S-3363, filed by Senators Hogg and McCoy on June 22, 2011, to page 4 of amendment S-3299, and moved its adoption.

Amendment S-3363 to amendment S-3299 was adopted by a voice vote.

Senator Sodders moved the adoption of amendment S-3299, as amended.

Amendment S-3299, as amended, was adopted by a voice vote.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Behn, Greiner, Houser, Seymour, and Ward, until they arrive, on request of Senator Kettering.

Senator Sodders moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 590), the vote was:

Yeas, 39:

Anderson	Dotzler	Horn	Rielly
Bacon	Dvorsky	Jochum	Schoenjahn
Bartz	Ernst	Johnson	Seng
Beall	Feenstra	Kapucian	Smith
Bertrand	Fraise	Kettering	Sodders
Boettger	Gronstal	Kibbie	Sorenson
Bowman	Hahn	McCoy	Whitver
Dandekar	Hancock	McKinley	Wilhelm
Danielson	Hatch	Quirnbach	Zaun
Dix	Hogg	Ragan	

Nays, 6:

Black	Chelgren	Dearden
Bolkcom	Courtney	Hamerlinck

Absent, 5:

Behn	Houser	Ward
Greiner	Seymour	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 645

Senator Schoenjahn called up for consideration **House File 645**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing for related matters and for effective date, applicability provisions and retroactive applicability provisions, amended by the Senate and further amended by the House in House amendment S-3379 to Senate amendment H-1731, filed June 29, 2011.

Senator Schoenjahn moved that the Senate concur in the House amendment to the Senate amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Schoenjahn moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 645), the vote was:

Yeas, 28:

Bartz	Dandekar	Hancock	Quirnbach
Beall	Danielson	Hatch	Ragan
Black	Dearden	Hogg	Rielly

Boettger	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm

Nays, 17:

Anderson	Ernst	Kapucian	Whitver
Bacon	Feenstra	Kettering	Zaun
Bertrand	Hahn	McKinley	
Chelgren	Hamerlinck	Smith	
Dix	Johnson	Sorenson	

Absent, 5:

Behn	Houser	Ward
Greiner	Seymour	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 590 and 645** be **immediately messaged** to the House.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on June 29, 2011, **adopted** the conference committee report **and passed House File 648**, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, and other funds, providing for related matters and including effective date provisions.

The Senate stood at ease at 5:15 p.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 5:47 p.m., President Pro Tempore Danielson presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kapucian, until he returns, on request of Senator McKinley.

CONFERENCE COMMITTEE REPORT RECEIVED AND CONSIDERED

House File 648

A conference committee report, signed by the following Senate and House members, was filed June 29, 2011, on **House File 648**, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, and other funds, providing for related matters and including effective date provisions:

On the part of the Senate:

MATT McCOY, Chair
DARYL BEALL
ROBERT E. DVORSKY
TIM KAPUCIAN

On the part of the House:

ROYD CHAMBERS, Chair
DENNIS COHOON
ERIK HELLAND
DAN HUSEMAN
JO OLDSON

House File 648

Senator Courtney called up the conference committee report on **House File 648**, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, and other funds, providing for related matters and including effective date provisions, filed on June 29, 2011, and moved its adoption.

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 648), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 19:

Anderson	Chelgren	Hahn	Smith
Bacon	Dix	Hamerlinck	Sorenson
Bartz	Ernst	Johnson	Whitver
Bertrand	Feenstra	Kettering	Zaun
Boettger	Greiner	McKinley	

Absent, 5:

Behn	Kapucian	Ward
Houser	Seymour	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 648** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 5:58 p.m. until 8:00 p.m.

RECONVENED

The Senate reconvened at 8:40 p.m., President Kibbie presiding.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on June 29, 2011, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

House File 590, a bill for an act relating to the organization of the executive branch agencies responsible for administering economic development programs, making certain properly related changes, and including effective date and transition provisions.

CONFERENCE COMMITTEE REPORT RECEIVED AND CONSIDERED

Senate File 533

A conference committee report, signed by the following Senate and House members, was filed June 29, 2011, on **Senate File 533**, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions:

On the part of the Senate:

ROBERT E. DVORSKY, Chair
JEFF DANIELSON
PAM JOCHUM

On the part of the House:

J. SCOTT RAECKER, Chair
JEFF KAUFMANN
NICK WAGNER

Senate File 533

Senator Courtney called up the conference committee report on **Senate File 533**, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions, filed on June 29, 2011, and moved its adoption.

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Dvorsky moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 533), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 19:

Anderson	Chelgren	Hahn	Smith
Bacon	Dix	Hamerlinck	Sorenson
Bartz	Ernst	Johnson	Whitver
Bertrand	Feenstra	Kettering	Zaun
Boettger	Greiner	McKinley	

Absent, 5:

Behn	Kapucian	Ward
Houser	Seymour	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 533** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:55 p.m. until 8:00 a.m., Thursday, June 30, 2011.

APPENDIX

ARTICLE 3, SECTION 10 PROTEST/REASONS FOR DISSENT

The following reasons for dissent were received in the office of the Secretary of the Senate for entry hereon:

I am submitting my official protest vote with regards to House File 590 on the twenty-ninth day of June in the 2011 year of our Lord Jesus Christ.

The bill is injurious to the voters of Iowa because it creates a special corporation directly violating Article VIII, Section 1 of the Iowa Constitution: "No corporation shall be created by special laws; but the general assembly shall provide, by general laws, for the organization of all corporations hereafter to be created."

MARK CHELGREN
DISTRICT 47

AMENDMENTS FILED

S-3376	H.F.	590	Steven J. Sodders
S-3377	H.F.	589	Tom Rielly
			Tim L. Kapucian
S-3378	H.F.	590	Steven J. Sodders
S-3379	H.F.	645	House

JOURNAL OF THE SENATE

ONE HUNDRED SEVENTY-SECOND CALENDAR DAY
NINETY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, June 30, 2011

The Senate met in regular session at 8:16 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Mark Chelgren, member of the Senate from Wapello County, Ottumwa, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Pages.

The Journal of Wednesday, June 29, 2011, was approved.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on June 29, 2011, **adopted** the conference committee report **and passed Senate File 533**, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

The Senate stood at ease at 8:24 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:29 a.m., President Pro Tempore Danielson presiding.

RECESS

On motion of Senator Courtney, the Senate recessed at 9:30 a.m. until the fall of the gavel.

RECONVENED

The Senate reconvened at 2:17 p.m., President Kibbie presiding.

INTRODUCTION OF BILL

Senate File 543, by committee on Appropriations, a bill for an act relating to and making appropriations for a period of short duration beginning July 1, 2011, providing for related matters, and including effective date and retroactive applicability provisions.

Read first time and **placed on Appropriations calendar**.

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: SENATE FILE 543 (LSB 2834XC), a bill for an act relating to and making appropriations for a period of short duration beginning July 1, 2011, providing for related matters, and including effective date and retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Dvorsky, McCoy, Kettering, Black, Boettger, Bolkom, Danielson, Dix, Dotzler, Fraise, Hancock, Hogg, Jochum, Kapucian, and Schoenjahn. Nays, none. Absent, 6: Bartz, Hatch, Houser, Johnson, Ragan, and Seymour.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

The Senate stood at ease at 2:18 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:12 p.m., President Kibbie presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on June 30, 2011, adopted the conference committee report and passed **House File 649**, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and including effective, retroactive, and applicability date provisions.

ALSO: That the House has on June 30, 2011, **passed** the following bill in which the concurrence of the Senate is asked:

House File 698, a bill for an act relating to and making appropriations for a period of short duration beginning July 1, 2011, providing for related matters, and including effective date and retroactive applicability provisions.

Read first time and attached to **companion Senate File 543**.

CONFERENCE COMMITTEE REPORT RECEIVED

House File 649

A conference committee report, signed by the following Senate and House members, was filed June 30, 2011, on **House File 649**, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and including effective, retroactive, and applicability date provisions:

On the part of the Senate:

JACK HATCH, Chair
JOE BOLKCOM
AMANDA RAGAN

On the part of the House:

DAVE HEATON, Chair
JOEL FRY
MATT WINDSCHITL

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Behn, Bertrand, Houser, Seymour, and Ward, until they arrive, on request of Senator Kettering.

CONFERENCE COMMITTEE REPORT CONSIDERED

House File 649

Senator Gronstal called up the conference committee report on **House File 649**, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and including effective, retroactive, and applicability date provisions, filed on June 30, 2011, and moved its adoption.

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Hatch moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 649), the vote was:

Yeas, 27:

Beall	Dearden	Hatch	Ragan
Black	Dotzler	Hogg	Rielly
Bolkcom	Dvorsky	Horn	Schoenjahn
Bowman	Fraise	Jochum	Seng
Courtney	Greiner	Kibbie	Sodders
Dandekar	Gronstal	McCoy	Wilhelm
Danielson	Hancock	Quirmbach	

Nays, 18:

Anderson	Dix	Johnson	Sorenson
Bacon	Ernst	Kapucian	Whitver
Bartz	Feenstra	Kettering	Zaun
Boettger	Hahn	McKinley	
Chelgren	Hamerlinck	Smith	

Absent, 5:

Behn	Houser	Ward
Bertrand	Seymour	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 649** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 543.

Senate File 543

On motion of Senator Dvorsky, **Senate File 543**, a bill for an act relating to and making appropriations for a period of short duration beginning July 1, 2011, providing for related matters, and including effective date and retroactive applicability provisions, was taken up for consideration.

Senator Dvorsky asked and received unanimous consent that **House File 698** be **substituted** for **Senate File 543**.

House File 698

On motion of Senator Dvorsky, **House File 698**, a bill for an act relating to and making appropriations for a period of short duration beginning July 1, 2011, providing for related matters, and including effective date and retroactive applicability provisions, was taken up for consideration.

Senator Dvorsky moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 698), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 40:

Anderson	Danielson	Hancock	McKinley
Bacon	Dearden	Hatch	Quirmbach
Bartz	Dotzler	Hogg	Ragan
Beall	Dvorsky	Horn	Rielly

Black	Ernst	Jochum	Schoenjahn
Boettger	Feenstra	Johnson	Seng
Bolkcom	Fraise	Kapucian	Sodders
Bowman	Greiner	Kettering	Whitver
Courtney	Gronstal	Kibbie	Wilhelm
Dandekar	Hahn	McCoy	Zaun

Nays, 5:

Chelgren	Hamerlinck	Sorenson
Dix	Smith	

Absent, 5:

Behn	Houser	Ward
Bertrand	Seymour	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Dvorsky asked and received unanimous consent that **Senate File 543** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 698** be **immediately messaged** to the House.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on June 30, 2011, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 16, a concurrent resolution to provide for adjournment sine die.

RECESS

On motion of Senator Gronstal, the Senate recessed at 3:38 p.m. until the completion of a meeting of the committee on Rules and Administration.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: HOUSE CONCURRENT RESOLUTION 16, a concurrent resolution to provide for adjournment sine die.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, McKinley, Bartz, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RECONVENED

The Senate reconvened at 3:42 p.m., President Kibbie presiding.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Concurrent Resolution 16.

House Concurrent Resolution 16

On motion of Senator Gronstal, **House Concurrent Resolution 16**, a concurrent resolution to provide for adjournment sine die, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal moved the adoption of House Concurrent Resolution 16, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Concurrent Resolution 16** be **immediately messaged** to the House.

REMARKS BY THE
PRESIDENT OF THE SENATE

President Kibbie provided the following remarks:

As we end the third longest session in history, it's important to recognize and thank the many people who help us make this Legislature work. The pages and doorkeepers are important to any session. Our Senate backroom staff work long hours and provide us with indispensable service and without whom the institution couldn't function. Our partisan staffs are filled with dedicated and intelligent people who also work long hours and are exceptional employees of the Senate. Without them we could not do our jobs nearly as well as we do and we are forever in their debt. Lastly, we are very fortunate to have a group of very talented people in the Legislative Services Agency who serve this institution with distinction. They deserve our thanks and appreciation for their expertise and dedication.

During the long days of this session we have often had contentious debates. It is my hope that all members feel I have been fair and consistent in my rulings. I respect this institution and all of you.

The 2010 election brought us divided government and new challenges. I wanted us to make progress on issues related to education, health care and jobs, and feel we did the best we could in a difficult and partisan environment.

I am most proud that we showed discipline and responsibility over the last two or three sessions by spending the taxpayers money wisely. The proof of that is the fact we have full reserve funds and a healthy bank account. We leave this session with a balanced and honest budget and one billion dollars as a cushion for any fiscal or economic problems.

Iowa's economy is in better shape than almost every other state. Only two or three have stronger balance sheets. I believe the bedrock of our economy has always been agriculture and the job growth in agriculture related businesses plus strong commodity prices have helped keep the state's economy moving forward.

I am disappointed that we did not reach agreement on the reduction of commercial property taxes. I think the proposal put forward by Senate Democrats was fair, aimed at Main Street, and much better than the proposal put forward by the administration. We must make progress on this issue so we can come together on a reasonable compromise during the 2012 session.

We now have six months to prepare for the 2012 session. I hope we can continue to find common ground during the interim so we can develop greater consensus on solutions for the problems facing our citizens. Right now, our economy is strong and I hope we can continue to see growth for all parts of our state.

I wish you all the best for the interim and I look forward to coming back together in January for a very successful session next year.

Thank You

REMARKS BY THE MAJORITY LEADER

Senator Gronstal provided the following remarks:

Thank you, Mr. President.

First, I would like to thank the Senate backroom staff, the Republican and Democratic staffs, the Senate doorkeepers, the Legislative Service Agency, and the pages (those here with us today and those who were lucky enough to have departed months ago).

Your dedication made it possible for us to bring the session to conclusion today. Your work is truly a service to the people of Iowa.

This has been a difficult session.

Finding agreement has not been easy, and that is probably a considerable understatement.

Why was it so difficult? It sure wasn't a lack of funds.

Unlike other states, Iowa's economy is growing, and our state budget is in good shape.

Our reserve funds are full at \$600 million. Our current budget is ending with another \$400 million in the bank. That's one BILLION dollars in the state's savings accounts, and revenue estimates for next year continue to rise.

And contrary to the Governor's posturing, Senate Democrats have ALWAYS insisted that Iowa should spend less than we take in.

In fact, in the 1990s, I was a member of the Senate Democratic majority that limited state spending to no more than 99 percent of projected revenues, and created Iowa's rainy day funds.

What's more, the initial Senate Democratic 2011 budget proposal would have spent only 98 percent of projected revenues. Spending more than we take in was never proposed by anyone.

And just to be perfectly clear, Senate Democrats are very proud of how we guided Iowa through the worst national recession in history.

We cut state spending by a quarter of a billion dollars. We made state government leaner and more effective when it comes to providing services by conducting the first state government reorganization in 25 years. And we did it without raising taxes or gutting the services Iowa families depend on.

Our success then is a big reason why Iowa's state budget is now one of the healthiest in the nation.

I mention all this just to make it as clear as possible that the reason we are still in session on June 30 has nothing to do with spending more than we take in or straightening out the Iowa budget.

When this session started just six short months ago, I used that occasion to speak directly to Iowa's small businesses and their employees. I responded to the questions and concerns they shared with me in the months before the 2011 session.

On January 10th, I told the Senate that Iowa's small business owners and workers especially wanted to know the answer to one question:

"Are legislators serious about helping Iowans recover from the worst recession in more than 50 years?"

Today, almost six months later, I believe the Senate, at least, can answer "Yes, we are."

Iowa's commercial property tax rates are too high, especially for small businesses.

That's why an overwhelmingly bipartisan majority of the Senate voted to cut commercial property taxes by \$200 million. We did it in a way that targets the relief to Iowa's small businesses.

More than four out of five commercial property taxpayers receive a bigger tax cut under our plan than under Governor Branstad's proposal.

Iowa's economic recovery needs to be strengthened.

That's why the Senate unanimously passed Senate File 209, a 148 million dollar tax cut for working Iowans and businesses. It would:

Allow businesses to immediately deduct the entire cost of automobiles, machinery, property and other big ticket items, and increase the state Earned Income Tax Credit for working families, providing an immediate boost for many Iowa small businesses.

Iowa's businesses often struggle to find the skilled employees needed to expand.

That's why the Senate approved Senate File 328. It would take a successful community college pilot program statewide.

Working Iowans would receive help earning industry-recognized certificates in welding, nursing and a host of other fields and Iowa's small businesses could fill critical local skill shortages.

Small businesses pay 18 percent more than large businesses for the same health care coverage, and health insurance premiums have gone up three times faster than wages in the last 10 years.

That's why the Senate unanimously approved Senate File 506 which would have benefited 60,000 Iowa small businesses with 10 or fewer employees by sending them an annual state tax refund to help pay for employee health insurance.

Small wind and small solar projects at homes and businesses mean jobs for local construction firms, plumbers, and electrical, heating and air conditioning contractors, and lower utility bills for families, farmers, and businesses.

That's why the Senate passed Senate File 516, which provides rebates to help jumpstart Iowa's local renewable energy economy.

Distressed buildings on Main Street make it harder for communities to grow.

That's why the Senate approved new state dollars to make it easier for communities to clean-up and revitalize their business districts and industrial parks.

Those are some of the reasons the Senate can say: "Yes, we were serious about helping Iowans recover from the worst recession in more than 50 years."

Helping small businesses grow. That's what we should have focused on during this session.

Unfortunately, the Republicans in charge of the Iowa House had a different agenda.

The Senate's job creation legislation was, for the most part, ignored.

House Republicans decided instead to demand deep, deep cuts to Iowa education at all levels, starting with an unprecedented two-year freeze in state support for local schools, the elimination of statewide, voluntary preschool, and double digit tuition increases at our community colleges and public universities.

At a time when we should have moved aggressively forward on job creation, the Senate was forced to fight furiously to defend the great teachers, students and schools at the heart of our communities and the educational opportunity that makes Iowa workers among the most productive in the world.

I still don't understand why.

Why have we spent the last two months arguing whether Iowa should close successful, high quality preschools for four-year-olds?

Why were so many of Iowa's superintendents, school board members, and parents forced to travel to the Statehouse to patiently explain that putting schools on a starvation diet for two years was a bad idea?

Why did community college students and university students have to endure legislative hostility in order to point out that making it more difficult, more expensive for Iowans to improve their skills was a very, very bad idea?

Why?

It wasn't because we didn't have the money.

As I've said many times, our reserve funds are full at \$600 million and the current budget is ending with another \$400 million in the bank.

Republicans and Democrats rely on the same non-partisan revenue and budget estimates. And as far as I know, two plus two equals four whether you are a Republican or a Democrat.

I wish that the Iowa House and Governor Branstad would have joined the Senate in continuing to make smart investments in education. Then this session could have focused on encouraging small business and creating jobs.

Instead, the state of Iowa was forced into a lengthy, bitter fight to save preschool, to provide a modest increase in state support to local schools THE YEAR AFTER NEXT, and to soften cuts to colleges.

These fights, fights all of which could have been easily avoided, nearly brought Iowa its first ever government shutdown.

Why?

That's the question I'll spend the next six months trying to answer.

Because next January, the Senate will be back. Helping small businesses and their employees will again be at the top of our agenda.

Next year, the state's bank accounts will still be overflowing.

Next year, the argument that we are too broke to provide a good future for our kids will be even more baseless than it was this year.

Next year, I hope we will quickly agree that Iowa should continue to be a national leader when it comes to education. I hope we can then complete the work the Senate started this year: growing Iowa's small business and creating more jobs for Iowans.

REMARKS BY THE MINORITY LEADER

Senator McKinley provided the following remarks:

Thank you Mr. President.

Colleagues, friends and all Iowans:

What a session!

This was truly one for the history books: 6 different months, 25 weeks, 172 calendar days and 91 total days of session.

As we finally close the books on this session, I think history will ultimately view this session as the real beginning of a transformation progression for Iowa.

When the voters spoke last fall, they said they wanted a smaller, more efficient government that taxes less, spends less, promotes an environment where private sector job creation flourishes and encourages freedom, liberty and opportunity.

Republicans have listened to the wishes of the voters and after years of overspending, ever higher taxes and rampant job losses – the tide is beginning to change and a new course is being charted.

Yet, make no mistake – our work does not end today. It is only just beginning and we have a lot of work ahead of us.

When we started this session on that cold January day, Senate Republicans said we wanted to give the citizens back their government and make it more responsive, open and transparent. We said we wanted to spend our time this session focusing on the message the Iowa voters delivered last fall: to concentrate on private sector job creation, remove onerous barriers to economic growth, reduce spending and cut our taxes.

From day one, our mission has been to begin to restore the public trust in government and to move forward on a new and more hopeful agenda.

While there is still much yet to be accomplished when it comes to opening Iowa up for more good paying jobs, we took a major step forward this session by beginning to address the onerous rules and regulations that are holding back job creators and sending jobs across our borders.

Our eleven city “Re-Open Iowa for Business” Rules and Regulations tour generated hundreds of comments, was attended by over 1000 people and truly began to push the conversation toward removing – instead of building up the barriers that are hindering the success of our people.

In the coming weeks, Senate Republicans will be releasing our report on the tour, which will include specific policy and procedure changes that must be implemented to ensure Iowa is friendlier to those who wish to invest in our communities and our workforce.

When it comes to encouraging private sector job creation and the over 100,000 Iowans that are still unacceptably out of work, Senate Republicans look forward to continuing to be a leader on all issues related to job creation.

On jobs, we made progress but there is more that needs to be done.

Though it took the full six months to accomplish, we finally have a budget that funds our core essential services without employing the kinds of reckless budgeting gimmicks that have put our state in financial peril in recent years.

While nobody likes everything about this new budget, it is more sustainable, predictable and spends less than we take in.

As we look to the future, we will continue to work hard to find savings, eliminate waste and offer systemic reforms that will result in a leaner and more efficient delivery of services for the people that elected us to serve as their voice and their vote.

On the budget, we made substantive progress but there is plenty more that can be done.

A leaner budget also goes hand in hand with a more reasonable and responsible tax system.

In order to make our state more competitive for jobs, we must have lower property taxes. Unfortunately, the property taxpayers of Iowa will not get the comprehensive tax reform that they deserve this session.

However, Senate Republicans remain emboldened to do what is right for all classes of property taxpayers.

Whether it is property or income taxes, there is still plenty of work yet to be done to make Iowa more competitive for all of those who wish to call our great state home.

When it comes to our tax code in the future, we have no choice but to make serious reforms.

In addition to the budget, job creation and taxes, there are still challenges that must be addressed in other areas in the coming year.

We must get past the partisan obstructionism and finally address legislation that bans late-term abortions so communities like Council Bluffs can avoid becoming the “Late-Term Abortion Mecca of the Midwest.” In addition, it is wrong for Senate Democrats to continue to obstruct a vote of the people on the basic definition of marriage, defying the unmistakable message delivered by the voters’ last election.

Our work on other important endeavors and reforms in education, health care, energy, agriculture policy and with our natural resources will be part of the conversation in the near future and we can and must always do more to make our government more open and transparent.

We must also challenge ourselves to guarantee sufficient public safety and ensure that we have roads and infrastructure that are safe, reliable and capable of supporting the Iowa economy of the future.

We must work to help those along our western border as they battle the flooding created by the Mighty Missouri. They, like other flooding victims, are a wonderful example of the resiliency and profound sense of community that exists amongst the people of Iowa.

Clearly, Mr. President, can there be any doubt that we have plenty of work ahead of us?

Before I conclude, I want to thank my fellow members of the Senate Republican Caucus for their hard work. I want to thank all of our caucus staff members, the staff of the LSA and Secretary of the Senate's office and our pages and door keepers for their excellent work.

It takes a lot of dedicated people to keep us all on track.

Yet, it also takes real leadership to really put Iowa back on a track of growth and prosperity. I believe we have started down the right path but we can, should and will do more.

Iowans did not elect us to continue the status quo. They elected us to make difficult decisions and to take real steps forward. The future generations of Iowa cannot afford for us to sit idly by while our neighbors and competitors only continue to make the progress we are missing.

We, as elected officials, have been granted an incredible ability to set policy and represent the people of this state. As individuals, we are here to serve the constituents in our districts, but together we must work for the betterment of all.

Every Iowan is unique and special but we all are looking for similar things: a better life and good paying jobs, world class schools and safe communities for their children and a government that lives within its means, promotes liberty and fosters opportunity.

Iowans are blessed with common sense, are hardworking, compassionate, frugal and optimistic about the future. They care about their communities, their schools and their neighbors around them. Our people are smart, they love this state and they want what is best for their families. This exceptional sense of independence, community and self-sufficiency is our bedrock and our lifeblood.

As we look toward the future, let us again unleash the unbridled entrepreneurial spirit and ingenuity of the private sector. This state is dotted with manufacturers and small businesses who have served as the foundation of our communities. We must embrace the understanding that the new Iowa economy will be about the things that we can touch, feel, need and use. Never should we allow our valuable agricultural commodities to leave this state to have value added elsewhere.

We could be on the verge of a new economic explosion if we lead with the right vision, take the right approach and move away from the notion that government picking winners and losers is the answer to growing our economy.

We must stay focused on job creation and send a clear message that Iowa is the destination for all those who wish to find success and pursue their dreams.

As legislators, we must never stop trying to renew the boundless potential embodied in all 99 counties.

May God bless you all, our constituents back home and may you always be proud to be an Iowan.

Thank you very much.

FINAL ADJOURNMENT

By virtue of House Concurrent Resolution 16, duly adopted, the day of June 30, 2011, having arrived, President Kibbie declared the 2011 Regular Session of the Eighty-fourth General Assembly adjourned sine die.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Thursday, June 30, 2011, 9:35 a.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Black, Boettger, Bolcom, Danielson, Dix, Dotzler, Fraise, Hancock, Hogg, Jochum, Kapucian, and Schoenjahn.

Members Absent: Bartz, Hatch, Houser, Johnson, Ragan, and Seymour (all excused).

Committee Business: Approved LSB 2834XC.

Adjourned: 9:45 a.m.

RULES AND ADMINISTRATION

Convened: Thursday, June 30, 2011, 3:35 p.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; McKinley, Ranking Member; Bartz, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun.

Members Absent: None.

Committee Business: Approved HCR 16.

Adjourned: 3:40 p.m.

SUBCOMMITTEE ASSIGNMENT

LSB 2834XC

APPROPRIATIONS: Dvorsky, Chair; Danielson and Kettering

AMENDMENT FILED

S-3380	H.F.	561	Swati A. Dandekar Matt McCoy Brian Schoenjahn Jerry Behn Pat Ward
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SENATE REPORTS RECEIVED AFTER ADJOURNMENT

The following is a record of Senate reports received after the close of the 2011 Regular Session.

COMMUNICATION RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF CITIZENS' AIDE/OMBUDSMAN

Annual Report for FY 2010, pursuant to Iowa Code chapter 2C. Report received on May 31, 2011.

BILLS REFERRED TO COMMITTEE FROM CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 4, the following bills remaining on the Senate Calendar upon adjournment of the 2011 session will be removed from the calendar and referred back to the committee to which they were originally assigned:

S.F. 390 Commerce
(with attached H.F. 561)
S.F. 391 Commerce
S.F. 532 Appropriations
S.C.R. 9 Rules and Administration

MICHAEL E. MARSHALL
Secretary of the Senate

FINAL DISPOSITION OF MOTION TO RECONSIDER

Pursuant to Senate Rule 24, the following motion to reconsider, which remained on the Senate Calendar upon the adjournment of the 2011 Regular Session of the Eighty-fourth General Assembly, was determined to have **failed**:

The motion to reconsider the vote by which Isaiah McGee, the governor's appointee to be Director of the Department of Human Rights, failed to pass the Senate on April 12, 2011. (Motion to reconsider filed by Senator McKinley on April 12, 2011.)

MICHAEL E. MARSHALL
Secretary of the Senate

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 510, the following correction was made:

1. Title page, line 3: corrected spelling of the word “provisions”.

ALSO: Pursuant to Senate Rule 21, I report that in enrolling Senate File 533, the following corrections were made:

1. Page 7, line 10: removed amendment quote.
2. Page 36, line 22: removed amendment quote.
3. Page 52, line 3: removed “to be used.”
4. Page 64, line 7: removed amendment quote.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following reports:

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 30th day of June, 2011.

Senate Files 313, 508, 509, 510, 511, 517, 525, 533, and 535.

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 2011 Regular Session:

SENATE BILLS APPROVED

Senate File 313 – Relating to medical assistance program-related provisions. Approved July 26, 2011.

Senate File 509 – Relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions. Approved July 21, 2011.

Senate File 511 – Relating to and making appropriations to the judicial branch. Approved July 29, 2011.

Senate File 525 – Relating to reforming state and county responsibilities for adult disability services, making appropriations, and including effective date provisions.. Approved July 26, 2011.

Senate File 535 – Relating to the water resources coordinating council, including by transferring associated powers and duties from the office of the governor to the department of agriculture and land stewardship. Approved July 21, 2011.

GOVERNOR'S ITEM VETO MESSAGES

Senate File 508

July 18, 2011

The Honorable Matt Schultz
Secretary of State of Iowa
State Capitol
Des Moines, Iowa 50319

Dear Mr. Secretary:

I hereby transmit Senate File 508, an Act appropriating federal funds made available from federal block grants and other non-state sources, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

Senate File 508 is, therefore, signed on this date with the following exception, which I hereby disapprove.

I am unable to approve Section 36 of the bill in its entirety. This item creates a redundant mandate by requiring departments that receive funds from this appropriation bill to provide a detailed plan of the past, current, and future expenditures of federal funds designated for departmental administrative expenses 60 days before the start of the new federal fiscal year. While I strongly support transparency efforts that publicly disclose how departments spend their resources, this information is already available within the State's accounting and budgeting systems. Furthermore, the future year's plan will be of little to no benefit beyond what is currently available because most of the amounts will not have been established by the federal government in a timely fashion that would allow a complete and accurate report 60 days before the start of the new federal fiscal year.

For the above reasons, I respectfully disapprove the designated item in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 508 are hereby approved as of this date.

Sincerely,

TERRY E. BRANSTAD
Governor

Senate File 510

July 29, 2011

The Honorable Matt Schultz
Secretary of State of Iowa
State Capitol
Des Moines, Iowa 50319

Dear Mr. Secretary:

I hereby transmit Senate File 510, an act relating to and making appropriations to the justice system, providing penalties, and including effective and retroactive applicability date provisions.

Senate File 510 is, therefore, signed on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated in Section 4, numbered paragraph 1, lettered paragraph a in its entirety. This item prevents the Department of Corrections from entering into a new contract in excess of \$100,000 for privatized services during fiscal year 2012 and 2013 without prior notification of the legislature and employee organizations. However, these sections allow the department to renew existing contracts without notification. This item would prevent the department from obtaining services for inmates in an effective and efficient manner. This notification unnecessarily impedes on the department's management authority.

I am unable to approve the item designated in Section 4, numbered paragraph 2, lettered paragraph a in its entirety. This item mandates the Department of Corrections to transfer at least \$300,000 from canteen funds of the institutions to the department's education programs. The department already is required and desires to utilize canteen funds for the benefit of inmates. However, this item requires the department to use \$300,000 of the canteen fund towards inmate education programs when the fund usually does not have \$300,000. It is impossible for the department to spend \$300,000 of the fund when the fund's balance is typically below that amount. Therefore, I continue to encourage the department to use funds provided in the Canteen Fund towards education programs for inmates.

I am unable to approve the item designated in Section 5, subsection 6 in its entirety. This item would require all Community Based Correctional ("CBC") facilities to accept offenders transferred from other judicial districts without consideration of evidence-based practices regarding supervisory status. I disapprove this language in order to assure that each CBC facility will maintain control of the types and numbers of offenders who they serve in their respective residential programs.

I am unable to approve the item designated in Section 33, numbered paragraph 1, lettered paragraph a in its entirety. This item prevents the Department of Corrections from entering into a new contract in excess of \$100,000 for privatized services during fiscal year 2012 and 2013 without prior notification of the legislature and employee organizations. However, these sections allow the department to renew existing contracts without notification. This item would prevent the department from obtaining

services for inmates in an effective and efficient manner. This notification unnecessarily impedes on the department's management authority.

I am unable to approve the items designated in Section 33, numbered paragraph 2, lettered paragraph a in its entirety. This item mandates the Department of Corrections to transfer at least \$300,000 from canteen funds of the institutions to the department's education programs. The department already is required and desires to utilize canteen funds for the benefit of inmates. However, this item requires the department to use \$300,000 of the canteen fund towards inmate education programs when the fund usually does not have \$300,000. It is impossible for the department to spend \$300,000 of the fund when the fund's balance is typically below that amount. Therefore, I continue to encourage the department to use funds provided in the Canteen Fund towards education programs for inmates.

I am unable to approve the item designated in Section 34, paragraph 6 in its entirety. This item would require all Community Based Correctional ("CBC") facilities to accept offenders transferred from other judicial districts without consideration of evidence-based practices regarding supervisory status. I disapprove this language in order to assure that each CBC facility will maintain control of the types and numbers of offenders who they serve in their respective residential programs.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 510 are hereby approved as of this date.

Sincerely,

TERRY E. BRANSTAD
Governor

Senate File 517

July 27, 2011

The Honorable Matt Schultz
Secretary of State of Iowa
State Capitol
Des Moines, Iowa 50319

Dear Mr. Secretary:

I hereby transmit Senate File 517, an Act relating to and making appropriations to the Department of Cultural Affairs, the Department of Economic Development, certain Board of Regents Institutions, the Department of Workforce Development, the Iowa Finance Authority, and the Public Employment Relations Board, and addressing related matters including tax credits and including retroactive effective dates and retroactive applicability provisions.

Senate File 517 is approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 15, subsection 3, paragraph c, in its entirety. This item would prohibit Iowa Workforce Development (“IWD”) from putting forth an enhanced delivery system that broadens access to Iowans across the state in fiscal year 2012. In order to develop a sustainable delivery system, in light of continually fluctuating federal funding, the department must put forth a system that embraces the use of technology while providing enhanced benefits through maximum efficiencies. At this time, IWD has over one hundred ninety virtual access point workstations in over sixty new locations throughout the state in order to increase access to these critical services. Iowans are already utilizing expanded hours of operations, six days a week. At my direction, IWD will have hundreds of additional virtual access points by the end of fiscal year 2012.

I am unable to approve the item designated as Section 15, subsection 5 in its entirety. This item attempts to define a delivery system in such a way as to prevent growth and progress in serving Iowans in fiscal year 2012. IWD has recognized the necessity of delivering services through multiple streams, including technology. As such, IWD is putting forth a plan that delivers more services to Iowans while streamlining government.

I am unable to approve the item designated as Section 20 in its entirety. This item would prohibit IWD from using the National Career Readiness Certificate program in fiscal year 2012. The National Career Readiness Certificate program is an Iowa-based product which is an assessment and skill development tool that has been embraced by over 400 Iowa employers as an exceptional tool for demonstrating skills for a potential employee. It is recognized nationally by both the Executive Office of the President and the U.S. Department of Labor as a reliable and portable tool for job seekers to present and certify their skills. I cannot agree with the denial to IWD of the potential use of this program.

I am unable to approve the item designated as Section 26 in its entirety. This item would transfer and appropriate unobligated money in the Save Our Small Business Fund to Iowa Workforce Development to be used for field offices in fiscal year 2012. Funding on-going operational expenses with one-time funds violates sound budgeting principals. This one-time funding source does not create a sustainable operating environment; instead it moves the funding problem into the future.

I am unable to approve the item designated as Section 61, subsection 3, paragraph c, in its entirety. This item would prohibit IWD from putting forth an enhanced delivery system that broadens access to Iowans across the state for fiscal year 2013. In order to develop a sustainable delivery system, in light of the continually fluctuating federal funding, the department must put forth a system that embraces the use of technology while providing enhanced benefits through maximum efficiencies. At this time, IWD has over one hundred ninety virtual access point workstations in over sixty new locations throughout the state in order to increase access to these critical services. Iowans are already utilizing expanded hours of operations, six days a week. At my direction, IWD will have hundreds of additional virtual access points by the end of fiscal year 2012.

I am unable to approve the item designated as Section 61, subsection 5 in its entirety. This item attempts to define a delivery system in such a way as to prevent growth and progress in serving Iowans for fiscal year 2013. IWD has recognized the necessity of delivering services through multiple streams, including technology. As such, IWD is

putting forth a plan that delivers more services to Iowans while streamlining government.

I am unable to approve the item designated as Section 66 in its entirety. This item would prohibit IWD from using the National Career Readiness Certificate program in fiscal year 2013. The National Career Readiness Certificate program is an Iowa-based product which is an assessment and skill development tool that has been embraced by over 400 Iowa employers as an exceptional tool for demonstrating skills for a potential employee. It is recognized nationally by both the Executive Office of the President and the U.S. Department of Labor as a reliable and portable tool for job seekers to present and certify their skills. I cannot agree with the denial to IWD of the potential use of this program.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 517 are hereby approved as of this date.

Sincerely,

TERRY E. BRANSTAD
Governor

Senate File 533

July 27, 2011

The Honorable Matt Schultz
Secretary of State of Iowa
State Capitol
Des Moines, Iowa 50319

Dear Mr. Secretary:

I hereby transmit Senate File 533, an Act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

Senate File 533 is approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 6 in its entirety. This item would provide that for fiscal year 2012 bonus pay would be prohibited for employees of the Executive, Judicial, and Legal branches. This item would unduly limit the ability of the Executive branch to deploy such methods to attract, retain, incentivize and reward exceptional employees.

I am unable to approve the item designated as Section 45 in its entirety. His item would provide that for fiscal year 2013 bonus pay would be prohibited for employees of the Executive, Judicial and Legal branches. This item would unduly limit the ability of the Executive branch to deploy such methods to attract, retain, incentivize and reward exceptional employees.

I am unable to approve the item designated as Section 90 in its entirety. This item would increase the number of voting members of the Iowa Law Enforcement Academy council by two members, increasing the total membership from thirteen to fifteen members. The number of voting members was increased by legislation earlier this year from seven to thirteen. I disapprove of this item because adding two additional members to this board, bringing the total to fifteen voting members would make it too cumbersome and will impede its effectiveness. The existing board members can work to seek input from the public and interested parties.

I am unable to approve the items designated as Section 108 in its entirety. These items would specify that each department of State government track budget and actual expenditures for contract services and employee training. This item creates a redundant mandate. While I strongly support transparency efforts that publicly disclose how departments spend their resources, this information is available within the State's accounting and budgeting systems.

I am unable to approve the items designated as Sections 117, 118 and 119 in their entirety. These items would extend the Medication Therapy Management pilot program conducted by the Department of Administrative Services for certain State employees for one more year. This pilot program is funded by a transfer of \$510,000 from the Board of Pharmacy to the Department of Administrative Services to pay for the extension. The purpose of this pilot program was to temporarily engage in an activity and, at completion, thoroughly review the results before taking additional action. As a result, it is premature to authorize an additional year for this pilot program until the results have been reviewed to measure program effectiveness and for that reason I cannot authorize its continuation at this time.

I am unable to approve the items designated as Sections 120 and 121 in their entirety. The item would increase the Earned Income Tax Credit from the current level of 7.0% of the federal credit to 10.0% of the federal credit. This change is estimated to reduce the revenue to the state general fund by \$28.5 million for Fiscal Years 2012–2013. It is my desire to approach tax policy in a comprehensive and holistic manner. As such, I urge members of the House and Senate to continue to work with my office on an overall tax reduction package that both fits within our sound budgeting principals while reducing those taxes that are impeding our state's ability to compete for new business and jobs.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 533 are hereby approved as of this date.

Sincerely,

TERRY E. BRANSTAD
Governor

State of Iowa

**JOURNAL
OF THE SENATE**

**EIGHTY-FOURTH
GENERAL ASSEMBLY**

2011 REGULAR SESSION

Volume II

JOHN P. KIBBIE, President of the Senate
MICHAEL E. MARSHALL, Secretary of the Senate

Published by the
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Des Moines

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AMENDMENTS FILED

EIGHTY-FOURTH GENERAL ASSEMBLY 2011 REGULAR SESSION

S-3001

- 1 Amend Senate Resolution 2 as follows:
- 2 1. Page 30, lines 25 and 26, by striking ~~<unless~~
3 ~~otherwise ordered by the senate>~~ and inserting ~~<unless~~
4 ~~otherwise ordered by the senate>~~
- 5 2. Page 38, line 30, by striking ~~<adjourned>~~ and
6 inserting ~~<adjourned.>~~
- 7 3. Page 39, lines 1 and 2, by striking ~~<Unless~~
8 ~~otherwise ordered by the senate, the president and>~~ and
9 inserting ~~<Unless otherwise ordered by the senate, the~~
10 ~~president>~~
- 11 4. Page 39, lines 5 and 6, by striking ~~<, subject~~
12 ~~to an appeal to the senate>~~ and inserting ~~<, subject~~
13 ~~to an appeal to the senate>~~
- 14 5. Page 39, lines 15 and 16, by striking ~~<unless~~
15 ~~otherwise ordered by the senate>~~ and inserting ~~<unless~~
16 ~~otherwise ordered by the senate>~~

MERLIN BARTZ

S-3002

- 1 Amend Senate Resolution 2 as follows:
- 2 1. Page 20, line 19, by striking ~~<voting on a~~
3 ~~simple resolution>~~

MERLIN BARTZ

S-3003

- 1 Amend Senate Resolution 3 as follows:
- 2 1. Page 3, line 7, after ~~<committee>~~ by inserting
3 ~~<or from an organization exempt from taxation under~~
4 ~~section 501(c)(4), 501(c)(6), or 527 of the Internal~~
5 ~~Revenue Code that engages in activities related to the~~
6 ~~nomination, election, or defeat of a candidate for~~
7 ~~public office>~~

JOHN P. KIBBIE

S-3004

- 1 Amend Senate Resolution 2 as follows:
- 2 1. Page 31, after line 20 by inserting:

3 <Any joint resolution proposing an amendment to
 4 the Constitution of the State of Iowa received from
 5 the house, shall be referred by the president to
 6 an appropriate standing committee. Such a joint
 7 resolution shall automatically be placed on the
 8 calendar if the committee does not report out the
 9 joint resolution within fifteen legislative days. If
 10 such a joint resolution is rereferred to committee or
 11 referred to another committee, the joint resolution
 12 shall automatically be placed on the calendar if the
 13 committee does not report out the joint resolution
 14 within five legislative days. The majority leader
 15 shall call up the joint resolution for debate within
 16 fifteen legislative days of its placement on the
 17 calendar. Within fifteen legislative days of the
 18 joint resolution being called up for debate, the senate
 19 shall consider or dispose of all amendments to the
 20 joint resolution and the senate shall cause the joint
 21 resolution to be read for the last time and immediately
 22 placed upon its final passage. Within five legislative
 23 days of its final passage the senate shall dispose of
 24 any motions to reconsider the joint resolution and
 25 shall immediately return the joint resolution to the
 26 house.>

MERLIN BARTZ

S-3005

- 1 Amend Senate Resolution 3 as follows:
 2 1. Page 14, by striking line 3 and inserting:
 3 <(2) That the senator, ~~or~~ lobbyist, or client of a
 4 lobbyist be censured or>
 5 2. Page 14, by striking line 19 and inserting
 6 <against a senator, ~~or~~ lobbyist, or client of a
 7 lobbyist after the second regular>

JOHN P. KIBBIE

S-3006

- 1 Amend Senate Resolution 3 as follows:
 2 1. Page 3, line 5, after <senator> by inserting <or
 3 the spouse of a senator>

MARK CHELGREN

S-3007

- 1 Amend Senate Resolution 3 as follows:
 2 1. Page 3, line 7, after <committee> by inserting
 3 <or from an organization exempt from taxation under

4 section 501(c)(4), 501(c)(6), or 527 of the Internal
 5 Revenue Code that engages in activities related to
 6 the nomination, election, or defeat of a candidate
 7 for public office or related to issue advocacy. The
 8 spouse of a senator may only accept employment,
 9 either directly or indirectly, from a political
 10 action committee or from an organization exempt from
 11 taxation under section 501(c)(4), 501(c)(6), or 527 of
 12 the Internal Revenue Code that engages in activities
 13 related to the nomination, election, or defeat of
 14 a candidate for public office for related to issue
 15 advocacy if the senator does not have a material role
 16 in raising or expending funds for the entity>

JOHN P. KIBBIE

S-3008

1 Amend the amendment, S-3006, to Senate Resolution 3
 2 as follows:
 3 1. Page 1, after line 3 by inserting:
 4 <__. Page 3, line 7, after <senator> by inserting
 5 <or the spouse of a senator>
 6 __. Page 3, line 8, after <but> by inserting <the
 7 senator>
 8 __. Page 3, line 11, after <senator> by inserting
 9 <or the spouse of a senator>
 10 __. Page 3, line 13, after <senator> by inserting
 11 <or the spouse of a senator>>
 12 2. By renumbering as necessary.

MARK CHELGREN

S-3009

1 Amend House File 45, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking everything after the enacting clause
 4 and inserting:
 5 <DIVISION I
 6 UNIFORM PROVISIONS
 7 Section 1. LEGISLATIVE GROUP HEALTH PLANS. The
 8 group health insurance coverage available to members
 9 and employees of the general assembly on or after the
 10 effective date of this section shall not provide for
 11 additional coverage benefits, lower costs, or other
 12 enhancements that are unavailable to officials and
 13 employees of the executive branch of state government.
 14 Sec. 2. STATE AGENCY OFFICE SUPPLIES PURCHASE,
 15 EQUIPMENT PURCHASES, PRINTING AND BINDING, AND
 16 MARKETING.
 17 1. For the purposes of this section, "department"

18 means the same as defined in section 8.2.

19 2. a. For the period beginning on the effective
20 date of this section through the close of the fiscal
21 year ending on June 30, 2011, each state department
22 shall be subject to a limitation on expenditures
23 made on or after the effective date of this section
24 for office supplies, purchases of equipment, office
25 equipment, and equipment noninventory, printing and
26 binding, and marketing in accordance with this section.

27 b. The limitation shall be equal to 50 percent of
28 the unexpended or unencumbered amount that a department
29 has budgeted or otherwise designated for purposes
30 of office supplies, purchases of equipment, office
31 equipment, and equipment noninventory, printing and
32 binding, and marketing from the appropriations made
33 from all sources other than federal funds for the
34 fiscal year beginning July 1, 2010, and ending June 30,
35 2011, to the department from all sources, as of the
36 effective date of this section.

37 3. For the period beginning on the effective date
38 of this section through the close of the fiscal year
39 ending on June 30, 2011, out-of-state travel by an
40 employee of a department, which travel is funded in
41 whole or in part by an appropriation from a source
42 other than federal funds, shall not be authorized
43 unless a waiver for the travel is approved by the
44 executive council. The executive council shall adopt
45 waiver criteria based on the relative importance of
46 the travel to fulfilling statutorily required duties,
47 the potential for the travel to bring cost savings or
48 enhanced revenues for the state, and other means to
49 determine whether the benefit or potential benefit of
50 the travel significantly outweighs the potential cost.

Page 2

1 4. The committees on appropriations of the
2 senate and house of representatives shall recommend
3 legislation applying a directive for the executive
4 branch to implement a master marketing contract for
5 state agencies that commences on or before July 1,
6 2011.

7 5. The appropriations to which the expenditure
8 reductions required by this section are attributed
9 shall be reduced by the amount of the expenditure
10 reductions. Within 30 days of the enactment date of
11 this section, the department of management shall apply
12 such appropriation reductions and shall submit a report
13 to the general assembly and legislative services agency
14 itemizing the expenditure and appropriation reductions
15 applied.

16 6. This section is not applicable to the state

17 board of regents and the institutions under the control
18 of the state board.

19 Sec. 3. STATE RECORDS STORAGE. The agencies
20 of state government that have state records stored
21 in locations within a floodplain shall, within six
22 months of the effective date of this Act, find storage
23 space for the records that is not located within
24 a floodplain. For the purposes of this section,
25 "floodplain" means the same as one hundred year
26 floodplain, as defined in section 459.102.

27 Sec. 4. Section 7E.3, Code 2011, is amended by
28 adding the following new subsection:

29 NEW SUBSECTION. 5. Adults not lawfully
30 present. Unless expressly authorized by federal or
31 state law, ensure that the public benefits administered
32 by the department or independent agency are not
33 provided to persons who are not lawfully present in the
34 United States.

35 Sec. 5. Section 68B.8, Code 2011, is amended by
36 adding the following new unnumbered paragraph:

37 NEW UNNUMBERED PARAGRAPH. A state agency of the
38 executive branch of state government shall not employ
39 a person through the use of its public funds whose
40 position with the agency is primarily representing the
41 agency relative to the passage, defeat, approval, or
42 modification of legislation that is being considered by
43 the general assembly.

44 Sec. 6. EFFECTIVE UPON ENACTMENT. This division of
45 this Act, being deemed of immediate importance, takes
46 effect upon enactment.

47 DIVISION II

48 ADMINISTRATION AND REGULATION

49 Sec. 7. JOINT APPROPRIATIONS SUBCOMMITTEE ON
50 ADMINISTRATION AND REGULATION REQUIREMENTS. The

Page 3

1 joint appropriations subcommittee on administration
2 and regulation determines one or both of the options
3 described in subsections 1 and 2 are significantly
4 less costly than maintaining the current system, the
5 joint subcommittee shall develop and, on or before
6 April 4, 2011, shall submit recommended implementation
7 provisions to the general assembly's committees on
8 appropriations in proposed legislation concerning one
9 or both of the following:

10 1. Eliminating and selling the pool of state-owned
11 passenger vehicles located in Polk county for temporary
12 assignment to multiple drivers of a department or
13 agency that is located within Polk county. The
14 recommendations shall not encompass vehicles assigned
15 for law enforcement purposes or for specialized use by

16 the department of natural resources.

17 2. Outsourcing state vehicle leasing through a
18 private entity to fill the needs addressed by the
19 vehicles subject to sale under subsection 1.

20 Sec. 8. DEPARTMENT OF ADMINISTRATIVE SERVICES —
21 STATE-OWNED PASSENGER VEHICLES.

22 1. Consistent with the requirements of section
23 8A.361, for the period beginning on the effective
24 date of this section and ending June 30, 2011, the
25 department of administrative services shall be the
26 sole department authorized to operate a pool of
27 passenger vehicles located in Polk county for temporary
28 assignment to multiple drivers of a state department or
29 agency that is located within Polk county. For that
30 period, the department shall not purchase new passenger
31 vehicles for the pool.

32 2. For purposes of this section, “passenger
33 vehicles” means United States environmental protection
34 agency designated compact sedans, compact wagons,
35 midsize sedans, midsize wagons, full-size sedans,
36 and passenger minivans. “Passenger vehicles” does
37 not mean utility vehicles, vans other than passenger
38 minivans, fire trucks, ambulances, motor homes, buses,
39 medium-duty and heavy-duty trucks, heavy construction
40 equipment, and other highway maintenance vehicles,
41 vehicles assigned for law enforcement purposes,
42 vehicles assigned for specialized use by the department
43 of natural resources, and any other classes of vehicles
44 of limited application approved by the director of the
45 department of administrative services.

46 Sec. 9. DEPARTMENT OF ADMINISTRATIVE SERVICES —
47 OFFICE SPACE — COST-BENEFIT ANALYSIS. Following
48 the filing of the cost-benefit analysis required
49 pursuant to 2010 Iowa Acts, chapter 1184, section
50 49, the department of administrative services

Page 4

1 shall locate state employees in office space in the
2 most cost-efficient manner possible. However, the
3 department shall not terminate a lease for office space
4 outside of the capitol complex at a time when early
5 termination penalties would be applicable for doing so.

6 Sec. 10. EFFECTIVE UPON ENACTMENT. This division
7 of this Act, being deemed of immediate importance,
8 takes effect upon enactment.

9
10 DIVISION III
11 ECONOMIC DEVELOPMENT

12 Sec. 11. Section 15.108, subsection 5, paragraph c,
13 Code 2011, is amended to read as follows:

14 c. Coordinate and develop with the department of
transportation, the department of natural resources,

15 the department of cultural affairs, ~~the generation~~
 16 ~~Iowa commission~~, the vision Iowa board, other state
 17 agencies, and local and regional entities public
 18 interpretation, marketing, and education programs
 19 that encourage Iowans and out-of-state visitors
 20 to participate in the recreational and leisure
 21 opportunities available in Iowa. The department shall
 22 establish and administer a program that helps connect
 23 both Iowa residents and residents of other states to
 24 new and existing Iowa experiences as a means to enhance
 25 the economic, social, and cultural well-being of the
 26 state. The program shall include a broad range of
 27 new opportunities, both rural and urban, including
 28 main street destinations, green space initiatives, and
 29 artistic and cultural attractions.

30 Sec. 12. 2010 Iowa Acts, chapter 1186, section 1,
 31 subsection 11, is amended to read as follows:

32 11. For membership in North America’s supercorridor
 33 coalition:
 34 \$ 50,000
 35 Beginning July 1, 2011, the department shall not
 36 renew membership in North America’s supercorridor
 37 coalition.

38 Sec. 13. REPEAL. Section 15.421, Code 2011, is
 39 repealed.

40 Sec. 14. EFFECTIVE UPON ENACTMENT. This division
 41 of this Act, being deemed of immediate importance,
 42 takes effect upon enactment.

43 DIVISION IV
 44 EDUCATION

45 Sec. 15. 2010 Iowa Acts, chapter 1183, section 6,
 46 subsection 1, is amended to read as follows:

47 1. GENERAL ADMINISTRATION

48 For salaries, support, maintenance, miscellaneous
 49 purposes, and for not more than the following full-time
 50 equivalent positions:

Page 5

1 \$ 7,006,482
 2 7,037,482
 3 FTEs 83.67

4 Sec. 16. LIBRARY ACQUISITION FUNDING — DEPARTMENT
 5 OF EDUCATION — STATE LIBRARY.

6 1. For the period beginning on the effective date
 7 of this section through the close of the fiscal year
 8 ending on June 30, 2011, the department of education
 9 shall be subject to a limitation on expenditures made
 10 on or after the effective date of this section for
 11 library acquisitions at the state library including
 12 digital acquisitions.

13 2. The limitation shall be equal to 50 percent

14 of the unexpended or unencumbered amount that the
 15 department of education has budgeted or otherwise
 16 designated for purposes of library acquisitions,
 17 including digital acquisitions, from the appropriations
 18 made to the department from all sources, as of the
 19 effective date of this section.

20 Sec. 17. REGENTS UNIVERSITY LEAVE LIMITATION. For
 21 the period beginning on the effective date of this
 22 section and ending June 30, 2012, the state board of
 23 regents shall limit the number of leave of absence
 24 assignments granted pursuant to section 262.9,
 25 subsection 14, to not more than the equivalent of
 26 3 percent of the faculty staff members employed at
 27 each of the institutions under the state board. In
 28 addition, the board shall establish policies and
 29 oversight to ensure that the assignments enhance the
 30 core mission of the institutions. The board shall
 31 annually prepare a report comparing each assignment
 32 proposal to the results received.

33 Sec. 18. EFFECTIVE UPON ENACTMENT. This division
 34 of this Act, being deemed of immediate importance,
 35 takes effect upon enactment.

36 DIVISION V

37 HEALTH AND HUMAN SERVICES

38 Sec. 19. Section 217.6, Code 2011, is amended by
 39 adding the following new unnumbered paragraph:
 40 NEW UNNUMBERED PARAGRAPH. The rules and regulations
 41 adopted for the public benefits and programs
 42 administered by the department of human services shall
 43 apply the residency eligibility restrictions required
 44 by federal and state law.

45 Sec. 20. DEPARTMENT ON AGING — PLAN FOR REDUCTION
 46 IN NUMBER OF AREA AGENCIES ON AGING. The department on
 47 aging shall develop a plan for reducing the number of
 48 area agencies on aging in the state, to be effective
 49 beginning July 1, 2012. The department shall submit
 50 the plan to the standing committees on human resources

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1 of the senate and house of representatives and the
 2 joint appropriations subcommittee on health and human
 3 services on or before December 15, 2011.

4 LEGISLATIVE HEALTH CARE 5 COVERAGE COMMISSION

6 Sec. 21. 2009 Iowa Acts, chapter 118, section 1,
 7 subsection 11, is amended to read as follows:

8 11. This section is repealed on ~~December 31, 2011~~
 9 July 1, 2013.

10 Sec. 22. 2009 Iowa Acts, chapter 183, section 65,
 11 subsection 3, is amended to read as follows:

12 3. There is appropriated from the human services

13 reinvestment fund for the fiscal year beginning July 1,
 14 2009, and ending June 30, 2010, the following amount to
 15 be used for the following designated purpose:

16 For the legislative services agency to be used
 17 for costs associated with the legislative health
 18 care coverage commission created in 2009 Iowa Acts,
 19 Senate File 389, if enacted, or a similar legislative
 20 commission:

21	\$	<u>315,000</u>
22		<u>160,000</u>

23 Notwithstanding section 8.33, moneys appropriated in
 24 this subsection that remain unencumbered or unobligated
 25 at the close of the fiscal year shall not revert but
 26 shall remain available for expenditure for the purposes
 27 designated until the close of the fiscal year that
 28 begins July 1, 2010.

29 Sec. 23. EFFECTIVE UPON ENACTMENT. This division
 30 of this Act, being deemed of immediate importance,
 31 takes effect upon enactment.

32 DIVISION VI

33 INFRASTRUCTURE AND TRANSPORTATION

34 Sec. 24. WILDFLOWERS. For the period beginning on
 35 the effective date of this section through the close of
 36 the fiscal year ending June 30, 2011, the department of
 37 transportation shall only pay for wildflowers or other
 38 aesthetic plantings when justified to prevent erosion
 39 or control weed growth, and to reduce maintenance
 40 costs.

41 Sec. 25. SUSTAINABLE COMMUNITIES — JOINT
 42 APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,
 43 INFRASTRUCTURE, AND CAPITALS. The joint appropriations
 44 subcommittee on transportation, infrastructure, and
 45 capitals shall develop and, on or before April 4, 2011,
 46 shall submit recommended implementation provisions to
 47 the general assembly's committees on appropriations
 48 in proposed legislation concerning reductions of all
 49 identifiable appropriations enacted by the Eighty-third
 50 General Assembly, 2010 session, for purposes of

1 sustainable communities projects.

2 Sec. 26. 2010 Iowa Acts, chapter 1184, section 1,
 3 subsection 1, paragraph c, unnumbered paragraph 1, is
 4 amended to read as follows:

5 For the state's share of support in conjunction
 6 with the city of Des Moines and local area businesses
 7 to provide a free shuttle service to the citizens
 8 of Iowa that includes transportation between the
 9 capitol complex and the downtown Des Moines area,
 10 notwithstanding section 8.57, subsection 6, paragraph
 11 "c":

12	.....	\$	<u>200,000</u>
13			<u>125,000</u>

14 Sec. 27. EFFECTIVE UPON ENACTMENT. This division
 15 of this Act, being deemed of immediate importance,
 16 takes effect upon enactment.

17 DIVISION VII
 18 REBUILD IOWA OFFICE

19 Sec. 28. Section 16.191, subsection 2, paragraph e,
 20 Code 2011, is amended to read as follows:

21 e. ~~The executive director of the rebuild Iowa~~
 22 ~~office or the director's designee until June 30, 2011,~~
 23 ~~and then the~~ administrator of the homeland security
 24 and emergency management division of the department of
 25 public defense or the administrator's designee.

26 Sec. 29. Section 29C.20B, subsection 1, Code 2011,
 27 is amended to read as follows:

28 1. ~~The rebuild Iowa office shall work with the~~
 29 department of human services and nonprofit, voluntary,
 30 and faith-based organizations active in disaster
 31 recovery and response in coordination with the homeland
 32 security and emergency management division shall
 33 work to establish a statewide system of disaster case
 34 management to be activated following the governor's
 35 proclamation of a disaster emergency or the declaration
 36 of a major disaster by the president of the United
 37 States for individual assistance purposes. Under
 38 the system, the department of human services shall
 39 coordinate case management services locally through
 40 local committees as established in each local emergency
 41 management commission's emergency plan. ~~Beginning~~
 42 ~~July 1, 2011, the department of human services shall~~
 43 ~~assume the duties of the rebuild Iowa office under this~~
 44 ~~subsection.~~

45 Sec. 30. Section 29C.20B, subsection 2, unnumbered
 46 paragraph 1, Code 2011, is amended to read as follows:

47 The department of human services, in conjunction
 48 with ~~the rebuild Iowa office,~~ the homeland security
 49 and emergency management division, and an Iowa
 50 representative to the national voluntary organizations

1 active in disaster, shall adopt rules pursuant to
 2 chapter 17A to create coordination mechanisms and
 3 standards for the establishment and implementation of
 4 a statewide system of disaster case management which
 5 shall include at least all of the following:

6 Sec. 31. Section 103A.8C, subsection 1, Code 2011,
 7 is amended to read as follows:

8 1. The commissioner, after consulting with
 9 and receiving recommendations from the department
 10 of public defense, and the department of natural

11 resources, ~~and the rebuild Iowa office~~, shall adopt
 12 rules pursuant to chapter 17A specifying standards and
 13 requirements for design and construction of safe rooms
 14 and storm shelters. In developing these standards,
 15 the commissioner shall consider nationally recognized
 16 standards. The standards and requirements shall be
 17 incorporated into the state building code established
 18 in section 103A.7, but shall not be interpreted
 19 to require the inclusion of a safe room or storm
 20 shelter in a building construction project unless such
 21 inclusion is expressly required by another statute
 22 or by a federal statute or regulation. However,
 23 if a safe room or storm shelter is included in any
 24 building construction project which reaches the
 25 design development phase on or after January 1, 2011,
 26 compliance with the standards developed pursuant to
 27 this section shall be required.

28 Sec. 32. Section 466B.3, subsection 4, paragraph n,
 29 Code 2011, is amended by striking the paragraph.

30 Sec. 33. 2009 Iowa Acts, chapter 169, section 10,
 31 subsection 6, is amended to read as follows:

32 6. This section is repealed ~~June 30, 2011~~ on the
 33 effective date of this section of this 2011 Iowa Act.

34 Sec. 34. 2010 Iowa Acts, chapter 1189, section 28,
 35 is amended to read as follows:

36 SEC. 28. REBUILD IOWA OFFICE.

37 There is appropriated from the general fund of the
 38 state to the rebuild Iowa office for the fiscal year
 39 beginning July 1, 2010, and ending June 30, 2011, the
 40 following amount, or so much thereof as is necessary,
 41 to be used for the purposes designated:

42 For salaries, support, maintenance, and
 43 miscellaneous purposes, and for not more than the
 44 following full-time equivalent positions:

45	\$	647,014
46		431,014
47	FTEs	12.00

48 It is the intent of the general assembly that the
 49 rebuild Iowa office shall be repealed effective June
 50 30, 2011, and shall not receive an appropriation from

1 the general fund of the state after that date.
 2 Sec. 35. REBUILD IOWA OFFICE ELIMINATION —
 3 TRANSFER OF DUTIES. Beginning on the effective date
 4 of this division of this Act, the homeland security
 5 and emergency management division of the department of
 6 public defense shall assume all duties of the rebuild
 7 Iowa office.

8 Sec. 36. REBUILD IOWA OFFICE ELIMINATION — JOINT
 9 APPROPRIATIONS SUBCOMMITTEE ON THE JUSTICE SYSTEM. The

10 joint appropriations subcommittee on the justice system
 11 shall consult with the homeland security and emergency
 12 management division of the department of public defense
 13 and other relevant sources in proposing legislation
 14 identifying the appropriate state agencies to assume
 15 the duties of the rebuild Iowa office.

16 Sec. 37. EFFECTIVE UPON ENACTMENT. This division
 17 of this Act, being deemed of immediate importance,
 18 takes effect upon enactment.

19 DIVISION VIII

20 CORRECTIVE PROVISIONS

21 EARLY CHILDHOOD IOWA INITIATIVE

22 Sec. 38. 2010 Iowa Acts, chapter 1031, section 310,
 23 is amended by adding the following new subsection:

24 5. a. References to community empowerment areas
 25 in 2010 Iowa Acts, shall be deemed to instead refer to
 26 early childhood Iowa areas, including but not limited
 27 to such references made in the following provisions:

28 (1) 2010 Iowa Acts, chapter 1183, section 6,
 29 subsection 10, paragraph "c".

30 (2) 2010 Iowa Acts, chapter 1192, section 2,
 31 subsection 4, paragraph "a".

32 (3) 2010 Iowa Acts, chapter 1192, section 6,
 33 subsection 12.

34 b. References to the Iowa empowerment fund and the
 35 school ready children grants account in 2010 Iowa Acts,
 36 shall be deemed to instead refer to the early childhood
 37 Iowa fund and the comparable account within that fund,
 38 including but not limited to such references made in
 39 the following provisions: 2010 Iowa Acts, chapter
 40 1183, section 6, subsections 10, 11, and 12.

41 UNEMPLOYMENT COMPENSATION PROGRAM REFERENCE

42 Sec. 39. 2010 Iowa Acts, chapter 1188, section 22,
 43 is amended to read as follows:

44 SEC. 22. UNEMPLOYMENT COMPENSATION

45 PROGRAM. Notwithstanding section 96.9, subsection
 46 4, paragraph "a", moneys credited to the state by
 47 the secretary of the treasury of the United States
 48 pursuant to section 903 of the Social Security Act
 49 are appropriated to the department of workforce
 50 development and shall be used by the department for the

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1 administration of the unemployment compensation program
 2 only. This appropriation shall not apply to any fiscal
 3 year beginning after December 31, ~~2009~~ 2010.

4 DIVISION IX

5 GOVERNMENT EFFICIENCY MEASURES

6 Sec. 40. PRESCRIPTION DRUG PURCHASING. The
 7 standing committees on human resources of the
 8 senate and house of representatives and the joint

9 appropriations subcommittee on health and human
 10 services shall consult with appropriate parties in
 11 developing a plan to achieve significant costs savings
 12 by implementing a sole source contract or other means
 13 of consolidating pharmacy services and prescription
 14 drug purchasing for state employees, Medicaid program
 15 recipients, patients at state institutions, inmates at
 16 correctional facilities, and other persons for whom
 17 the state pays a significant portion of prescription
 18 drug costs. The plan shall be submitted in the form
 19 of proposed legislation for consideration by the
 20 Eighty-fourth General Assembly, 2011 Session.

21 Sec. 41. Section 8.51, Code 2011, is amended to
 22 read as follows:

23 ~~8.51 Fiscal year of political~~ Political subdivisions
 24 ~~— fiscal year — unexpended funds.~~

25 1. The fiscal year of cities, counties, and other
 26 political subdivisions of the state shall begin July 1
 27 and end the following June 30. For the purpose of this
 28 section, the term political subdivision includes school
 29 districts.

30 2. Each department that provides state funding to
 31 a political subdivision of the state shall annually
 32 review the statutory and regulatory requirements
 33 applicable to the political subdivision's receipt
 34 of the funding. The purpose of the review is to
 35 identify any barrier in statute or departmental rule
 36 or policy that would prevent recovery of any such
 37 state funding provided to a political subdivision that
 38 remains unencumbered or unobligated and the political
 39 subdivision no longer complies with requirements to
 40 receive the state funding. If an identified barrier
 41 exists in state law, the department shall propose
 42 legislation to the governor and general assembly to
 43 remove the barrier. If an identified barrier is in
 44 departmental rule or policy, the department shall amend
 45 the rule or policy to remove the barrier.

46 Sec. 42. EFFECTIVE UPON ENACTMENT. This division
 47 of this Act, being deemed of immediate importance,
 48 takes effect upon enactment.

49 DIVISION X
 50 BUDGET AND TAX RATE DATABASE

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1 Sec. 43. Section 8.6, Code 2011, is amended by
 2 adding the following new subsection:
 3 NEW SUBSECTION. 9A. Budget and tax rate
 4 databases. To develop and make available to the public
 5 a searchable budget database and internet site as
 6 required under chapter 8G, division I, and to develop
 7 and make available to the public a searchable tax rate

8 database and internet site as required under chapter
9 8G, division II.

10 Sec. 44. Section 8A.502, subsection 9, Code 2011,
11 is amended by striking the subsection.

12 Sec. 45. NEW SECTION. 8G.1 Intent — findings.

13 The general assembly finds that taxpayers should
14 be able to easily access the details on how the state
15 is spending their tax dollars and the performance
16 results achieved for those expenditures. Therefore,
17 it is the intent of the general assembly to direct
18 the department of management to create and maintain a
19 searchable budget database and internet site detailing
20 where tax dollars are expended, the purposes for which
21 tax dollars are expended, and the results achieved for
22 all taxpayer investments in state government.

23 Sec. 46. NEW SECTION. 8G.2 Short title.

24 This subchapter shall be known as and may be cited
25 as the “Taxpayer Transparency Act”.

26 Sec. 47. NEW SECTION. 8G.3 Definitions.

27 As used in this subchapter, unless the context
28 otherwise requires:

29 1. “Agency” means a state department, office,
30 board, commission, bureau, division, institution,
31 or public institution of higher education. “Agency”
32 includes individual state agencies and programs,
33 as well as those programs and activities that are
34 administered by or involve more than one agency.
35 “Agency” includes all elective offices in the executive
36 branch of government and the general assembly.
37 “Agency” includes the judicial branch of state
38 government.

39 2. “Director” means the director of the department
40 of management.

41 3. “Entity” or “recipients” means any of the
42 following:

- 43 a. A corporation.
- 44 b. An association.
- 45 c. An employee union.
- 46 d. A limited liability company.
- 47 e. A limited liability partnership.
- 48 f. Any other legal business entity, including
- 49 nonprofit entities.
- 50 g. A grant recipient.

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- 1 h. Contractors.
- 2 i. A county, city, school district, or other local
- 3 government entity.
- 4 “Entity” or “recipients” does not include an
- 5 individual recipient of state assistance. The
- 6 department of management shall define by rule adopted

7 pursuant to chapter 17A the meaning of the term
8 "individual recipient of state assistance".
9 4. "Funding action or expenditure" includes details
10 on the type of spending that is provided including but
11 not limited to grants, contracts, and appropriations.
12 "Funding action or expenditure" includes tax exemptions
13 or credits. Where possible, an electronic link to
14 the actual grants or contracts shall be provided.
15 An electronic link shall be in a format that is a
16 searchable document.
17 5. "Funding source" means the state account or fund
18 from which the expenditure is appropriated.
19 6. "Searchable internet site" means an internet site
20 that allows the public at no cost to search and compile
21 the information identified in section 8G.4 and that
22 provides such information in a format capable of being
23 downloaded from the site to personal computers.
24 7. "State audit or report" shall include any audit
25 or report issued by the auditor of state, department of
26 management, legislative services agency, legislative
27 committee, or executive body relating to the entity or
28 recipient of funds, the budget program or activity, or
29 agency.
30 8. "Tax exemption or credit" means an exclusion from
31 the operation or collection of a tax imposed in this
32 state. Tax exemption or credit includes tax credits,
33 exemptions, deductions, and rebates. "Tax exemption or
34 credit" also includes sales tax refunds if such refunds
35 are applied for and granted as a form of financial
36 assistance, including but not limited to the refunds
37 allowed in sections 15.331A and 423.4.
38 9. "Taxing jurisdiction" means a political
39 subdivision of the state with the authority to levy
40 taxes. Taxing jurisdiction includes but is not limited
41 to a city, a county, a school district, and a township.
42 Sec. 48. NEW SECTION. 8G.4 Searchable budget
43 database internet site created.
44 1. By January 1, 2013, the director shall develop
45 and make publicly available a database internet
46 site for searching, accessing, and processing data,
47 including the data required in this section, for the
48 most recent state budget. The internet site shall
49 be developed in such a way that the information can
50 be provided to other software applications, including

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1 internet software applications, in a manner and format
2 that allows such software applications to access and
3 interpret the data using the internal programming of
4 the software applications.
5 2. The searchable internet site developed pursuant

6 to this section shall allow the public at no cost to
7 search and compile the information provided pursuant to
8 this subsection. Each state agency shall provide the
9 following:

- 10 a. Name of the entity or recipient of state funds.
- 11 b. Amount of state funds expended.
- 12 c. Funding or expending agency.
- 13 d. Funding source.
- 14 e. Budget program or activity of the expenditure.
- 15 f. Descriptive purpose for the funding action or
16 expenditure.
- 17 g. Expected performance outcome for the funding
18 action or expenditure, to the extent that such
19 information is available and can be provided.
- 20 h. Past performance outcomes achieved for the
21 funding action or expenditure, to the extent that such
22 information is available and can be provided.
- 23 i. State audit or report relating to the entity
24 or recipient of state funds or the budget program or
25 activity or agency.
- 26 j. Any other relevant information specified by the
27 director.

28 3. a. In providing information pursuant to this
29 section on tax exemptions or credits, the department of
30 revenue shall do the following:

- 31 (1) Provide aggregate information for those tax
32 exemptions or credits that are claimed by individual
33 taxpayers.
- 34 (2) Provide the information described in subsection
35 2 for those tax exemptions or credits that are awarded
36 by an agency.
- 37 (3) Adhere to all applicable confidentiality
38 provisions to the extent possible while complying with
39 the requirements of this section.

40 b. An agency awarding tax exemptions or credits
41 shall provide to the department of revenue any
42 information the department may request regarding such
43 exemptions or credits.

44 4. In addition to the information to be provided
45 pursuant to subsection 2, there shall be provided on
46 the searchable internet site all of the following:

- 47 a. A listing and description of awarded tax credits
48 claimed for the individual income tax, corporate income
49 tax, franchise tax, and insurance premiums tax. An
50 awarded tax credit is a tax credit allowed and claimed

1 through a state-authorized program. For each category
2 of tax the internet site shall list each of the awarded
3 tax credits applicable to it, the total amount of
4 that tax credit claimed, and the number of taxpayers

5 claiming the tax credit.
6 b. The estimated cost to the state of each of
7 the twenty sales tax exemptions that account for the
8 largest dollar amount share of sales tax exemptions
9 under section 423.3. The cost of each exemption shall
10 be listed by county and, in addition, stated as a per
11 capita amount for each county. This paragraph does not
12 apply to the tax exemptions pursuant to section 423.3,
13 subsections 2, 31, 39, 58, 73, and 85.
14 c. The information to be provided pursuant to
15 subsection 2 shall also be provided for entities or
16 recipients of the awarded tax credits or exemptions
17 described in this subsection.
18 5. In providing information pursuant to this
19 section on tax exemptions or tax credits, the
20 confidentiality provisions of Iowa law and federal law
21 shall apply and be adhered to.
22 6. This section does not apply to local
23 governments.
24 Sec. 49. NEW SECTION. 8G.5 Internet site updates.
25 1. Effective July 1, 2013, the internet site shall
26 be updated regularly as new data and information become
27 available, but shall be updated no less frequently than
28 annually within thirty days following the close of
29 the state fiscal year. In addition, the director may
30 update the internet site as new data becomes available.
31 All agencies shall provide to the director data that
32 is required to be included on the internet site not
33 later than thirty days after the data becomes available
34 to the agency. The director shall provide guidance
35 to agency heads or the governing body of an agency to
36 ensure compliance with this section.
37 2. By January 1, 2014, the director shall add data
38 for the previous budgets to the internet site. Data
39 for previous fiscal years may be added as it becomes
40 available and as time permits. The director shall
41 ensure that all data added to the internet site remain
42 accessible to the public for a minimum of ten years.
43 Sec. 50. NEW SECTION. 8G.6 Noncompliance.
44 The director shall not be considered in compliance
45 with this subchapter if the data required for the
46 internet site is not available in a searchable manner
47 and capable of being compiled or if the public is
48 redirected to other government internet sites unless
49 each of those sites displays information from all
50 agencies and each category of information required can

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1 be searched electronically by field in a single search.
2 Sec. 51. NEW SECTION. 8G.10 Intent — findings.
3 The general assembly finds that increasing

4 the ease of public access to state and local tax
5 rates, particularly where the rates are currently
6 available from disparate government sources and are
7 difficult for the public to collect and efficiently
8 aggregate, significantly contributes to governmental
9 accountability, public participation, and the
10 understanding of the cost of government services.
11 Therefore, it is the intent of the general assembly to
12 direct the department of management, in consultation
13 with the department of revenue, to create and maintain
14 a searchable database and internet site of each tax
15 rate for all taxing jurisdictions in the state to make
16 citizen access to state and local tax rates as open,
17 transparent, and publicly accessible as is feasible.

18 Sec. 52. NEW SECTION. 8G.11 Short title.
19 This subchapter shall be known and cited as the
20 "Taxation Disclosure Act".

21 Sec. 53. NEW SECTION. 8G.12 Tax rate database.
22 1. Searchable tax rate database. By January 1,
23 2012, the department of management, in consultation
24 with the department of revenue, shall make publicly
25 available on an internet site a searchable database
26 of all tax rates in the state for each taxing
27 jurisdiction. The information shall include all
28 applicable tax types imposed in the taxing jurisdiction
29 and shall be organized, presented, and accessible, to
30 the extent possible, by county, city, and physical
31 address for each residency or business. Individual tax
32 levies shall be further specified within each tax rate.

33 2. Geographical tax rate map. In addition to
34 searching for tax rates in the manner described
35 in subsection 1, searches shall be accommodated by
36 a geographical tax rate map of the state that is
37 capable of being displayed with a level of specificity
38 corresponding to each taxing jurisdiction.

39 3. Individual tax rate calculator. Tax rate
40 calculators shall be provided on the searchable
41 database to allow citizens and businesses to calculate
42 taxes based on the location of the citizen or business.
43 Calculation capability shall be provided at a minimum
44 for property, sales, use, income, vehicle, and business
45 taxes and shall be specific to the rate for the taxing
46 jurisdiction identified by the citizen or business.

47 Sec. 54. NEW SECTION. 8G.13 Updating database.
48 To facilitate the department of management's efforts
49 in creating and maintaining a searchable database of
50 the taxes identified in section 8G.12, subsection 3,

1 for all taxing jurisdictions in the state, each taxing
2 jurisdiction may annually be required to report its tax

- 3 rates to the department of management or the department
- 4 of revenue and shall report any changes to its tax
- 5 rates within thirty days of the change.>
- 6 2. Title page, by striking lines 1 through 5 and
- 7 inserting <An Act relating to public funding and
- 8 regulatory matters and revising appropriations and
- 9 including effective and other applicability date
- 10 provisions, and making penalties applicable.>
- 11 3. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
 ROBERT E. DVORSKY, Chair

S-3010

- 1 Amend Senate File 209 as follows:
- 2 1. Page 9, lines 2 and 3, by striking <for tax
- 3 years beginning before January 1, 2011>
- 4 2. Page 10, lines 26 and 27, by striking <for tax
- 5 years beginning before January 1, 2011>

COMMITTEE ON APPROPRIATIONS
 ROBERT E. DVORSKY, Chair

S-3011

- 1 Amend Senate File 209 as follows:
- 2 1. Page 20, after line 5 by inserting:
- 3 <Sec. ____ 2010 Iowa Acts, chapter 1193, section
- 4 84, subsection 2, is amended to read as follows:
- 5 2. DEPARTMENT OF REVENUE
- 6 For the duties of the office of the state debt
- 7 coordinator established in 2010 Iowa Acts, Senate
- 8 File 2383, if enacted, including salaries, support,
- 9 maintenance, services, advertising, miscellaneous
- 10 purposes, and for not more than the following full-time
- 11 equivalent positions:
- 12 \$ 300,000
- 13 FTEs 3.00
- 14 Beginning on the effective date of this 2011 Iowa
- 15 Act, moneys appropriated in this subsection that
- 16 remain unencumbered or unobligated shall be used by
- 17 the department of revenue for the administrative costs
- 18 associated with state tax processing.>
- 19 2. By renumbering as necessary.

ROBERT E. DVORSKY

S-3012

- 1 Amend the amendment, S-3009, to House File 45,
- 2 as amended, passed, and reprinted by the House, as

- 3 follows:
- 4 1. Page 8, by striking lines 28 through 33.
- 5 2. Page 9, by striking lines 2 through 7.
- 6 3. Page 9, by striking lines 16 through 18 and
- 7 inserting:
- 8 <Sec. ____ EFFECTIVE UPON ENACTMENT. The provision
- 9 of this division of this Act amending 2010 Iowa Acts,
- 10 chapter 1189, section 28, being deemed of immediate
- 11 importance, takes effect upon enactment.>
- 12 4. By renumbering as necessary.

ROBERT M. HOGG
 JOE BOLKCOM
 STEVEN J. SODDERS
 WALLY E. HORN
 WILLIAM A. DOTZLER, JR.

S-3013

- 1 Amend the amendment, S-3009, to House File 45,
- 2 as amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 2, by striking lines 19 through 26.
- 5 2. By striking page 3, line 46, through page 4,
- 6 line 5, and inserting:
- 7 <Sec. ____ Section 8A.321, subsection 6, paragraph
- 8 a, Code 2011, is amended to read as follows:
- 9 a. Lease all buildings and office space necessary
- 10 to carry out the provisions of this subchapter or
- 11 necessary for the proper functioning of any state
- 12 agency at the seat of government. For state agencies
- 13 at the seat of government, the director may lease
- 14 buildings and office space in Polk county or in a
- 15 county contiguous to Polk county. If no specific
- 16 appropriation has been made, the proposed lease
- 17 shall be submitted to the executive council for
- 18 approval. The cost of any lease for which no specific
- 19 appropriation has been made shall be paid from the
- 20 fund provided in section 7D.29. An office space
- 21 lease shall not be terminated at a time when either
- 22 contract damages or early termination penalties may be
- 23 applicable for doing so.>
- 24 3. By renumbering as necessary.

MATT McCOY
 SHAWN HAMERLINCK

S-3014

- 1 Amend the amendment, S-3009, to House File 45,
- 2 as amended, passed, and reprinted by the House, as
- 3 follows:

- 4 1. Page 10, by striking lines 6 through 20.
- 5 2. By renumbering as necessary.

JACK HATCH

S-3015

- 1 Amend the amendment, S-3009, to House File 45,
2 as amended, passed, and reprinted by the House, as
3 follows:
 - 4 1. Page 2, line 50, by striking <The> and inserting
5 <If the>
 - 6 2. Page 3, lines 5 and 6, by striking <, on or
7 before April 4, 2011,>
 - 8 3. Page 3, line 31, after <pool.> by inserting <The
9 department shall continue to be the sole department
10 authorized to operate a pool of passenger vehicles as
11 provided under this section until a date specified
12 in a later enactment, or the end date of the period,
13 whichever is later.>
 - 14 4. Page 12, line 5, after <assistance> by inserting
15 <, an employee, or a student>
 - 16 5. Page 12, line 18, after <appropriated.> by
17 inserting <“Funding source” does not include federal
18 moneys or grants received by an agency.>
 - 19 6. Page 12, line 28, before <funds> by inserting
20 <state>
 - 21 7. Page 13, line 4, after <applications.> by
22 inserting <In gathering or receiving information
23 from agencies, the director shall make a good faith
24 effort to minimize the costs and disruptions to other
25 agencies and their computer systems of providing such
26 information.>
 - 27 8. Page 13, line 8, after <agency> by inserting
28 <, except the institutions under the state board of
29 regents,>
 - 30 9. Page 13, after line 28 by inserting:
 - 31 <2A. For purposes of complying with this section,
32 the institutions under the state board of regents, for
33 each budgeted department, program, or activity, shall
34 provide the following:
 - 35 a. The funding source and the amount of state funds
36 received by the institutions.
 - 37 b. The amount of state funds expended by the
38 institutions.
 - 39 c. The names of the entities or recipients
40 receiving state funds from the institutions.
 - 41 d. The amounts paid to the entities or recipients
42 named in paragraph “c”.
 - 43 e. A description of the department, program,
44 or activity involved, including, to the extent
45 practicable, the descriptive purpose and expected

46 performance outcome of each budget program or activity.
 47 f. Past performance outcomes of the budget program
 48 or activity.
 49 g. State audit or report relating to the budget
 50 program or activity.

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1 h. Other information as the institutions may deem
 2 appropriate for a budget program or activity.>
 3 10. Page 14, by striking lines 9 through 11 and
 4 inserting <under section 423.3. The estimated cost to
 5 the state shall include the amount of exempt sales by
 6 business type for each county. This paragraph does
 7 not>
 8 11. Page 14, by striking lines 18 through 21.
 9 12. Page 15, by striking lines 39 through 46.
 10 13. Page 16, after line 5 by inserting:
 11 <Sec. ____ Section 422.20, subsection 3, paragraph
 12 a, Code 2011, is amended to read as follows:
 13 a. Unless otherwise expressly permitted by section
 14 8A.504, section 8G.4, section 96.11, subsection 6,
 15 section 421.17, subsections 22, 23, and 26, subsection
 16 27, paragraph “k”, and subsection 31, section 252B.9,
 17 section 321.40, subsection 6, sections 321.120, 421.19,
 18 421.28, 422.72, and 452A.63, and this section, a tax
 19 return, return information, or investigative or audit
 20 information shall not be divulged to any person or
 21 entity, other than the taxpayer, the department, or
 22 internal revenue service for use in a matter unrelated
 23 to tax administration.
 24 Sec. ____ Section 422.72, subsection 3, paragraph
 25 a, Code 2011, is amended to read as follows:
 26 a. Unless otherwise expressly permitted by section
 27 8A.504, section 8G.4, section 96.11, subsection 6,
 28 section 421.17, subsections 22, 23, and 26, subsection
 29 27, paragraph “k”, and subsection 31, section 252B.9,
 30 section 321.40, subsection 6, sections 321.120, 421.19,
 31 421.28, 422.20, and 452A.63, and this section, a tax
 32 return, return information, or investigative or audit
 33 information shall not be divulged to any person or
 34 entity, other than the taxpayer, the department, or
 35 internal revenue service for use in a matter unrelated
 36 to tax administration.>
 37 14. By renumbering as necessary.

JEFF DANIELSON

S-3016

1 Amend the amendment, S-3009, to House File 45,
 2 as amended, passed, and reprinted by the House, as

3 follows:

4 1. Page 4, after line 44 by inserting:

5 <Sec. ____ Section 262.9, subsection 19, Code 2011,
6 is amended by adding the following new paragraph:
7 NEW PARAGRAPH. c. Limit any increase in tuition,
8 fees, and other charges at the institutions of higher
9 education under its control during a school year to not
10 more than an amount equivalent to the increase in the
11 most recently issued higher education price index.>

12 2. Page 5, after line 35 by inserting:

13 <Sec. ____ APPLICABILITY — LEGISLATIVE INTENT.

14 1. The section of this division of this Act
15 amending section 262.9 applies to an increase in
16 tuition, fees, and other charges on or after January 1,
17 2011, and applies retroactively to that date.

18 2. It is the intent of the general assembly that if
19 staff reductions are necessary to implement the section
20 of this division of this Act amending section 262.9,
21 such reductions shall be applied to administrative
22 staff before being applied to instructional, health
23 care, or other staff that provide instruction or
24 services directly to students, patients, or consumers.>

25 3. By renumbering as necessary.

NANCY J. BOETTGER

S-3017

1 Amend the amendment, S-3009, to House File 45,
2 as amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 6, after line 28 by inserting:

5 <FAMILY PLANNING WAIVER
6 Sec. ____ 2010 Iowa Acts, chapter 1192, section 11,
7 subsection 24, is amended to read as follows:

8 24. a. The department of human services shall
9 amend the medical assistance waiver for the Iowa family
10 planning network to continue the current waiver with
11 the following modifications, to be effective ~~July 1,~~
12 ~~2011~~ as soon as federal approval can be obtained, which
13 provide for all of the following:

14 (1) Coverage for women who meet all of the
15 following criteria:

16 (a) Are uninsured ~~or have health insurance coverage~~
17 ~~that does not include coverage for benefits provided~~
18 ~~under the Iowa family planning network.~~

19 (b) Have income of up to ~~300~~ 133 percent of the
20 federal poverty level.

21 (c) Are under ~~55~~ 45 years of age.

22 (2) ~~Coverage of pregnancy prevention services for~~
23 ~~men who meet the income, age, and insurance coverage~~
24 ~~specifications described in subparagraph (1).~~

25 b. Implementation of this subsection is contingent
 26 upon approval of the medical assistance waiver for
 27 the Iowa family planning network by the centers for
 28 Medicare and Medicaid services of the United States
 29 department of health and human services and upon
 30 availability of funding as determined by the director
 31 of the department of human services.

32 c. Of the funds appropriated in this section,
 33 \$25,000 shall be used for administrative costs for
 34 renewal and modification of the Iowa family planning
 35 network waivers as provided in this subsection.>

36 2. By renumbering as necessary.

DAVID JOHNSON

S-3018

1 Amend the amendment, S-3009, to House File 45,
 2 as amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 16, before line 6 by inserting:

5 <DIVISION ____
 6 COMMUNITY ATTRACTION AND TOURISM — RIVER
 7 ENHANCEMENT COMMUNITY ATTRACTION AND TOURISM
 8 Sec. ____ REPEAL. Sections 15F.201, 15F.202,
 9 15F.203, 15F.204, 15F.205, and 15F.206, Code 2011, are
 10 repealed.

11 Sec. ____ CODE EDITOR DIRECTIVE. The Code editor
 12 shall remove references in the Code to the community
 13 attraction and tourism fund, the community attraction
 14 and tourism program, the river enhancement community
 15 attraction and tourism projects, the application review
 16 for the program and projects, the river enhancement
 17 community attraction and tourism fund, and the Code
 18 sections repealed by this division of this Act that
 19 reference the funds, program, projects, and review for
 20 the program and projects.

21 Sec. ____ BALANCES. Moneys in or credited to the
 22 community attraction and tourism fund and the river
 23 enhancement community attraction and tourism fund on or
 24 after July 1, 2011, shall be transferred to the general
 25 fund of the state.>

26 2. By renumbering as necessary.

RANDY FEENSTRA

S-3019

1 Amend the amendment, S-3009, to House File 45,
 2 as amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 6, after line 28 by inserting:

5 <ADDICTIVE DISORDERS

6 Sec. ____ 2010 Iowa Acts, chapter 1192, section 2,
7 subsection 1, unnumbered paragraph 1, is amended to
8 read as follows:

9 For reducing the prevalence of use of tobacco,
10 alcohol, and other drugs, and treating individuals
11 affected by addictive behaviors, including gambling,
12 and for not more than the following full-time
13 equivalent positions:

14	\$	<u>28,974,840</u>
15		<u>28,376.004</u>
16	FTEs	18.00

17 Sec. ____ 2010 Iowa Acts, chapter 1192, section
18 2, subsection 1, paragraph a, is amended to read as
19 follows:

20 a. Of the funds appropriated in this subsection,
21 ~~\$7,438,282~~ \$6,839,446 shall be used for the tobacco use
22 prevention and control initiative, including efforts
23 at the state and local levels, as provided in chapter
24 142A.

25 (1) The director of public health shall dedicate
26 sufficient resources to promote and ensure retailer
27 compliance with tobacco laws and ordinances relating to
28 persons under 18 years of age, and shall prioritize the
29 state's compliance in the allocation of available funds
30 to comply with 42 U.S.C. § 300x-26 and section 453A.2.

31 (2) Of the full-time equivalent positions
32 authorized in this subsection, 2.00 full-time
33 equivalent positions shall be utilized to provide
34 for enforcement of tobacco laws, regulations, and
35 ordinances.

36 (3) Of the funds allocated in this lettered
37 paragraph, ~~\$1,796,508~~ \$1,197,672 shall be used for
38 youth programs designed to achieve the goals of the
39 initiative, that are directed by youth participants for
40 youth pursuant to section 142A.9.

41 (4) For the period beginning on the effective date
42 of this subparagraph through the close of the fiscal
43 year ending on June 30, 2011, except for activities
44 provided during the period through a contract or
45 other legally binding obligation entered into prior to
46 the period that cannot be canceled without penalty,
47 the department shall cancel smoking cessation and
48 prevention efforts funded in whole or in part under
49 this paragraph "a". The efforts subject to this
50 subparagraph shall include but are not limited to the

1 just eliminate lies initiative and other expenditures
2 relating to the youth programs addressed in
3 subparagraph (3) and the quitline Iowa initiative. The

4 department of human services shall revise eligibility
 5 provisions for smoking cessation medications and
 6 related services under the medical assistance program
 7 to replace the requirements for referral by the
 8 quitline Iowa initiative with a requirement for a
 9 physician prescription or referral or other suitable
 10 requirement. The joint appropriations subcommittee
 11 on health and human services, in consultation with
 12 the standing committees on human resources of the
 13 senate and house of representatives, shall recommend
 14 legislation to revise the youth programs addressed by
 15 subparagraph (3) effective July 1, 2011, in order to
 16 eliminate unnecessary, wasteful expenditures.>
 17 2. By renumbering as necessary.

STEVE KETTERING

S-3020

1 Amend the amendment, S-3009, to House File 45,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, after line 4 by inserting:
 5 <DIVISION I
 6 TAX RELIEF FUND
 7 Section 1. Section 8.55, subsection 2, Code 2011,
 8 is amended to read as follows:
 9 2. a. The maximum balance of the fund is the
 10 amount equal to two and one-half percent of the
 11 adjusted revenue estimate for the fiscal year. If the
 12 amount of moneys in the Iowa economic emergency fund is
 13 equal to the maximum balance, moneys in excess of this
 14 amount shall be transferred to the ~~general tax relief~~
 15 fund.
 16 b. Notwithstanding paragraph "a", any moneys
 17 in excess of the maximum balance in the economic
 18 emergency fund after the distribution of the surplus
 19 in the general fund of the state at the conclusion
 20 of each fiscal year shall not be transferred to the
 21 ~~general tax relief fund of the state~~ but shall be
 22 transferred to the senior living trust fund. The
 23 total amount appropriated, reverted, or transferred,
 24 in the aggregate, under this paragraph, section
 25 8.57, subsection 2, and any other law providing
 26 for an appropriation or reversion or transfer of an
 27 appropriation to the credit of the senior living trust
 28 fund, for all fiscal years beginning on or after July
 29 1, 2004, shall not exceed the amount specified in
 30 section 8.57, subsection 2, paragraph "c".
 31 Sec. 2. NEW SECTION. 8.57E Tax relief fund.
 32 1. The tax relief fund is created. The fund shall
 33 be separate from the general fund of the state and

34 the balance in the fund shall not be considered part
35 of the balance of the general fund of the state. The
36 moneys credited to the fund are not subject to section
37 8.33 and shall not be transferred, used, obligated,
38 appropriated, or otherwise encumbered except as
39 provided in this section.

40 2. Moneys in the tax relief fund shall only be
41 used as pursuant to appropriations made by the general
42 assembly to reduce taxes.

43 3. a. Moneys in the fund may be used for cash flow
44 purposes during a fiscal year provided that any moneys
45 so allocated are returned to the fund by the end of
46 that fiscal year.

47 b. Except as provided in section 8.58, the tax
48 relief fund shall be considered a special account for
49 the purposes of section 8.53 in determining the cash
50 position of the general fund of the state for the

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1 payment of state obligations.

2 4. Notwithstanding section 12C.7, subsection 2,
3 interest or earnings on moneys deposited in the tax
4 relief fund shall be credited to the fund.

5 Sec. 3. Section 8.58, Code 2011, is amended to read
6 as follows:

7 8.58 Exemption from automatic application.

8 1. To the extent that moneys appropriated under
9 section 8.57 do not result in moneys being credited
10 to the general fund under section 8.55, subsection
11 2, moneys appropriated under section 8.57 and moneys
12 contained in the cash reserve fund, rebuild Iowa
13 infrastructure fund, environment first fund, ~~and~~ Iowa
14 economic emergency fund, and tax relief fund shall not
15 be considered in the application of any formula, index,
16 or other statutory triggering mechanism which would
17 affect appropriations, payments, or taxation rates,
18 contrary provisions of the Code notwithstanding.

19 2. To the extent that moneys appropriated under
20 section 8.57 do not result in moneys being credited
21 to the general fund under section 8.55, subsection
22 2, moneys appropriated under section 8.57 and moneys
23 contained in the cash reserve fund, rebuild Iowa
24 infrastructure fund, environment first fund, ~~and~~ Iowa
25 economic emergency fund, and tax relief fund shall not
26 be considered by an arbitrator or in negotiations under
27 chapter 20.

28 Sec. 4. TAX RELIEF FUND — LEGISLATIVE INTENT. It
29 is the intent of the general assembly to enact
30 appropriations from the tax relief fund created by
31 this division of this Act pursuant to tax relief
32 legislation which shall be proposed by the standing

33 committees on ways and means of the senate and house
34 of representatives.

35 Sec. 5. EFFECTIVE DATE AND APPLICABILITY.

36 1. This division of this Act, being deemed of
37 immediate importance, takes effect upon enactment.

38 2. The amendment in this division to section
39 8.55, providing for transfer of moneys from the Iowa
40 economic emergency fund to the tax relief fund instead
41 of the general fund of the state applies to transfers
42 made from the Iowa economic emergency fund after
43 the effective date of this division and the state
44 general fund expenditure limitation calculated for the
45 fiscal year beginning July 1, 2011, shall be adjusted
46 accordingly.>

47 2. By renumbering as necessary.

BILL ANDERSON

S-3021

1 Amend the amendment, S-3009, to House File 45,
2 as amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 5, after line 32 by inserting:

5 <Sec. _____. SCHOOL DISTRICT PROPERTY TAX RELIEF
6 SUPPLEMENT — APPROPRIATION.

7 1. There is appropriated from the general fund
8 of the state to the department of management, for
9 the fiscal year beginning July 1, 2011, an amount
10 sufficient to pay the school district property tax
11 relief supplements under this section. Payments under
12 this section shall be paid in the manner provided in
13 section 257.16.

14 2. The department of management shall determine all
15 of the following for each school district within the
16 state:

17 a. The total amount of revenue generated for the
18 base year by the school district's foundation property
19 tax levy and the school district's additional property
20 tax levy, taking into account amounts allocated to the
21 school district pursuant to section 257.15.

22 b. The total amount of revenue to be generated for
23 the budget year by the school district's foundation
24 property tax levy and the school district's additional
25 property tax levy, taking into account amounts to be
26 allocated to the school district pursuant to section
27 257.15.

28 c. The remainder of the amount determined under
29 paragraph "b" after subtracting the amount determined
30 in paragraph "a".

31 3. Each school district that has a remainder
32 determined under subsection 2, paragraph "c" that

33 is greater than zero shall receive a property tax
34 relief supplement in an amount equal to the remainder
35 determined under paragraph "c". The department of
36 management shall notify each school district of the
37 amount of the property tax relief supplement.

38 4. School districts that receive a property tax
39 relief supplement under this section shall not levy
40 property taxes for the amount of the property tax
41 relief supplement received.

42 5. Property tax relief supplement payments received
43 by a school district under this section may be used for
44 any purpose for which such amounts may be used if such
45 moneys were generated through property taxes.

46 6. This section applies to the budget year
47 beginning July 1, 2011.>

48 2. By renumbering as necessary.

JACK WHITVER

S-3022

1 Amend the amendment, S-3009, to House File 45,
2 as amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 4, after line 29 by inserting:

5 <Sec. ____ 2010 Iowa Acts, chapter 1184, section
6 43, is amended to read as follows:

7 SEC. 43. SAVE OUR SMALL BUSINESSES FUND
8 APPROPRIATION.

9 1. There is appropriated from the school
10 infrastructure fund created in section 12.82 to the
11 department of economic development for deposit in the
12 save our small businesses fund for the fiscal year
13 beginning July 1, 2010, and ending June 30, 2011, the
14 following amount, or so much thereof as is necessary,
15 to be used for the purposes designated:

16 For purposes of providing financial assistance under
17 the save our small businesses program under section
18 15.301:

19 \$ 5,000,000

20 Of the moneys appropriated pursuant to this section,
21 the department may allocate an amount not to exceed
22 two percent of the moneys appropriated for purposes of
23 retaining the services of an organization designated
24 pursuant to section 15.301, subsection 2, paragraph
25 "b".

26 2. On the effective date of this section of this
27 2011 Iowa Act, any unobligated and unencumbered moneys
28 appropriated in this section shall revert to the school
29 infrastructure fund.>

30 2. Page 4, after line 37 by inserting:

31 <Sec. ____ REPEAL. Sections 15.300 and 15.301,

32 Code 2011, are repealed.

33 Sec. ____ LOANS — CONTINUED EFFECT. Loans awarded
34 from the save our small business fund pursuant to
35 section 15.301, prior to the effective date of this
36 section, shall continue as provided by the terms of the
37 loans and shall be administered by the department of
38 economic development.>

39 3. Page 4, after line 39 by inserting:

40 <Sec. ____ GREAT PLACES PROGRAM.

41 1. For the period beginning on the effective
42 date of this section through the close of the fiscal
43 year ending on June 30, 2011, the department of
44 cultural affairs shall be subject to a limitation on
45 expenditures made on or after the effective date of
46 this section for purposes of the great places program
47 in accordance with this section.

48 2. The limitation shall be equal to any expended or
49 encumbered amount that the department has budgeted or
50 otherwise designated for purposes of the great places

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1 program, from the appropriations made for the fiscal
2 year beginning July 1, 2010, and ending June 30, 2011,
3 to the department from all sources, as of the effective
4 date of this section. Any great places program grant
5 contract entered into prior to the effective date of
6 this section shall continue as provided by the terms
7 of the contract.>

8 4. Page 9, after line 18 by inserting:

9 <DIVISION ____

10 POWER FUND — OFFICE OF ENERGY INDEPENDENCE

11 Sec. ____ REPEAL. Sections 469.9 and 469.10, Code
12 2011, are repealed.

13 Sec. ____ REPEAL. Sections 469.1, 469.2, 469.3,
14 469.4, 469.5, 469.6, 469.7, 469.8, and 469.11, Code
15 2011, are repealed.

16 Sec. ____ TRANSITION PROVISIONS — DEPARTMENTAL

17 AUTHORITY. Beginning on the effective date of this
18 section, the department of economic development shall
19 assume the duties of the office of energy independence
20 until otherwise determined by the general assembly.
21 During the 2011 session of the Eighty-fourth General
22 Assembly, the joint appropriations subcommittee on
23 economic development shall include Code provisions
24 relating to the repeal of chapter 469 and the transfer
25 of departmental authority from the office of energy
26 independence to another state entity in a proposed
27 committee on appropriations bill.

28 Sec. ____ TRANSITION PROVISIONS — CONTINUATION OF
29 GRANTS.

30 1. Any moneys remaining in any account or fund

31 under the control of the office of energy independence
32 on the effective date of this division relative to the
33 provisions of this division shall be transferred to a
34 comparable fund or account under the control of the
35 department of economic development for such purposes,
36 until otherwise determined by the general assembly.
37 Notwithstanding section 8.33, the moneys transferred in
38 accordance with this subsection shall not revert to the
39 account or fund from which appropriated or transferred.
40 2. Any license, permit, or contract issued or
41 entered into by the office of energy independence
42 relative to the provisions of this division in effect
43 on the effective date of this division shall continue
44 in full force and effect pending transfer of such
45 licenses, permits, or contracts to the department of
46 economic development, until otherwise determined by the
47 general assembly.
48 3. Grants or loans awarded from the Iowa power fund
49 pursuant to section 469.9 prior to the effective date
50 of this division shall continue as provided by the

Page 3

1 terms of the grants or loans and shall be administered
2 by the department of economic development, until
3 otherwise determined by the general assembly.
4 4. Federal funds utilized by the director of the
5 office of energy independence prior to the effective
6 date of this division to employ personnel necessary
7 to administer the provisions of this division shall
8 be applicable to the transfer of such personnel from
9 the office of energy independence to the department
10 of economic development, or other state agency as
11 determined by the general assembly.
12 Sec. ____ EFFECTIVE UPON ENACTMENT. Except for
13 the section of this division repealing sections 469.9
14 and 469.10, which shall take effect July 1, 2011,
15 this division of this Act, being deemed of immediate
16 importance, takes effect upon enactment.>
17 5. Page 16, after line 5 by inserting:
18 <DIVISION ____
19 GROW IOWA VALUES FUND AND PROGRAM
20 Sec. ____ Section 15.103, subsection 6, Code 2011,
21 is amended to read as follows:
22 6. As part of the organizational structure of the
23 department, the board shall establish a due diligence
24 committee and a loan and credit guarantee committee
25 composed of members of the board. The committees shall
26 serve in an advisory capacity to the board and shall
27 carry out any duties assigned by the board in relation
28 to programs administered by the department. The loan
29 and credit guarantee committee shall advise the board

30 on the winding up of loan guarantees made under the
 31 loan and credit guarantee program established pursuant
 32 to section 15E.224, Code 2009, ~~and on the proper~~
 33 ~~amount of the allocation described in section 15G.111,~~
 34 ~~subsection 4, paragraph “g”.~~
 35 Sec. ____ Section 15.104, subsection 1, Code 2011,
 36 is amended by striking the subsection.
 37 Sec. ____ Section 15.104, subsection 8, paragraphs
 38 b and i, Code 2011, are amended by striking the
 39 paragraphs.
 40 Sec. ____ Section 15.104, subsection 8, paragraph
 41 j, Code 2011, is amended to read as follows:
 42 j. Renewable fuel programs. A detailed accounting
 43 of expenditures in support of renewable fuel
 44 infrastructure programs, as provided in sections
 45 15G.203 and 15G.204. ~~The renewable fuel infrastructure~~
 46 ~~board established in section 15G.202 shall approve that~~
 47 ~~portion of the department’s annual report regarding~~
 48 ~~projects supported from the grow Iowa values fund~~
 49 ~~created in section 15G.111. This paragraph is repealed~~
 50 on July 1, 2012.

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1 Sec. ____ Section 15.327, Code 2011, is amended by
 2 adding the following new subsections:
 3 NEW SUBSECTION. 01. “Base employment level” means
 4 the number of full-time equivalent positions at a
 5 business, as established by the department and a
 6 business using the business’s payroll records, as of
 7 the date a business applies for financial assistance
 8 under the program.
 9 NEW SUBSECTION. 3A. “County wage” means the
 10 average hourly compensation rates, excluding the value
 11 of nonwage benefits for comparable jobs, from the most
 12 recent four quarters of wage and employment information
 13 from the quarterly covered wage and employment
 14 data report issued by the department of workforce
 15 development.
 16 NEW SUBSECTION. 7A. “Full-time equivalent position”
 17 means a non-part-time position for the number of hours
 18 or days per week considered to be full-time work for
 19 the kind of service or work performed for an employer.
 20 Typically, a full-time equivalent position requires
 21 two thousand eighty hours of work in a calendar year,
 22 including all paid holidays, vacations, sick time, and
 23 other paid leave.
 24 NEW SUBSECTION. 7B. “Maintenance period” means the
 25 period of time between the project completion date and
 26 maintenance period completion date.
 27 NEW SUBSECTION. 12A. “Regional wage” means the
 28 average hourly compensation rates, excluding the value

29 of nonwage benefits for comparable jobs, from the most
30 recent four quarters of wage and employment information
31 from the quarterly covered wage and employment
32 data report issued by the department of workforce
33 development.

34 Sec. ____ Section 15.327, subsections 1, 4, 7, 8,
35 10, 12, and 13, Code 2011, are amended by striking
36 the subsections and inserting in lieu thereof the
37 following:

38 1. "Benefit" means nonwage compensation provided
39 to an employee. Benefits typically include medical
40 and dental insurance plans, pension, retirement,
41 and profit-sharing plans, child care services,
42 life insurance coverage, vision insurance coverage,
43 disability insurance coverage, and any other nonwage
44 compensation as determined by the board.

45 4. "Created job" means a new, permanent, full-time
46 equivalent position added to a business's payroll in
47 excess of the business's base employment level.

48 7. "Fiscal impact ratio" means a ratio calculated
49 by estimating the amount of taxes to be received from
50 a business by the state and dividing the estimate by

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1 the estimated cost to the state of providing certain
2 financial incentives to the business, reflecting
3 a ten-year period of taxation and incentives and
4 expressed in terms of current dollars. For purposes
5 of the program, "fiscal impact ratio" does not include
6 taxes received by political subdivisions.

7 8. "Maintenance period completion date" means the
8 date on which the maintenance period ends.

9 10. "Project completion date" means the date by
10 which a recipient of financial assistance has agreed
11 to meet all the terms and obligations contained in an
12 agreement with the department as described in section
13 15.330.

14 12. "Qualifying wage threshold" means the county
15 wage or the regional wage, as calculated pursuant to
16 subsections 3A and 12A, whichever is lower.

17 13. "Retained job" means a full-time equivalent
18 position, in existence at the time an employer applies
19 for financial assistance which remains continuously
20 filled or authorized to be filled as soon as possible
21 and which is at risk of elimination if the project
22 for which the employer is seeking assistance does not
23 proceed.

24 Sec. ____ Section 15.329, subsection 2, Code 2011,
25 is amended to read as follows:

26 2. A business providing a sufficient package of
27 benefits to each employee holding a created or retained

28 job shall qualify for a credit against the qualifying
 29 wage threshold requirements described in subsection
 30 1, paragraph "c". The credit shall be calculated and
 31 applied in the following manner: described in section
 32 15G.112, subsection 4, paragraph "b".
 33 a. By multiplying the qualifying wage threshold of
 34 the county in which the business is located by one and
 35 three-tenths.
 36 b. By multiplying the result of paragraph "a" by
 37 one-tenth.
 38 c. The amount of the result of paragraph "b" shall
 39 be credited against the amount of the one hundred
 40 thirty percent qualifying wage threshold requirement
 41 that the business is required to meet under subsection
 42 1, paragraph "c".
 43 d. The credit shall not be applied against the
 44 one hundred percent of qualifying wage threshold
 45 requirement described in subsection 1, paragraph "c".
 46 Sec. ___. Section 15.330, subsection 4, Code 2011,
 47 is amended to read as follows:
 48 4. A project completion date, a maintenance period
 49 completion date, the number of jobs to be created
 50 or retained, or certain other terms and obligations

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1 described in ~~section 15G.112, subsection 1, paragraph~~
 2 ~~"d" an agreement~~, as the department deems necessary in
 3 order to make the requirements in project agreements
 4 uniform. The department, with the approval of
 5 the board, may adopt rules as necessary for making
 6 such requirements uniform. Such rules shall be in
 7 compliance with the provisions of this part ~~and with~~
 8 ~~the provisions of chapter 15G.~~
 9 Sec. ___. Section 15.335A, subsection 1, unnumbered
 10 paragraph 1, Code 2011, is amended to read as follows:
 11 Tax incentives are available to eligible businesses
 12 as provided in this section. The incentives are based
 13 upon the number of jobs created or retained that pay
 14 at least one hundred thirty percent of the qualifying
 15 wage threshold as computed pursuant to section
 16 ~~15G.112 15.329~~, subsection 4 1, and the amount of the
 17 qualifying investment made according to the following
 18 schedule:
 19 Sec. ___. Section 15.335A, subsection 2, paragraphs
 20 b, c, f, and g, Code 2011, are amended by striking the
 21 paragraphs.
 22 Sec. ___. Section 15.335A, subsection 5, Code 2011,
 23 is amended to read as follows:
 24 5. The department shall negotiate the amount of tax
 25 incentives provided to an applicant under the program
 26 in accordance with this section ~~and section 15G.112, as~~

27 ~~applicable.~~

28 Sec. ____ Section 15A.7, subsection 3, Code 2011,
29 is amended to read as follows:

30 3. That the employer shall agree to pay wages for
31 the jobs for which the credit is taken of at least the
32 county wage or the regional wage, as calculated by the
33 ~~department~~ pursuant to section ~~15C.112, subsection 3~~
34 ~~15.327, subsections 3A and 12A~~, whichever is lower.

35 Eligibility for the supplemental credit shall be based
36 on a one-time determination of starting wages by the
37 community college.

38 Sec. ____ Section 15E.193, subsection 1, paragraphs
39 b through d, Code 2011, are amended to read as follows:

40 b. (1) The business shall provide a sufficient
41 package of benefits to each employee holding a created
42 or retained job. For purposes of this paragraph,
43 “created job” and “retained job” have the same meaning
44 as defined in section ~~15C.101~~ 15.327.

45 (2) The board, upon the recommendation of the
46 department, shall adopt rules determining what
47 constitutes a sufficient package of benefits.

48 c. The business shall pay a wage that is at least
49 ninety percent of the qualifying wage threshold. For
50 purposes of this paragraph, “qualifying wage threshold”

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1 has the same meaning as defined in section ~~15C.101~~
2 15.327.

3 d. Creates or retains at least ten full-time
4 equivalent positions and maintains them until the
5 maintenance period completion date. For purposes of
6 this paragraph, “maintenance period completion date” and
7 “full-time equivalent position” have the same meanings
8 as defined in section ~~15C.101~~ 15.327.

9 Sec. ____ Section 15E.231, unnumbered paragraph 1,
10 Code 2011, is amended to read as follows:

11 ~~In order for an An~~ economic development region ~~to~~
12 ~~receive moneys under the grow Iowa values financial~~
13 ~~assistance program established in section 15C.112,~~
14 ~~an~~ shall establish a regional development plan. An
15 economic development region’s regional development
16 plan must be approved by the department. An economic
17 development region shall consist of not less than
18 three counties, unless two contiguous counties have a
19 combined population of at least three hundred thousand
20 based on the most recent federal decennial census. An
21 economic development region shall establish a focused
22 economic development effort that shall include a
23 regional development plan relating to one or more of
24 the following areas:

25 Sec. ____ Section 15E.232, subsections 1, 3, 4,

26 5, 6, and 7, Code 2011, are amended by striking the
27 subsections.

28 Sec. ____. Section 15E.351, subsection 1, Code 2011,
29 is amended to read as follows:

30 1. The department shall establish and administer
31 a business accelerator program to provide financial
32 assistance for the establishment and operation of a
33 business accelerator for technology-based, value-added
34 agricultural, information solutions, alternative
35 and renewable energy including the alternative and
36 renewable energy sectors listed in section 476.42,
37 subsection 1, paragraph "a", or advanced manufacturing
38 start-up businesses or for a satellite of an existing
39 business accelerator. The program shall be designed
40 to foster the accelerated growth of new and existing
41 businesses through the provision of technical
42 assistance. ~~The department, subject to the approval of~~
43 ~~the economic development board, may provide financial~~
44 ~~assistance under this section from moneys allocated~~
45 ~~for regional financial assistance pursuant to section~~
46 ~~15G.111, subsection 9.~~

47 Sec. ____. Section 159A.6B, subsection 2, Code 2011,
48 is amended to read as follows:

49 2. The office may execute contracts in order to
50 provide technical support and outreach services for

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1 purposes of assisting and educating interested persons
2 as provided in this section. The office may also
3 contract with a consultant to provide part or all
4 of these services. The office may require that a
5 person receiving assistance pursuant to this section
6 contribute up to fifty percent of the amount required
7 to support the costs of contracting with the consultant
8 to provide assistance to the person. ~~The office~~
9 ~~shall assist the person in completing any technical~~
10 ~~information required in order to receive assistance~~
11 ~~by the department of economic development pursuant~~
12 ~~to the value added agriculture component of the grow~~
13 ~~Iowa values financial assistance program established~~
14 ~~pursuant to section 15G.112.~~

15 Sec. ____. Section 455B.104, subsection 2, Code
16 2011, is amended by striking the subsection.

17 Sec. ____. 2010 Iowa Acts, chapter 1184, section 26,
18 is amended to read as follows:

19 SEC. 26. GROW IOWA VALUES FUND.
20 1. There is appropriated from the rebuild Iowa
21 infrastructure fund to the department of economic
22 development for deposit in the grow Iowa values fund,
23 for the fiscal year beginning July 1, 2010, and ending
24 June 30, 2011, the following amount, notwithstanding

25 section 8.57, subsection 6, paragraph “c”:
 26 \$ 38,000,000
 27 2. On the effective date of this section of this
 28 2011 Iowa Act, any unobligated and unencumbered moneys
 29 appropriated in this section and section 27 of this
 30 2010 Iowa Act, shall revert to the general fund of the
 31 state. Any repayments of moneys loaned from moneys
 32 appropriated in this section and section 27 of this
 33 2010 Iowa Act, and received after the effective date of
 34 this 2011 Iowa Act, shall be credited to the general
 35 fund of the state.
 36 Sec. _____. 2010 Iowa Acts, chapter 1184, section 27,
 37 is amended to read as follows:
 38 SEC. 27. GROW IOWA VALUES FUND APPROPRIATION
 39 REDUCTION.
 40 1. In lieu of the \$50,000,000 appropriated for the
 41 fiscal year beginning July 1, 2010, and ending June 30,
 42 2011, from the grow Iowa values fund to the department
 43 of economic development pursuant to section 15G.111,
 44 subsection 3, there is appropriated from the grow Iowa
 45 values fund to the department of economic development
 46 for the fiscal year beginning July 1, 2010, and ending
 47 June 30, 2011, \$38,000,000 for the purposes of making
 48 expenditures pursuant to chapter 15G.
 49 2. On the effective date of this section of this
 50 2011 Iowa Act, an entity receiving moneys appropriated

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1 pursuant to this section, with the exception of moneys
 2 allocated pursuant to section 28, subsections 2 and
 3 5, of this 2010 Iowa Act, shall cease obligating or
 4 encumbering such moneys.
 5 Sec. _____. REPEAL. Section 15E.233, Code 2011, is
 6 repealed.
 7 Sec. _____. REPEAL. Sections 15G.101 and 15G.109
 8 through 15G.115, Code 2011, are repealed.
 9 Sec. _____. REPEAL. Section 266.19, Code 2011, is
 10 repealed.
 11 Sec. _____. REPEAL. Section 455B.433, Code 2011, is
 12 repealed.
 13 Sec. _____. EFFECTIVE DATE. The provisions of this
 14 division of this Act amending 2010 Iowa Acts, chapter
 15 1184, being deemed of immediate importance, take effect
 16 upon enactment.>
 17 6. By renumbering as necessary.

BILL DIX

S-3023

1 Amend the amendment, S-3009, to House File 45,
 2 as amended, passed, and reprinted by the House, as

3 follows:
 4 1. Page 2, after line 18 by inserting:
 5 <Sec. ____ EXPENDITURES FOR CELLULAR
 6 TELEPHONES AND PERSONAL DIGITAL ASSISTANTS
 7 PROHIBITED. Notwithstanding any provision to the
 8 contrary, other than for employees who are members of
 9 the state patrol, who are performing inspections, or
 10 who are otherwise normally performing their primary
 11 duties away from a fixed location more than 70 percent
 12 of the time, for the fiscal year beginning July 1,
 13 2010, a department shall not expend moneys appropriated
 14 from the general fund of the state to pay for or
 15 reimburse the initial or associated service costs
 16 for cellular telephones, personal digital assistant
 17 devices, or handheld computers. However, the executive
 18 council may authorize an exception on a case-by-case
 19 basis, to address an emergency situation for a period
 20 of time not more than three consecutive calendar months
 21 in length or to complete the minimum period specified
 22 under the terms of a lease or contract. For the
 23 purposes of this section, "department" means the same
 24 as defined in section 8.2.>
 25 2. By renumbering as necessary.

BILL DIX

S-3024

1 Amend the amendment, S-3009, to House File 45,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, after line 13 by inserting:
 5 <Sec. ____ GROUP HEALTH INSURANCE PREMIUM COSTS FOR
 6 STATE EMPLOYEES.
 7 1. The state's executive and judicial branch
 8 authorities responsible for negotiating the collective
 9 bargaining agreements entered into under chapter 20
 10 shall engage in discussions with the applicable state
 11 employee organizations to renegotiate provisions
 12 involving health insurance coverage of state employees
 13 and their families in order to achieve cost savings
 14 for the state. The discussions shall include but are
 15 not limited to a requirement for a state employee who
 16 is covered by a collective bargaining agreement and
 17 is a member of a state group health insurance plan
 18 for employees of the state established under chapter
 19 509A to pay at least one hundred dollars per month of
 20 the total premium for such health plan coverage for
 21 single persons or increase the amount paid per month
 22 for family coverage by the same amount that would be
 23 paid for the single persons coverage.
 24 2. If collective bargaining agreements are

25 renegotiated to achieve cost savings pursuant to
 26 subsection 1, the cost savings provisions shall
 27 also apply to state employees who are not covered by
 28 collective bargaining as provided in chapter 20 and
 29 are members of a state group health insurance plan for
 30 employees of the state established under chapter 509A.

31 3. Beginning on the effective date of this section
 32 or March 1, 2011, whichever is earlier, a state
 33 legislator or legislative staff member who is a member
 34 of a state group health insurance plan for employees
 35 of the state established under chapter 509A shall pay
 36 at least one hundred dollars per month of the total
 37 premium for such health care coverage for single
 38 persons or increase the amount paid per month for
 39 family coverage by the same amount that would be paid
 40 for the single persons coverage. The payment amount
 41 shall be determined by the legislative council, subject
 42 to the minimum amount specified in this subsection.>

43 2. Page 2, after line 34 by inserting:

44 <Sec. ____ NEW SECTION. 8A.440 Group health
 45 insurance premium costs.

46 1. Collective bargaining agreements entered into
 47 pursuant to chapter 20 for state employees shall
 48 provide that a state employee covered by that agreement
 49 who is a member of a state group health insurance plan
 50 for employees of the state established under chapter

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1 509A shall pay at least one hundred dollars per month
 2 of the total premium for such insurance for single
 3 persons or increase the amount paid per month for
 4 family coverage by the same amount that would be paid
 5 for the single persons coverage.

6 2. A state employee not covered by a collective
 7 bargaining agreement as provided in chapter 20 who
 8 is a member of a state group health insurance plan
 9 for employees of the state established under chapter
 10 509A shall pay the same amount per month of the
 11 total premium for such insurance as is paid under
 12 the collective bargaining agreement that covers
 13 the greatest number of state employees in the state
 14 government entity employing the state employee.>

15 3. By renumbering as necessary.

TIM L. KAPUCIAN

S-3025

1 Amend the amendment, S-3009, to House File 45,
 2 as amended, passed, and reprinted by the House, as
 3 follows:

- 4 1. Page 5, after line 32 by inserting:
 5 <Sec. ____ IPERS RATES — PUBLIC SCHOOL
 6 DISTRICTS. Notwithstanding section 97B.11 or any other
 7 law to the contrary, for the period beginning on the
 8 effective date of this section and ending June 30,
 9 2012, the applicable employer percentage, as that term
 10 is defined in section 97B.11, for the contribution
 11 of public school districts for their employees
 12 participating in the Iowa public employees retirement
 13 system shall remain the same as the applicable employer
 14 percentage in effect on the effective date of this
 15 section.>
 16 2. By renumbering as necessary.

SHAWN HAMERLINCK

S-3026

- 1 Amend Senate File 209 as follows:
 2 1. Page 20, after line 29 by inserting:
 3 <DIVISION ____
 4 IOWA COMMUNICATIONS NETWORK
 5 Sec. ____ IOWA COMMUNICATIONS NETWORK —
 6 AUTHORIZATION FOR CONTRACTS. Pursuant to section
 7 8D.11, subsection 1, paragraph “a”, the general
 8 assembly authorizes the Iowa telecommunications and
 9 technology commission to enter into contracts in
 10 excess of the contract limitation amount established
 11 in section 8D.11, subsection 1, paragraph “c”, for
 12 purposes of the commission’s project associated with
 13 the federal grant awarded to the commission under the
 14 federal broadband technology opportunities program.
 15 This authorization applies for the duration of the
 16 commission’s project and to all affected contracts
 17 associated with the project and project funding.
 18 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
 19 of this Act, being deemed of immediate importance,
 20 takes effect upon enactment.>
 21 2. By renumbering as necessary.

ROBERT E. DVORSKY

S-3027

- 1 Amend Senate File 209 as follows:
 2 1. Page 11, before line 14 by inserting:
 3 <DIVISION ____
 4 Sec. ____ NEW SECTION. 421.11 Annual Internal
 5 Revenue Code coupling.
 6 1. It is the intent of the general assembly to
 7 allow taxpayers to make annual tax and financial
 8 planning decisions with certainty.

9 2. The department shall by January 1 of each year
10 submit to the general assembly a request for a bill
11 that conforms the computation of net income for Iowa
12 purposes to the federal Internal Revenue Code as
13 amended to and including that date.

14 3. The general assembly shall by January 31 of each
15 year consider and take a recorded vote on the bill
16 requested pursuant to subsection 2.>

17 2. By renumbering as necessary.

RANDY FEENSTRA

S-3028

1 Amend Senate File 209 as follows:

2 1. By striking page 7, line 4, through page 11,
3 line 13.

4 2. By renumbering as necessary.

RANDY FEENSTRA

S-3029

1 Amend Senate File 209 as follows:

2 1. Page 20, after line 29 by inserting:

3 <DIVISION ____
4 COUNTY MENTAL HEALTH
5 AND DISABILITY SERVICES
6 Sec. ____ COUNTY WAITING LISTS.

7 1. There is appropriated from the general fund of
8 the state to the department of human services for the
9 fiscal year beginning July 1, 2010, and ending June 30,
10 2011, the following amount, or so much thereof as is
11 necessary, to be used for the purposes designated:

12 To be credited to the risk pool in the property tax
13 relief fund created in chapter 426B and expended as
14 provided in this section:

15 \$ 25,000,000

16 2. The amount appropriated in this section is
17 appropriated from the risk pool to the department
18 of human services for distribution as provided in
19 this section. Notwithstanding section 8.33, moneys
20 appropriated in this section that remain unencumbered
21 or unobligated at the close of the fiscal year shall
22 not revert but shall remain available for expenditure
23 for the purposes designated until the close of the
24 succeeding fiscal year.

25 3. a. For the purposes of this section, "services
26 fund" means a county's mental health, mental
27 retardation, and developmental disabilities services
28 fund created in section 331.424A.

29 b. The risk pool board shall implement a process

30 for distribution of the amount appropriated in this
31 section to counties to be used to provide eligibility
32 for services and other support payable from the
33 counties' services funds for persons who are eligible
34 under county management plans in effect as of December
35 31, 2010, but due to insufficient funding are on a
36 waiting list for the services and other support. The
37 period addressed by the funding appropriated in this
38 section begins on or after the effective date of
39 this section and ends June 30, 2012. Of the amount
40 appropriated in this section, up to \$5,000,000 shall
41 be targeted to expand medical assistance program
42 waiver slots for those waivers for which counties pay
43 the nonfederal share of the costs. The distribution
44 allocations shall be completed on or before July 1,
45 2011.

46 c. The general assembly finds that as of the time
47 of enactment of this section, the funding appropriated
48 in this section is sufficient to eliminate the need
49 for continuing, instituting, or reinstating waiting
50 lists during the period addressed by the appropriation.

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1 However, the process implemented by the risk pool
2 board shall ensure there is adequate funding so that
3 a person made eligible for services and other support
4 from the waiting list would not be required to return
5 to the waiting list if a later projection indicates the
6 funding is insufficient to cover for the entire period
7 all individuals removed from the waiting list pursuant
8 to this section.

9 d. The funding provided in this section is intended
10 to provide necessary services for adults in need of
11 mental health, mental retardation, or developmental
12 disabilities services until improvements to the current
13 system can be developed and enacted.

14 Sec. ____ ADULT MENTAL HEALTH AND DISABILITY
15 SERVICE SYSTEM REFORM.

16 1. The general assembly finds there is need to
17 reform the adult mental health and disability services
18 system administered by counties to address the needs
19 of persons with mental illness, mental retardation, or
20 developmental disabilities. Issues with the current
21 system include the following:

22 a. Lack of a set of core services uniformly
23 available throughout the state.

24 b. Lack of uniformity in service expenditures
25 throughout the state.

26 c. Disparity in county levy rates for the services
27 funds for this system.

28 d. The need to improve the array of community-based

29 services and services to avoid the use or continued use
 30 of crisis services.

31 e. The need to expand the availability of dual
 32 diagnosis mental health and substance abuse services.

33 f. The need to improve the consistency of services
 34 available to both youth and adult populations.

35 g. The need to address the medical assistance
 36 (Medicaid) program changes in the federal Patient
 37 Protection and Affordable Care Act (PPACA) that will
 38 greatly expand the program's eligibility for persons in
 39 the service system beginning in calendar year 2014.

40 h. Dissatisfaction with using county of legal
 41 settlement determinations to determine county and state
 42 financial responsibility for services.

43 2. In order to address the issues identified in
 44 subsection 1, the committees on human resources,
 45 appropriations, and ways and means of the senate and
 46 house of representatives shall propose legislation to
 47 address the following actions by the dates indicated:

48 a. Phase-in of the state fully assuming the
 49 nonfederal share of the costs for Medicaid program
 50 services now borne by counties by the implementation

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1 date of the Medicaid eligibility changes under PPACA.

2 b. Provide property tax relief and equity by having
 3 the state assume a greater role in funding the adult
 4 mental health and disability services system from
 5 counties by July 1, 2012, when the repeals contained in
 6 this division of this Act take effect.

7 c. Shift the balance of responsibilities for the
 8 services system between the state and counties so
 9 that the state ensures greater uniformity and there
 10 is sufficient size to develop effective services
 11 while maintaining the county role of bringing local
 12 resources together in unique ways that best meet the
 13 needs of clients, by implementing a new services system
 14 structure by July 1, 2012, when the repeals contained
 15 in this division of this Act take effect.

16 Sec. ____ Section 331.424A, Code 2011, is amended
 17 by adding the following new subsection:
 18 NEW SUBSECTION. 6. This section is repealed July
 19 1, 2012.

20 Sec. ____ Section 331.438, Code 2011, is amended by
 21 adding the following new subsection:
 22 NEW SUBSECTION. 5. This section is repealed July
 23 1, 2012.

24 Sec. ____ Section 331.439, Code 2011, is amended by
 25 adding the following new subsection:
 26 NEW SUBSECTION. 10. This section is repealed July
 27 1, 2012.

28 Sec. ____ Section 331.440, Code 2011, is amended by
 29 adding the following new subsection:
 30 NEW SUBSECTION. 7. This section is repealed July
 31 1, 2012.
 32 Sec. ____ NEW SECTION. 426B.6 Future repeal.
 33 This chapter is repealed July 1, 2012.
 34 Sec. ____ 2010 Iowa Acts, chapter 1193, section 1,
 35 is amended to read as follows:
 36 SECTION 1. ADULT MH/MR/DD SERVICES ALLOWED
 37 GROWTH FUNDING — FY 2011–2012. Notwithstanding
 38 section 331.439, subsection 3, the allowed growth
 39 factor adjustment for county mental health, mental
 40 retardation, and developmental disabilities service
 41 expenditures for the fiscal year beginning July 1,
 42 2011, shall be established by statute which shall be
 43 enacted within thirty calendar days of the ~~convening of~~
 44 ~~the Eighty fourth General Assembly, 2011 Session, on~~
 45 ~~January 10, 2011~~ date the governor's recommendation is
 46 submitted to the general assembly. The governor shall
 47 submit to the general assembly a recommendation for
 48 such allowed growth factor adjustment and the amounts
 49 of related appropriations to the general assembly
 50 on or before January ~~11~~ 27, 2011. The governor's

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1 recommendation and the allowed growth factor adjustment
 2 enacted by the general assembly pursuant to this
 3 section shall incorporate measures to ensure that
 4 the funding appropriated during the 2011 legislative
 5 session to the risk pool in the property tax relief
 6 fund to eliminate county waiting lists for services can
 7 be relied upon to remain available for the long term to
 8 support the services provided for the individuals who
 9 were removed from a waiting list.
 10 Sec. ____ CONFORMING PROVISIONS. The legislative
 11 services agency shall prepare a study bill for
 12 consideration by the committees on human resources of
 13 the senate and house of representatives for the 2012
 14 legislative session, providing conforming Code changes
 15 for implementation of the repeal provisions contained
 16 in this division of this Act.
 17 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
 18 of this Act, being deemed of immediate importance,
 19 takes effect upon enactment.
 20 Sec. ____ RETROACTIVE APPLICABILITY. The provision
 21 amending 2010 Iowa Acts, chapter 1193, section 1,
 22 applies retroactively to April 29, 2010.>
 23 2. By renumbering as necessary.

DAVID JOHNSON

S-3030

1 Amend the amendment, S-3009, to House File 45,
2 as amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 7, after line 1 by inserting:
5 <Sec. ____. 2009 Iowa Acts, chapter 184, section 1,
6 subsection 12, paragraph a, as amended by 2010 Iowa
7 Acts, chapter 1184, section 71, is amended to read as
8 follows:

9 a. For deposit in the passenger rail service
10 revolving fund created in section 327J.2,
11 notwithstanding section 8.57, subsection 6, paragraph
12 "c":

13 \$ 3,000,000
14 302,007>

15 2. Page 7, after line 13 by inserting:
16 <Sec. ____. 2010 Iowa Acts, chapter 1184, section 2,
17 subsection 3, is amended to read as follows:

18 3. DEPARTMENT OF TRANSPORTATION
19 For deposit into the passenger rail service
20 revolving fund created in section 327J.2 for matching
21 federal funding available through the federal Passenger
22 Rail Investment and Improvement Act of 2008 for
23 passenger rail service, notwithstanding section 8.57,
24 subsection 6, paragraph "c":

25 FY 2011-2012 \$ 6,500,000
26 0

27 ~~It is the intent of the general assembly to fund
28 up to \$20 million over a four year period to fully
29 fund the state commitment for matching federal funding
30 available through the federal Passenger Rail Investment
31 and Improvement Act of 2008.~~

32 Sec. ____. 2010 Iowa Acts, chapter 1184, section 16,
33 is amended to read as follows:

34 SEC. 16. There is appropriated from the Iowa
35 comprehensive petroleum underground storage tank fund
36 to the department of transportation for the fiscal year
37 beginning July 1, 2010, and ending June 30, 2011, the
38 following amount, or so much thereof as is necessary,
39 to be used for the purposes designated:

40 Notwithstanding section 455G.3, subsection 1, for
41 deposit in the passenger rail service revolving fund
42 created in section 327J.2:

43 \$ 2,000,000
44 500,000

45 ~~Such funds shall be coupled with the remaining
46 unobligated balance of up to one million five hundred
47 thousand dollars from the appropriation made in 2009
48 Iowa Acts, chapter 184, section 1, subsection 12,
49 paragraph "a", for a total commitment of three million
50 five hundred thousand dollars for the fiscal year~~

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- 1 ~~beginning July 1, 2010, and ending June 30, 2011,~~
 2 ~~for matching federal funding available through the~~
 3 ~~Passenger Rail Investment and Improvement Act of 2008.~~
 4 Sec. ____ 2008 Iowa Acts, chapter 1179, section 1,
 5 subsection 13, paragraph c, as amended by 2009 Iowa
 6 Acts, chapter 184, section 22, is amended by striking
 7 the paragraph.>
 8 3. By renumbering as necessary.

BRAD ZAUN

S-3031

- 1 Amend the amendment, S-3009, to House File 45,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 6, after line 40 by inserting:
 5 <Sec. ____ Section 28I.4, subsection 1, Code 2011,
 6 is amended to read as follows:
 7 1. The commission shall have the power and duty
 8 to make comprehensive studies and plans for the
 9 development of the area it serves which will guide
 10 the unified development of the area and which will
 11 eliminate planning duplication and promote economy
 12 and efficiency in the coordinated development of
 13 the area and the general welfare, convenience,
 14 safety, and prosperity of its people. The plan or
 15 plans collectively shall be known as the regional
 16 or metropolitan development plan. The plans for
 17 the development of the area may include but shall
 18 not be limited to recommendations with respect to
 19 existing and proposed highways, bridges, airports,
 20 streets, parks and recreational areas, schools and
 21 public institutions and public utilities, public
 22 open spaces, and sites for public buildings and
 23 structures; districts for residence, business,
 24 industry, recreation, agriculture, and forestry; water
 25 supply, sanitation, drainage, protection against floods
 26 and other disasters; areas for housing developments,
 27 slum clearance and urban renewal and redevelopment;
 28 location of private and public utilities, including
 29 but not limited to sewerage and water supply systems;
 30 and such other recommendations concerning current
 31 and impending problems as may affect the area served
 32 by the commission. Time and priority schedules
 33 and cost estimates for the accomplishment of the
 34 recommendations may also be included in the plans. ~~The~~
 35 ~~plans shall be made with consideration of the smart~~
 36 ~~planning principles under section 18B.1.~~ The plans
 37 shall be based upon and include appropriate studies

38 of the location and extent of present and anticipated
39 populations; social, physical, and economic resources,
40 problems and trends; and governmental conditions and
41 trends. The commission is also authorized to make
42 surveys, land-use studies, and urban renewal plans,
43 provide technical services and other planning work
44 for the area it serves and for cities, counties, and
45 other political subdivisions in the area. A plan or
46 plans of the commission may be adopted, added to,
47 and changed from time to time by a majority vote of
48 the planning commission. The plan or plans may in
49 whole or in part be adopted by the governing bodies
50 of the cooperating cities and counties as the general

Page 2

1 plans of such cities and counties. The commission
2 may also assist the governing bodies and other public
3 authorities or agencies within the area it serves in
4 carrying out any regional plan or plans, and assist any
5 planning commission, board or agency of the cities and
6 counties and political subdivisions in the preparation
7 or effectuation of local plans and planning consistent
8 with the program of the commission. The commission
9 may cooperate and confer, as far as possible, with
10 planning agencies of other states or of regional groups
11 of states adjoining its area.

12 Sec. ____ Section 329.3, Code 2011, is amended to
13 read as follows:

14 329.3 Zoning regulations — powers granted.

15 Every municipality having an airport hazard area
16 within its territorial limits may adopt, administer,
17 and enforce in the manner and upon the conditions
18 prescribed by this chapter, zoning regulations for
19 such airport hazard area, which regulations may divide
20 such area into zones and, within such zones, specify
21 the land uses permitted, and regulate and restrict,
22 for the purpose of preventing airport hazards, the
23 height to which structures and trees may be erected
24 or permitted to grow. ~~Regulations adopted under this~~
25 ~~chapter shall be made with consideration of the smart~~
26 ~~planning principles under section 18B.1.~~

27 Sec. ____ Section 335.5, subsections 3 and 4, Code
28 2011, are amended by striking the subsections.

29 Sec. ____ Section 335.8, subsection 2, Code 2011,
30 is amended by striking the subsection.

31 Sec. ____ Section 414.3, subsections 3 and 4, Code
32 2011, are amended by striking the subsections.

33 Sec. ____ Section 414.6, subsection 2, Code 2011,
34 is amended by striking the subsection.

35 Sec. ____ REPEAL. Section 16.194A, Code 2011, is
36 repealed.

37 Sec. ____ REPEAL. Chapter 18B, Code 2011, is
 38 repealed.
 39 Sec. ____ REPEAL. 2010 Iowa Acts, chapter 1184,
 40 section 25, is repealed.
 41 Sec. ____ REVISION OF AWARDS. Any award to a city
 42 or county that applies smart planning principles and
 43 guidelines pursuant to sections 18B.1 and 18B.2, Code
 44 2011, granted from moneys appropriated pursuant to 2010
 45 Iowa Acts, chapter 1184, section 10, subsection 4,
 46 paragraph “b”, for which a grant agreement or contract
 47 has not been entered into by the effective date of this
 48 section, shall be rescinded. The Iowa jobs board shall
 49 not award any additional such grants on or after the
 50 effective date of this section.>

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- 1 2. By renumbering as necessary.

BILL DIX

S-3032

1 Amend the amendment, S-3009, to House File 45,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 2, line 50, by striking <The> and inserting
 5 <If the>
 6 2. Page 3, lines 5 and 6, by striking <, on or
 7 before April 4, 2011,>
 8 3. Page 3, line 31, after <pool.> by inserting <The
 9 department shall continue to be the sole department
 10 authorized to operate a pool of passenger vehicles as
 11 provided under this section until a date specified
 12 in a later enactment, or the end date of the period,
 13 whichever is later.>
 14 4. Page 12, line 5, after <assistance> by inserting
 15 <, an employee, or a student>
 16 5. Page 12, line 18, after <appropriated.> by
 17 inserting <“Funding source” does not include federal
 18 moneys or grants received by an agency.>
 19 6. Page 12, line 28, before <funds> by inserting
 20 <state>
 21 7. Page 13, line 4, after <applications.> by
 22 inserting <In gathering or receiving information
 23 from agencies, the director shall make a good faith
 24 effort to minimize the costs and disruptions to other
 25 agencies and their computer systems of providing such
 26 information.>
 27 8. Page 13, line 8, after <agency> by inserting
 28 <, except the institutions under the state board of
 29 regents,>

30 9. Page 13, after line 27 by inserting:
 31 <2A. For purposes of complying with this section,
 32 the institutions under the state board of regents, for
 33 each budgeted department, program, or activity, shall
 34 provide the following:
 35 a. The funding source and the amount of state funds
 36 received by the institutions.
 37 b. The amount of state funds expended by the
 38 institutions.
 39 c. The names of the entities or recipients
 40 receiving state funds from the institutions.
 41 d. The amounts paid to the entities or recipients
 42 named in paragraph "c".
 43 e. A description of the department, program,
 44 or activity involved, including, to the extent
 45 practicable, the descriptive purpose and expected
 46 performance outcome of each budget program or activity.
 47 f. Past performance outcomes of the budget program
 48 or activity.
 49 g. State audit or report relating to the budget
 50 program or activity.

Page 2

1 h. Other information as the institutions may deem
 2 appropriate for a budget program or activity.>
 3 10. Page 14, by striking lines 9 through 11 and
 4 inserting <under section 423.3. The estimated cost to
 5 the state shall include the amount of exempt sales by
 6 business type for each county. This paragraph does
 7 not>
 8 11. Page 14, by striking lines 18 through 21.
 9 12. Page 14, line 28, by striking <thirty> and
 10 inserting <sixty>
 11 13. Page 14, lines 33 and 34, by striking <thirty
 12 days after the data becomes available to the agency.>
 13 and inserting <sixty days following the close of the
 14 state fiscal year.>
 15 14. Page 15, by striking lines 39 through 46.
 16 15. Page 16, after line 5 by inserting:
 17 <Sec. ____ Section 422.20, subsection 3, paragraph
 18 a, Code 2011, is amended to read as follows:
 19 a. Unless otherwise expressly permitted by section
 20 8A.504, section 8G.4, section 96.11, subsection 6,
 21 section 421.17, subsections 22, 23, and 26, subsection
 22 27, paragraph "k", and subsection 31, section 252B.9,
 23 section 321.40, subsection 6, sections 321.120, 421.19,
 24 421.28, 422.72, and 452A.63, and this section, a tax
 25 return, return information, or investigative or audit
 26 information shall not be divulged to any person or
 27 entity, other than the taxpayer, the department, or
 28 internal revenue service for use in a matter unrelated

29 to tax administration.

30 Sec. ____ Section 422.72, subsection 3, paragraph
31 a, Code 2011, is amended to read as follows:

32 a. Unless otherwise expressly permitted by section
33 8A.504, section 8G.4, section 96.11, subsection 6,
34 section 421.17, subsections 22, 23, and 26, subsection
35 27, paragraph “k”, and subsection 31, section 252B.9,
36 section 321.40, subsection 6, sections 321.120, 421.19,
37 421.28, 422.20, and 452A.63, and this section, a tax
38 return, return information, or investigative or audit
39 information shall not be divulged to any person or
40 entity, other than the taxpayer, the department, or
41 internal revenue service for use in a matter unrelated
42 to tax administration.>

43 16. By renumbering as necessary.

JEFF DANIELSON

S-3033

1 Amend the amendment, S-3009, to House File 45,
2 as amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 4, after line 5 by inserting:

5 <Sec. ____ SALE OR LEASE OF IOWA COMMUNICATIONS
6 NETWORK. The Iowa telecommunications and technology
7 commission shall implement a request for proposals
8 process to sell or lease the Iowa communications
9 network. The request for proposals shall provide for
10 the sale to be concluded or the lease to commence
11 during the fiscal year beginning July 1, 2011. The
12 commission shall condition the sale or lease of the
13 Iowa communications network with terms that will allow
14 existing authorized users of the network to continue
15 such use at a lower overall long-term cost when
16 compared to the anticipated operation and maintenance
17 costs if state ownership and control were to continue.
18 Public funds shall not be used to secure the purchase
19 of the network. The commission shall submit periodic
20 status reports to the general assembly at three-month
21 intervals, beginning on October 1, 2011, regarding
22 progress made toward selling or leasing the network.>

23 2. By renumbering as necessary.

JERRY BEHN

S-3034

1 Amend the amendment, S-3009, to House File 45,
2 as amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 8, by striking lines 28 through 33.

- 5 2. Page 8, line 46, by striking <431.014> and
 6 inserting <497.014>
- 7 3. Page 9, by striking lines 2 through 7.
- 8 4. Page 9, by striking lines 16 through 18 and
 9 inserting:
 10 <Sec. ____ EFFECTIVE UPON ENACTMENT. The provision
 11 of this division of this Act amending 2010 Iowa Acts,
 12 chapter 1189, section 28, being deemed of immediate
 13 importance, takes effect upon enactment.>
- 14 5. By renumbering as necessary.

ROBERT M. HOGG

S-3035

- 1 Amend the amendment, S-3009, to House File 45,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
- 4 1. Page 16, after line 5 by inserting:
 5 <DIVISION ____
 6 AUTOMATIC PROGRAM SUNSET
 7 Section 1. NEW SECTION. 4A.1 Definitions.
 8 As used in this chapter, unless the context
 9 otherwise requires:
 10 1. "Agency" means the same as the term "department"
 11 as defined in section 8.2.
 12 2. "Committee" means the fiscal committee of the
 13 legislative council created pursuant to section 2.45.
 14 3. "Program" means a distinct and coherent set of
 15 activities authorized by law which affects a clearly
 16 definable target group, problem, or issue and which
 17 can be supported by appropriations through the budget
 18 process or by enactments other than appropriations, as
 19 in the case of tax credits.
 20 4. "Program review criteria" means the criteria
 21 required to be considered under section 4A.8.
 22 5. "Sunset" means the termination or repeal of the
 23 law authorizing a program.
 24 Sec. 2. NEW SECTION. 4A.2 Short title.
 25 This chapter shall be known as and may be cited as
 26 the "Iowa Sunset Act".
 27 Sec. 3. NEW SECTION. 4A.3 Automatic sunset of
 28 programs.
 29 1. Unless provided otherwise by law, each new
 30 program that first takes effect by law enacted on
 31 or after July 1, 2011, shall sunset six years after
 32 the program's effective date unless reauthorized by
 33 enactment by the general assembly.
 34 2. Unless a program is expressly exempted from
 35 this chapter, if the law authorizing the program is
 36 enacted on or after July 1, 2011, the law shall include
 37 a sunset clause clearly indicating the date of the

38 program's repeal if the program is not reauthorized by
39 enactment by the general assembly.

40 3. Any program that is reauthorized by enactment
41 by the general assembly pursuant to this section shall
42 include a provision specifying that the program shall
43 sunset at a date not more than twelve years from the
44 effective date of the program's reauthorization.

45 4. Unless expressly provided by law, funding shall
46 not be expended on a program that has been sunset.

47 5. a. Any program to which money was appropriated
48 prior to July 1, 2011, may at any time be subject
49 to review of the committee by a majority vote of its
50 members for the purpose of recommending to the general

Page 2

1 assembly its continuation or sunset.

2 b. If a program is subject to sunset, the committee
3 shall conduct public hearings concerning but not
4 limited to the applicability of the program review
5 criteria to the program, and shall issue a report
6 pursuant to section 4A.5. The committee may recommend
7 to the general assembly by a majority vote of its
8 members that a program under review, to which money was
9 appropriated prior to July 1, 2011, should be sunset,
10 continued, or reorganized. The committee shall submit
11 such recommendation to all members of the general
12 assembly within thirty calendar days of the vote in
13 which such recommendation is made.

14 Sec. 4. **NEW SECTION.** 4A.4 Information to be
15 reported by agencies to fiscal committee.

16 Before October 30 of the calendar year in progress
17 two years prior to the calendar year in which a state
18 program subject to this chapter is scheduled to sunset,
19 the agency administering the program shall report all
20 of the following information to the committee:

21 1. Information regarding the applicability of the
22 program review criteria to the program.

23 2. Any other information that the agency considers
24 appropriate or that is requested by the committee.

25 Sec. 5. **NEW SECTION.** 4A.5 Sunset of programs —
26 committee — duties of the committee — reports.

27 1. Before September 1 of the calendar year in
28 progress one year prior to the calendar year in which a
29 program subject to this chapter is scheduled to sunset,
30 the committee shall do all of the following:

31 a. Review and take action necessary to verify the
32 reports submitted by the agency pursuant to section
33 4A.4.

34 b. Consult with the appropriations committee of the
35 house of representatives, the appropriations committee
36 of the senate, the department of management, the

37 auditor of state, and the treasurer of state regarding
38 the applicability of the program review criteria to the
39 program.

40 c. Conduct a performance evaluation of the program
41 based on the program review criteria and prepare a
42 written report.

43 2. The written report prepared by the committee
44 pursuant to subsection 1 shall be submitted to the
45 general assembly with the report required under section
46 4A.7.

47 Sec. 6. NEW SECTION. 4A.6 Public hearings
48 conducted for programs subject to sunset.

49 1. Between September 1 and December 1 of the
50 calendar year in progress prior to the calendar year in

Page 3

1 which a program subject to this chapter is scheduled
2 to sunset, the committee shall conduct public hearings
3 concerning but not limited to the applicability of the
4 program review criteria to the program.

5 2. Notwithstanding subsection 1, the committee may
6 hold the public hearings prior to September 1 if the
7 evaluation of the program required by section 4A.5 is
8 complete and available to the public.

9 Sec. 7. NEW SECTION. 4A.7 Report on programs
10 scheduled to be sunset — auditor report.

11 1. At the beginning of each regular session of
12 the general assembly, the committee shall present to
13 the general assembly and the governor a report on the
14 programs scheduled to be sunset. In the report, the
15 committee shall include all of the following:

16 a. The committee's specific findings regarding each
17 of the program criteria.

18 b. The committee's recommendations, as specified by
19 section 4A.3.

20 c. Recommendations on the sunset, continuation, or
21 reorganization of each affected program and on the need
22 for the performance of the functions of the program.

23 d. Recommendations on the consolidation, transfer,
24 or reorganization of programs within agencies not under
25 review if the programs duplicate functions performed
26 by programs under review.

27 e. Recommendations as to the appropriate
28 appropriation levels for each program for which sunset
29 or reorganization is recommended pursuant to this
30 subsection.

31 f. Draft legislation necessary to carry out
32 the committee's recommendations pursuant to this
33 subsection.

34 g. Any other information the committee deems
35 necessary for a complete evaluation of the program.

36 2. On the date the committee presents its report
37 to the general assembly pursuant to subsection 1, the
38 committee shall present to the auditor of state the
39 committee's recommendations that do not require a
40 statutory change to be put into effect. The auditor
41 of state shall examine the recommendations and shall
42 prepare, as part of the next scheduled audit of the
43 program, a report on the manner in which the agency has
44 implemented the committee's recommendations.

45 Sec. 8. NEW SECTION. 4A.8 Criteria considered by
46 committee.

47 The committee shall consider all of the following
48 criteria in determining whether a public need
49 exists for the continuation of a program, or for the
50 performance of the functions of the program:

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- 1 1. The program's operating efficiency.
- 2 2. An identification of the objectives intended for
3 the program and the problem or need that the program
4 was intended to address, the extent to which the
5 objectives have been achieved, and any activities of
6 the agency in addition to those granted by statute and
7 the authority for such activities.
- 8 3. An assessment of less restrictive or alternative
9 methods of protecting the public in lieu of any
10 existing rule or regulation applied by the agency.
- 11 4. The extent to which the jurisdiction of the
12 agency and the programs administered by the agency
13 overlap or duplicate those of other agencies and
14 the extent to which the programs administered by the
15 agency can be consolidated with the programs of other
16 agencies.
- 17 5. An assessment of the extent to which the agency
18 has recommended to the general assembly statutory
19 changes calculated to be of benefit to the public
20 rather than to an occupation, business, or institution
21 that the agency regulates.
- 22 6. An evaluation of the promptness and
23 effectiveness with which the agency disposes of
24 complaints concerning persons affected by the program.
- 25 7. An assessment of the extent to which the agency
26 has encouraged participation by the public in making
27 rules and decisions as opposed to participation solely
28 by those it regulates and the extent to which the
29 public participation has resulted in rules compatible
30 with the objectives of the program.
- 31 8. The extent to which the agency has complied with
32 applicable requirements of all of the following:
 - 33 a. An agency of the United States or this state
34 regarding equality of employment opportunity and the

35 rights and privacy of individuals.
36 b. State law and applicable rules of any
37 agency regarding purchasing goals and programs for
38 historically underutilized businesses, including but
39 not limited to the goals for small businesses and
40 targeted small businesses in this state under section
41 73.16.
42 9. The extent to which changes are necessary in the
43 enabling statutes of the program so that the agency can
44 adequately comply with the criteria established in this
45 section.
46 10. The extent to which the agency issues and
47 enforces rules relating to potential conflicts of
48 interest of its employees.
49 11. The extent to which the agency complies with
50 chapter 22 and follows records management practices

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1 that enable the agency to respond efficiently to
2 requests for public information.
3 12. The effect of federal intervention or loss of
4 federal funds if the program is sunset.
5 Sec. 9. NEW SECTION. 4A.9 Exemption for certain
6 agencies.
7 1. In the two-year period preceding the date
8 scheduled for the sunset of a program in accordance
9 with this chapter, the committee may exempt the program
10 from the requirements of this chapter relating to staff
11 reports, hearings, and evaluations. The committee
12 shall only exempt a program that has been inactive for
13 a period of two years preceding the date the program is
14 scheduled to sunset.
15 2. The committee's action in exempting a program
16 pursuant to this section requires an affirmative record
17 vote of all members of the committee.
18 Sec. 10. NEW SECTION. 4A.10 Activities of the
19 general assembly not restricted.
20 This chapter does not restrict the general assembly
21 from doing any of the following:
22 1. Terminating a program at a date earlier than
23 required in accordance with this chapter.
24 2. Considering any other legislation relative to a
25 program subject to this chapter.
26 Sec. 11. NEW SECTION. 4A.11 Duration of sunset
27 program — procedures for terminated programs.
28 1. a. A program that is sunset may continue in
29 existence to conclude its business until September 1 of
30 the fiscal year following the fiscal year in which the
31 program was sunset. Unless the law provides otherwise,
32 the sunset of a program does not reduce or otherwise
33 limit the powers and authority of the agency during the

34 concluding year.

35 b. A program is terminated and shall cease all
36 activities on or before the date specified in paragraph
37 "a". Unless the law provides otherwise, all rules
38 adopted pertaining to the program shall expire on that
39 date.

40 2. a. Any unobligated or unexpended appropriations
41 of a sunset program lapse on the date specified in
42 subsection 1 and shall revert to the general fund of
43 the state on that date.

44 b. Except as provided by subsection 5 or as
45 otherwise provided by law, all moneys in a dedicated
46 fund of a program that is sunset in accordance with
47 this chapter shall be transferred to the general fund
48 of the state on the date specified in subsection 1.
49 Any law or portion of a law dedicating moneys to a
50 specific fund of a program that is sunset is void on

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1 the date specified in subsection 1.

2 3. Unless the governor designates an appropriate
3 agency as described in subsection 4, the property and
4 records in the custody of an agency administering a
5 sunset program on the date specified in subsection
6 1 shall be transferred to the department of
7 administrative services. However, if the governor
8 designates an appropriate agency as described in
9 subsection 4, the property and records shall be
10 transferred to the designated agency.

11 4. a. In recognition of the state's continuing
12 obligation to pay bonded indebtedness and all other
13 obligations, including lease, contract, and other
14 written obligations, incurred by a program subject to
15 sunset in accordance with this chapter, the sunset
16 of the program shall not impair or impede payment
17 of bonded indebtedness and all other obligations,
18 including lease, contract, and other written
19 obligations, in accordance with their terms.

20 b. If an agency has outstanding bonded indebtedness
21 or other outstanding obligations for a program that is
22 sunset, including lease, contract, or other written
23 obligations, the bonds and all other such obligations
24 remain valid and enforceable in accordance with
25 their terms and subject to all applicable terms and
26 conditions of the laws and proceedings authorizing the
27 bonds and all other such obligations. The governor
28 shall designate an appropriate agency to continue
29 to carry out all covenants contained in the bonds
30 and all other such obligations, and the proceedings
31 authorizing them, including the issuance of bonds,
32 and the performance of all other such obligations

33 to complete the construction of projects or the
 34 performance of other such obligations. The designated
 35 agency shall provide payment from the sources of
 36 payment of the bonds in accordance with the terms of
 37 the bonds and shall provide payment from the sources of
 38 payment from all other such obligations in accordance
 39 with their terms, whether from taxes, revenues, or
 40 otherwise, until the bonds and interest on the bonds
 41 are paid in full and are performed and paid in full.
 42 If the terms of the obligation so provide, all funds
 43 established by law or proceedings authorizing the bonds
 44 or authorizing other such obligations shall remain
 45 with the treasurer of state or previously designated
 46 trustees. If the proceedings do not provide that the
 47 funds remain with the treasurer of state or previously
 48 designated trustees, the funds shall be transferred to
 49 the designated agency.
 50 Sec. 12. NEW SECTION. 4A.12 State agencies and

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1 officers to provide assistance to committee.
 2 1. The committee may request the assistance
 3 of agencies and officers to assist in gathering
 4 information pursuant to the committee objective.
 5 2. In carrying out its functions pursuant to
 6 this chapter, the committee may inspect the records,
 7 documents, and files of any agency.
 8 Sec. 13. NEW SECTION. 4A.13 Department of
 9 workforce development to assist displaced employees.
 10 If an employee is displaced because a program is
 11 sunset, reorganized, or discontinued, the affected
 12 agency and the department of workforce development
 13 shall make a reasonable effort to relocate the
 14 displaced employee.
 15 Sec. 14. NEW SECTION. 4A.14 Rights and duties not
 16 affected by program sunset.
 17 Unless otherwise expressly provided by law,
 18 the sunset of a program does not affect the rights
 19 and duties that matured, penalties incurred or
 20 imposed, civil or criminal liabilities that arose, or
 21 proceedings initiated in connection with the program
 22 before the effective date of the program's sunset.>
 23 2. By renumbering as necessary.

SHAWN HAMERLINCK

S-3036

1 Amend Senate File 261 as follows:
 2 1. Page 5, before line 35 by inserting:
 3 <Sec. ____. Section 423.3, Code 2011, is amended by

4 adding the following new subsection:
 5 **NEW SUBSECTION.** 96. The sales price of fees
 6 charged for the release of medical records as described
 7 in section 622.10.>
 8 2. Page 6, before line 21 by inserting:
 9 <Sec. ____ Section 622.10, subsection 5, paragraph
 10 c, Code 2011, is amended to read as follows:
 11 c. Fees charged pursuant to this subsection are ~~not~~
 12 subject to a sales or use tax exempt from the sales tax
 13 pursuant to section 423.3, subsection 96. A provider
 14 providing the records or images may require payment
 15 in advance if an itemized statement demanding such is
 16 provided to the requesting party within fifteen days
 17 of the request. Upon a timely request for payment in
 18 advance, the time for providing the records or images
 19 shall be extended until the greater of thirty days from
 20 the date of the original request or ten days from the
 21 receipt of payment.>

PAM JOCHUM

S-3037

1 Amend Senate Concurrent Resolution 4 as follows:
 2 1. Page 1, by striking lines 2 through 6 and
 3 inserting <Citizens' Aide/Ombudsman, under the
 4 supervision of the Legislative Council, to assist the
 5 parties in a dispute between the board of trustees of a
 6 drainage district and residents of land in the district
 7 to enter into mediation to resolve their dispute.>
 8 2. Page 1, by striking lines 24 and 25 and
 9 inserting <Citizens' Aide/Ombudsman to offer assistance
 10 to the parties in settling the dispute; NOW THEREFORE,>
 11 3. By striking page 1, line 28, through page 2,
 12 line 2, and inserting <Citizens' Aide/Ombudsman, under
 13 the supervision of the Legislative Council, assist the
 14 parties in entering into mediation with an appropriate
 15 mediation service or mediator to resolve their dispute
 16 and monitor whether mediation has occurred or been
 17 terminated and whether a settlement was reached; and>
 18 4. Page 2, line 5, after <Aide/Ombudsman> by
 19 inserting <and the mediation service or mediator>
 20 5. Page 2, line 9, after <Aide/Ombudsman> by
 21 inserting <, to the extent allowed by law or by
 22 agreement of the parties,>

COMMITTEE ON RULES AND
 ADMINISTRATION
 MICHAEL E. GRONSTAL, Chair

S-3038

- 1 Amend Senate File 240 as follows:
2 1. Page 4, line 9, by striking <and outside> and
3 inserting <and outside>

BRIAN SCHOENJAHN

S-3039

- 1 Amend Senate File 240 as follows:
2 1. Page 2, line 30, by striking <eighteen> and
3 inserting <twenty-one>

BRIAN SCHOENJAHN

S-3040

- 1 Amend Senate File 303 as follows:
2 1. Page 2, after line 9 by inserting:
3 <Sec. ____ NEW SECTION. 96.5A Termination —
4 ineligibility.
5 An individual shall not be eligible for state
6 unemployment compensation benefits on the basis of
7 new employment if the individual's new employment is
8 terminated within two weeks of the date the individual
9 began employment with the terminating employer.>
10 2. Title page, line 1, by striking <extended>
11 3. By renumbering as necessary.

RANDY FEENSTRA

S-3041HOUSE AMENDMENT TO
SENATE FILE 209

- 1 Amend Senate File 209, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 7, by striking lines 28 through 31 and
4 inserting <section 103, and Pub. L. No. 111-5, section
5 1201, does not apply in computing net income for state
6 tax purposes. If the>
7 2. Page 8, line 17, by striking <2011> and
8 inserting <2010>
9 3. Page 9, by striking lines 16 through 19 and
10 inserting <section 103, and Pub. L. No. 111-5, section
11 1201, does not apply in computing net income for state
12 tax purposes. If the>
13 4. Page 10, line 5, by striking <2011> and
14 inserting <2010>

15 5. Page 11, by striking lines 12 through 23.

16 6. Page 21, after line 23 by inserting:

17 <DIVISION ____

18 TAX RELIEF FUND

19 Sec. ____ Section 8.55, subsection 2, Code 2011, is
20 amended to read as follows:

21 2. a. The maximum balance of the fund is the
22 amount equal to two and one-half percent of the
23 adjusted revenue estimate for the fiscal year. If the
24 amount of moneys in the Iowa economic emergency fund is
25 equal to the maximum balance, moneys in excess of this
26 amount shall be transferred to the ~~general~~ tax relief
27 fund.

28 b. Notwithstanding paragraph "a", any moneys
29 in excess of the maximum balance in the economic
30 emergency fund after the distribution of the surplus
31 in the general fund of the state at the conclusion
32 of each fiscal year shall not be transferred to the
33 ~~general tax relief fund of the state~~ but shall be
34 transferred to the senior living trust fund. The
35 total amount appropriated, reverted, or transferred,
36 in the aggregate, under this paragraph, section
37 8.57, subsection 2, and any other law providing
38 for an appropriation or reversion or transfer of an
39 appropriation to the credit of the senior living trust
40 fund, for all fiscal years beginning on or after July
41 1, 2004, shall not exceed the amount specified in
42 section 8.57, subsection 2, paragraph "c".

43 Sec. ____ NEW SECTION. 8.57E Tax relief fund.

44 1. The tax relief fund is created. The fund shall
45 be separate from the general fund of the state and
46 the balance in the fund shall not be considered part
47 of the balance of the general fund of the state. The
48 moneys credited to the fund are not subject to section
49 8.33 and shall not be transferred, used, obligated,
50 appropriated, or otherwise encumbered except as

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1 provided in this section.

2 2. Moneys in the tax relief fund shall only be
3 used as pursuant to appropriations made by the general
4 assembly to reduce taxes.

5 3. a. Moneys in the fund may be used for cash flow
6 purposes during a fiscal year provided that any moneys
7 so allocated are returned to the fund by the end of
8 that fiscal year.

9 b. Except as provided in section 8.58, the tax
10 relief fund shall be considered a special account for
11 the purposes of section 8.53 in determining the cash
12 position of the general fund of the state for the
13 payment of state obligations.

14 4. Notwithstanding section 12C.7, subsection 2,
 15 interest or earnings on moneys deposited in the tax
 16 relief fund shall be credited to the fund.

17 Sec. ____ Section 8.58, Code 2011, is amended to
 18 read as follows:

19 8.58 Exemption from automatic application.

20 1. To the extent that moneys appropriated under
 21 section 8.57 do not result in moneys being credited
 22 to the general fund under section 8.55, subsection
 23 2, moneys appropriated under section 8.57 and moneys
 24 contained in the cash reserve fund, rebuild Iowa
 25 infrastructure fund, environment first fund, ~~and~~ Iowa
 26 economic emergency fund, and tax relief fund shall not
 27 be considered in the application of any formula, index,
 28 or other statutory triggering mechanism which would
 29 affect appropriations, payments, or taxation rates,
 30 contrary provisions of the Code notwithstanding.

31 2. To the extent that moneys appropriated under
 32 section 8.57 do not result in moneys being credited
 33 to the general fund under section 8.55, subsection
 34 2, moneys appropriated under section 8.57 and moneys
 35 contained in the cash reserve fund, rebuild Iowa
 36 infrastructure fund, environment first fund, ~~and~~ Iowa
 37 economic emergency fund, and tax relief fund shall not
 38 be considered by an arbitrator or in negotiations under
 39 chapter 20.

40 Sec. ____ TAX RELIEF FUND — LEGISLATIVE
 41 INTENT. It is the intent of the general assembly to
 42 enact appropriations from the tax relief fund created
 43 by this division of this Act pursuant to tax relief
 44 legislation which shall be proposed by the standing
 45 committees on ways and means of the senate and house
 46 of representatives.

47 Sec. ____ EFFECTIVE DATE AND APPLICABILITY.

48 1. This division of this Act, being deemed of
 49 immediate importance, takes effect upon enactment.

50 2. The amendment in this division to section

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1 8.55, providing for transfer of moneys from the Iowa
 2 economic emergency fund to the tax relief fund instead
 3 of the general fund of the state applies to transfers
 4 made from the Iowa economic emergency fund after
 5 the effective date of this division and the state
 6 general fund expenditure limitation calculated for the
 7 fiscal year beginning July 1, 2011, shall be adjusted
 8 accordingly.

9 DIVISION ____

10 STATE EMPLOYEES — REVENUE ESTIMATE

11 Sec. ____ GROUP HEALTH INSURANCE PREMIUM COSTS FOR
 12 STATE EMPLOYEES.

13 1. The state's executive and judicial branch
 14 authorities responsible for negotiating the collective
 15 bargaining agreements entered into under chapter 20
 16 shall engage in discussions with the applicable state
 17 employee organizations to renegotiate provisions
 18 involving health insurance coverage of state employees
 19 and their families in order to achieve cost savings
 20 for the state. The discussions shall include but are
 21 not limited to a requirement for a state employee who
 22 is covered by a collective bargaining agreement and
 23 is a member of state group health insurance plan for
 24 employees of the state established under chapter 509A
 25 to pay at least one hundred dollars per month of the
 26 total premium for such health plan coverage for single
 27 persons or increase the amount paid per month for
 28 family coverage by the same amount that would be paid
 29 for the single persons coverage.

30 2. If collective bargaining agreements are
 31 renegotiated to achieve cost savings pursuant to
 32 subsection 1, the cost savings provisions shall
 33 also apply to state employees who are not covered by
 34 collective bargaining as provided in chapter 20 and
 35 are members of a state group health insurance plan for
 36 employees of the state established under chapter 509A.

37 3. Beginning on the effective date of this section
 38 or March 1, 2011, whichever is earlier, a state
 39 legislator or legislative staff member who is a member
 40 of a state group health insurance plan for employees
 41 of the state established under chapter 509A shall pay
 42 at least one hundred dollars per month of the total
 43 premium for such health care coverage for single
 44 persons or increase the amount paid per month for
 45 family coverage by the same amount that would be paid
 46 for the single persons coverage. The payment amount
 47 shall be determined by the legislative council, subject
 48 to the minimum amount specified in this subsection.

49 Sec. ____ REVENUE ESTIMATING CONFERENCE
 50 MEETING. Upon the request of the speaker of the

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1 house of representatives or the majority leader of the
 2 senate, the revenue estimating conference shall meet on
 3 a date in February or March 2011, as specified in the
 4 request. At this meeting, in addition to the estimates
 5 normally agreed to at the meetings of the conference,
 6 the conference shall also agree on estimates for fiscal
 7 year 2012-2013.

8 Sec. ____ NEW SECTION. 8A.440 Group health
 9 insurance premium costs.

10 1. Collective bargaining agreements entered into
 11 pursuant to chapter 20 for state employees shall

12 provide that a state employee covered by that agreement
13 who is a member of a state group health insurance plan
14 for employees of the state established under chapter
15 509A shall pay at least one hundred dollars per month
16 of the total premium for such insurance for single
17 persons or increase the amount paid per month for
18 family coverage by the same amount that would be paid
19 for the single persons coverage.

20 2. A state employee not covered by a collective
21 bargaining agreement as provided in chapter 20 who
22 is a member of a state group health insurance plan
23 for employees of the state established under chapter
24 509A shall pay the same amount per month of the
25 total premium for such insurance as is paid under
26 the collective bargaining agreement that covers
27 the greatest number of state employees in the state
28 government entity employing the state employee.

29 Sec. ____ APPLICABILITY. The provision of this
30 division of this Act enacting section 8A.440, applies
31 to collective bargaining agreements entered into on or
32 after the effective date of this division of this Act.

33 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
34 of this Act, being deemed of immediate importance,
35 takes effect upon enactment.

36 DIVISION ____

37 NATURAL RESOURCES

38 Sec. ____ DEPARTMENT OF NATURAL RESOURCES — REAL
39 PROPERTY ACQUISITION CURTAILED.

40 1. Notwithstanding any provision to the contrary,
41 for the period beginning on the effective date of this
42 section through the close of the fiscal year ending
43 on June 30, 2011, the department of natural resources
44 shall not enter into a new arrangement to acquire or
45 otherwise control real property.

46 2. For the purposes of this section, “new
47 arrangement” means an obligation entered into on
48 or after the effective date of this section. An
49 obligation includes but is not limited to an agreement,
50 contract, lease-purchase arrangement, or any other

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1 instrument leading to state ownership or control
2 of real property that was not previously owned or
3 controlled by the state. “New arrangement” does
4 not include a real property acquisition or control
5 project for which an appropriation to the department
6 was encumbered prior to the effective date of this
7 section. “New arrangement” does not include a donated
8 real property acquisition or control project received
9 or entered into on or after the effective date of this
10 section.

11 3. This section, being deemed of immediate
12 importance, takes effect upon enactment.

13 Sec. ____ 2010 Iowa Acts, chapter 1191, section 20,
14 is amended to read as follows:

15 SEC. 13. IOWA RESOURCES ENHANCEMENT AND PROTECTION
16 FUND. Notwithstanding the amount of the standing
17 appropriation from the general fund of the state to
18 the Iowa resources enhancement and protection fund as
19 provided in section 455A.18, there is appropriated from
20 the environment first fund created in section 8.57A to
21 the Iowa resources enhancement and protection fund,
22 in lieu of the appropriation made in section 455A.18,
23 for the fiscal year beginning July 1, 2010, and ending
24 June 30, 2011, the following amount, to be allocated as
25 provided in section 455A.19:

26 \$ 15,000,000
27 11,931,189

28 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
29 of this Act, being deemed of immediate importance,
30 takes effect upon enactment.

31 DIVISION ____
32 COUNTY MENTAL HEALTH
33 AND DISABILITY SERVICES

34 Sec. ____ COUNTY WAITING LISTS.

35 1. There is appropriated from the general fund of
36 the state to the department of human services for the
37 fiscal year beginning July 1, 2010, and ending June 30,
38 2011, the following amount, or so much thereof as is
39 necessary, to be used for the purposes designated:

40 To be credited to the risk pool in the property tax
41 relief fund created in chapter 426B and expended as
42 provided in this section:

43 \$ 25,000,000

44 2. The amount appropriated in this section is
45 appropriated from the risk pool to the department
46 of human services for distribution as provided in
47 this section. Notwithstanding section 8.33, moneys
48 appropriated in this section that remain unencumbered
49 or unobligated at the close of the fiscal year shall
50 not revert but shall remain available for expenditure

1 for the purposes designated until the close of the
2 succeeding fiscal year.

3 3. a. For the purposes of this section, "services
4 fund" means a county's mental health, mental
5 retardation, and developmental disabilities services
6 fund created in section 331.424A.

7 b. The risk pool board shall implement a process
8 for distribution of the amount appropriated in this
9 section to counties to be used to provide eligibility

10 for services and other support payable from the
11 counties' services funds for persons who are eligible
12 under county management plans in effect as of December
13 31, 2010, but due to insufficient funding are on a
14 waiting list for the services and other support. The
15 period addressed by the funding appropriated in this
16 section begins on or after the effective date of
17 this section and ends June 30, 2012. Of the amount
18 appropriated in this section, up to \$5,000,000 shall
19 be targeted to expand medical assistance program
20 waiver slots for those waivers for which counties pay
21 the nonfederal share of the costs. The distribution
22 allocations shall be completed on or before July 1,
23 2011.

24 c. The general assembly finds that as of the time
25 of enactment of this section, the funding appropriated
26 in this section is sufficient to eliminate the need
27 for continuing, instituting, or reinstating waiting
28 lists during the period addressed by the appropriation.
29 However, the process implemented by the risk pool
30 board shall ensure there is adequate funding so that
31 a person made eligible for services and other support
32 from the waiting list would not be required to return
33 to the waiting list if a later projection indicates the
34 funding is insufficient to cover for the entire period
35 all individuals removed from the waiting list pursuant
36 to this section.

37 d. The funding provided in this section is intended
38 to provide necessary services for adults in need of
39 mental health, mental retardation, or developmental
40 disabilities services until improvements to the current
41 system can be developed and enacted.

42 Sec. ____ ADULT MENTAL HEALTH AND DISABILITY
43 SERVICE SYSTEM REFORM.

44 1. The general assembly finds there is need to
45 reform the adult mental health and disability services
46 system administered by counties to address the needs
47 of persons with mental illness, mental retardation, or
48 developmental disabilities. Issues with the current
49 system include the following:

50 a. Lack of a set of core services uniformly

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1 available throughout the state.

2 b. Lack of uniformity in service expenditures
3 throughout the state.

4 c. Disparity in county levy rates for the services
5 funds for this system.

6 d. The need to improve the array of community-based
7 services and services to avoid the use or continued use
8 of crisis services.

9 e. The need to expand the availability of dual
10 diagnosis mental health and substance abuse services.

11 f. The need to improve the consistency of services
12 available to both youth and adult populations.

13 g. The need to address the medical assistance
14 (Medicaid) program changes in the federal Patient
15 Protection and Affordable Care Act (PPACA) that will
16 greatly expand the program's eligibility for persons in
17 the service system beginning in calendar year 2014.

18 h. Dissatisfaction with using county of legal
19 settlement determinations to determine county and state
20 financial responsibility for services.

21 2. In order to address the issues identified in
22 subsection 1, the committees on human resources,
23 appropriations, and ways and means of the senate and
24 house of representatives shall propose legislation to
25 address the following actions by the dates indicated:

26 a. Phase-in of the state fully assuming the
27 nonfederal share of the costs for Medicaid program
28 services now borne by counties by the implementation
29 date of the Medicaid eligibility changes under PPACA.

30 b. Provide property tax relief and equity by having
31 the state assume a greater role in funding the adult
32 mental health and disability services system from
33 counties by July 1, 2012, when the repeals contained in
34 this division of this Act take effect.

35 c. Shift the balance of responsibilities for the
36 services system between the state and counties so
37 that the state ensures greater uniformity and there
38 is sufficient size to develop effective services
39 while maintaining the county role of bringing local
40 resources together in unique ways that best meet the
41 needs of clients, by implementing a new services system
42 structure by July 1, 2012, when the repeals contained
43 in this division of this Act take effect.

44 Sec. ____ Section 331.424A, Code 2011, is amended
45 by adding the following new subsection:

46 NEW SUBSECTION. 6. This section is repealed July
47 1, 2012.

48 Sec. ____ Section 331.438, Code 2011, is amended by
49 adding the following new subsection:

50 NEW SUBSECTION. 5. This section is repealed July

Page 8

1 1, 2012.

2 Sec. ____ Section 331.439, Code 2011, is amended by
3 adding the following new subsection:

4 NEW SUBSECTION. 10. This section is repealed July
5 1, 2012.

6 Sec. ____ Section 331.440, Code 2011, is amended by
7 adding the following new subsection:

8 NEW SUBSECTION. 7. This section is repealed July
9 1, 2012.

10 Sec. ____ NEW SECTION. 426B.6 Future repeal.

11 This chapter is repealed July 1, 2012.

12 Sec. ____ 2010 Iowa Acts, chapter 1193, section 1,
13 is amended to read as follows:

14 SECTION 1. ADULT MH/MR/DD SERVICES ALLOWED

15 GROWTH FUNDING — FY 2011–2012. Notwithstanding

16 section 331.439, subsection 3, the allowed growth

17 factor adjustment for county mental health, mental

18 retardation, and developmental disabilities service

19 expenditures for the fiscal year beginning July 1,

20 2011, shall be established by statute which shall be

21 enacted within thirty calendar days of the ~~convening of~~

22 ~~the Eighty-fourth General Assembly, 2011 Session, on~~

23 ~~January 10, 2011~~ date the governor's recommendation is

24 submitted to the general assembly. The governor shall

25 submit to the general assembly a recommendation for

26 such allowed growth factor adjustment and the amounts

27 of related appropriations to the general assembly

28 on or before January ~~11~~ 27, 2011. The governor's

29 recommendation and the allowed growth factor adjustment

30 enacted by the general assembly pursuant to this

31 section shall incorporate measures to ensure that

32 the funding appropriated during the 2011 legislative

33 session to the risk pool in the property tax relief

34 fund to eliminate county waiting lists for services can

35 be relied upon to remain available for the long term to

36 support the services provided for the individuals who

37 were removed from a waiting list.

38 Sec. ____ CONFORMING PROVISIONS. The legislative

39 services agency shall prepare a study bill for

40 consideration by the committees on human resources of

41 the senate and house of representatives for the 2012

42 legislative session, providing conforming Code changes

43 for implementation of the repeal provisions contained

44 in this division of this Act.

45 Sec. ____ EFFECTIVE UPON ENACTMENT. This division

46 of this Act, being deemed of immediate importance,

47 takes effect upon enactment.

48 Sec. ____ RETROACTIVE APPLICABILITY. The provision

49 of this division of this Act amending 2010 Iowa Acts,

50 chapter 1193, section 1, applies retroactively to April

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1 29, 2010.>

2 7. Title page, by striking lines 2 through 4 and
3 inserting <making appropriations and providing for
4 updated Code references to the Internal Revenue Code
5 and including effective date and>

6 8. By renumbering, redesignating, and correcting
7 internal references as necessary.

S-3042

- 1 Amend Senate File 299 as follows:
 2 1. By striking page 1, line 16, through page 3,
 3 line 8.
 4 2. By renumbering as necessary.

ROBERT M. HOGG

S-3043

- 1 Amend Senate File 177 as follows:
 2 1. Page 1, line 31, by striking <twelve> and
 3 inserting <thirteen>
 4 2. Page 1, line 35, after <county> by inserting
 5 <with a population of fifty thousand persons or more>
 6 3. Page 2, after line 1 by inserting:
 7 <_. A sheriff of a county with a population of
 8 less than fifty thousand persons who is a member of the
 9 Iowa state sheriffs and deputies association.>
 10 4. By renumbering as necessary.

STEVEN J. SODDERS

S-3044

- 1 Amend Senate File 402 as follows:
 2 1. Page 1, line 6, after <section.> by inserting
 3 <Any subsequent, unrelated injury shall be treated
 4 as if it were an initial injury for the purposes of
 5 determining eligibility or allotment.>

STEVEN J. SODDERS

S-3045

- 1 Amend Senate File 325 as follows:
 2 1. Page 3, line 33, by striking <(a)>
 3 2. Page 4, by striking lines 5 through 12.
 4 3. Page 4, after line 24 by inserting:
 5 <_. A corporation that becomes a public
 6 corporation on or after the effective date of this Act
 7 is exempt from the provisions of subsection 1.>
 8 4. Page 4, by striking lines 25 through 31.
 9 5. By striking page 4, line 32, through page 5,
 10 line 6.
 11 6. Page 5, by striking lines 29 through 33.
 12 7. Page 5, before line 34 by inserting:
 13 <Sec. ___. REPEAL.
 14 1. This Act is repealed on December 31, 2014.
 15 2. However, a public corporation that has amended

16 its articles of incorporation under section 490.1005A
 17 prior to the date of repeal shall continue to stagger
 18 the terms of its directors as provided in section
 19 490.806A, subsection 1, until such time as the articles
 20 of incorporation are specifically amended to remove
 21 or modify the staggered terms in accordance with the
 22 procedures of chapter 490.>
 23 8. By renumbering as necessary.

ROBERT M. HOGG
 JACK WHITVER

S-3046

- 1 Amend Senate File 409 as follows:
 2 1. Page 1, line 20, after <with> by inserting
 3 <local ordinance and>
 4 2. Page 1, line 25, after <322.5> by inserting <and
 5 in accordance with local ordinance>
 6 3. By renumbering as necessary.

DICK L. DEARDEN

S-3047

- 1 Amend House File 184, as passed by the House, as
 2 follows:
 3 1. Page 1, by striking lines 6 through 8 and
 4 inserting <growth for the budget year beginning July 1,
 5 2011, is two percent. The>
 6 2. Page 1, by striking lines 23 and 24 and
 7 inserting <year beginning July 1, 2011.>

COMMITTEE ON EDUCATION
 HERMAN C. QUIRMBACH, Chair

S-3048

- 1 Amend House File 185, as passed by the House, as
 2 follows:
 3 1. Page 1, by striking lines 7 through 9 and
 4 inserting <budget year beginning July 1, 2011, is two
 5 percent. The state percent of growth for each>
 6 2. Page 1, by striking lines 20 and 21 and
 7 inserting <year beginning July 1, 2011.>

COMMITTEE ON EDUCATION
 HERMAN C. QUIRMBACH, Chair

S-3049

- 1 Amend Senate File 289 as follows:
- 2 1. Page 7, by striking line 2 and inserting:
- 3 <When a government>

PAM JOCHUM

S-3050

- 1 Amend Senate File 393 as follows:
- 2 1. Page 1, line 15, by striking <government> and
- 3 inserting <agency>
- 4 2. By renumbering as necessary.

JOHN P. KIBBIE

S-3051

- 1 Amend Senate File 399 as follows:
- 2 1. Page 2, after line 17 by inserting:
- 3 <Sec. ____ NEW SECTION. 546B.3 Nonapplicability.
- 4 This chapter shall not apply to the owner or
- 5 personnel of any medium in which an advertisement
- 6 appears or through which an advertisement is
- 7 disseminated.>
- 8 2. By renumbering as necessary.

DARYL BEALL

S-3052

- 1 Amend Senate File 240 as follows:
- 2 1. Page 3, after line 13 by inserting:
- 3 <Sec. ____ Section 123.50, Code 2011, is amended by
- 4 adding the following new subsection:
- 5 NEW SUBSECTION. 5. If an employee of a licensee
- 6 or permittee violates section 123.49, subsection 2,
- 7 paragraph "h", the licensee or permittee shall not
- 8 be assessed a penalty under subsection 3, and the
- 9 violation shall be deemed not to be a violation of
- 10 section 123.49, subsection 2, paragraph "h", for the
- 11 purpose of determining the number of violations for
- 12 which a penalty may be assessed pursuant to subsection
- 13 3, if the employee holds a valid certificate of
- 14 completion of the alcohol compliance employee training
- 15 program pursuant to section 123.50A at the time of
- 16 the violation. A licensee or permittee may assert
- 17 only once in a four-year period the bar under this
- 18 subsection against assessment of a penalty pursuant to
- 19 subsection 3, for a violation of subsection 123.49,

20 subsection 2, paragraph "h", that takes place at the
 21 same place of business location.
 22 Sec. ____ NEW SECTION. 123.50A Alcohol compliance
 23 employee training program.

24 1. The division shall develop an alcohol compliance
 25 employee training program, not to exceed two hours
 26 in length for employees and prospective employees of
 27 licensees and permittees, to inform the employees about
 28 state and federal liquor laws and regulations regarding
 29 the sale of alcoholic liquor, wine, or beer to persons
 30 under legal age, and compliance with and the importance
 31 of laws regarding the sale of alcoholic liquor, wine,
 32 or beer to persons under legal age.

33 2. The alcohol compliance employee training program
 34 shall be made available to employees and prospective
 35 employees of licensees and permittees at no cost to the
 36 employee, the prospective employee, or the licensee or
 37 permittee, and in a manner which is as convenient and
 38 accessible to the extent practicable throughout the
 39 state so as to encourage attendance. Contingent upon
 40 the availability of specified funds for provision of
 41 the program, the division shall schedule the program
 42 on at least a monthly basis and the program shall be
 43 available at a location in at least a majority of
 44 counties.

45 3. Upon completion of the alcohol compliance
 46 employee training program, an employee or prospective
 47 employee shall receive a certificate of completion,
 48 which shall be valid for a period of two years, unless
 49 the employee or prospective employee is convicted of a
 50 violation of section 123.49, subsection 2, paragraph

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1 "h", in which case the certificate shall be void.

2 4. The division shall also offer periodic
 3 continuing employee training and recertification for
 4 employees who have completed initial training and
 5 received an initial certificate of completion as part
 6 of the alcohol compliance employee training program.>

7 2. By renumbering as necessary.

BRIAN SCHOENJAHN

S-3053

1 Amend Senate File 184 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. NEW SECTION. 321.178A Driver education
 4 — teaching parent.

5 1. Teaching parent. As an alternative to the
 6 driver education requirements under section 321.178,
 7 a teaching parent may instruct a student in a driver

8 education course that meets the requirements of this
9 section and provide evidence that the requirements
10 under this section have been met.

11 2. Definitions. For purposes of this section:

12 a. "Approved course" means driver education
13 curriculum approved by the department pursuant to rules
14 adopted under chapter 17A. An approved course shall,
15 at a minimum, meet the requirements of subsection 3
16 and be appropriate for teaching-parent-directed driver
17 education and related street or highway instruction.
18 Driver education materials that meet or exceed
19 standards established by the department for an approved
20 course in driver education for a public or private
21 school shall be approved unless otherwise determined by
22 the department. The list of approved courses shall be
23 posted on the department's internet site.

24 b. "Student" means a person between the ages of
25 fourteen and twenty-one years who is within the custody
26 and control of the teaching parent and who satisfies
27 preliminary licensing requirements of the department.

28 c. "Teaching parent" means a parent, guardian,
29 or legal custodian of a student who is currently
30 providing competent private instruction to the student
31 pursuant to section 299A.2 or 299A.3 and who provided
32 such instruction to the student during the previous
33 year; who has a valid driver's license, other than a
34 motorized bicycle license or a temporary restricted
35 license, that permits unaccompanied driving; and who
36 has maintained a clear driving record for the previous
37 two years. For purposes of this paragraph, "clear
38 driving record" means the individual has not been
39 identified as a candidate for suspension of a driver's
40 license under the habitual offender provisions of the
41 department's regulations; is not subject to a driver's
42 license suspension, revocation, denial, cancellation,
43 disqualification, or bar; and has no record of a
44 conviction for a moving traffic violation determined to
45 be the cause of a motor vehicle accident.

46 3. Course of instruction.

47 a. An approved course administered by a teaching
48 parent shall consist of but not be limited to the
49 following:

50 (1) Thirty clock hours of classroom instruction.

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1 (2) Forty hours of street or highway driving
2 including four hours of driving after sunset and before
3 sunrise while accompanied by the teaching parent.

4 (3) Four hours of classroom instruction concerning
5 substance abuse.

6 (4) A minimum of twenty minutes of instruction

7 concerning railroad crossing safety.
8 (5) Instruction relating to becoming an organ
9 donor under the revised uniform anatomical gift Act as
10 provided in chapter 142C.
11 (6) Instruction providing an awareness about
12 sharing the road with bicycles and motorcycles.
13 b. The content of the course of instruction
14 required under this subsection shall be equivalent
15 to that required under section 321.178. However,
16 reference and study materials, physical classroom
17 requirements, and extra vehicle safety equipment
18 required for instruction under section 321.178 shall
19 not be required for the course of instruction provided
20 under this section.
21 4. Course completion and certification. Upon
22 application by a student for an intermediate license,
23 the teaching parent shall provide evidence showing
24 the student's completion of an approved course and
25 substantial compliance with the requirements of
26 subsection 3 by affidavit signed by the teaching
27 parent on a form to be provided by the department. The
28 evidence shall include all of the following:
29 a. Documentation that the instructor is a teaching
30 parent as defined in subsection 2.
31 b. Documentation that the student is receiving
32 competent private instruction under section 299A.2
33 or the name of the school district within which the
34 student is receiving instruction under section 299A.3.
35 c. The name of the approved course completed by the
36 student.
37 d. An affidavit attesting to satisfactory
38 completion of course work and street or highway driving
39 instruction.
40 e. Copies of written tests completed by the
41 student.
42 f. A statement of the number of classroom hours of
43 instruction.
44 g. A log of completed street or highway driving
45 instruction including the dates when the lessons were
46 conducted, the student's and the teaching parent's name
47 and initials noted next to each entry, notes on driving
48 activities including a list of driving deficiencies and
49 improvements, and the duration of the driving time for
50 each session.

Page 3

1 5. Intermediate license. Any student who
2 successfully completes an approved course as
3 provided in this section, passes a driving test to
4 be administered by the department, and is otherwise
5 qualified under section 321.180B, subsection 2, shall

6 be eligible for an intermediate license pursuant
 7 to section 321.180B. Twenty of the forty hours of
 8 street or highway driving instruction required under
 9 subsection 3, paragraph "a", subparagraph (2), may
 10 be utilized to satisfy the requirement of section
 11 321.180B, subsection 2.
 12 6. Full license. A student must comply with
 13 section 321.180B, subsection 4, to be eligible for a
 14 full driver's license pursuant to section 321.180B.>
 15 2. Page 1, line 25, by striking <321.178,> and
 16 inserting <321.178 or 321.178A,>
 17 3. Title page, line 2, after <licenses,> by
 18 inserting <including provisions concerning driver
 19 education instruction,>
 20 4. By renumbering as necessary.

BILL ANDERSON
 ROBERT BACON
 MERLIN BARTZ
 JERRY BEHN
 RICK BERTRAND
 NANCY J. BOETTGER
 MARK CHELGREN
 BILL DIX
 JONI ERNST
 RANDY FEENSTRA
 SANDRA GREINER
 JAMES F. HAHN
 SHAWN HAMERLINCK
 HUBERT HOUSER
 DAVID JOHNSON
 TIM L. KAPUCIAN
 STEVE KETTERING
 PAUL MCKINLEY
 JAMES A. SEYMOUR
 ROBY SMITH
 KENT SORENSON
 PAT WARD
 JACK WHITVER
 BRAD ZAUN

S-3054

1 Amend Senate File 405 as follows:
 2 1. Page 1, by striking lines 7 through 10 and
 3 inserting:
 4 <b. "Reusable beverage container" means a baby
 5 bottle or spill-proof container primarily intended by
 6 the manufacturer for use by a child three years of age
 7 or younger.>

JOE BOLKCOM
 ROBERT BACON

S-3055

- 1 Amend Senate File 197 as follows:
2 1. Page 1, after line 12 by inserting:
3 <Sec. ____ . ELECTRICIAN LICENSE RENEWAL —
4 CONTINUING EDUCATION — EXTENSION. Any person licensed
5 pursuant to chapter 103 prior to January 1, 2011,
6 and subject to the continuing education requirements
7 specified in section 103.18, having failed to complete
8 the required number of contact hours of continuing
9 education necessary for license renewal during the
10 three-year period for which the license was granted,
11 shall be permitted a one-time extension to satisfy the
12 contact hours requirement. A licensee who completes
13 the required number of contact hours on or before June
14 30, 2012, and satisfies all other requirements for
15 license renewal, may renew the license on or after the
16 date on which the requirement was satisfied.>
17 2. Title page, by striking lines 1 through 3 and
18 inserting <An Act relating to and modifying provisions
19 applicable to fire protection systems and electrician
20 licensure requirements, and including effective date
21 provisions.>
22 3. By renumbering as necessary.

BILL ANDERSON

S-3056

- 1 Amend Senate File 295 as follows:
2 1. Page 1, line 5, by striking <shall> and
3 inserting <may>

JACK WHITVER

S-3057

- 1 Amend Senate File 410 as follows:
2 1. Page 6, by striking line 9 and inserting:
3 <(5) One member shall be employed by the department
4 of workforce development.
5 (6) One member shall be selected at large.>
6 2. By renumbering as necessary.

MARK CHELGREN

S-3058

- 1 Amend Senate File 295 as follows:
2 1. Page 1, line 9, after <bank> by inserting <or an
3 Iowa-based stem cell research entity>

4 2. Page 1, line 11, after <banking> by inserting
 5 <or donation to an Iowa-based stem cell research
 6 entity>

DAVID JOHNSON

S-3059

1 Amend Senate File 197 as follows:
 2 1. Page 1, after line 12 by inserting:
 3 <Sec. ____ ELECTRICIAN LICENSE RENEWAL —
 4 CONTINUING EDUCATION — EXTENSION. Any person licensed
 5 pursuant to chapter 103 prior to January 1, 2011,
 6 and subject to the continuing education requirements
 7 specified in section 103.18, having failed to complete
 8 the required number of contact hours of continuing
 9 education necessary for license renewal during the
 10 three-year period for which the license was granted,
 11 shall be permitted a one-time extension to satisfy the
 12 contact hours requirement. A licensee who completes
 13 the required number of contact hours on or before
 14 December 31, 2011, and satisfies all other requirements
 15 for license renewal, may renew the license on or after
 16 the date on which the requirement was satisfied.>
 17 2. Title page, by striking lines 1 through 3 and
 18 inserting <An Act relating to and modifying provisions
 19 applicable to fire protection systems and electrician
 20 licensure requirements, and including effective date
 21 provisions.>
 22 3. By renumbering as necessary.

BILL ANDERSON
 JEFF DANIELSON

S-3060

1 Amend Senate File 410 as follows:
 2 1. Page 4, line 33, by striking <paragraph> and
 3 inserting <paragraphs>
 4 2. Page 5, after line 3 by inserting:
 5 <NEW PARAGRAPH. 1. Require a public library that
 6 receives state funds to adopt a policy to restrict the
 7 content of video materials a child under seventeen
 8 years of age may borrow from the library to those video
 9 cassettes or digital video discs that receive a G, PG,
 10 or PG-13 rating under the motion picture association of
 11 America's rating system.>
 12 3. By renumbering as necessary.

BRAD ZAUN

S-3061

- 1 Amend Senate File 410 as follows:
 2 1. Page 4, line 33, by striking <paragraph> and
 3 inserting <paragraphs>
 4 2. Page 5, after line 3 by inserting:
 5 <NEW PARAGRAPH. 1. Require each public library
 6 that receives state funds to adopt an internet filter
 7 policy designed to eliminate access to pornography on
 8 the public library's computer equipment.>
 9 3. By renumbering as necessary.

BRAD ZAUN

S-3062

- 1 Amend Senate File 458 as follows:
 2 1. Page 30, after line 20 by inserting:
 3 <Sec. ____ Section 142D.4, subsection 10, Code
 4 2011, is amended by striking the subsection.>
 5 2. By renumbering as necessary.

JOE BOLKCOM
 DICK L. DEARDEN
 ROBERT E. DVORSKY
 JACK HATCH
 ROBERT M. HOGG
 MATT McCOY
 HERMAN C. QUIRMBACH

S-3063

- 1 Amend Senate File 420 as follows:
 2 1. Page 1, line 15, before <community> by inserting
 3 <area education agencies.>
 4 2. Page 1, line 20, by striking <rural>
 5 3. Page 1, by striking lines 30 through 34 and
 6 inserting <provision applicable to school districts
 7 except the department shall not waive or modify
 8 any statutory or regulatory provision relating to
 9 requirements applicable to school districts under
 10 chapters 11, 21, 22, 216, 216A, 256B, 279, 284, and
 11 285; or relating to contracts with and discharge of
 12 teachers and administrators under chapters 20 and 279;
 13 or relating to audit requirements under section 256.9,
 14 subsection 20, and section 279.29.>
 15 4. By renumbering as necessary.

NANCY J. BOETTGER
 BRIAN SCHOENJAHN

S-3064

- 1 Amend Senate File 474 as follows:
 2 1. By striking page 103, line 25, through page 104,
 3 line 25.
 4 2. By renumbering as necessary.

COMMITTEE ON JUDICIARY
 GENE FRAISE, Chair

S-3065

- 1 Amend Senate File 475 as follows:
 2 1. By striking page 25, line 20, through page 26,
 3 line 5.
 4 2. Page 48, by striking lines 14 through 19.
 5 3. By striking page 55, line 10, through page 56,
 6 line 5.
 7 4. By renumbering as necessary.

COMMITTEE ON JUDICIARY
 GENE FRAISE, Chair

S-3066

- 1 Amend Senate File 467 as follows:
 2 1. Page 7, line 27, after <of> by inserting <at
 3 least>

HERMAN C. QUIRMBACH

S-3067

- 1 Amend the amendment, S-3054, to Senate File 405 as
 2 follows:
 3 1. Page 1, line 7, after <younger.> by inserting
 4 <“Reusable beverage container” includes disposable
 5 baby bottle liners designed to hold liquids in a baby
 6 bottle.>

SHAWN HAMERLINCK

S-3068

- 1 Amend Senate File 405 as follows:
 2 1. Page 1, line 6, after <infant> by inserting <
 3 including soothing discomfort caused by teething.>

SHAWN HAMERLINCK

S-3069

1 Amend Senate File 431 as follows:
2 1. Page 1, before line 1 by inserting:
3 <Section 1. Section 162.11, Code 2011, is amended
4 by adding the following new subsection:
5 NEW SUBSECTION. 4. This chapter does not apply to
6 a commercial kennel which provides training services
7 for dogs or cats, if all of the following conditions
8 are satisfied:
9 a. The owners of the dogs or cats are present at
10 all times when the training services are performed.
11 b. The commercial kennel is not otherwise subject
12 to this chapter.>
13 2. Page 10, after line 28 by inserting:
14 <Sec. ____ EFFECTIVE DATE.
15 1. Except as provided in subsection 2, this Act
16 takes effect July 1, 2011.
17 2. The section of this Act amending section 162.11,
18 being deemed of immediate importance, takes effect upon
19 enactment.>
20 3. Title page, line 1, before <offenses> by
21 inserting <the regulation of animals maintained by
22 establishments, including by providing for>
23 4. Title page, line 2, by striking <and providing>
24 and inserting <providing>
25 5. Title page, line 2, after <remedies> by
26 inserting <, and including effective date provisions>
27 6. By renumbering as necessary.

PAM JOCHUM

S-3070

1 Amend Senate File 240 as follows:
2 1. Page 2, by striking lines 25 and 26 and
3 inserting:
4 <e. Deliveries shall occur between 6:00 a.m. and
5 10:00 p.m. Monday through Saturday, and between 8:00
6 a.m. and 10:00 p.m. Sunday.>

BRIAN SCHOENJAHN

S-3071

1 Amend Senate File 405 as follows:
2 1. Page 1, line 14, after <bisphenol A.> by
3 inserting <A manufacturer or wholesaler who sells
4 or offers for sale in this state a reusable beverage
5 container that is intended for retail sale shall do all
6 of the following:
7 a. Ensure that the container is conspicuously

- 8 labeled as not containing bisphenol A.
 9 b. Provide the retailer with affirmation that the
 10 container does not contain bisphenol A.>
 11 2. Page 1, line 30, by striking <one thousand> and
 12 inserting <five hundred>
 13 3. By renumbering as necessary.

JOE BOLKCOM

S-3072

- 1 Amend Senate File 401 as follows:
 2 1. Page 1, by striking lines 13 and 14 and
 3 inserting:
 4 <3. This section does not apply to a person whose
 5 license has not been renewed.>

ROBERT E. DVORSKY

S-3073

- 1 Amend Senate File 405 as follows:
 2 1. Page 1, by striking lines 15 and 16.
 3 2. Page 1, by striking lines 22 and 23 and
 4 inserting <likely carcinogens, known to be human
 5 carcinogens, or likely to be human carcinogens>
 6 3. By renumbering as necessary.

MARK CHELGREN

S-3074

- 1 Amend Senate File 364 as follows:
 2 1. Page 3, line 27, before <commission> by
 3 inserting <national>
 4 2. Page 4, by striking lines 16 through 19 and
 5 inserting <nationally accepted standards of orthotic
 6 and prosthetic care as outlined by the American board
 7 for certification in orthotics, prosthetics, and
 8 pedorthics.>
 9 3. Page 5, by striking lines 29 through 32 and
 10 inserting <standards of pedorthic care as outlined by
 11 the American board for certification in orthotics,
 12 prosthetics and pedorthics.>
 13 4. By striking page 9, line 34, through page 10,
 14 line 1.
 15 5. Page 10, line 2, by striking <b.> and inserting
 16 <2.>
 17 6. Page 11, after line 25 by inserting:
 18 <Sec. ____ FUNDING.
 19 1. The board of orthotics, prosthetics, and
 20 pedorthics shall apply to the department of

21 administrative services to request an allocation of
 22 moneys from the Iowa Access revolving fund to fund the
 23 estimated eighty thousand dollars for expansion of
 24 the advanced Maryland automatic network disk archiver
 25 (AMANDA) system to allow licensure of orthotists,
 26 prosthetists, and pedorthists in the AMANDA system
 27 currently being developed for the boards of dentistry,
 28 nursing, and medicine. The board shall not implement
 29 a fee increase to make this adjustment to the AMANDA
 30 system.

31 2. Until such changes are made to the electronic
 32 licensing system the board shall license orthotists,
 33 prosthetists, and pedorthists under the current
 34 procedures used to license medical and osteopathic
 35 physicians.>

36 7. By renumbering, redesignating, and correcting
 37 internal references as necessary.

STEVEN J. SODDERS

S-3075

1 Amend Senate File 410 as follows:

2 1. Page 8, line 23, after <types,> by inserting
 3 <the services provided by libraries,>

4 2. Page 8, line 27, after <librarian.> by inserting
 5 <One member appointed by the state librarian shall be
 6 employed by the department of workforce development.>

MARK CHELGREN

S-3076

1 Amend Senate File 405 as follows:

2 1. Page 1, after line 10 by inserting:

3 <1A. For purposes of this section, "reusable
 4 beverage container" includes disposable baby bottle
 5 liners designed to hold liquids in a baby bottle.>

6 2. By renumbering as necessary.

SHAWN HAMERLINCK

S-3077

1 Amend Senate File 326 as follows:

2 1. Page 1, after line 21 by inserting:

3 <4. Any delay authorized by the chief justice
 4 pursuant to this section shall not exceed one year in
 5 duration, and not more than eight delays authorized by
 6 the chief justice shall be in effect at any one time.>

7 2. Page 2, by striking lines 22 through 24.

8 3. By renumbering as necessary.

ROBERT M. HOGG

S-3078

- 1 Amend Senate File 410 as follows:
- 2 1. Page 4, line 33, by striking <paragraph> and
 3 inserting <paragraphs>
- 4 2. Page 5, after line 3 by inserting:
- 5 <NEW PARAGRAPH. 1. Require a public library that
 6 receives state funds to adopt a policy that addresses
 7 limiting library access to electronic media or video
 8 game resources by a child under seventeen years of age
 9 to electronic media or video game resources assigned
 10 a rating of G, PG, or PG-13, or a comparable rating,
 11 under a nationally recognized motion picture rating
 12 system or a nationally recognized video game rating
 13 system including but not limited to rating systems
 14 maintained by the motion picture association of
 15 America, the film advisory board, or the entertainment
 16 software rating board.>
- 17 3. By renumbering as necessary.

TOD R. BOWMAN

S-3079

- 1 Amend Senate File 409 as follows:
- 2 1. Page 1, line 20, after <with> by inserting
 3 <local ordinance and>
- 4 2. Page 1, line 25, after <322.5> by inserting <and
 5 in accordance with local ordinance>
- 6 3. Page 2, line 4, after <vehicle.> by inserting
 7 <Such notice shall be sent to the last known address
 8 of the owner of the vehicle as recorded with the
 9 vehicle's registration or certificate of title. If
 10 the registration and title records each show different
 11 owners, the notice shall be sent to both persons named
 12 as owners. If the registration and title records each
 13 show different addresses for the same owner, the notice
 14 shall be sent to both addresses.>
- 15 4. By renumbering as necessary.

DICK L. DEARDEN

S-3080

- 1 Amend Senate File 454 as follows:
- 2 1. Page 1, line 11, by striking <subsection 2> and
 3 inserting <subsection 1>
- 4 2. Page 1, by striking lines 13 through 25 and
 5 inserting:
- 6 <1. a. The board of directors of a school district
 7 or area education agency, the superintendent of a
 8 school district or the chief administrator of an

9 area education agency, and the authorities in charge
10 of a nonpublic school shall report to the board the
11 nonrenewal or termination, for reasons of alleged or
12 actual misconduct, of a person's contract executed
13 under sections 279.12, 279.13, 279.15 through 279.21,
14 279.23, and 279.24, and the resignation of a person
15 who holds a license, certificate, or authorization
16 issued by the board as a result of or following an
17 incident or allegation of misconduct that, if proven,
18 would constitute a violation of the rules adopted by
19 the board to implement section 272.2, subsection 14,
20 paragraph "b", subparagraph (1), when the board or
21 reporting official has a good faith belief that the
22 incident occurred or the allegation is true. The
23 board may deny a license or revoke the license of an
24 administrator if the board finds by a preponderance
25 of the evidence that the administrator failed to
26 report the termination or resignation of a school
27 employee holding a license, certificate, statement of
28 professional recognition, or coaching authorization,
29 for reasons of alleged or actual misconduct, as defined
30 by this section.
31 b. Information reported to the board in accordance
32 with this section is privileged and confidential, and
33 except as provided in section 272.13, is not subject to
34 discovery, subpoena, or other means of legal compulsion
35 for its release to a person other than the respondent
36 and the board and its employees and agents involved in
37 licensee discipline, and is not admissible in evidence
38 in a judicial or administrative proceeding other
39 than the proceeding involving licensee discipline.
40 The board shall review the information reported to
41 determine whether a complaint should be initiated. In
42 making that determination, the board shall consider the
43 factors enumerated in section 272.2, subsection 14,
44 paragraph "a".
45 c. For purposes of this section, unless the context
46 otherwise requires, "misconduct" means an action
47 disqualifying an applicant for a license or causing
48 the license of a person to be revoked or suspended
49 in accordance with the rules adopted by the board to
50 implement section 272.2, subsection 14, paragraph "b",

Page 2

- 1 subparagraph (1).>
- 2 3. By renumbering as necessary.

ROBERT E. DVORSKY

S-3081

1 Amend Senate File 451 as follows:

- 2 1. Page 1, lines 32 and 33, by striking <and a
3 part-time regular classroom teacher or counselor>

STEVEN J. SODDERS

S-3082

1 Amend Senate File 410 as follows:

- 2 1. Page 4, line 33, by striking <paragraph> and
3 inserting <paragraphs>
4 2. Page 5, after line 3 by inserting:
5 <NEW PARAGRAPH. 1. Require a public library that
6 receives state funds to adopt a policy that addresses
7 limiting access to electronic media, videos, or video
8 game resources by a child under seventeen years of age
9 if the media, video, or resource has been assigned a
10 rating of R or NC-17, or a comparable rating, under
11 a nationally recognized motion picture rating system
12 or a nationally recognized video game rating system,
13 including but not limited to rating systems maintained
14 by the motion picture association of America, the film
15 advisory board, and the entertainment software rating
16 board.>
17 3. By renumbering as necessary.

TOD R. BOWMAN

S-3083

1 Amend Senate File 419 as follows:

- 2 1. Page 1, line 13, by striking <A> and inserting
3 <For the purpose of educating students on the
4 importance of charitable and philanthropic activities,
5 a>
6 2. Page 1, line 16, by striking <purpose.> and
7 inserting <philanthropic purpose. Moneys raised
8 by the students or school district employees under
9 this subsection shall be held in trust by the school
10 corporation for such students or employees and shall
11 not be considered public moneys.>
12 3. Page 1, line 17, by striking <philanthropic
13 purposes> and inserting <the philanthropic purpose for
14 which the moneys were raised>

STEVEN J. SODDERS

S-3084

- 1 Amend Senate File 397 as follows:
- 2 1. Page 1, line 4, after <not> by inserting <, for
 - 3 the purpose of gaining any real or perceived social,
 - 4 monetary, or political benefit,>
 - 5 2. By renumbering as necessary.

SHAWN HAMERLINCK

S-3085

- 1 Amend Senate File 407 as follows:
- 2 1. Page 1, line 14, by striking <paragraph> and
 - 3 inserting <paragraphs>
 - 4 2. Page 1, after line 18 by inserting:
 - 5 <NEW PARAGRAPH. g. Upon the submission of a
 - 6 petition by a regulated entity, the director shall
 - 7 consult with the entity regarding a disadvantaged
 - 8 community variance under section 455B.199B.>
 - 9 3. Page 2, after line 23 by inserting:
 - 10 <Sec. ____ Section 455B.199B, Code 2011, is amended
 - 11 by striking the section and inserting in lieu thereof
 - 12 the following:
 - 13 455B.199B Disadvantaged communities variance.
 - 14 1. The department may provide for a variance of
 - 15 regulations pursuant to this part when it determines
 - 16 that regulations adopted pursuant to this part affect
 - 17 a disadvantaged community. Such a variance shall
 - 18 be consistent with federal rules and regulations.
 - 19 In considering an application for a variance, the
 - 20 department shall consider the substantial and
 - 21 widespread economic and social impact to the ratepayers
 - 22 and the affected community that may occur as a result
 - 23 of compliance with a federal regulation, a rule adopted
 - 24 by the department, or an order of the department
 - 25 pursuant to this part. In considering an application
 - 26 for a variance, the department shall take into account
 - 27 the rules adopted pursuant to this part with which
 - 28 a regulated entity and the commensurate affected
 - 29 community are required to comply.
 - 30 2. The department shall find that a regulated
 - 31 entity and the affected community are a disadvantaged
 - 32 community by evaluating all of the following:
 - 33 a. The ability of the regulated entity and the
 - 34 affected community to pay for a project based on the
 - 35 ratio of the total annual compliance costs to median
 - 36 household income.
 - 37 b. Debt, socioeconomic, and financial management
 - 38 indicators.
 - 39 c. The annual water and sewer rates as a percentage
 - 40 of median household income.

- 41 d. The per capita outstanding debt of the pollution
42 control system as a percentage of median household
43 income.
- 44 3. The department shall find that an unsewered
45 community is a disadvantaged community by evaluating:
- 46 a. The ability of the community to pay for a
47 project based upon the ratio of the total annual
48 compliance costs to median household income.
- 49 b. Debt, socioeconomic, and financial management
50 indicators.

Page 2

- 1 c. The annual water and sewer rates as a percentage
2 of median household income.
- 3 4. The department shall not consider a regulated
4 entity, affected community, or unsewered community as
5 a disadvantaged community if the ratio of compliance
6 costs to median household income is below one percent.
- 7 5. The department may grant a regulated entity a
8 variance from complying with a rule adopted pursuant
9 to this part, or as otherwise allowed by federal law
10 or regulations, if the department determines that the
11 regulated entity or the affected community will suffer
12 substantial and widespread economic and social impact.
13 The department shall ensure that the conditions of any
14 variance granted improve water quality and represent
15 reasonable progress toward complying with rules adopted
16 pursuant to this part but do not result in substantial
17 and widespread economic and social impact.
- 18 6. The department shall not require an unsewered
19 community to install a wastewater treatment system if
20 the department determines that the unsewered community
21 will suffer substantial and widespread economic and
22 social impact and until alternative treatment options
23 are approved.
- 24 7. The Iowa finance authority, in cooperation
25 with the department, shall utilize the disadvantaged
26 community criteria in this section to determine the
27 appropriate interest rates for loans awarded from the
28 revolving loan funds created in section 455B.295, as
29 allowed by federal law or regulations.
- 30 8. The department of economic development shall
31 utilize the disadvantaged community criteria in this
32 section to determine eligibility for water or sewer
33 community development block grant moneys pursuant to
34 section 15.108, subsection 1, paragraph "a".>
- 35 4. Title page, line 1, by striking <delegating to
36 counties> and inserting <relating to counties and other
37 regulated entities and>
- 38 5. By renumbering as necessary.

S-3086

- 1 Amend Senate File 410 as follows:
 2 1. Page 4, line 33, by striking <paragraph> and
 3 inserting <paragraphs>
 4 2. Page 5, after line 3 by inserting:
 5 <NEW PARAGRAPH. 1. Require a public library that
 6 receives state funds to adopt a policy regarding access
 7 of persons under the age of seventeen to electronic
 8 media or video game resources. The policy shall
 9 be based on the content of those media or resources
 10 and the appropriateness of such content for that age
 11 group.>
 12 3. By renumbering as necessary.

HERMAN C. QUIRMBACH

S-3087

- 1 Amend Senate File 453 as follows:
 2 1. Page 1, line 13, by striking <an eighth grade>
 3 and inserting <any>

MARK CHELGREN

S-3088

- 1 Amend Senate File 451 as follows:
 2 1. Page 1, before line 1 by inserting:
 3 <Section 1. Section 257.31, subsection 5,
 4 unnumbered paragraph 1, Code 2011, is amended to read
 5 as follows:
 6 If a district has unusual circumstances, creating
 7 an unusual need for additional funds, including
 8 but not limited to the circumstances enumerated in
 9 paragraphs "a" through "~~n~~" "o", the committee may
 10 grant supplemental aid to the district from any funds
 11 appropriated to the department of education for the
 12 use of the school budget review committee for the
 13 purposes of this subsection. The school budget review
 14 committee shall review a school district's unexpended
 15 fund balance prior to any decision regarding unusual
 16 finance circumstances. Such aid shall be miscellaneous
 17 income and shall not be included in district cost.
 18 In addition to or as an alternative to granting
 19 supplemental aid the committee may establish a modified
 20 allowable growth for the district by increasing its
 21 allowable growth. The school budget review committee
 22 shall review a school district's unspent balance prior
 23 to any decision to increase modified allowable growth
 24 under this subsection.
 25 Sec. 2. Section 257.31, subsection 5, Code 2011, is

26 amended by adding the following new paragraph:
 27 NEW PARAGRAPH. o. Unusual need for additional
 28 funds for returning dropout and dropout prevention
 29 programming pursuant to section 257.41, subsection 1.>
 30 2. Page 1, line 5, before <The> by inserting <a.>
 31 3. Page 1, after line 17 by inserting:
 32 <b. If the board of directors of a school district
 33 determines that funding provided under paragraph "a" is
 34 insufficient to meet the returning dropout and dropout
 35 prevention programming needs of the school district,
 36 the board may submit a request for additional modified
 37 allowable growth to the school budget review committee
 38 under section 257.31, subsection 5, paragraph "o".>
 39 4. Page 1, by striking lines 21 through 35 and
 40 inserting:
 41 <a. Salary and benefits for instructional staff,
 42 instructional support staff, and school-based youth
 43 services staff who are working with students who
 44 are participating in dropout prevention programs,
 45 alternative programs, and alternative schools if
 46 the staff person's time is dedicated to working with
 47 returning dropouts or students who are deemed, at
 48 any time during the school year, to be at risk of
 49 dropping out, in order to provide services beyond those
 50 which are provided by the school district to students

Page 2

1 who are not identified as at risk of dropping out,
 2 However, if the staff person works part-time with
 3 students who are participating in returning dropout and
 4 dropout prevention programs, alternative programs, and
 5 alternative schools and has another unrelated staff
 6 assignment, only the portion of the staff person's time
 7 that is related to the returning dropout and dropout
 8 prevention program, alternative program, or alternative
 9 school may be charged to the program.>
 10 5. Page 2, after line 13 by inserting:
 11 <d. Up to five percent of the total budgeted amount
 12 received pursuant to subsection 1, paragraph "a", may
 13 be used for purposes of providing district-wide or
 14 building-wide returning dropout and dropout prevention
 15 programming targeted to students who are not deemed at
 16 risk of dropping out.>
 17 6. By renumbering as necessary.

STEVEN J. SODDERS

S-3089

- 1 Amend Senate File 453 as follows:
- 2 1. Page 1, line 20, after <student.> by inserting

3 <The rules shall also authorize the teacher of
 4 record teaching a unit of English or language arts,
 5 mathematics, science, or social studies at a school
 6 district or accredited nonpublic school to develop and
 7 administer to a student an equivalency assessment that
 8 may be taken by a student in lieu of taking the course.
 9 If the student successfully passes the equivalency
 10 assessment, the school district or accredited nonpublic
 11 school shall be authorized to consider that the student
 12 satisfactorily completed one year of the high school
 13 graduation requirements for that area and shall issue
 14 the student high school credit for the unit.>

MARK CHELGREN

S-3090

1 Amend Senate File 404 as follows:
 2 1. Page 8, after line 18 by inserting:
 3 <__. One member representing long-term care
 4 providers, designated by the Iowa health care
 5 association/Iowa center for assisted living and the
 6 Iowa association of homes and services for the aging.
 7 __. One member representing chiropractors,
 8 designated by the Iowa chiropractic society.>
 9 2. Page 12, by striking line 31.
 10 3. Page 24, line 33, by striking <and>
 11 4. Page 24, line 34, after <association> by
 12 inserting <, the Iowa academy of family physicians,
 13 the Iowa association of community providers, the Iowa
 14 health care association/Iowa center for assisted
 15 living, the Iowa association of homes and services for
 16 the aging, and the Iowa chiropractic society>
 17 5. By renumbering as necessary.

JACK HATCH

S-3091

1 Amend Senate File 493 as follows:
 2 1. Page 17, by striking lines 29 through 32 and
 3 inserting <whichever is later.>
 4 2. By striking page 20, line 34, through page 21,
 5 line 2.
 6 3. Page 21, line 8, after <action> by inserting
 7 <brought>
 8 4. Page 21, line 10, after <party.> by inserting
 9 <In any action brought under this chapter, the
 10 unit owners association or the executive board,
 11 as applicable, shall have the burden of proving
 12 by a preponderance of the evidence that a duty or
 13 requirement imposed on the unit owners association or

14 executive board under this chapter has been met.>

JACK WHITVER
PAM JOCHUM

S-3092

- 1 Amend Senate File 410 as follows:
 2 1. Page 4, line 33, by striking <paragraph> and
 3 inserting <paragraphs>
 4 2. Page 5, after line 3 by inserting:
 5 <NEW PARAGRAPH. 1. Require a public library that
 6 receives state funds to adopt a policy that addresses
 7 limiting access to electronic media, videos, or video
 8 game resources by a child under seventeen years of age
 9 if the media, video, or resource has been assigned
 10 a rating of R or NC-17, or a comparable rating, by
 11 the motion picture association of America, the film
 12 advisory board, or the entertainment software rating
 13 board.>
 14 3. By renumbering as necessary.

TOD R. BOWMAN

S-3093

- 1 Amend Senate File 444 as follows:
 2 1. Page 8, by striking lines 5 through 10.
 3 2. Title page, line 4, by striking <, providing for
 4 fees,>
 5 3. By renumbering as necessary.

HERMAN C. QUIRMBACH

S-3094

- 1 Amend Senate File 364 as follows:
 2 1. Page 2, by striking lines 15 and 16 and
 3 inserting <pedorthics, the board of podiatry.>
 4 2. Page 2, by striking lines 17 through 25 and
 5 inserting:
 6 <Sec. ____ Section 147.14, subsection 1, paragraph
 7 s, Code 2011, is amended to read as follows:
 8 s. For podiatry, five members licensed to practice
 9 podiatry, two members licensed to practice orthotics,
 10 prosthetics, or pedorthics, and two members who are
 11 not so licensed ~~to practice podiatry~~ and who shall
 12 represent the general public.>
 13 3. Page 3, by striking lines 14 and 15 and
 14 inserting:
 15 <1. "Board" means the board of podiatry.>
 16 4. Page 3, line 27, before <commission> by

17 inserting <national>
 18 5. Page 4, by striking lines 16 through 19 and
 19 inserting <nationally accepted standards of orthotic
 20 and prosthetic care as outlined by the American board
 21 for certification in orthotics, prosthetics, and
 22 pedorthics.>
 23 6. Page 5, by striking lines 12 and 13 and
 24 inserting <program accredited by the American board for
 25 certification in orthotics, prosthetics, and pedorthics
 26 consisting of all of the following:>
 27 7. Page 5, by striking lines 29 through 32 and
 28 inserting <standards of pedorthic care as outlined by
 29 the American board for certification in orthotics,
 30 prosthetics, and pedorthics.>
 31 8. Page 6, by striking line 29 and inserting
 32 <the American board for certification in orthotics,
 33 prosthetics, and pedorthics.>
 34 9. By striking page 9, line 34, through page 10,
 35 line 1.
 36 10. Page 10, line 2, by striking <b.> and inserting
 37 <2.>
 38 11. Page 11, by striking lines 15 through 25.
 39 12. Page 11, before line 26 by inserting:
 40 <Sec. ____ FUNDING. There is appropriated from the
 41 general fund of the state to the board of podiatry for
 42 the fiscal year beginning July 1, 2011, and ending June
 43 30, 2012, the following amount, or so much thereof as
 44 is necessary, to be used for the purposes designated:
 45 For salaries, support, maintenance, and
 46 miscellaneous purposes related to the licensure of
 47 persons offering orthotic, prosthetic, or pedorthic
 48 services:
 49 \$ 40,000
 50 Notwithstanding section 8.33, moneys appropriated in

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1 this section that remain unencumbered or unobligated
 2 at the close of the fiscal year shall not revert but
 3 shall remain available for expenditure for the purposes
 4 designated until the close of the succeeding fiscal
 5 year.>
 6 13. By renumbering, redesignating, and correcting
 7 internal references as necessary.

STEVEN J. SODDERS

S-3095

1 Amend Senate File 365 as follows:
 2 1. Page 2, lines 12 and 13, by striking <received
 3 a youthful offender ~~deferred~~ sentence> and inserting

4 ~~<received a youthful offender deferred sentence been~~
 5 ~~placed on youthful offender status>~~

6 2. Page 3, lines 8 and 9, by striking ~~<received~~
 7 ~~a youthful offender deferred sentence>~~ and inserting
 8 ~~<received a youthful offender deferred sentence been~~
 9 ~~placed on youthful offender status>~~

10 3. Page 4, by striking lines 11 through 15 and
 11 inserting ~~<section 901.2, a presentence investigation~~
 12 ~~shall not be ordered by the court subsequent to an~~
 13 ~~entry of a plea of guilty or verdict of guilty or prior~~
 14 ~~to deferral of sentence of a youthful offender under~~
 15 ~~this section.>~~

16 4. Page 4, line 20, after ~~<discharged.>~~ by
 17 inserting ~~<Notwithstanding section 901.2, the court~~
 18 ~~may order a presentence investigation report including~~
 19 ~~a report for an offense classified as a class "A"~~
 20 ~~felony.>~~

21 5. Page 4, line 22, by striking ~~<and>~~ and inserting
 22 ~~<and prepared pursuant to section 232.56, and any~~
 23 ~~presentence investigation report, if ordered by the~~
 24 ~~court. The court>~~

25 6. Page 4, line 28, after ~~<report,>~~ by inserting
 26 ~~<the presentence investigation report if ordered by the~~
 27 ~~court.>~~

PAM JOCHUM

S-3096

1 Amend Senate File 240 as follows:

2 1. Page 3, after line 13 by inserting:

3 ~~<Sec. ____.~~ Section 123.50, Code 2011, is amended by
 4 adding the following new subsection:

5 NEW SUBSECTION. 5. If an employee of a licensee
 6 or permittee violates section 123.49, subsection 2,
 7 paragraph "h", the licensee or permittee shall not
 8 be assessed a penalty under subsection 3, and the
 9 violation shall be deemed not to be a violation of
 10 section 123.49, subsection 2, paragraph "h", for the
 11 purpose of determining the number of violations for
 12 which a penalty may be assessed pursuant to subsection
 13 3, if the employee holds a valid certificate of
 14 completion of the alcohol compliance employee training
 15 program pursuant to section 123.50A at the time of
 16 the violation. A licensee or permittee may assert
 17 only once in a four-year period the bar under this
 18 subsection against assessment of a penalty pursuant to
 19 subsection 3, for a violation of subsection 123.49,
 20 subsection 2, paragraph "h", that takes place at the
 21 same place of business location.

22 Sec. ____ NEW SECTION. 123.50A Alcohol compliance
 23 employee training program.

24 1. If sufficient funding is appropriated, the
25 division shall develop an alcohol compliance employee
26 training program, not to exceed two hours in length
27 for employees and prospective employees of licensees
28 and permittees, to inform the employees about state
29 and federal liquor laws and regulations regarding the
30 sale of alcoholic liquor, wine, or beer to persons
31 under legal age, and compliance with and the importance
32 of laws regarding the sale of alcoholic liquor, wine,
33 or beer to persons under legal age. In developing
34 the alcohol compliance employee training program,
35 the division may consult with stakeholders who have
36 expertise in the laws and regulations regarding the
37 sale of alcoholic liquor, wine, or beer to persons
38 under legal age.

39 2. The alcohol compliance employee training program
40 shall be made available to employees and prospective
41 employees of licensees and permittees at no cost to the
42 employee, the prospective employee, or the licensee or
43 permittee, and in a manner which is as convenient and
44 accessible to the extent practicable throughout the
45 state so as to encourage attendance. Contingent upon
46 the availability of specified funds for provision of
47 the program, the division shall schedule the program
48 on at least a monthly basis and the program shall be
49 available at a location in at least a majority of
50 counties.

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1 3. Upon completion of the alcohol compliance
2 employee training program, an employee or prospective
3 employee shall receive a certificate of completion,
4 which shall be valid for a period of two years, unless
5 the employee or prospective employee is convicted of a
6 violation of section 123.49, subsection 2, paragraph
7 "h", in which case the certificate shall be void.

8 4. The division shall also offer periodic
9 continuing employee training and recertification for
10 employees who have completed initial training and
11 received an initial certificate of completion as part
12 of the alcohol compliance employee training program.>
13 2. By renumbering as necessary.

BRIAN SCHOENJAHN

S-3097

1 Amend Senate File 424 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. DISTRICT-TO-COMMUNITY COLLEGE PROGRAM

5 AND FACILITIES SHARING PILOT PROGRAM. A consortium of
 6 not less than four school districts and a community
 7 college may request approval from the department of
 8 education for a district-to-community college program
 9 and facilities sharing pilot program. The pilot
 10 program shall include one community college whose
 11 average annual increase in joint enrollment over the
 12 fiscal period beginning July 1, 2005, and ending June
 13 30, 2009, was between 20 and 21 percent, and not less
 14 than four contiguous school districts, each of which
 15 had a kindergarten through grade twelve certified
 16 enrollment for the 2009–2010 school year of not less
 17 than six hundred pupils nor more than eight hundred
 18 pupils. All participants in the consortium shall
 19 be located within thirty miles of two cities and a
 20 state university. Notwithstanding the requirement
 21 that a school district have exclusive jurisdiction
 22 in all matters within the territory of the school
 23 district under section 274.1, the limitation on joint
 24 buildings under section 28E.41, and the expenditure
 25 requirements of section 298.3, the participating school
 26 district boards may enter into joint contracts for
 27 the construction or lease of buildings, using funds
 28 accumulated under the physical plant and equipment
 29 levy in section 298.2. Buildings constructed or
 30 leased pursuant to this section shall be used primarily
 31 for providing community college courses under a
 32 district-to-community college sharing agreement entered
 33 into by each of the school districts and the community
 34 college pursuant to section 257.11, subsection 3.>
 35 2. Title page, by striking lines 1 and 2 and
 36 inserting <An Act establishing a district-to-community
 37 college program and facilities sharing pilot program.>

BRIAN SCHOENJAHN

S-3098

- 1 Amend Senate File 328 as follows:
 2 1. Page 7, after line 15 by inserting:
 3 <6. Eligibility for tuition assistance under this
 4 chapter shall be limited to persons earning incomes at
 5 or below two hundred percent of the federal poverty
 6 level as defined by the most recently revised poverty
 7 income guidelines published by the United States
 8 department of health and human services.>

BRIAN SCHOENJAHN

S-3099

- 1 Amend Senate File 295 as follows:
 2 1. Page 1, line 9, after <bank> by inserting <

3 or to any Iowa-based entity that uses umbilical cord
4 blood for research and operates in compliance with
5 applicable Iowa board of medicine guidelines, and
6 with the applicable good laboratory practices, good
7 manufacturing practices, and other industry standard
8 practices under the purview of the United States food
9 and drug administration>
10 2. Page 1, line 17, after <center.> by inserting
11 <The information provided shall also include the
12 name, address, and telephone number of any Iowa-based
13 entity that uses umbilical cord blood for research, if
14 such entity requests inclusion of the information and
15 provides the information to the department of public
16 health.>

DAVID JOHNSON

S-3100

1 Amend Senate File 490 as follows:
2 1. Page 1, line 13, by striking <raffle> and
3 inserting <drawing>
4 2. Page 1, line 16, by striking <raffle> and
5 inserting <drawing>
6 3. Page 1, line 18, by striking <a chance of
7 winning>
8 4. Page 1, line 19, by striking <is obtained> and
9 inserting <may be won>
10 5. Page 1, line 30, by striking <raffles> and
11 inserting <drawings>
12 6. Page 1, line 33, by striking <raffle> and
13 inserting <drawing>
14 7. Page 1, line 34, by striking <raffle> and
15 inserting <drawing>
16 8. Page 2, by striking lines 2 through 4.
17 9. Page 2, line 5, by striking <raffle> and
18 inserting <drawing>
19 10. Page 2, line 7, by striking <raffle> and
20 inserting <drawing>
21 11. Page 2, line 8, by striking <raffle.> and
22 inserting <drawing.>
23 12. Page 2, line 9, by striking <raffle> and
24 inserting <drawing>
25 13. Page 2, line 11, by striking <raffle> and
26 inserting <drawing>
27 14. Page 2, line 12, by striking <raffle> and
28 inserting <drawing>
29 15. Page 2, line 12, by striking <raffles> and
30 inserting <drawings>
31 16. Page 2, line 14, by striking <raffle> and
32 inserting <drawing>
33 17. Page 2, line 17, by striking <raffle maintains>

34 and inserting <drawing maintains>
 35 18. Page 2, line 17, by striking <promotion raffle>
 36 and inserting <promotion drawing>
 37 19. Page 2, line 19, by striking <raffle> and
 38 inserting <drawing>
 39 20. Page 2, line 21, by striking <raffle> and
 40 inserting <drawing>
 41 21. Page 2, line 26, by striking <raffle> and
 42 inserting <drawing>
 43 22. Page 2, line 27, by striking <raffles> and
 44 inserting <drawings>
 45 23. Page 2, line 28, by striking <raffles> and
 46 inserting <drawings>
 47 24. Page 2, line 31, by striking <raffle> and
 48 inserting <drawing>
 49 25. Page 2, line 32, by striking <raffle>
 50 26. Page 2, line 33, by striking <raffles> and

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1 inserting <drawings>
 2 27. By striking page 2, line 35, through page 3,
 3 line 10.
 4 28. Page 3, line 11, by striking <raffle> and
 5 inserting <drawing>
 6 29. Page 3, line 15, by striking <raffle> and
 7 inserting <drawing>
 8 30. Page 3, line 18, by striking <raffle> and
 9 inserting <drawing>
 10 31. Page 3, line 19, by striking <raffle> and
 11 inserting <drawing>
 12 32. Page 3, line 23, by striking <raffle> and
 13 inserting <drawing>
 14 33. Title page, line 1, by striking <raffles> and
 15 inserting <drawings>
 16 34. By renumbering, redesignating, and correcting
 17 internal references as necessary.

JEFF DANIELSON

S-3101

1 Amend Senate File 430 as follows:
 2 1. By striking everything after the enacting clause
 3 and inserting:
 4 <Section 1. Section 21.6, subsection 3, paragraph
 5 a, Code 2011, is amended to read as follows:
 6 a. Shall assess each member of the governmental
 7 body who participated in its violation damages in the
 8 amount of not more than five hundred dollars ~~not~~ and
 9 not less than one hundred dollars. However, if a
 10 member of a governmental body knowingly participated

11 in such a violation, damages shall be in the amount of
 12 not more than two thousand five hundred dollars and not
 13 less than one thousand dollars. These damages shall
 14 be paid by the court imposing it to the state of Iowa,
 15 if the body in question is a state governmental body,
 16 or to the local government involved if the body in
 17 question is a local governmental body. A member of a
 18 governmental body found to have violated this chapter
 19 shall not be assessed such damages if that member
 20 proves that the member did any of the following:

- 21 (1) Voted against the closed session.
 22 (2) Had good reason to believe and in good faith
 23 believed facts which, if true, would have indicated
 24 compliance with all the requirements of this chapter.
 25 (3) Reasonably relied upon a decision of a court,
 26 ~~or~~ a formal opinion of the Iowa public information
 27 board, the attorney general, or the attorney for the
 28 governmental body, given in writing, or as memorialized
 29 in the minutes of the meeting at which a formal oral
 30 opinion was given, or an advisory opinion of the Iowa
 31 public information board, the attorney general, or the
 32 attorney for the governmental body, given in writing.

33 Sec. 2. Section 22.10, subsection 3, paragraph b,
 34 Code 2011, is amended to read as follows:

- 35 b. Shall assess the persons who participated in
 36 its violation damages in the amount of not more than
 37 five hundred dollars ~~not and not~~ less than one hundred
 38 dollars. However, if a member of a government body
 39 knowingly participated in such a violation, damages
 40 shall be in the amount of not more than two thousand
 41 five hundred dollars and not less than one thousand
 42 dollars. These damages shall be paid by the court
 43 imposing them to the state of Iowa if the body in
 44 question is a state government body, or to the local
 45 government involved if the body in question is a local
 46 government body. A person found to have violated this
 47 chapter shall not be assessed such damages if that
 48 person proves that the person ~~either voted~~ did any of
 49 the following:

- 50 (1) Voted against the action violating this

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- 1 chapter, refused to participate in the action violating
 2 this chapter, or engaged in reasonable efforts under
 3 the circumstances to resist or prevent the action in
 4 violation of this chapter; ~~had,~~
 5 (2) Had good reason to believe and in good faith
 6 believed facts which, if true, would have indicated
 7 compliance with the requirements of this chapter; ~~or~~
 8 ~~reasonably,~~
 9 (3) Reasonably relied upon a decision of a court

10 ~~or an~~, a formal opinion of the Iowa public information
 11 board, the attorney general, or the attorney for the
 12 government body, given in writing, or as memorialized
 13 in the minutes of the meeting at which a formal oral
 14 opinion was given, or an advisory opinion of the Iowa
 15 public information board, the attorney general, or the
 16 attorney for the government body, given in writing.

17 Sec. 3. NEW SECTION. 23.1 Citation and purpose.

18 This chapter may be cited as the “Iowa Public
 19 Information Board Act”. The purpose of this chapter
 20 is to provide an alternative means by which to secure
 21 compliance with and enforcement of the requirements of
 22 chapters 21 and 22 through the provision by the Iowa
 23 public information board to all interested parties of
 24 an efficient, informal, and cost-effective process for
 25 resolving disputes.

26 Sec. 4. NEW SECTION. 23.2 Definitions.

27 1. “Board” means the Iowa public information board
 28 created in section 23.3.

29 2. “Complainant” means a person who files a
 30 complaint with the board.

31 3. “Complaint” means a written and signed document
 32 filed with the board alleging a violation of chapter
 33 21 or 22.

34 4. “Custodian” means a government body, government
 35 official, or government employee designated as the
 36 lawful custodian of a government record pursuant to
 37 section 22.1.

38 5. “Government body” means the same as defined in
 39 section 22.1.

40 6. “Governmental body” means the same as defined in
 41 section 21.2.

42 7. “Person” means an individual, partnership,
 43 association, corporation, legal representative,
 44 trustee, receiver, custodian, government body, or
 45 official, employee, agency, or political subdivision of
 46 this state.

47 8. “Respondent” means any agency or other unit
 48 of state or local government, custodian, government
 49 official, or government employee who is the subject of
 50 a complaint.

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1 Sec. 5. NEW SECTION. 23.3 Board appointed —
 2 executive director.

3 1. An Iowa public information board is created
 4 consisting of the citizens’ aide or the citizens’ aide
 5 designee and the following six members appointed by the
 6 governor:

7 a. One member nominated by the Iowa broadcasters
 8 association.

9 b. One member nominated by the Iowa freedom of
10 information council.

11 c. One member nominated by the Iowa newspaper
12 association.

13 d. One member nominated by the Iowa league of
14 cities.

15 e. One member nominated by the Iowa state
16 association of counties.

17 f. One member nominated by the Iowa association of
18 school boards.

19 2. Appointments to the board shall not be subject
20 to sections 69.16 and 69.16A if a good faith effort has
21 been made to nominate and appoint qualified persons
22 through a fair and unbiased selection process.

23 3. Members appointed to the board shall serve
24 staggered four-year terms beginning and ending as
25 provided in section 69.19.

26 4. A quorum of the board shall consist of four
27 members.

28 5. A vacancy on the board shall be filled by the
29 governor, as provided in subsection 1.

30 6. The board shall select one of its members to
31 serve as chairperson and shall employ a person who
32 shall be an attorney admitted to practice law before
33 the courts of this state to serve as the executive
34 director of the board.

35 7. The board shall meet at least quarterly and at
36 the call of the chairperson.

37 Sec. 6. NEW SECTION. 23.4 Compensation and
38 expenses.

39 Board members appointed by the governor shall
40 be paid a per diem as specified in section 7E.6 and
41 shall be reimbursed for actual and necessary expenses
42 incurred while on official board business. Such per
43 diem and expenses shall be paid from funds appropriated
44 to the board.

45 Sec. 7. NEW SECTION. 23.5 Election of remedies.

46 1. An aggrieved person, any taxpayer to or citizen
47 of this state, the attorney general, or any county
48 attorney may seek enforcement of the requirements of
49 chapters 21 and 22 by electing either to file an action
50 pursuant to section 17A.19, 21.6, or 22.10, whichever

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1 is applicable, or in the alternative, to file a timely
2 complaint with the board.

3 2. If more than one person seeks enforcement of
4 chapter 21 or 22 with respect to the same incident
5 involving an alleged violation, and one or more of
6 such persons elects to do so by filing an action under
7 section 17A.19, 21.6, or 22.10, and one or more of such

8 persons elects to do so by filing a timely complaint
9 with the board, the court in which the action was filed
10 shall dismiss the action without prejudice, authorizing
11 the complainant to file a complaint with respect to
12 the same incident with the board without regard to the
13 timeliness of the filing of the complaint at the time
14 the action in court is dismissed.

15 3. If a person files an action pursuant to section
16 22.8 seeking to enjoin the inspection of a public
17 record, the respondent or person requesting access to
18 the record which is the subject of the request for
19 injunction may remove the proceeding to the board for
20 its determination by filing, within thirty days of the
21 commencement of the judicial proceeding, a complaint
22 with the board alleging a violation of chapter 22 in
23 regard to the same matter.

24 Sec. 8. NEW SECTION. 23.6 Board powers and duties.

25 The board shall have all of the following powers and
26 duties:

27 1. Employ such employees as are necessary to
28 execute its authority, including attorneys to prosecute
29 respondents in proceedings before the board and to
30 represent the board in proceedings before a court.
31 Notwithstanding section 8A.412, all of the board's
32 employees, except for the executive director and
33 attorneys, shall be employed subject to the merit
34 system provisions of chapter 8A, subchapter IV.

35 2. Adopt rules pursuant to chapter 17A calculated
36 to implement, enforce, and interpret the requirements
37 of chapters 21 and 22 and to implement any authority
38 delegated to the board by this chapter.

39 3. Issue, consistent with the requirements of
40 section 17A.9, declaratory orders with the force of law
41 determining the applicability of chapter 21 or 22 to
42 specified fact situations and issue informal advice to
43 any person concerning the applicability of chapters 21
44 and 22.

45 4. Receive complaints alleging violations of
46 chapter 21 or 22, seek resolution of such complaints
47 through informal assistance or through mediation and
48 settlement, formally investigate such complaints,
49 decide after such an investigation whether there is
50 probable cause to believe a violation of chapter 21

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1 or 22 has occurred, and if probable cause has been
2 found prosecute the respondent before the board in a
3 contested case proceeding conducted according to the
4 provisions of chapter 17A.

5 5. Request and receive from a governmental body
6 or a government body assistance and information as

7 necessary in the performance of its duties.
8 6. The board may examine a record of a government
9 body that is the subject matter of a complaint,
10 including any record that is confidential by law.
11 Confidential records provided to the board by a
12 government body shall continue to maintain their
13 confidential status. Any member or employee of the
14 board is subject to the same policies and penalties
15 regarding the confidentiality of the document as an
16 employee of the government body.
17 7. Issue subpoenas enforceable in court for the
18 purpose of investigating complaints and to facilitate
19 the prosecution and conduct of contested cases before
20 the board.
21 8. After appropriate board proceedings, issue
22 orders with the force of law, determining whether there
23 has been a violation of chapter 21 or 22, requiring
24 compliance with specified provisions of those chapters,
25 imposing civil penalties equivalent to and to the same
26 extent as those provided for in section 21.6 or 22.10,
27 as applicable, on a respondent who has been found in
28 violation of chapter 21 or 22, and imposing any other
29 appropriate remedies calculated to declare, terminate,
30 or remediate any violation of those chapters.
31 9. Represent itself in judicial proceedings
32 to enforce or defend its orders and rules through
33 attorneys on its own staff, through the office of the
34 attorney general, or through other attorneys retained
35 by the board, at its option.
36 10. Make training opportunities available to lawful
37 custodians, governmental bodies, government bodies, and
38 other persons subject to the requirements of chapters
39 21 and 22 and require, in its discretion, appropriate
40 persons who have responsibilities in relation to
41 chapters 21 and 22 to receive periodic training
42 approved by the board.
43 11. Disseminate information calculated to inform
44 members of the public about the public's right to
45 access government information in this state including
46 procedures to facilitate this access and including
47 information relating to the obligations of governmental
48 bodies under chapter 21 and lawful custodians under
49 chapter 22 and other laws dealing with this subject.
50 12. Prepare and transmit to the governor and to the

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1 general assembly, at least annually, reports describing
2 complaints received, board proceedings, investigations,
3 hearings conducted, decisions rendered, and other work
4 performed by the board.
5 13. Make recommendations to the governor and

6 the general assembly proposing legislation relating
 7 to public access to government information deemed
 8 desirable by the board in light of the policy of this
 9 state to provide as much public access as possible to
 10 government information as is consistent with the public
 11 interest.

12 Sec. 9. NEW SECTION. 23.7 Filing of complaints
 13 with the board.

14 1. The board shall adopt rules pursuant to chapter
 15 17A providing for the timing, form, content, and
 16 means by which any aggrieved person, any taxpayer to
 17 or citizen of this state, the attorney general, or
 18 any county attorney may file a complaint with the
 19 board alleging a violation of chapter 21 or 22. The
 20 complaint must be filed within sixty days from the time
 21 the alleged violation occurred or the complainant could
 22 have become aware of the violation with reasonable
 23 diligence. All complaints filed with the board shall
 24 be public records.

25 2. All board proceedings in response to the filing
 26 of a complaint shall be conducted as expeditiously as
 27 possible.

28 3. The board may charge a complaint filing fee not
 29 to exceed fifty dollars. This fee may be waived by
 30 the executive director if imposition of the fee would
 31 constitute an economic hardship for the complainant.
 32 If paid, a filing fee shall be refunded if a complaint
 33 is established as meritorious.

34 Sec. 10. NEW SECTION. 23.8 Initial processing of
 35 complaint.

36 Upon receipt of a complaint alleging a violation
 37 of chapter 21 or 22, the board shall do either of the
 38 following:

39 1. Determine that, on its face, the complaint
 40 is within the board's jurisdiction, appears legally
 41 sufficient, and could have merit. In such a case the
 42 board shall accept the complaint, and shall notify the
 43 parties of that fact in writing.

44 2. Determine that, on its face, the complaint is
 45 outside its jurisdiction, is legally insufficient, is
 46 frivolous, is without merit, involves harmless error,
 47 or relates to a specific incident that has previously
 48 been finally disposed of on its merits by the board or
 49 a court. In such a case the board shall decline to
 50 accept the complaint. If the board refuses to accept a

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1 complaint, the board shall provide the complainant with
 2 a written order explaining its reasons for the action.

3 Sec. 11. NEW SECTION. 23.9 Informal assistance —
 4 mediation and settlement.

5 1. After accepting a complaint, the board shall
6 promptly work with the parties through its employees
7 to reach an informal, expeditious resolution of the
8 complaint. If an informal resolution satisfactory to
9 the parties cannot be reached, the board or the board's
10 designee shall offer the parties an opportunity to
11 resolve the dispute through mediation and settlement.

12 2. The mediation and settlement process shall
13 enable the complainant to attempt to resolve the
14 dispute with the aid of a neutral mediator employed and
15 selected by the board, in its discretion, from either
16 its own staff or an outside source.

17 3. Mediation shall be conducted as an informal,
18 nonadversarial process and in a manner calculated
19 to help the parties reach a mutually acceptable and
20 voluntary settlement agreement. The mediator shall
21 assist the parties in identifying issues and shall
22 foster joint problem solving and the exploration of
23 settlement alternatives.

24 Sec. 12. NEW SECTION. 23.10 Enforcement.

25 1. If any party declines mediation or settlement or
26 if mediation or settlement fails to resolve the matter
27 to the satisfaction of all parties, the board shall
28 initiate a formal investigation concerning the facts
29 and circumstances set forth in the complaint. The
30 board shall, after an appropriate investigation, make
31 a determination as to whether the complaint is within
32 the board's jurisdiction and whether there is probable
33 cause to believe that the facts and circumstances
34 alleged in the complaint constitute a violation of
35 chapter 21 or 22.

36 2. If the board finds the complaint is outside the
37 board's jurisdiction or there is no probable cause to
38 believe there has been a violation of chapter 21 or 22,
39 the board shall issue a written order explaining the
40 reasons for the board's conclusions and dismissing the
41 complaint, and shall transmit a copy to the complainant
42 and to the party against whom the complaint was filed.

43 3. a. If the board finds the complaint is within
44 the board's jurisdiction and there is probable cause
45 to believe there has been a violation of chapter 21
46 or 22, the board shall issue a written order to that
47 effect and shall commence a contested case proceeding
48 under chapter 17A against the respondent. An attorney
49 selected by the director of the board shall prosecute
50 the respondent in the contested case proceeding. At

Page 8

1 the termination of the contested case proceeding the
2 board shall, by a majority vote of its members, render
3 a final decision as to the merits of the complaint. If

4 the board finds that the complaint has merit, the board
5 may issue any appropriate order to ensure enforcement
6 of chapter 21 or 22 including but not limited to
7 an order requiring specified action or prohibiting
8 specified action and any appropriate order to remedy
9 any failure of the respondent to observe any provision
10 of those chapters.

11 b. If the board determines, by a majority vote of
12 its members, that the respondent has violated chapter
13 21 or 22, the board may also do any or all of the
14 following:

15 (1) Require the respondent to pay damages as
16 provided for in section 21.6 or 22.10, whichever is
17 applicable, to the extent that provision would make
18 such damages payable if the complainant had sought to
19 enforce a violation in court instead of through the
20 board.

21 (2) Void any action taken in violation of chapter
22 21 if a court would be authorized to do so in similar
23 circumstances pursuant to section 21.6.

24 c. The board shall not have the authority to remove
25 a person from public office for a violation of chapter
26 21 or 22. The board may file an action under chapter
27 21 or 22 to remove a person from office for violations
28 that would subject a person to removal under those
29 chapters.

30 d. A final board order resulting from such
31 proceedings may be enforced by the board in court
32 and is subject to judicial review pursuant to section
33 17A.19.

34 Sec. 13. NEW SECTION. 23.11 Defenses in a
35 contested case proceeding.

36 A respondent may defend against a proceeding before
37 the board charging a violation of chapter 21 or 22
38 on the ground that if such a violation occurred it
39 was only harmless error or that clear and convincing
40 evidence demonstrated that grounds existed to justify
41 a court to issue an injunction against disclosure
42 pursuant to section 22.8.

43 Sec. 14. NEW SECTION. 23.12 Jurisdiction.

44 The board shall not have jurisdiction over the
45 judicial or legislative branches of state government or
46 any entity, officer, or employee of those branches, or
47 over the governor or the office of the governor.

48 Sec. 15. Section 455K.4, subsection 4, Code 2011,
49 is amended to read as follows:

50 4. Information that is disclosed under subsection

3 ~~governmental employee, or governmental official who~~
 4 ~~discloses information in violation of this subsection~~
 5 ~~is subject to the penalty provided in section 22.6.~~

6 Sec. 16. REPEAL. Section 22.6, Code 2011, is
 7 repealed.

8 Sec. 17. IOWA PUBLIC INFORMATION BOARD —
 9 TRANSITION PROVISIONS.

10 1. The initial members of the Iowa public
 11 information board established pursuant to this Act
 12 shall be appointed by September 1, 2011.

13 2. Notwithstanding any provision of this Act to the
 14 contrary, the director of the board and employees of
 15 the board shall not be hired prior to July 1, 2012.

16 3. Prior to July 1, 2012, the board shall meet
 17 as necessary to organize and prepare a report to be
 18 submitted to the governor and the general assembly.
 19 The report shall include a job description for the
 20 executive director of the board, goals for board
 21 operations, and performance measures to measure
 22 achievement of the board's goals.

23 Sec. 18. EFFECTIVE DATE. Except for the section
 24 of this Act establishing transition provisions for the
 25 Iowa public information board, this Act takes effect
 26 July 1, 2012.>

27 2. Title page, by striking lines 1 through 3 and
 28 inserting <An Act relating to violations of the open
 29 records and public meetings laws and the creation of
 30 the Iowa public information board, and including fee
 31 and effective date provisions.>

PAM JOCHUM
 JEFF DANIELSON
 DAVID JOHNSON
 KENT SORENSON
 DARYL BEALL

S-3102

1 Amend Senate File 400 as follows:

2 1. By striking everything after the enacting clause
 3 and inserting:

4 <Section 1. Section 561.13, Code 2011, is amended
 5 to read as follows:

6 561.13 Conveyance or encumbrance.

7 1. A conveyance or encumbrance of, or contract
 8 to convey or encumber the homestead, if the owner is
 9 married, is not valid, unless and until the spouse of
 10 the owner executes the same or a like instrument, or a
 11 power of attorney for the execution of the same or a
 12 like instrument, except as provided in subsection 3.
 13 However, when the homestead is conveyed or encumbered
 14 along with or in addition to other real estate, it is

15 not necessary to particularly describe or set aside the
 16 tract of land constituting the homestead, whether the
 17 homestead is exclusively the subject of the contract or
 18 not, but the contract may be enforced as to real estate
 19 other than the homestead at the option of the purchaser
 20 or encumbrancer.

21 2. If a spouse who holds only homestead rights and
 22 surviving spouse's statutory share in the homestead
 23 specifically relinquishes homestead rights in an
 24 instrument, including a power of attorney constituting
 25 the other spouse as the husband's or wife's attorney in
 26 fact, as provided in section 597.5, it is not necessary
 27 for the spouse to join in the granting clause of the
 28 same or a like instrument.

29 3. A conveyance or encumbrance or a contract to
 30 convey or encumber the homestead is not invalid under
 31 subsection 1 if any of the following apply:

32 a. The nonsigning spouse's interest is terminated
 33 by a decree of dissolution of marriage or other order
 34 of the court.

35 b. The nonsigning spouse's right of recovery is
 36 barred by section 614.15.

37 c. The encumbrance is a purchase money mortgage as
 38 defined in section 654.12B.

39 d. A court sitting in equity enters a decree
 40 holding that invalidating the conveyance or encumbrance
 41 or a contract to convey or encumber the homestead
 42 would, directly or indirectly, unjustly enrich the
 43 nonsigning spouse.

44 4. For the purposes of this section, "nonsigning
 45 spouse" means a spouse who has not executed a
 46 conveyance or encumbrance or a contract to convey or
 47 encumber the homestead, the same or a like instrument,
 48 or a power of attorney for the execution of the same or
 49 a like instrument.>

ROBERT M. HOGG

S-3103

1 Amend the amendment, S-3101, to Senate File 430 as
 2 follows:

3 1. Page 4, by striking lines 27 and 28 and
 4 inserting:

5 <1. Employ no more than two employees to execute
 6 its authority, including an attorney to prosecute>

MARK CHELGREN

S-3104

1 Amend Senate File 301 as follows:

2 1. Page 1, line 3, by striking <2013> and inserting

- 3 <2012>
 4 2. Page 1, line 12, by striking <2018> and
 5 inserting <2017>
 6 3. Page 1, line 34, by striking <2013> and
 7 inserting <2012>
 8 4. Page 2, by striking lines 11 through 24.
 9 5. Page 3, line 3, by striking <two> and inserting
 10 <two three>
 11 6. Page 3, line 6, after <"b"> by inserting <, and
 12 for administrative expenses incurred by the department>
 13 7. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
 ROBERT E. DVORSKY, Chair

S-3105

- 1 Amend Senate File 367 as follows:
 2 1. Page 1, by striking lines 4 through 7 and
 3 inserting <to distribute the guidelines of the centers
 4 for disease control and prevention of the United States
 5 department of health and human services and other
 6 pertinent information to inform and educate coaches,
 7 students, and the parents and guardians of students of
 8 the risks, signs, symptoms, and behaviors consistent
 9 with a>
 10 2. Page 1, line 9, by striking <athletic> and
 11 inserting <extracurricular interscholastic>
 12 3. Page 1, line 10, after <injury> by inserting
 13 <and their responsibility to report such signs,
 14 symptoms, and behaviors if they occur>
 15 4. Page 1, by striking lines 12 through 18 and
 16 inserting <provide to the parent or guardian of each
 17 student a concussion and brain injury information
 18 sheet, as provided by the Iowa high school athletic
 19 association and the Iowa girls high school athletic
 20 union. The student and the student's parent or
 21 guardian shall sign and return the concussion and brain
 22 injury information sheet to the student's school prior
 23 to the student's participation>
 24 5. Page 1, line 19, by striking <athletic>
 25 6. Page 1, by striking lines 21 through 25 and
 26 inserting:
 27 <2. If a student's coach or contest official
 28 observes signs, symptoms, or behaviors consistent with
 29 a concussion or brain injury in an extracurricular
 30 interscholastic activity, the student shall be
 31 immediately removed from participation.>
 32 7. Page 1, line 26, by striking <athlete>
 33 8. Page 1, line 28, by striking <athlete>
 34 9. Page 1, line 30, by striking <athlete>
 35 10. Page 1, line 35, after <nurse,> by inserting
 36 <physical therapist,>

- 37 11. Page 2, after line 1 by inserting:
 38 <c. For the purposes of this section, an
 39 “extracurricular interscholastic activity” means any
 40 extracurricular interscholastic activity, contest, or
 41 practice, including sports, dance, or cheerleading.>
 42 12. Page 2, by striking lines 2 through 5.
 43 13. Title page, line 1, by striking <student
 44 athletes> and inserting <students>
 45 14. By renumbering as necessary.

TOD R. BOWMAN

S-3106

- 1 Amend the amendment, S-3100, to Senate File 490 as
 2 follows:
 3 1. Page 1, after line 5 by inserting:
 4 <__. Page 1, lines 17 and 18, by striking <, or a
 5 group of financial institutions,>>
 6 2. Page 1, after line 9 by inserting:
 7 <__. Page 1, line 22, by striking <or a group of
 8 financial institutions>>
 9 3. Page 1, after line 15 by inserting:
 10 <__. Page 1, line 35, by striking <or a group of
 11 financial institutions>>
 12 4. By striking page 1, line 49, through page 2,
 13 line 1, and inserting:
 14 <__. Page 2, by striking lines 32 through 34 and
 15 inserting <the drawing.>>
 16 5. Page 2, by striking lines 6 through 11 and
 17 inserting:
 18 <__. Page 3, by striking lines 15 through 19 and
 19 inserting <in a savings promotion drawing that is more
 20 than one hundred dollars in value per week and shall
 21 not award prizes in excess of five thousand two hundred
 22 dollars per year.>>
 23 6. Page 2, before line 12 by inserting:
 24 <__. Page 3, lines 20 and 21, by striking <or
 25 group of financial institutions>>
 26 7. By renumbering, redesignating, and correcting
 27 internal references as necessary.

RANDY FEENSTRA

S-3107

- 1 Amend Senate File 482 as follows:
 2 1. Page 1, by striking lines 11 and 12 and
 3 inserting <resource and referral agencies throughout
 4 the state, based upon the distribution of the child
 5 population in the state.>

WILLIAM A. DOTZLER, JR.

S-3108

1 Amend Senate File 293 as follows:
2 1. Page 2, by striking lines 25 and 26 and
3 inserting:
4 <NEW SUBSECTION. 8A. A licensed naturopathic
5 physician may>
6 2. By striking page 3, line 21, through page 4,
7 line 16.
8 3. Page 7, by striking lines 18 through 23 and
9 inserting:
10 <1. A naturopathic advisory council is established,
11 consisting of the following members, appointed by the
12 governor:
13 a. Four members who are naturopathic physicians
14 who are residents of the state of Iowa and who are
15 currently licensed in good standing in another state.
16 b. One member who is a pharmacist licensed in
17 Iowa.>
18 4. Page 7, by striking line 25 and inserting
19 <licensed in Iowa, who has expertise in integrative>
20 5. Page 7, after line 26 by inserting:
21 d. One member representing the general public.>
22 6. Page 9, line 28, after <dentist,> by inserting
23 <pharmacist,>
24 7. Page 11, after line 6 by inserting:
25 <Sec. ____ FUNDING. The board of medicine shall
26 apply to the department of administrative services to
27 request an allocation of moneys from the Iowa Access
28 revolving fund to fund the estimated seventy-five
29 thousand dollars for expansion of the advanced Maryland
30 automatic network disk archiver (AMANDA) system to
31 allow licensure of naturopathic physicians in the
32 AMANDA system currently being developed for the boards
33 of dentistry, nursing, and medicine. The board shall
34 not implement a fee increase to make this adjustment
35 to the AMANDA system for naturopathic physicians.
36 Until such changes are made to the electronic licensing
37 system the board shall license naturopathic physicians
38 under the current procedures used to license medical
39 and osteopathic physicians.>
40 8. By renumbering, redesignating, and correcting
41 internal references as necessary.

JEFF DANIELSON

S-3109

1 Amend Senate File 328 as follows:
2 1. By striking page 1, line 4, through page 10,
3 line 9, and inserting:
4 <Sec. ____ NEW SECTION. 260.2H Pathways for

5 academic career and employment fund.
 6 There is established in the state treasury a
 7 pathways for academic career and employment fund to be
 8 administered by the department of economic development.
 9 Moneys in the fund shall be allocated in the manner and
 10 for the purposes provided in section 260C.18A. There
 11 is appropriated from the general fund of the state to
 12 the pathways for academic career and employment fund
 13 for each fiscal year the sum of ten million dollars.
 14 Notwithstanding section 8.33, moneys in the fund at the
 15 end of a fiscal year shall not revert to the general
 16 fund of the state. Notwithstanding section 12C.7,
 17 subsection 2, interest or earnings on moneys in the
 18 fund shall be credited to the fund.>
 19 2. Title page, by striking line 3.
 20 3. By renumbering as necessary.

BILL ANDERSON
 ROBERT BACON
 MERLIN BARTZ
 JERRY BEHN
 RICK BERTRAND
 NANCY J. BOETTGER
 MARK CHELGREN
 BILL DIX
 JONI ERNST
 RANDY FEENSTRA
 SANDRA GREINER
 JAMES F. HAHN
 SHAWN HAMERLINCK
 HUBERT HOUSER
 DAVID JOHNSON
 TIM L. KAPUCIAN
 STEVE KETTERING
 PAUL McKINLEY
 JAMES A. SEYMOUR
 ROBY SMITH
 KENT SORENSON
 PAT WARD
 JACK WHITVER
 BRAD ZAUN

S-3110

1 Amend Senate File 494 as follows:
 2 1. Page 1, line 8, after <u>1</u> by inserting < (1)>
 3 2. Page 1, by striking lines 10 through 12 and
 4 inserting <mortgagor filed with the court prior to
 5 the sale and in lieu of a sheriff's deed or sheriff's
 6 certificate of sale. elect to receive an assignment by
 7 court order without recourse of all of the judgment
 8 creditor's in rem>

- 9 3. Page 1, by striking lines 21 through 26 and
 10 inserting ~~<the sale resulting in the assignment.~~
 11 (2) An assignment under this paragraph “b” shall
 12 not affect the right of the judgment creditor to
 13 enforce a deficiency judgment against other property
 14 of the judgment debtor, nor shall it bar a subsequent
 15 recision or execution against the property on the
 16 judgment assigned by the assignee.
 17 (3) An assignee under this paragraph “b” is
 18 subject to the applicable provisions of chapters 535B,
 19 714E, and 714F unless the assignee is related to the
 20 mortgagor or the mortgagor’s spouse within the third
 21 degree of consanguinity or affinity.>
 22 4. By renumbering as necessary.

ROBERT M. HOGG

S-3111

- 1 Amend Senate File 412 as follows:
 2 1. Page 2, by striking lines 6 through 9 and
 3 inserting:
 4 <Sec. __. Section 357E.11, Code 2011, is amended
 5 to read as follows:
 6 357E.11 Bonds in anticipation of revenue.
 7 A district, ~~other than a combined district,~~
 8 may anticipate the collection of taxes by the levy
 9 authorized in this chapter, and to carry out the
 10 purposes of this chapter may issue bonds payable in
 11 not more than twenty equal installments with the rate
 12 of interest not exceeding that permitted by chapter
 13 74A. An indebtedness shall not be incurred under this
 14 ~~chapter section~~ until authorized by an election. The
 15 election shall be held and notice given in the same
 16 manner as provided in section 357E.8, and the same
 17 majority vote is necessary to authorize indebtedness.
 18 Both propositions may be submitted to the voters at the
 19 same election.
 20 Sec. __. NEW SECTION. 357E.11A Bonds and
 21 indebtedness — combined districts.
 22 1. A combined district may borrow money for its
 23 corporate purposes,>
 24 2. Page 2, line 18, after <A> by inserting
 25 <combined>
 26 3. Page 2, line 24, by striking <chapter> and
 27 inserting <section>
 28 4. Page 2, line 26, after <include> by inserting
 29 <combined>
 30 5. Page 2, line 28, after <a> by inserting
 31 <combined>

- 32 6. Page 2, line 32, after <by> by inserting
 33 <combined>
 34 7. By renumbering as necessary.

MERLIN BARTZ
 MARY JO WILHELM

S-3112

1 Amend House File 267, as passed by the House, as
 2 follows:

3 1. By striking everything after the enacting clause
 4 and inserting:

5 <Section 1. Section 303.2, subsection 2, paragraph
 6 c, Code 2011, is amended to read as follows:

7 c. Develop standards and criteria for the
 8 acquisition of historic properties and for the
 9 preservation, restoration, maintenance, operation, and
 10 interpretation of properties under the jurisdiction
 11 of the division. The administrator of the division
 12 shall serve as the state historic preservation
 13 officer, certified by the governor, pursuant to federal
 14 requirements. The recommendations and decisions of the
 15 state historic preservation officer shall be subject to
 16 the review and approval of the director.

17 Sec. 2. NEW SECTION. 303.19A Effort required of
 18 rural electric cooperatives receiving federal funding to
 19 identify historic properties.

20 1. The state historic preservation officer shall
 21 only recommend that a rural electric cooperative
 22 constructing electric distribution and transmission
 23 facilities for which it is receiving federal funding
 24 conduct an archeological site survey of its proposed
 25 route when, based upon a review of existing information
 26 on historic properties within the area of potential
 27 effects of the construction, the state historic
 28 preservation officer has determined that a historic
 29 property, as defined by the federal National Historic
 30 Preservation Act of 1966, as amended, is likely to
 31 exist within the proposed route.

32 2. The state historic preservation officer shall
 33 not require a level of archeological identification
 34 effort which is greater than the reasonable and good
 35 faith effort required by the federal agency. Such
 36 effort shall reflect the public interest and shall take
 37 into account the likelihood and magnitude of potential
 38 impacts to historic properties and project costs.

39 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being
 40 deemed of immediate importance, takes effect upon
 41 enactment.>

42 2. Title page, line 1, after <to> by inserting
 43 <the historical division of the department of cultural

44 affairs, including>
45 3. Title page, line 2, after <cooperatives> by
46 inserting <and including effective date provisions>

COMMITTEE ON ECONOMIC GROWTH/
REBUILD IOWA
STEVEN J. SODDERS, Chair

S-3113

1 Amend Senate File 456 as follows:
2 1. Page 3, line 1, by striking <January 1, 2011>
3 and inserting <the effective date of this Act>
4 2. Page 3, by striking lines 7 and 8 and inserting
5 <system database, as soon as practical, but not later
6 than December 31, 2011. Within five days>

ROBERT E. DVORSKY

S-3114

1 Amend Senate File 397 as follows:
2 1. By striking everything after the enacting clause
3 and inserting:
4 <Section 1. NEW SECTION. 718B.1 Impersonating a
5 decorated military veteran.
6 A person who impersonates a decorated military
7 veteran with the intent to deceive another person for
8 the purpose of gaining any real or anticipated monetary
9 gain commits a serious misdemeanor. For the purposes
10 of this section, “decorated military veteran” means a
11 veteran of the armed forces of the United States who
12 has been awarded any decoration or medal authorized by
13 the United States Congress for service in the armed
14 forces of the United States, any of the service medals
15 or badges awarded to the members of such forces, or
16 the ribbon, button, or rosette of any such badge,
17 decoration, or medal.>
18 2. Title page, lines 1 and 2, by striking <criminal
19 offenses for falsely claiming receipt of certain
20 military medals or decorations> and inserting <a
21 criminal offense for impersonating a decorated military
22 veteran>
23 3. By renumbering as necessary.

DENNIS H. BLACK
SHAWN HAMERLINCK
JONI ERNST
STEVEN J. SODDERS
DARYL BEALL

S-3115

1 Amend Senate File 242 as follows:
2 1. By striking everything after the enacting clause
3 and inserting:
4 <Section 1. Section 123.3, Code 2011, is amended by
5 adding the following new subsections:
6 NEW SUBSECTION. 014A. "Grocery store" means any
7 retail establishment, the business of which consists
8 of the sale of food, food products, or beverages for
9 consumption off the premises.
10 NEW SUBSECTION. 022A. "Micro-distilled spirits"
11 means distilled spirits fermented, distilled, or, for
12 a period of two years, barrel matured on the licensed
13 premises of the micro-distillery where fermented,
14 distilled, or matured. "Micro-distilled spirits" also
15 includes blended or mixed spirits comprised solely of
16 spirits fermented, distilled, or, for a period of two
17 years, barrel matured at a micro-distillery.
18 NEW SUBSECTION. 022B. "Micro-distillery" means a
19 business with an operational still which, combining all
20 production facilities of the business, produces and
21 manufactures less than fifty thousand proof gallons of
22 distilled spirits on an annual basis.
23 NEW SUBSECTION. 26A. "Pharmacy" means a drug store
24 in which drugs and medicines are exposed for sale and
25 sold at retail, or in which prescriptions of licensed
26 physicians and surgeons, dentists, or veterinarians are
27 compounded and sold by a registered pharmacist.
28 NEW SUBSECTION. 32A. "School" means a public or
29 private school or that portion of a public or private
30 school which provides facilities for teaching any grade
31 from kindergarten through grade twelve.
32 Sec. 2. Section 123.3, subsection 14A, Code 2011,
33 is amended to read as follows:
34 14A. "High alcoholic content beer" means beer
35 which contains more than five percent of alcohol by
36 weight, but not more than twelve percent of alcohol
37 by weight, that is made by the fermentation of an
38 infusion in potable water of barley, malt, and hops,
39 with or without unmalted grains or decorticated and
40 degerminated grains. Not more than one and five-tenths
41 percent of the volume of a "high alcoholic content beer"
42 may consist of alcohol derived from added flavors and
43 other nonbeverage ingredients containing alcohol. The
44 added flavors and other nonbeverage ingredients may
45 not include added caffeine or other added stimulants
46 including but not limited to guarana, ginseng, and
47 taurine.
48 Sec. 3. Section 123.3, subsection 22A, Code 2011,
49 is amended to read as follows:
50 22A. "Native wine" means wine manufactured ~~in this~~

Page 2

1 ~~state pursuant to section 123.56 by a manufacturer of~~
2 ~~native wine.~~

3 Sec. 4. Section 123.6, Code 2011, is amended to
4 read as follows:

5 123.6 Appointment — term — expenses —
6 compensation.

7 Appointments shall be for five-year staggered
8 terms beginning and ending as provided by section
9 69.19 and shall be made by the governor, subject to
10 confirmation by the senate. Members of the commission
11 shall be chosen on the basis of managerial ability and
12 experience as business executives. ~~One member~~ Not
13 more than two members of the commission may be the
14 holder of or have an interest in a permit or license
15 to manufacture alcoholic liquor, wine, or beer or to
16 sell alcoholic liquor, wine, or beer at wholesale or
17 retail. A member may be reappointed for one additional
18 term. Each member appointed is entitled to receive
19 reimbursement of actual expenses incurred while
20 attending meetings. Each member of the commission may
21 also be eligible to receive compensation as provided
22 in section 7E.6.

23 Sec. 5. Section 123.9, Code 2011, is amended to
24 read as follows:

25 123.9 Commission meetings.

26 The commission shall meet on or before July 1 of
27 each year for the purpose of selecting one of its
28 members as chairperson, ~~which member shall serve in~~
29 ~~such capacity~~ for the succeeding year. The commission
30 shall otherwise meet quarterly or at the call of
31 the chairperson or administrator or, when ~~any~~ three
32 members file ~~with the chairperson~~ a written request
33 for a meeting. Written notice of the time and place
34 of each meeting shall be given to each member of the
35 commission. ~~All commission meetings shall be held~~
36 ~~within the state.~~ A majority of the commission members
37 shall constitute a quorum.

38 Sec. 6. Section 123.30, subsection 3, paragraph
39 e, subparagraph (1), Code 2011, is amended to read as
40 follows:

41 (1) A class “E” liquor control license may be
42 issued and shall authorize the holder to purchase
43 alcoholic liquor from the division only and high
44 alcoholic content beer from a class “AA” beer permittee
45 only and to sell the alcoholic liquor and high
46 alcoholic content beer to patrons for consumption
47 off the licensed premises and to other liquor control
48 licensees. ~~A class “E” license shall not be issued~~
49 ~~to premises at which gasoline is sold.~~ A holder of
50 a class “E” liquor control license may hold other

Page 3

1 retail liquor control licenses or retail wine or beer
2 permits, but the premises licensed under a class "E"
3 liquor control license shall be separate from other
4 licensed premises, though the separate premises may
5 have a common entrance. However, the holder of a class
6 "E" liquor control license may also hold a class "B"
7 wine or class "C" beer permit or both for the premises
8 licensed under a class "E" liquor control license.

9 Sec. 7. Section 123.31, unnumbered paragraph 1,
10 Code 2011, is amended to read as follows:

11 ~~Except as otherwise provided in section 123.35,~~
12 ~~verified~~ Verified applications for the original
13 issuance or the renewal of liquor control licenses
14 shall be filed at the time and in the number of
15 copies as the administrator shall prescribe, on forms
16 prescribed by the administrator, and shall set forth
17 under oath the following information:

18 Sec. 8. Section 123.36, subsection 8, Code 2011, is
19 amended to read as follows:

20 8. a. Class "E" liquor control license, a sum
21 determined as follows:

22 (1) For licensed premises at which gasoline is not
23 sold, a sum of not less than seven hundred and fifty
24 dollars, and not more than seven thousand five hundred
25 dollars as determined on a sliding scale as established
26 by the division taking into account the factors of
27 square footage of the licensed premises, the location
28 of the licensed premises, and the population of the
29 area of the location of the licensed premises.

30 (2) For licensed premises at which gasoline is
31 sold, a sum equal to the following:

32 (a) For premises located within the corporate
33 limits of a city with a population of less than one
34 thousand five hundred, three thousand five hundred
35 dollars.

36 (b) For premises located within the corporate
37 limits of a city with a population of at least one
38 thousand five hundred but less than ten thousand, five
39 thousand dollars.

40 (c) For premises located within the corporate
41 limits of a city with a population of ten thousand
42 population or more, the greater of five thousand
43 dollars or the amount that would be established
44 pursuant to subparagraph (1) if gasoline were not sold
45 at the premises.

46 (d) For premises located outside the corporate
47 limits of any city, a sum equal to that charged in the
48 incorporated city located nearest the premises to be
49 licensed. If there is doubt as to which of two or more
50 differing corporate limits is the nearest, the license

Page 4

1 fee which is the largest shall prevail. However, if
2 the premises is located in an unincorporated town, for
3 purposes of this subparagraph, the unincorporated town
4 shall be treated as if it is a city.

5 b. Notwithstanding subsection 5, the holder of a
6 class "E" liquor control license may sell alcoholic
7 liquor for consumption off the licensed premises
8 on Sunday subject to section 123.49, subsection 2,
9 paragraph "b".

10 Sec. 9. Section 123.43A, subsection 1, Code 2011,
11 is amended by striking the subsection.

12 Sec. 10. Section 123.46, subsection 1, paragraph d,
13 Code 2011, is amended by striking the paragraph.

14 Sec. 11. Section 123.56, Code 2011, is amended by
15 adding the following new subsection:

16 NEW SUBSECTION. 6A. A manufacturer may use the
17 space and equipment of another manufacturer for the
18 purpose of manufacturing native wine, provided that
19 such an alternating proprietorship arrangement is
20 approved by the alcohol and tobacco tax and trade
21 bureau of the United States department of the treasury.
22 A separate class "A" wine permit shall be issued to
23 each manufacturer, and each manufacturer shall be
24 subject to the provisions of this chapter and the rules
25 of the division. Notwithstanding subsection 5, not
26 more than one class "C" native wine permit shall be
27 issued to a premises with alternating proprietorships.

28 Sec. 12. Section 123.129, subsection 1, Code 2011,
29 is amended by striking the subsection.

30 Sec. 13. Section 123.134, subsection 5, Code 2011,
31 is amended by striking the subsection.

32 Sec. 14. Section 123.141, Code 2011, is amended to
33 read as follows:

34 123.141 Keeping liquor where beer is sold.

35 No alcoholic liquor for beverage purposes shall be
36 used, or kept for any purpose in the place of business
37 of class "B" permittees, or on the premises of such
38 class "B" permittees, at any time. A violation of
39 any provision of this section shall be grounds for
40 suspension or revocation of the permit pursuant to
41 section 123.50, subsection 3. This section shall not
42 apply in any manner or in any way, ~~to any railway~~
43 ~~car of any dining car company, sleeping car company,~~
44 ~~railroad company or railway company, having a special~~
45 ~~class "B" permit,~~ to the premises of any hotel or motel
46 for which a class "B" permit has been issued, other
47 than that part of such premises regularly used by the
48 hotel or motel for the principal purpose of selling
49 beer or food to the general public; or to drug stores
50 regularly and continuously employing a registered

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1 pharmacist, from having alcohol in stock for medicinal
2 and compounding purposes.

3 Sec. 15. Section 123.142, unnumbered paragraph 1,
4 Code 2011, is amended to read as follows:

5 It is unlawful for the holder of a class "B" or
6 class "C" permit issued under this chapter to sell
7 beer, except beer brewed on the premises covered by
8 a special class "A" permit or beer purchased from a
9 person holding a class "A" permit issued in accordance
10 with this chapter, and on which the tax provided in
11 section 123.136 has been paid. However, this section
12 does not apply to ~~the holders of special class "B"~~
13 ~~permits issued under section 123.133 for sales in cars~~
14 ~~engaged in interstate commerce nor to~~ class "D" liquor
15 control licensees as provided in this chapter.

16 Sec. 16. REPEAL. Sections 123.35, 123.133,
17 123.153, 123.154, 123.155, 123.156, 123.157, 123.158,
18 123.159, 123.160, 123.161, and 123.162, Code 2011, are
19 repealed.

20 Sec. 17. EFFECTIVE UPON ENACTMENT. The section
21 of this Act amending section 123.3, subsection 14A,
22 regarding the definition of high alcoholic content
23 beer, being deemed of immediate importance, takes
24 effect upon enactment.>

25 2. Title page, by striking lines 2 and 3 and
26 inserting <beverages division of the department of
27 commerce, including alcoholic beverage permits and
28 licenses and administrative provisions, modifying fees,
29 and including effective date provisions.>

30 3. By renumbering as necessary.

BRIAN SCHOENJAHN

S-3116

1 Amend Senate File 312 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 321.34, subsection 10,
4 paragraph b, Code 2011, is amended to read as follows:

5 b. The application shall be approved by the
6 department in consultation with representatives
7 designated by the Iowa fire fighters' associations,
8 and the special registration plates shall be issued to
9 the applicant in exchange for the registration plates
10 previously issued to the person. An applicant who is
11 the owner of a business-trade truck or special truck
12 shall not be issued special fire fighter registration
13 plates for more than one vehicle. The fee for the
14 special plates is twenty-five dollars which shall be
15 paid in addition to the regular annual registration

16 fee. The department shall validate the special plates
 17 in the same manner as regular registration plates are
 18 validated under this section at the regular annual
 19 registration fee.>

20 2. Page 1, line 23, after <section> by inserting
 21 <, except that the issuance of special fire fighter
 22 plates shall be subject to the limitation imposed under
 23 section 321.34, subsection 10, as amended in this Act>

24 3. By renumbering as necessary.

TOM HANCOCK

S-3117

1 Amend Senate File 435 as follows:

2 1. Page 1, before line 1 by inserting:

3 <DIVISION I

4 MISCELLANEOUS DUTIES>

5 2. Page 5, after line 25 by inserting:

6 <DIVISION II

7 VOTER IDENTIFICATION REQUIREMENTS

8 Sec. ____ Section 43.49, subsection 1, unnumbered
 9 paragraph 1, Code 2011, is amended to read as follows:

10 On the ~~Monday or~~ Tuesday following the primary
 11 election, the board of supervisors shall meet, open,
 12 and canvass the returns from each voting precinct in
 13 the county, and make abstracts thereof, stating the
 14 following:

15 Sec. ____ Section 48A.7A, subsection 1, paragraph
 16 a, Code 2011, is amended to read as follows:

17 a. A person who is eligible to register to vote
 18 and to vote may register on election day by appearing
 19 in person at the polling place for the precinct in
 20 which the individual resides and completing a voter
 21 registration application, making written oath, and
 22 providing proof of identity and ~~residence~~ proof of
 23 residence pursuant to paragraph "b".

24 Sec. ____ Section 48A.7A, subsection 1, paragraph
 25 b, Code 2011, is amended to read as follows:

26 b. (1) For purposes of this section, a person
 27 may establish identity ~~and residence by presenting to~~
 28 ~~the appropriate precinct election official a current~~
 29 ~~and valid Iowa driver's license or Iowa nonoperator's~~
 30 ~~identification card or by presenting any of the~~
 31 ~~following current and valid forms of identification if~~
 32 ~~such identification contains the person's photograph~~
 33 ~~and a validity expiration date: by showing proof of~~
 34 identification as required in section 49.77, subsection
 35 3.

36 (a) ~~An out of state driver's license or~~
 37 ~~nonoperator's identification card.~~

38 (b) ~~A United States passport.~~

39 ~~(e) A United States military identification card.~~
 40 ~~(d) An identification card issued by an employer.~~
 41 ~~(e) A student identification card issued by an~~
 42 ~~Iowa high school or an Iowa postsecondary educational~~
 43 ~~institution.~~
 44 (2) ~~If the photographic identification presented~~
 45 ~~does not contain the person's current address in the~~
 46 ~~precinct, For purposes of this section, a person may~~
 47 ~~establish residence using proof of identification~~
 48 ~~presented pursuant to section 49.77, subsection 3,~~
 49 ~~if the proof of identification contains the person's~~
 50 ~~current address in the precinct. If the proof of~~

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1 identification does not contain the person's current
 2 address in the precinct, the person shall also present
 3 one of the following documents that shows the person's
 4 name and current address in the precinct:
 5 (a) Residential lease.
 6 (b) Property tax statement.
 7 (c) Utility bill.
 8 (d) Bank statement.
 9 (e) Paycheck.
 10 (f) Government check.
 11 (g) Other government document.
 12 Sec. ____ Section 48A.7A, subsection 1, paragraph
 13 c, Code 2011, is amended by striking the paragraph.
 14 Sec. ____ Section 48A.7A, subsections 2 and 3, Code
 15 2011, are amended to read as follows:
 16 2. The oath required in subsection 1, paragraph
 17 "a", ~~and in paragraph "e", if applicable,~~ shall be
 18 attached to the voter registration application.
 19 3. At any time before election day, and after the
 20 deadline for registration in section 48A.9, a person
 21 who appears in person at the commissioner's office or
 22 at a satellite absentee voting station or whose ballot
 23 is delivered to a health care facility pursuant to
 24 section 53.22 may register to vote and vote an absentee
 25 ballot by following the procedure in this section
 26 for registering to vote on election day. A person
 27 who wishes to vote in person at the polling place on
 28 election day and who has not registered to vote before
 29 the deadline for registering in section 48A.9, is
 30 required to register to vote at the polling place on
 31 election day following the procedure in this section.
 32 However, the person may complete the voter registration
 33 application at the commissioner's office and, after the
 34 commissioner has reviewed the completed application,
 35 may present the application to the appropriate precinct
 36 election official along with proof of ~~identity and~~
 37 ~~residency~~ identification and proof of residence.

38 Sec. ____ Section 48A.7A, subsection 4, paragraph
39 b, Code 2011, is amended by striking the paragraph.
40 Sec. ____ Section 48A.8, subsection 2, unnumbered
41 paragraph 1, Code 2011, is amended to read as follows:
42 An eligible elector who registers by mail and who
43 has not previously voted in an election for federal
44 office in the county of registration shall be required
45 to provide additional identification documents when
46 voting for the first time in the county, unless the
47 registrant provided on the registration form the
48 registrant's Iowa driver's license number, or the
49 registrant's Iowa nonoperator's identification card
50 number, or the last four numerals of the registrant's

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1 social security number and the driver's license,
2 nonoperator's identification, or partial social
3 security number matches an existing state or federal
4 identification record with the same number, name, and
5 date of birth. If the registrant is required to show
6 additional identification under this subsection and
7 votes in person at the polls, or by absentee ballot
8 at the commissioner's office or at a satellite voting
9 station, the registrant shall provide a current and
10 valid photo identification card, or shall present to
11 the appropriate election official one of the following
12 current documents that shows the name and address of
13 the registrant:

14 Sec. ____ Section 48A.8, subsection 4, Code 2011,
15 is amended to read as follows:

16 4. A registrant under subsection 2 who is required
17 to present additional identification when casting
18 a ballot in person shall be permitted to vote a
19 provisional ballot if the voter does not provide the
20 required additional identification documents pursuant
21 to subsection 2. If a voter who is required to present
22 such additional identification when casting a ballot
23 votes an absentee ballot by mail, the ballot returned
24 by the voter shall be considered a provisional ballot
25 pursuant to sections 49.81 and 53.31.

26 Sec. ____ Section 48A.27, subsection 4, paragraph
27 c, subparagraph (2), Code 2011, is amended to read as
28 follows:

29 (2) The notice shall contain a statement in
30 substantially the following form:
31 Information received from the United States postal
32 service indicates that you are no longer a resident of,
33 and therefore not eligible to vote in (name of county)
34 County, Iowa. If this information is not correct,
35 and you still live in (name of county) County, please
36 complete and mail the attached postage paid card at

37 least ten days before the primary or general election
 38 and at least eleven days before any other election at
 39 which you wish to vote. If the information is correct
 40 and you have moved, please contact a local official
 41 in your new area for assistance in registering there.
 42 ~~If you do not mail in the card, you may be required~~
 43 ~~to show identification before being allowed to vote~~
 44 ~~in (name of county) County.~~ If you do not return the
 45 card, and you do not vote in an election in (name of
 46 county) County, Iowa, on or before (date of second
 47 general election following the date of the notice) your
 48 name will be removed from the list of voters in that
 49 county.
 50 Sec. ____ Section 48A.29, subsection 1, paragraph

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1 b, Code 2011, is amended to read as follows:
 2 b. The notice shall contain a statement in
 3 substantially the following form:
 4 Information received from the United States postal
 5 service indicates that you are no longer a resident
 6 of (residence address) in (name of county) County,
 7 Iowa. If this information is not correct, and you
 8 still live in (name of county) County, please complete
 9 and mail the attached postage paid card at least ten
 10 days before the primary or general election and at
 11 least eleven days before any other election at which
 12 you wish to vote. If the information is correct, and
 13 you have moved, please contact a local official in your
 14 new area for assistance in registering there. ~~If you~~
 15 ~~do not mail in the card, you may be required to show~~
 16 ~~identification before being allowed to vote in (name~~
 17 ~~of county) County.~~ If you do not return the card, and
 18 you do not vote in some election in (name of county)
 19 County, Iowa, on or before (date of second general
 20 election following the date of the notice) your name
 21 will be removed from the list of voters in that county.
 22 Sec. ____ Section 48A.29, subsection 3, paragraph
 23 b, Code 2011, is amended to read as follows:
 24 b. The notice shall contain a statement in
 25 substantially the following form:
 26 Information received by this office indicates that
 27 you are no longer a resident of (residence address) in
 28 (name of county) County, Iowa. If the information is
 29 not correct, and you still live at that address, please
 30 complete and mail the attached postage paid card at
 31 least ten days before the primary or general election
 32 and at least eleven days before any other election at
 33 which you wish to vote. If the information is correct,
 34 and you have moved within the county, you may update
 35 your registration by listing your new address on the

36 card and mailing it back. If you have moved outside
37 the county, please contact a local official in your
38 new area for assistance in registering there. ~~If you~~
39 ~~do not mail in the card, you may be required to show~~
40 ~~identification before being allowed to vote in (name~~
41 ~~of county) County.~~ If you do not return the card, and
42 you do not vote in some election in (name of county)
43 County, Iowa, on or before (date of second general
44 election following the date of the notice) your name
45 will be removed from the list of registered voters in
46 that county.

47 Sec. ____ Section 49.77, subsection 3, Code 2011,
48 is amended by striking the subsection and inserting in
49 lieu thereof the following:

50 3. a. A precinct election official shall

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1 require the voter to produce for inspection proof of
2 identification before being allowed to sign the voter
3 roster or declaration of eligibility.

4 b. For purposes of this section, "proof of
5 identification" refers to a document that satisfies all
6 of the following:

7 (1) The document shows the name of the individual
8 to whom the document was issued which shall conform to
9 the name on the election register.

10 (2) The document shows a photograph of the
11 individual to whom it was issued.

12 (3) The document includes an expiration date, and
13 the document is not expired at the time it is presented
14 or expired after the date of the last preceding general
15 election.

16 (4) The document was issued by the United States or
17 the state of Iowa.

18 c. If a voter is unable or refuses to present proof
19 of identification or the precinct election official
20 determines the proof of identification provided by the
21 voter does not qualify as proof of identification under
22 paragraph "b", the precinct election official shall
23 challenge the voter as provided in section 49.79. If
24 the voter is challenged under this paragraph "c", the
25 voter shall be offered the option to vote a ballot, but
26 only in accordance with section 49.81.

27 Sec. ____ Section 49.77, Code 2011, is amended by
28 adding the following new subsection:

29 NEW SUBSECTION. 3A. If proof of identification is
30 established under subsection 3 to the satisfaction of
31 the precinct election officials, the person may then
32 be allowed to vote.

33 Sec. ____ Section 49.77, subsection 4, paragraphs a
34 and b, Code 2011, are amended to read as follows:

35 a. A person whose name does not appear on the
 36 election register of the precinct in which that
 37 person claims the right to vote shall not be permitted
 38 to vote, unless the person affirms that the person
 39 is currently registered in the county and presents
 40 proof of identity, ~~or the commissioner informs the~~
 41 ~~precinct election officials that an error has occurred~~
 42 ~~and that the person is a registered voter of that~~
 43 ~~precinct~~ identification pursuant to subsection 3.
 44 If the commissioner finds no record of the person's
 45 registration but the person insists that the person
 46 is a registered voter of that precinct, the precinct
 47 election officials shall allow the person to cast a
 48 ballot in the manner prescribed by section 49.81.
 49 b. If the voter informs the precinct election
 50 official that the voter resides in the precinct and is

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1 not registered to vote, the voter may register to vote
 2 pursuant to section 48A.7A and cast a ballot. If such
 3 a voter is unable to establish identity and residency
 4 in the manner provided in section 48A.7A, subsection
 5 1, paragraph "b" ~~or "c"~~, the voter shall be allowed
 6 to cast a ballot in the manner prescribed by section
 7 49.81.

8 Sec. ____ Section 49.79, subsection 2, Code 2011,
 9 is amended by adding the following new paragraph:
 10 NEW PARAGRAPH. h. The challenged person was unable
 11 or refused to provide proof of identification, or
 12 provided insufficient proof of identification, pursuant
 13 to section 49.77, subsection 3.

14 Sec. ____ Section 49.81, subsection 1, Code 2011,
 15 is amended to read as follows:

16 1. A prospective voter who is prohibited under
 17 section 48A.8, subsection 4, section 49.77, subsection
 18 3 ~~or~~ 4, section 49.80, or section 53.19, subsection
 19 3, from voting except under this section shall be
 20 notified by the appropriate precinct election official
 21 that the voter may cast a provisional ballot. The
 22 voter shall mark the ballot and immediately seal it
 23 in an envelope of the type prescribed by subsection
 24 4. The voter shall deliver the sealed envelope to a
 25 precinct election official who shall deposit it in an
 26 envelope marked "provisional ballots". The ballot
 27 shall be considered as having been cast in the special
 28 precinct established by section 53.20 for purposes of
 29 the postelection canvass.

30 Sec. ____ Section 49.81, subsection 2, paragraph b,
 31 Code 2011, is amended to read as follows:

32 b. If the person is casting a provisional ballot
 33 because the person ~~failed~~ was unable or refused to

34 provide a required form of identification under section
 35 48A.7A, subsection 1, section 48A.8, subsection 4, or
 36 section 49.77, subsection 3, a list of the types of
 37 acceptable identification and notification that the
 38 person must show identification before the ballot can
 39 be counted. If a voter is unable or refuses to show
 40 proof of identification required under section 49.77,
 41 subsection 3, the notification shall also inform the
 42 voter of the right to execute an affidavit pursuant to
 43 subsection 5.

44 Sec. ____ Section 49.81, Code 2011, is amended by
 45 adding the following new subsection:

46 **NEW SUBSECTION.** 5. a. If a voter casts a
 47 provisional ballot pursuant to section 49.77,
 48 subsection 3, the precinct election official shall
 49 indicate on the provisional ballot envelope that the
 50 voter was challenged for the voter's inability or

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1 refusal to provide proof of identification.
 2 b. No later than noon on the Monday following
 3 the election, a voter challenged pursuant to section
 4 49.77, subsection 3, paragraph "c", shall appear at the
 5 commissioner's office and execute an affidavit in the
 6 form prescribed by the state commissioner, affirming
 7 that the voter is the same individual who personally
 8 appeared before the precinct election board and cast
 9 the provisional ballot on election day. The voter
 10 must also present proof of identification required by
 11 section 49.77, subsection 3, or further affirm either
 12 of the following:

13 (1) The voter is indigent and unable to obtain
 14 proof of identification without the payment of a fee.

15 (2) The voter has a religious objection to being
 16 photographed.

17 c. If the board determines that the voter has
 18 been challenged solely for the inability or refusal
 19 of the voter to provide proof of identification and
 20 the voter presents proof of identification or executes
 21 the affidavit, as provided in paragraph "b", the board
 22 shall find that the provisional ballot is valid and
 23 direct that it be counted.

24 Sec. ____ Section 50.24, subsection 1, Code 2011,
 25 is amended to read as follows:

26 1. The county board of supervisors shall meet to
 27 canvass the vote on the first ~~Monday~~ or Tuesday after
 28 the day of each election to which this chapter is
 29 applicable, unless the law authorizing the election
 30 specifies another date for the canvass. If that ~~Monday~~
 31 ~~or~~ Tuesday is a public holiday, section 4.1, subsection
 32 34, controls.

33 Sec. ____ Section 50.46, Code 2011, is amended to
 34 read as follows:
 35 50.46 Special elections — canvass and certificate.
 36 When a special election has been held to fill a
 37 vacancy, pursuant to section 69.14, the board of
 38 county canvassers shall meet ~~no earlier than 1:00 p.m.~~
 39 ~~on the second day after the election, on the first~~
 40 Tuesday following the election and canvass the votes
 41 cast at the election. If the ~~second day~~ first Tuesday
 42 after the election is a public holiday, section 4.1,
 43 subsection 34, controls. The commissioner, as soon as
 44 the canvass is completed, shall transmit to the state
 45 commissioner an abstract of the votes so canvassed,
 46 and the state board, within five days after receiving
 47 such abstracts, shall canvass the tally lists. A
 48 certificate of election shall be issued by the county
 49 or state board of canvassers, as in other cases. All
 50 the provisions regulating elections, obtaining tally

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1 lists, and canvass of votes at general elections,
 2 except as to time, shall apply to special elections.
 3 Sec. ____ Section 50.48, subsection 7, Code 2011,
 4 is amended to read as follows:
 5 7. If the election is an election held by a city
 6 which is not the final election for the office in
 7 question, the recount shall progress according to the
 8 times provided by this subsection. If this subsection
 9 applies the canvass shall be held ~~by the second day~~
 10 on the Tuesday after the election, the request for a
 11 recount must be made by the ~~third~~ eighth day after
 12 the election, the board shall convene to conduct the
 13 recount by the ~~sixth~~ ninth day after the election, and
 14 the report shall be filed by the ~~eleventh~~ thirteenth
 15 day after the election.
 16 Sec. ____ Section 53.10, subsection 2, Code 2011,
 17 is amended to read as follows:
 18 2. Each person who wishes to vote by absentee
 19 ballot at the commissioner's office shall first sign
 20 an application for a ballot including the following
 21 information: name, current address, and the election
 22 for which the ballot is requested. The person may
 23 report a change of address or other information on
 24 the person's voter registration record at that time.
 25 The person must also provide proof of identification
 26 pursuant to section 49.77, subsection 3, before
 27 receiving an absentee ballot. Upon receipt of a
 28 ballot, the registered voter shall immediately mark
 29 the ballot; enclose the ballot in a secrecy envelope,
 30 if necessary, and seal it in an affidavit envelope;
 31 subscribe to the affidavit on the reverse side of

32 the envelope; and return the absentee ballot to the
33 commissioner. The commissioner shall record the
34 numbers appearing on the application and affidavit
35 envelope along with the name of the registered voter.
36 Sec. ____ Section 53.22, subsection 1, Code 2011,
37 is amended by adding the following new paragraph:
38 NEW PARAGRAPH. d. Before receiving a ballot under
39 this subsection, each applicant shall present proof of
40 identification pursuant to section 49.77, subsection 3,
41 to the special precinct election board members. If an
42 applicant is unable to present proof of identification,
43 the voter's ballot shall be considered a provisional
44 ballot cast pursuant to section 49.81, and the special
45 precinct election board members shall give the voter
46 an opportunity to execute an affidavit in a form
47 prescribed by the state commissioner affirming either
48 of the reasons listed in section 49.81, subsection 5,
49 paragraph "b", or that the voter is confined to the
50 health care facility or hospital and therefore unable

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1 to obtain proof of identification.
2 Sec. ____ Section 144.46, Code 2011, is amended by
3 adding the following new subsection:
4 NEW SUBSECTION. 3. The fees adopted by the
5 department pursuant to subsection 1 shall not be
6 assessed to applicants who execute an affidavit
7 indicating the applicant is obtaining a certified copy
8 of a birth certificate for the purpose of obtaining an
9 Iowa nonoperator's identification card to be used for
10 voting.
11 Sec. ____ Section 277.20, unnumbered paragraph 1,
12 Code 2011, is amended to read as follows:
13 On the next ~~Friday~~ Tuesday after the regular school
14 election, the county board of supervisors shall
15 canvass the returns made to the county commissioner
16 of elections from the several precinct polling places
17 and the absentee ballot counting board, ascertain
18 the result of the voting with regard to every matter
19 voted upon and cause a record to be made thereof as
20 required by section 50.24. Special elections held in
21 school districts shall be canvassed at the time and
22 in the manner required by that section. The board
23 shall declare the results of the voting for members of
24 boards of directors of school corporations nominated
25 pursuant to section 277.4, and the commissioner shall
26 at once issue a certificate of election to each person
27 declared elected. The board shall also declare the
28 results of the voting on any public question submitted
29 to the voters of a single school district, and the
30 commissioner shall certify the result as required by

31 section 50.27.

32 Sec. ____ Section 321.190, subsection 1, paragraph
33 d, Code 2011, is amended to read as follows:

34 d. The fee for a nonoperator's identification card
35 shall be five dollars and the card shall be valid for
36 a period of five years from the date of issuance. A
37 nonoperator's identification card shall be issued
38 without expiration to anyone age seventy or over. If
39 an applicant for a nonoperator's identification card
40 is a foreign national who is temporarily present in
41 this state, the nonoperator's identification card
42 shall be issued only for the length of time the foreign
43 national is authorized to be present as determined by
44 the department, not to exceed two years. An issuance
45 fee shall not be charged for a person whose driver's
46 license or driving privilege has been suspended
47 under section 321.210, subsection 1, paragraph
48 "a", subparagraph (3), or for a person obtaining an
49 identification card to be used under section 49.77,
50 subsection 3, for voting purposes.

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1 Sec. ____ Section 331.605, subsection 1, paragraph
2 f, Code 2011, is amended to read as follows:

3 f. A county fee of four dollars for a certified
4 copy of a birth record, death record, or marriage
5 certificate. The fee prescribed by this paragraph
6 shall not be assessed to applicants requesting a
7 certified copy of a birth record if the applicant
8 executes an affidavit indicating the applicant is
9 requesting the certified copy of a birth record
10 for the purpose of obtaining an Iowa nonoperator's
11 identification card to be used for voting.

12 Sec. ____ Section 376.7, subsection 1, Code 2011,
13 is amended to read as follows:

14 1. If a primary election is necessary, it shall be
15 held on the Tuesday four weeks before the date of the
16 regular city election. For each office on the ballot,
17 a voter shall only vote for the number of persons to be
18 elected to that office at the regular city election.
19 The county board of supervisors shall publicly canvass
20 the tally lists of the vote cast in the primary
21 election, following the procedures prescribed in
22 section 50.24, at a meeting to be held on the ~~second~~
23 ~~day first Tuesday~~ following the primary election, ~~and~~
24 ~~beginning no earlier than 1:00 p.m. on that day.~~

25 Sec. ____ Section 376.9, subsection 1, Code 2011,
26 is amended to read as follows:

27 1. A runoff election may be held only for positions
28 unfilled because of failure of a sufficient number of
29 candidates to receive a majority vote in the regular

30 city election. When a council has chosen a runoff
 31 election in lieu of a primary, the county board of
 32 supervisors shall publicly canvass the tally lists of
 33 the vote cast in the regular city election, following
 34 the procedures prescribed in section 50.24, at a
 35 meeting to be held on the ~~second day~~ first Tuesday
 36 following the regular city election, ~~and beginning no~~
 37 ~~earlier than 1:00 p.m. on that day.~~ Candidates who
 38 do not receive a majority of the votes cast for an
 39 office, but who receive the highest number of votes
 40 cast for that office in the regular city election, to
 41 the extent of twice the number of unfilled positions,
 42 are candidates in the runoff election.

43 Sec. ____ EFFECTIVE DATE AND APPLICABILITY. This
 44 division of this Act takes effect January 1, 2012, and
 45 applies to elections held on or after that date.>

46 3. Title page, line 1, after <to> by inserting
 47 <government officials and activities, including>

48 4. Title page, line 1, after <auditor> by inserting
 49 <and voting>

50 5. By renumbering as necessary.

BILL DIX
 JACK WHITVER
 KENT SORENSON
 RICK BERTRAND
 MARK CHELGREN
 RANDY FEENSTRA
 JAMES F. HAHN
 MERLIN BARTZ
 NANCY J. BOETTGER
 SHAWN HAMERLINCK
 STEVE KETTERING
 DAVID JOHNSON
 TIM L. KAPUCIAN
 ROBY SMITH
 BILL ANDERSON
 JAMES A. SEYMOUR
 SANDRA GREINER
 ROBERT BACON
 HUBERT HOUSER
 JONI ERNST
 PAUL MCKINLEY
 JERRY BEHN
 BRAD ZAUN

S-3118

1 Amend Senate File 312 as follows:

2 1. Page 1, before line 1 by inserting:

3 <DIVISION I

4 BUSINESS-TRADE AND SPECIAL TRUCKS — REGISTRATION

5 PLATES>

6 2. Page 2, line 14, after <This> by inserting
7 <division of this>

8 3. Page 2, after line 16 by inserting:

9 <DIVISION II

10 NEW SPECIAL REGISTRATION PLATES

11 Sec. ____ Section 35A.11, Code 2011, is amended by
12 adding the following new subsection:

13 NEW SUBSECTION. 8A. Combat infantryman badge,
14 combat action badge, combat action ribbon, and combat
15 medical badge plates issued pursuant to section 321.34,
16 subsection 20C.

17 Sec. ____ Section 321.34, Code 2011, is amended by
18 adding the following new subsection:

19 NEW SUBSECTION. 20C. Combat infantryman badge,
20 combat action badge, combat action ribbon, and combat
21 medical badge plates.

22 a. An owner referred to in subsection 12 who was
23 awarded a combat infantryman badge, combat action
24 badge, combat action ribbon, or combat medical badge
25 by the United States government may, upon written
26 application to the department and presentation
27 of satisfactory proof of the award, order special
28 registration plates with a combat infantryman badge,
29 combat action badge, combat action ribbon, or combat
30 medical badge processed emblem. The emblems shall be
31 designed by the department in consultation with the
32 adjutant general. The special plate fees collected
33 by the director under subsection 12, paragraphs “a”
34 and “c”, from the issuance and annual validation of
35 letter-number designated and personalized combat
36 infantryman badge, combat action badge, combat action
37 ribbon, and combat medical badge plates shall be paid
38 monthly to the treasurer of state and deposited in
39 the road use tax fund. The treasurer of state shall
40 transfer monthly from the statutory allocations fund
41 created under section 321.145, subsection 2, to the
42 veterans license fee fund created in section 35A.11 the
43 amount of the special fees collected under subsection
44 12, paragraph “a”, in the previous month for combat
45 infantryman badge, combat action badge, combat action
46 ribbon, and combat medical badge plates.

47 b. The surviving spouse of a person who was issued
48 special plates under this subsection may continue
49 to use or apply for and use the special plates
50 subject to registration of the special plates in

Page 2

1 the surviving spouse’s name and upon payment of the
2 annual five-dollar special plate fee and the regular
3 annual registration fee for the vehicle. If the

4 surviving spouse remarries, the surviving spouse shall
 5 return the special plates to the department and the
 6 department shall issue regular registration plates to
 7 the surviving spouse.

8 Sec. ____ Section 321.145, subsection 2, paragraph
 9 b, subparagraph (3), Code 2011, is amended to read as
 10 follows:

11 (3) The amounts required to be transferred pursuant
 12 to section 321.34 from revenues available under
 13 this subsection shall be transferred and credited as
 14 provided in section 321.34, subsections 7, 10, 10A, 11,
 15 11A, 11B, 13, 16, 17, 18, 19, 20, 20A, 20B, 20C, 21,
 16 22, 23, and 24 for the various purposes specified in
 17 those subsections.

18 Sec. ____ EFFECTIVE DATE. This division of this
 19 Act takes effect January 1, 2012.>

20 4. Title page, line 1, after <concerning> by
 21 inserting <special motor vehicle registration plates,
 22 including>

23 5. Title page, line 2, by striking <and including
 24 applicability date> and inserting <creating new combat
 25 infantryman badge, combat action badge, combat action
 26 ribbon, and combat medical badge registration plates,
 27 and including effective date and applicability>

28 6. By renumbering as necessary.

MATT McCOY

S-3119

1 Amend House File 363, as passed by the House, as
 2 follows:

3 1. By striking everything after the enacting clause
 4 and inserting:

5 <Section 1. Section 35A.3, subsection 2, Code 2011,
 6 is amended to read as follows:

7 2. Review and approve, prior to adoption, all
 8 proposed rules submitted by the department concerning
 9 the management and operation of the department and
 10 programs administered by the department. Unless the
 11 ~~commission votes to disapprove a proposed rule on a~~
 12 ~~two-thirds vote at the earlier of the next regularly~~
 13 ~~scheduled meeting of the commission or a special~~
 14 ~~meeting of the commission called by the commission~~
 15 ~~within thirty days of the date the proposed rule is~~
 16 ~~submitted, the department may proceed to adopt the~~
 17 ~~rule.~~

18 Sec. 2. Section 35A.3, Code 2011, is amended by
 19 adding the following new subsections:

20 NEW SUBSECTION. 6. Provide guidance and make
 21 recommendations to the department during an annual
 22 review of the department's proposed budget and provide

23 guidance and make recommendations for budget changes
24 that occur during the fiscal year.

25 NEW SUBSECTION. 7. Consult with the department
26 regarding certification training for executive
27 directors and administrators of county commissions of
28 veteran affairs pursuant to section 35B.6.

29 Sec. 3. Section 35A.5, subsection 12, Code 2011, is
30 amended to read as follows:

31 12. Adopt rules pursuant to chapter 17A and
32 establish policy for the management and operation
33 of the department. Prior to adopting rules, the
34 department shall submit proposed rules to the
35 commission for review and approval pursuant to the
36 requirements of section 35A.3.>

COMMITTEE ON VETERANS AFFAIRS
DARYL BEALL, Chair

S-3120

1 Amend Senate File 431 as follows:

2 1. Page 1, by striking lines 1 through 17 and
3 inserting:

4 <Sec. ____ Section 717A.1, Code 2011, is amended by
5 adding the following new subsection:

6 NEW SUBSECTION. 1A. "Agricultural animal facility"
7 or "facility" means a location where an agricultural
8 animal is maintained, including but not limited to a
9 location dedicated to farming as defined in section
10 9H.1, a livestock market, or an exhibition.

11 Sec. ____ Section 717A.1, subsection 2, Code 2011,
12 is amended to read as follows:

13 2. "Agricultural production" means any activity
14 related to maintaining an agricultural animal at
15 an agricultural animal facility or a crop on crop
16 operation property.

17 Sec. ____ Section 717A.1, subsections 3 and 4, Code
18 2011, are amended by striking the subsections.>

19 2. By striking page 1, line 25, through page 2,
20 line 1, and inserting:

21 <Sec. ____ Section 717A.1, subsection 9, paragraph
22 a, Code 2011, is amended to read as follows:

23 a. For an agricultural animal maintained at an
24 agricultural animal facility or property ~~belonging~~
25 ~~to~~ kept at an agricultural animal facility, "deprive"
26 means to do any of the following:

27 (1) Withhold the agricultural animal or property
28 for a period of time sufficient to significantly reduce
29 the value or enjoyment of the agricultural animal or
30 property.

31 (2) Withhold the agricultural animal or
32 property for ransom or upon condition to restore

33 the agricultural animal or property in return for
34 compensation.
35 (3) Dispose of the agricultural animal or property
36 in a manner that makes recovery of the agricultural
37 animal or property by its owner unlikely.
38 Sec. ____ Section 717A.1, subsection 10, paragraph
39 a, Code 2011, is amended to read as follows:
40 a. Keep and provide for the care and feeding of any
41 agricultural animal, including any activity relating
42 to confining, handling, breeding, transporting, or
43 exhibiting the animal.>
44 3. Page 2, by striking line 5 and inserting <a
45 legal interest in an agricultural animal maintained at
46 the agricultural animal facility>
47 4. Page 2, line 6, before <animal> by inserting
48 <agricultural>
49 5. Page 2, line 25, by striking <Animal> and
50 inserting <Agricultural animal>

Page 2

1 6. Page 2, line 26, by striking <animal> and
2 inserting <agricultural animal>
3 7. Page 2, line 27, by striking <animal> and
4 inserting <agricultural animal>
5 8. Page 2, line 29, by striking <animal> and
6 inserting <agricultural animal>
7 9. Page 2, by striking line 33 and inserting:
8 <____. Kill or injure an agricultural animal
9 maintained at the agricultural animal>
10 10. Page 3, line 3, by striking <animal> and
11 inserting <agricultural animal>
12 11. Page 3, line 4, by striking <animal> and
13 inserting <agricultural animal>
14 12. Page 3, line 5, by striking <animal> and
15 inserting <agricultural animal>
16 13. Page 3, line 7, by striking <animal> and
17 inserting <agricultural animal>
18 14. Page 3, line 9, by striking <animal> and
19 inserting <agricultural animal>
20 15. Page 3, line 11, by striking <Animal> and
21 inserting <Agricultural animal>
22 16. Page 3, line 13, by striking <animal> and
23 inserting <agricultural animal>
24 17. Page 3, line 14, by striking <animal> and
25 inserting <agricultural animal>
26 18. Page 3, line 16, by striking <Animal> and
27 inserting <Agricultural animal>
28 19. Page 3, line 18, by striking <animal> and
29 inserting <agricultural animal>
30 20. Page 3, line 20, by striking <animal> and
31 inserting <agricultural animal>

32 21. Page 3, line 22, by striking <Animal> and
33 inserting <Agricultural animal>
34 22. Page 3, line 24, by striking <animal> and
35 inserting <agricultural animal>
36 23. Page 3, line 26, by striking <animal> and
37 inserting <agricultural animal>
38 24. Page 3, line 28, by striking <Animal> and
39 inserting <Agricultural animal>
40 25. Page 3, line 30, by striking <animal> and
41 inserting <agricultural animal>
42 26. Page 3, line 32, by striking <animal> and
43 inserting <agricultural animal>
44 27. Page 3, line 34, by striking <Animal> and
45 inserting <Agricultural animal>
46 28. Page 4, line 1, by striking <animal> and
47 inserting <agricultural animal>
48 29. Page 4, line 2, by striking <animal> and
49 inserting <agricultural animal>
50 30. Page 4, line 5, by striking <animal> and

Page 3

1 inserting <agricultural animal>
2 31. Page 4, line 8, by striking <animal> and
3 inserting <agricultural animal>
4 32. Page 4, line 9, by striking <animal> and
5 inserting <agricultural animal>
6 33. Page 4, line 12, by striking <animal> and
7 inserting <agricultural animal>
8 34. Page 4, line 15, by striking <Animal> and
9 inserting <Agricultural animal>
10 35. Page 4, line 16, by striking <animal> and
11 inserting <agricultural animal>
12 36. Page 4, line 17, by striking <animal> and
13 inserting <agricultural animal>
14 37. Page 4, line 20, by striking <animal> and
15 inserting <agricultural animal>
16 38. Page 4, line 22, by striking <animal> and
17 inserting <agricultural animal>
18 39. Page 4, line 24, by striking <animal> and
19 inserting <agricultural animal>
20 40. Page 4, line 27, by striking <animal> and
21 inserting <agricultural animal>
22 41. Page 4, line 29, by striking <animal> and
23 inserting <agricultural animal>
24 42. Page 4, by striking line 30 and inserting
25 <agricultural animal maintained at the agricultural
26 animal facility or other property>
27 43. Page 4, by striking line 31 and inserting <kept
28 at the agricultural animal facility, with intent to
29 deprive the agricultural animal>
30 44. Page 4, line 32, by striking <animal> and

31 inserting <agricultural animal>
32 45. Page 4, by striking line 33 and inserting:
33 <__. Enter onto the agricultural animal facility,
34 or remain at the agricultural animal>
35 46. Page 4, line 35, by striking <animal> and
36 inserting <agricultural animal>
37 47. Page 5, line 6, by striking <animals> and
38 inserting <agricultural animals>
39 48. Page 5, line 9, by striking <animal> and
40 inserting <agricultural animal>
41 49. Page 5, line 15, by striking <animal> and
42 inserting <agricultural animal>
43 50. Page 5, line 17, by striking <Animal> and
44 inserting <Agricultural animal>
45 51. Page 5, line 18, by striking <animal> and
46 inserting <agricultural animal>
47 52. Page 5, line 20, by striking <animal> and
48 inserting <agricultural animal>
49 53. Page 5, line 22, by striking <animal> and
50 inserting <agricultural animal>

Page 4

1 54. Page 5, line 24, by striking <animal> and
2 inserting <agricultural animal>
3 55. Page 5, line 26, by striking <animal> and
4 inserting <agricultural animal>
5 56. Page 5, line 32, by striking <animal> and
6 inserting <agricultural animal>
7 57. Page 5, line 34, by striking <Animal> and
8 inserting <Agricultural animal>
9 58. Page 6, line 2, by striking <animal> and
10 inserting <agricultural animal>
11 59. Page 6, line 3, by striking <animal> and
12 inserting <agricultural animal>
13 60. Page 6, line 13, by striking <Animal> and
14 inserting <Agricultural animal>
15 61. Page 6, line 16, by striking <animal> and
16 inserting <agricultural animal>
17 62. Page 6, by striking line 17 and inserting
18 <agricultural animal maintained at the agricultural
19 animal facility, or other property>
20 63. Page 6, line 18, by striking <animal> and
21 inserting <agricultural animal>
22 64. Page 6, by striking line 24 and inserting
23 <action involving an agricultural animal facility, an
24 agricultural animal maintained at>
25 65. Page 6, by striking line 25 and inserting <the
26 agricultural animal facility, or other property kept
27 at the agricultural animal>
28 66. Page 10, after line 28 by inserting:
29 <Sec. ___. Section 717A.4, subsection 1, Code 2011,

30 is amended to read as follows:

31 1. Except as provided in subsection 2, a person
32 shall not willfully possess, transport, or transfer a
33 pathogen with an intent to threaten the health of an
34 agricultural animal or crop.

35 a. For agricultural animals, a pathogen restricted
36 under this section shall be limited to a biological
37 agent or toxin listed in 9 C.F.R. § 121.2(b), as that
38 list exists on January 1, 2004.

39 b. For crops, a pathogen restricted under this
40 section shall be limited to a biological agent or toxin
41 listed in 7 C.F.R. § 331.3, as that list exists on
42 January 1, 2004.>

43 67. By renumbering as necessary.

MATT McCOY

S-3121

1 Amend Senate File 431 as follows:

2 1. Page 10, after line 28 by inserting:

3 <Sec. ____ Section 717B.3A, subsection 3, paragraph
4 a, subparagraphs (1) and (2), Code 2011, are amended
5 to read as follows:

6 (1) For the first ~~or a subsequent~~ conviction, the
7 person is guilty of ~~an aggravated misdemeanor~~ a class
8 "D" felony. The sentencing order shall provide that
9 the person submit to psychological evaluation and
10 treatment according to terms required by the court.
11 The costs of the evaluation and treatment shall be
12 paid by the person. In addition, the sentencing order
13 shall provide that the person complete a community
14 work requirement, which may include a work requirement
15 performed at an animal shelter or pound, as defined
16 in section 162.2, according to terms required by the
17 court.

18 (2) For a second or subsequent conviction,
19 ~~the person is guilty of a class "D" felony. The~~
20 sentencing order shall provide that the person submit
21 to psychological evaluation and treatment according
22 to terms required by the court. The costs of the
23 psychological evaluation and treatment shall be paid
24 by the person.>

25 2. Title page, line 1, after <involving> by
26 inserting <the maintenance of animals and crops
27 including those maintained at>

28 3. By renumbering as necessary.

MATT McCOY

S-3122

1 Amend Senate File 431 as follows:
2 1. Page 10, after line 28 by inserting:
3 <Sec. ____ Section 717B.1, Code 2011, is amended by
4 adding the following new subsections:
5 NEW SUBSECTION. 2A. "Animal shelter" means the
6 same as defined in section 162.2.
7 NEW SUBSECTION. 3A. "Commercial establishment"
8 means the same as defined in section 162.2.
9 NEW SUBSECTION. 3B. "Department" means the
10 department of agriculture and land stewardship.
11 Sec. ____ NEW SECTION. 717B.3B Investigative and
12 enforcement proceedings.
13 The department shall qualify animal shelters to
14 provide investigatory services under this section.
15 An inspection officer designated by the qualified
16 animal shelter shall be appointed by the department as
17 an animal warden under chapter 162. The inspection
18 officer may inspect the premises of a commercial
19 establishment upon the officer's own information or
20 upon complaint to determine if there is a violation
21 of this chapter. If the inspection officer has
22 reasonable cause to believe a violation exists and
23 remains uncorrected more than thirty days after
24 a written notice of the violation, the inspection
25 officer shall file a report with the department and
26 the county attorney in the county where the commercial
27 establishment is located. The department, the attorney
28 general, the county attorney, or the qualified animal
29 shelter may bring an action in district court to
30 restrain the commercial establishment from continuing
31 the violation. A person who fails to comply with the
32 court's order within ten days shall be subject to a
33 civil penalty of not more than one thousand dollars.
34 Civil penalties collected under this section shall be
35 deposited in the general fund of the state.>
36 2. Title page, line 1, after <involving> by
37 inserting <the maintenance of animals and crops
38 including those maintained at commercial establishments
39 and>
40 3. By renumbering as necessary.

MATT McCOY

S-3123

1 Amend Senate File 431 as follows:
2 1. Page 1, before line 1 by inserting:
3 <Section 1. Section 717.1, subsection 2, Code 2011,
4 is amended to read as follows:
5 2. "Livestock" means an animal belonging to the

- 6 bovine, caprine, ~~equine~~, ovine, or porcine species,
 7 ostriches, rheas, emus; farm deer as defined in section
 8 170.1; or poultry.>
 9 2. By renumbering as necessary.

MATT McCOY

S-3124

- 1 Amend Senate File 431 as follows:
 2 1. Page 6, after line 29 by inserting:
 3 <___. An animal shelter as defined in section
 4 162.2.
 5 ___. A representative of a nonprofit organization
 6 present for the purpose of informing the public of an
 7 illegal activity observed at the animal facility.>
 8 2. By renumbering as necessary.

MATT McCOY

S-3125

- 1 Amend Senate File 431 as follows:
 2 1. Page 1, before line 1 by inserting:
 3 <Section 1. Section 717.1A, unnumbered paragraph 1,
 4 Code 2011, is amended to read as follows:
 5 A person is guilty of livestock abuse if the
 6 person intentionally injures or destroys livestock
 7 owned by another person, in any manner, including,
 8 but not limited to, intentionally doing any of the
 9 following: administering drugs or poisons to the
 10 livestock, or disabling the livestock by using a
 11 firearm or trap. A person guilty of livestock abuse
 12 commits ~~an aggravated misdemeanor~~ a class "D" felony.
 13 This section shall not apply to any of the following:>
 14 2. By renumbering as necessary.

MATT McCOY

S-3126

- 1 Amend Senate File 431 as follows:
 2 1. Page 1, before line 1 by inserting:
 3 <Section 1. Section 717.1, Code 2011, is amended by
 4 adding the following new subsection:
 5 NEW SUBSECTION. 01. "Egg-laying hen" means any
 6 domesticated chicken, turkey, duck, goose, or guinea
 7 fowl kept for purposes of egg production.
 8 Sec. 2. NEW SECTION. 717.3 Confinement of
 9 egg-laying hens — penalty.
 10 1. In addition, to other applicable provisions of
 11 this chapter, a person shall not tether or confine

12 an egg-laying hen as part of an animal facility as
 13 provided in chapter 717A, for all or the majority of
 14 any day, in a manner that prevents such egg-laying
 15 hen from lying down, standing up, fully extending its
 16 wings, or turning around freely.
 17 2. A person who violates this section is guilty of
 18 a serious misdemeanor.>
 19 2. Page 10, after line 28 by inserting:
 20 <Sec. ____ EFFECTIVE DATES.
 21 1. Except as provided in subsection 2, this Act
 22 takes effect on July 1, 2011.
 23 2. The sections of this Act amending section 717.1
 24 and enacting section 717.3 take effect January 1,
 25 2017.>
 26 3. Title page, line 2, by striking <and providing>
 27 and inserting <providing>
 28 4. Title page, line 2, after <remedies> by
 29 inserting <, and including effective date provisions>
 30 5. By renumbering as necessary.

MATT McCOY

S-3127

1 Amend Senate File 431 as follows:
 2 1. Page 10, after line 28 by inserting:
 3 <Sec. ____ Section 717B.3, subsection 3, Code 2011,
 4 is amended to read as follows:
 5 3. A person who negligently or intentionally
 6 commits the offense of animal neglect is guilty of a
 7 ~~simple~~ serious misdemeanor. A person who intentionally
 8 commits the offense of animal neglect which results in
 9 serious injury to or the death of an animal is guilty
 10 of ~~a serious~~ an aggravated misdemeanor.>
 11 2. Title page, line 1, after <involving> by
 12 inserting <the maintenance of animals and crops
 13 including those maintained at>
 14 3. By renumbering as necessary.

MATT McCOY

S-3128

1 Amend Senate File 431 as follows:
 2 1. Page 5, by striking lines 21 and 22 and
 3 inserting <for the purpose of committing an unlawful
 4 act.>
 5 2. Page 5, by striking lines 24 and 25 and
 6 inserting <an application to be employed at the animal
 7 facility for the purpose of committing an unlawful
 8 act.>

MATT McCOY

S-3129

1 Amend Senate File 431 as follows:
 2 1. Page 1, before line 1 by inserting:
 3 <Section 1. Section 162.2, Code 2011, is amended by
 4 adding the following new subsection:
 5 NEW SUBSECTION. 10A. "Covered dog" means an
 6 individual belonging to the species of canis lupus
 7 familiars, or a resultant hybrid, that is more than six
 8 months old and has its sexual organs intact.
 9 Sec. 2. NEW SECTION. 162.9B Limits imposed upon
 10 the number of covered dogs possessed for breeding and
 11 sale.
 12 A person shall not have possession of more than
 13 fifty covered dogs for purposes of breeding the covered
 14 dogs and selling the offspring produced from the
 15 covered dogs.>
 16 2. Title page, line 1, after <involving> by
 17 inserting <the maintenance of animals and crops
 18 including those maintained at commercial establishments
 19 and>
 20 3. By renumbering as necessary.

MATT McCOY

S-3130

1 Amend Senate File 431 as follows:
 2 1. Page 1, before line 1 by inserting:
 3 <Section 1. Section 717.2, subsection 2, Code 2011,
 4 is amended to read as follows:
 5 2. A person who commits the offense of livestock
 6 neglect is guilty of a ~~simple~~ serious misdemeanor.
 7 A person who intentionally commits the offense of
 8 livestock neglect which results in serious injury
 9 to or the death of livestock is guilty of a ~~serious~~
 10 an aggravated misdemeanor. ~~However, a person shall~~
 11 ~~not be guilty of more than one offense of livestock~~
 12 ~~neglect punishable as a serious misdemeanor, when~~
 13 ~~care or sustenance is not provided to multiple head of~~
 14 ~~livestock during any period of uninterrupted neglect.>~~
 15 2. By renumbering as necessary.

MATT McCOY

S-3131

1 Amend Senate File 431 as follows:
 2 1. Page 10, after line 28 by inserting:
 3 <Sec. ____ Section 717B.2, unnumbered paragraph 1,
 4 Code 2011, is amended to read as follows:
 5 A person is guilty of animal abuse if the person

- 6 intentionally injures, maims, disfigures, or destroys
 7 an animal owned by another person, in any manner,
 8 including intentionally poisoning the animal. A person
 9 guilty of animal abuse is guilty of ~~an aggravated~~
 10 ~~misdemeanor~~ a class "D" felony. This section shall not
 11 apply to any of the following:>
 12 2. Title page, line 1, after <involving> by
 13 inserting <animals and crops including those maintained
 14 at>
 15 3. By renumbering as necessary.

MATT McCOY

S-3132

- 1 Amend House File 195, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking everything after the enacting clause
 4 and inserting:
 5 <Section 1. Section 598.41D, Code 2011, is amended
 6 to read as follows:
 7 598.41D Assignment of visitation or physical care
 8 parenting time — parent serving active duty — family
 9 member.
 10 1. Notwithstanding any provision to the contrary, a
 11 parent who has been granted court-ordered visitation
 12 with the parent's minor child may file an application
 13 for modification of a decree or a petition for
 14 modification of an order regarding child visitation,
 15 prior to or during the time the parent is serving
 16 active duty in the military service of the United
 17 States, to temporarily assign that parent's visitation
 18 ~~rights~~ to a family member of the minor child, as
 19 specified by the parent. The application or petition
 20 shall be accompanied by an affidavit from the family
 21 member indicating the family member's knowledge of the
 22 application or petition and willingness to exercise the
 23 parent's visitation ~~rights~~ during the parent's absence.
 24 The application or petition shall also request any
 25 change in the visitation schedule necessitated by the
 26 assignment.
 27 2. Notwithstanding any provision to the contrary,
 28 a parent who has been granted court-ordered physical
 29 care or joint physical care of the parent's minor child
 30 may file an application for modification of a decree
 31 or a petition for modification of an order regarding
 32 child custody, prior to or during the time the parent
 33 is serving active duty in the military service of the
 34 United States, to temporarily assign the parent's
 35 physical care parenting time to a family member of
 36 the minor child, as specified by the parent. The
 37 application or petition shall be accompanied by an

38 affidavit from the family member indicating the family
 39 member's knowledge of the application or petition
 40 and willingness to exercise the parent's physical
 41 care parenting time during the parent's absence.
 42 The application or petition shall also request any
 43 change in the physical care parenting time schedule
 44 necessitated by the assignment.
 45 ~~2.~~ 3. a. If the active duty of a parent affects
 46 the parent's ability or anticipated ability to appear
 47 at a regularly scheduled hearing, the court shall
 48 provide for an expedited hearing in matters instituted
 49 under this section.
 50 b. If the active duty or anticipated active duty of

Page 2

1 a parent prevents the parent from appearing in person
 2 at a hearing, the court shall provide, upon reasonable
 3 advance notice, for the parent to present testimony
 4 and evidence by electronic means in matters instituted
 5 under this section. For the purposes of this
 6 paragraph, "electronic means" includes communication by
 7 telephone, video teleconference, or the internet.
 8 ~~3.~~ 4. a. The court may grant the parent's request
 9 for temporary assignment of visitation or physical
 10 care parenting time and any change in the visitation
 11 or physical care parenting time schedule requested if
 12 the court finds that such assignment of visitation or
 13 physical care parenting time is in the best interest
 14 of the child.
 15 b. In determining the best interest of the child,
 16 the court shall ensure all of the following:
 17 (1) That the specified family member is not a sex
 18 offender as defined in section 692A.101.
 19 ~~(2) That the specified family member does not have~~
 20 ~~a history of domestic abuse, as defined in section~~
 21 ~~236.2. In determining whether a history of domestic~~
 22 ~~abuse exists, the court's consideration shall include~~
 23 ~~but is not limited to commencement of an action~~
 24 ~~pursuant to section 236.2, the issuance of a protective~~
 25 ~~order against the individual or the issuance of a~~
 26 ~~court order or consent agreement pursuant to section~~
 27 ~~236.5, the issuance of an emergency order pursuant to~~
 28 ~~section 236.6, the holding of an individual in contempt~~
 29 ~~pursuant to section 664A.7, the response of a peace~~
 30 ~~officer to the scene of alleged domestic abuse or the~~
 31 ~~arrest of an individual following response to a report~~
 32 ~~of alleged domestic abuse, or a conviction for domestic~~
 33 ~~abuse assault pursuant to section 708.2A.~~
 34 ~~(3) That the specified family member does not have~~
 35 ~~a record of founded child or dependent adult abuse.~~
 36 ~~(4) (2) That the specified family member has an~~

37 established relationship with the child and assigning
38 visitation or physical care parenting time to the
39 specified family member will provide the child the
40 opportunity to maintain an ongoing family relationship
41 that is important to the child.

42 ~~(5)~~ (3) That the specified family member ~~is able~~
43 demonstrates an ability to personally and financially
44 support the child and will support the child's
45 relationship with both of the child's parents during
46 the assigned visitation or physical care parenting
47 time.

48 c. In determining the best interest of the child,
49 the court shall consider:

50 (1) Whether the specified family member has a

Page 3

1 history of domestic abuse, as defined in section 236.2.
2 In determining whether a history of domestic abuse
3 exists, the court's consideration shall include but
4 is not limited to commencement of an action pursuant
5 to section 236.3, the issuance of a protective order
6 against the individual or the issuance of a court order
7 or consent agreement pursuant to section 236.5, the
8 issuance of an emergency order pursuant to section
9 236.6, the holding of an individual in contempt
10 pursuant to section 664A.7, the response of a peace
11 officer to the scene of alleged domestic abuse or the
12 arrest of an individual following response to a report
13 of alleged domestic abuse, or a conviction for domestic
14 abuse assault pursuant to section 708.2A.

15 (2) Whether the specified family member has a
16 record of founded child or dependent adult abuse.

17 ~~4.~~ 5. An order granting assignment of visitation
18 ~~rights or physical care parenting time~~ under this
19 section does not create separate rights to visitation
20 or physical care parenting time for a person other than
21 the parent. An order granting assignment of visitation
22 or physical care parenting time under this section
23 does not grant any custodial or parental rights to any
24 person who is not the parent of the child.

25 6. An order granted under this section may
26 temporarily assign visitation or physical care
27 parenting time that is equal to or less than the
28 visitation or physical care parenting time awarded to
29 the parent whose visitation or physical care parenting
30 time is assigned.

31 ~~5.~~ 7. The parent whose visitation ~~rights are or~~
32 physical care parenting time is temporarily assigned
33 shall provide a copy of the order granting assignment
34 of visitation or physical care parenting time to the
35 school and school district of the child to whom the

36 order applies.
 37 ~~6. 8.~~ An order granting temporary assignment
 38 of visitation ~~rights or physical care parenting~~
 39 time pursuant to this section shall terminate
 40 upon notification of the court by the parent or
 41 automatically upon the parent's completion of active
 42 duty, whichever occurs first.
 43 ~~7. 9.~~ After a parent completes active duty, if an
 44 application for modification of a decree or a petition
 45 for modification of an order is filed, the parent's
 46 absence due to active duty or the assignment of
 47 visitation ~~rights or physical care parenting time~~ does
 48 not constitute a substantial change in circumstances,
 49 and the court shall not consider a parent's absence due
 50 to that active duty or the assignment of visitation

Page 4

1 ~~rights or physical care parenting time~~ in making a
 2 determination regarding the best interest of the child
 3 relative to such an application or petition filed after
 4 a parent completes active duty.
 5 ~~8. 10.~~ As used in this section, "active duty"
 6 means active military duty pursuant to orders issued
 7 under Tit. X of the United States Code. However, this
 8 section shall not apply to active guard and reserve
 9 duty or similar full-time military duty performed by
 10 a parent when the child remains in actual custody of
 11 the parent.
 12 11. As used in this section, "parenting time" means
 13 actual time spent with the child as specified in a
 14 decree or order, but does not include any other element
 15 of legal custody, physical care, or joint physical
 16 care.
 17 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being
 18 deemed of immediate importance, takes effect upon
 19 enactment.>

COMMITTEE ON VETERANS AFFAIRS
 DARYL BEALL, Chair

S-3133

1 Amend Senate File 396 as follows:
 2 1. By striking everything after the enacting clause
 3 and inserting:
 4 <Section 1. NEW SECTION. 537A.5 Indemnity
 5 agreements — construction contracts.
 6 1. As used in this section, "construction contract"
 7 means a public, private, foreign, or domestic agreement
 8 relating to the construction, alteration, improvement,
 9 development, demolition, excavation, rehabilitation,

10 maintenance, or repair of buildings, highways, roads,
 11 streets, bridges, tunnels, transportation facilities,
 12 airports, water or sewage treatment plants, power
 13 plants, or any other improvements to real property in
 14 this state, including shafts, wells, and structures,
 15 whether on ground, above ground, or underground, and
 16 includes agreements for architectural services, design
 17 services, engineering services, construction services,
 18 construction management services, development services,
 19 maintenance services, material purchases, equipment
 20 rental, and labor.

21 2. Except as excluded under subsection 3, a
 22 provision in a construction contract that requires one
 23 party to the construction contract to indemnify, hold
 24 harmless, or defend any other party to the construction
 25 contract, including the indemnitee's employees,
 26 consultants, agents, or others for whom the indemnitee
 27 is responsible, against liability, claims, damages,
 28 losses, or expenses, including attorney fees, to the
 29 extent caused by or resulting from the negligent act
 30 or omission of the indemnitee or of the indemnitee's
 31 employees, consultants, agents, or others for whom the
 32 indemnitee is responsible, is void and unenforceable as
 33 contrary to public policy.

34 3. This section does not apply to the
 35 indemnification of a surety by a principal on any
 36 surety bond, an insurer's obligation to its insureds
 37 under any insurance policy or agreement, a borrower's
 38 obligations to its lender, or any obligation of strict
 39 liability otherwise imposed by law.>

MATT McCOY

S-3134

1 Amend Senate File 415 as follows:

2 1. By striking everything after the enacting clause
 3 and inserting:

4 <Section 1. Section 142C.8, subsection 10, Code
 5 2011, is amended to read as follows:

6 10. The physician, physician assistant, or advanced
 7 registered nurse practitioner who attends the decedent
 8 at death and the physician, physician assistant, or
 9 advanced registered nurse practitioner who determines
 10 the time of death shall not participate in the
 11 procedures for removing or transplanting a part from
 12 the decedent.

13 Sec. 2. Section 144.26, subsection 1, Code 2011, is
 14 amended to read as follows:

15 1. a. A death certificate for each death which
 16 occurs in this state shall be filed as directed by the
 17 state registrar within three days after the death and

18 prior to final disposition, and shall be registered by
 19 the county registrar if it has been completed and filed
 20 in accordance with this chapter. A death certificate
 21 shall include the social security number, if provided,
 22 of the deceased person. All information including
 23 the certifying physician's, physician assistant's, or
 24 advanced registered nurse practitioner's name shall be
 25 typewritten.

26 b. A physician assistant or an advanced registered
 27 nurse practitioner authorized to sign a death
 28 certificate shall be licensed in this state and shall
 29 have been in charge of the deceased patient's care.

30 Sec. 3. Section 144.28, subsection 1, paragraphs b
 31 and e, Code 2011, are amended to read as follows:

32 b. Unless there is a nonnatural cause of death,
 33 the medical certification shall be completed and
 34 signed by the physician, physician assistant, or
 35 advanced registered nurse practitioner in charge of
 36 the patient's care for the illness or condition which
 37 resulted in death within seventy-two hours after
 38 receipt of the death certificate from the funeral
 39 director or individual who initially assumes custody
 40 of the body.

41 e. If upon inquiry into a death, the county or
 42 state medical examiner determines that a preexisting
 43 natural disease or condition was the likely cause of
 44 death and that the death does not affect the public
 45 interest as described in section 331.802, subsection
 46 3, the medical examiner may elect to defer to the
 47 physician, physician assistant, or advanced registered
 48 nurse practitioner in charge of the patient's
 49 preexisting condition the certification of the cause
 50 of death.>

PAM JOCHUM

S-3135

- 1 Amend Senate File 293 as follows:
- 2 1. Page 9, after line 20 by inserting:
- 3 <Sec. __. NEW SECTION. 148F.7A Supervision of
- 4 naturopathic physicians.
- 5 A naturopathic physician shall be supervised by a
- 6 physician licensed to practice medicine and surgery or
- 7 osteopathic medicine and surgery.>
- 8 2. By renumbering as necessary.

DICK L. DEARDEN

S-3136

- 1 Amend Senate File 480 as follows:
- 2 1. By striking page 1, line 1, through page 3, line

- 3 13.
4 2. By striking page 8, line 32, through page 9,
5 line 3.
6 3. Page 11, by striking lines 20 through 25 and
7 inserting <October 1, 2011.>
8 4. By renumbering as necessary.

JACK HATCH

S-3137

- 1 Amend Senate File 506 as follows:
2 1. Page 1, lines 22 and 23, by striking <has ten or
3 fewer full-time employees and who otherwise>
4 2. By renumbering as necessary.

RANDY FEENSTRA

S-3138

- 1 Amend Senate File 506 as follows:
2 1. Page 1, by striking lines 31 through 33 and
3 inserting:
4 <Sec. ___. REPEAL. Section 422.12M, Code 2011, is
5 repealed.
6 Sec. ___. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
7 APPLICABILITY. This Act, being deemed of immediate
8 importance, takes effect upon enactment and applies
9 retroactively to January 1, 2011, for tax years
10 beginning on or after that date.>
11 2. Title page, by striking lines 1 through 3 and
12 inserting <An Act relating to the administration of
13 the tax laws by providing for a small employer health
14 insurance tax credit and by repealing a requirement
15 that taxpayers indicate on their tax returns the
16 presence or absence of health coverage for their
17 dependent children and apply for certain public
18 health care coverage, and including effective date and
19 retroactive applicability provisions.>

JERRY BEHN

S-3139

- 1 Amend Senate File 506 as follows:
2 1. Page 1, line 9, after <employers> by inserting
3 <whose commercial domicile is Iowa>
4 2. By renumbering as necessary.

TOM RIELLY

S-3140

1 Amend Senate File 509 as follows:
 2 1. Page 4, line 23, by striking <fund> and
 3 inserting <fund for the fiscal year beginning July 1,
 4 2011, and ending June 30, 2012,>
 5 2. Page 4, after line 26 by inserting:
 6 <__. Notwithstanding section 455A.10, the
 7 department of natural resources may use the
 8 unappropriated balance remaining in the state fish and
 9 game protection fund for the fiscal year beginning July
 10 1, 2011, and ending June 30, 2012, as is necessary
 11 to fund salary adjustments for departmental employees
 12 which the general assembly has made an operating budget
 13 appropriation for in subsection 1.>

DENNIS H. BLACK
 DAVID JOHNSON

S-3141

1 Amend Senate File 471 as follows:
 2 1. By striking everything after the enacting clause
 3 and inserting:
 4 <Section 1. NEW SECTION. 17A.4B Negotiated
 5 rulemaking.
 6 1. An agency shall create a negotiated rulemaking
 7 group if required by statute. An agency may, on
 8 its own motion or upon request, create a negotiated
 9 rulemaking group if the agency determines that a
 10 negotiated rulemaking group can adequately represent
 11 the interests that will be significantly affected
 12 by a draft rule proposal and that it is feasible and
 13 appropriate in the particular rulemaking. Notice of
 14 the creation of a negotiated rulemaking group shall
 15 be published in the Iowa administrative bulletin.
 16 Upon establishing a negotiated rulemaking group,
 17 the agency shall also specify a time frame for group
 18 deliberations.
 19 2. Unless otherwise provided by statute, the
 20 agency shall appoint a sufficient number of members
 21 to the group so that a fair cross section of opinions
 22 and interests regarding the draft rule proposal
 23 is represented. One person shall be appointed to
 24 represent the agency. The group shall select its own
 25 chairperson and adopt its rules of procedure. All
 26 meetings of the group shall be open to the public.
 27 A majority of the membership constitutes a quorum.
 28 Members shall not receive any per diem payment but
 29 shall be reimbursed for all necessary expenses. Any
 30 vacancy shall be filled in the same manner as the
 31 initial appointment.

32 3. Prior to the publication of a notice of intended
33 action, the group shall consider the terms or substance
34 of the rule drafted by the agency and shall attempt to
35 reach a consensus concerning the draft rule proposal.

36 4. If a group reaches a consensus on a draft rule
37 proposal, the group shall transmit to the agency a
38 report containing the consensus on the draft rule
39 proposal. If the group does not reach a consensus on a
40 draft rule proposal within the specified time frame,
41 the group shall transmit to the agency a report stating
42 that inability to reach a consensus and specifying any
43 areas in which the group reached a consensus. The
44 group may include in a report any other information,
45 recommendations, or materials that the group considers
46 appropriate. Any group member may include as an
47 addendum to the report additional information,
48 recommendations, or materials. A report issued under
49 this subsection shall not be considered final agency
50 action for purposes of judicial review.

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1 5. Unless otherwise provided by statute, following
2 a negotiated rulemaking group consideration of a draft
3 rule proposal, the agency may commence rulemaking as
4 provided in section 17A.4. The group is automatically
5 abolished upon the agency's adoption of the rule
6 pursuant to the provisions of section 17A.5.

7 Sec. 2. Section 17A.7, subsection 2, Code 2011, is
8 amended by striking the subsection and inserting in
9 lieu thereof the following:

10 2. Over a five-year period of time, an agency
11 shall conduct an ongoing and comprehensive review of
12 all of the agency's rules. The goal of the review
13 is the identification and elimination of all rules of
14 the agency that are outdated, redundant, overbroad,
15 ineffective, unnecessary, or otherwise undesirable.
16 An agency shall commence its review by developing a
17 plan of review in consultation with major stakeholders
18 and constituent groups. As part of its review, an
19 agency shall review existing policy and interpretive
20 statements or similar documents to determine whether
21 it would be necessary or appropriate to adopt these
22 statements or documents as rules.

23 a. An agency shall establish its five-year plan for
24 review of its rules and publish the plan in the Iowa
25 administrative bulletin.

26 b. An agency's plan for review shall do all of the
27 following:

28 (1) Contain a schedule that lists when the review
29 of each rule or rule group will occur.

30 (2) State the method by which the agency will

31 determine whether the rule under review meets the
 32 criteria listed in this section.
 33 (3) Provide a means for public participation in the
 34 review process and specify how interested persons may
 35 participate in the review.
 36 (4) Identify instances where the agency may require
 37 an exception to the review requirements.
 38 (5) Provide a process for ongoing review of rules
 39 after the initial five-year review period has expired.
 40 c. An agency shall consider all of the following
 41 criteria when reviewing its rules:
 42 (1) The need for the rule.
 43 (2) The clarity of the rule.
 44 (3) The intent and legal authority for the rule.
 45 (4) The qualitative and quantitative benefits and
 46 costs of the rule.
 47 (5) The fairness of the rule.
 48 d. When an agency completes its five-year review of
 49 its rules, the agency shall provide a summary of the
 50 results to the administrative rules coordinator and the

Page 3

1 administrative rules review committee.
 2 Sec. 3. RED TAPE INTERIM STUDY COMMISSION.
 3 1. The legislative council is requested
 4 to establish an interim study commission to
 5 comprehensively review all rules and regulations
 6 in order to assess the effects of such rules and
 7 regulations on Iowa's economy and to determine
 8 whether the resulting burdens on small businesses and
 9 workers outweigh the intended benefits. The study
 10 commission shall also review the application processes
 11 for permits, grants, and tax credits to ensure the
 12 processes are streamlined.
 13 2. The study commission should submit a report to
 14 the general assembly by December 15, 2011.>
 15 2. Title page, by striking line 1 and inserting <An
 16 Act relating to the review of administrative rules and
 17 application processes.>

JEFF DANIELSON

S-3142

1 Amend Senate File 406 as follows:
 2 1. Page 1, by striking lines 1 through 10.
 3 2. Page 2, by striking lines 22 through 26 and
 4 inserting:
 5 <NEW SUBSECTION. 19. The commissioner may propose
 6 and promulgate administrative rules to effectuate the
 7 insurance provisions of the federal Patient Protection

8 and Affordable Care Act, Pub. L. No. 111-148, as
9 amended by the federal Health Care and Education
10 Reconciliation Act of 2010, Pub. L. No. 111-152, and
11 any amendments thereto, or other applicable federal
12 law.>

13 3. Page 3, line 8, by striking <subsection 3, Code
14 2011, is> and inserting <subsections 3 and 4, Code
15 2011, are>

16 4. Page 3, by striking line 14 and inserting <all
17 comments>

18 5. Page 3, line 16, by striking <or disapproval>
19 and inserting <~~or~~, disapproval, or modification>

20 6. Page 3, after line 17 by inserting:

21 <4. The consumer advocate shall present the public
22 testimony, if any, and public comments received for
23 consideration by the commissioner in determining
24 whether to approve, ~~or~~ disapprove, or modify such
25 health insurance rate increase proposals.>

26 7. Page 16, line 6, by striking <transactions,> and
27 inserting <transactions>

28 8. Page 16, line 8, by striking <transactions,> and
29 inserting <transactions>

30 9. Page 16, line 10, by striking <instruments
31 or securities> and inserting <instruments used or
32 securities pledged>

33 10. Page 16, line 12, by striking <of the
34 applicable collateral agreement> and inserting <the
35 applicable collateral>

36 11. Page 17, after line 13 by inserting:

37 <Sec. ____ Section 513B.2, subsection 18, Code
38 2011, is amended to read as follows:

39 18. "Small employer" means a person actively
40 engaged in business who, on at least fifty percent of
41 the employer's working days during the preceding year,
42 employed ~~not less than two~~ at least one and not more
43 than fifty full-time equivalent eligible employees. In
44 determining the number of eligible employees, companies
45 which are affiliated companies or which are eligible
46 to file a combined tax return for purposes of state
47 taxation are considered one employer.

48 Sec. ____ Section 514C.13, subsection 1, paragraph
49 j, Code 2011, is amended to read as follows:

50 j. "Small employer" means a person actively engaged

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1 in business who, during at least fifty percent of the
2 employer's working days during the preceding calendar
3 year, employed ~~not less than two~~ at least one and not
4 more than fifty full-time equivalent employees.>

5 12. Page 18, after line 29 by inserting:

6 <Sec. ____ Section 515.129A, subsection 1, Code

- 7 2011, is amended to read as follows:
- 8 1. ~~A~~ After a personal lines policy or contract
 9 of insurance ~~which has been in effect for more than~~
 10 sixty days ~~or more, the policy or contract~~ shall not be
 11 canceled except by notice to the insured as provided
 12 in this chapter.>
- 13 13. Page 18, by striking lines 32 and 33 and
 14 inserting:
 15 <1. a. Notwithstanding the provisions of ~~sections~~
 16 ~~515.125 through 515.127~~ section 515.129A, a notice of>
 17 14. Page 19, by striking lines 3 and 4 and
 18 inserting <notwithstanding the provisions of ~~sections~~
 19 ~~515.125 and 515.127~~ section 515.129A, at least ten days
 20 prior to the date of cancellation.>
- 21 15. Page 19, line 24, by striking <~~515.128~~> and
 22 inserting < 515.128>
- 23 16. Page 20, line 4, by striking <and> and
 24 inserting <or>
- 25 17. Page 24, after line 24 by inserting:
 26 <Sec. ____ REPEAL. Section 515.135, Code 2011, is
 27 repealed.>
- 28 18. By renumbering as necessary.

MATT McCOY

S-3143

- 1 Amend Senate File 497 as follows:
- 2 1. By striking page 1, line 1, through page 3, line
 3 12.
- 4 2. Page 7, line 24, by striking <division of this>
- 5 3. Title page, by striking lines 1 through 3
 6 and inserting <An Act establishing a home inspector
 7 registration program, providing penalties,>
- 8 4. By renumbering as necessary.

SWATI A. DANDEKAR
 MATT McCOY

S-3144

- 1 Amend Senate File 480 as follows:
- 2 1. Page 15, line 26, by striking <all>
- 3 2. Page 15, line 28, by striking <including> and
 4 inserting <that are consistent with the state's goals
 5 and strategies and will provide a net benefit to the
 6 state, including>
- 7 3. Page 17, by striking line 5 and inserting
 8 <program subject to all applicable state and federal
 9 laws and regulations. The department may also employ
 10 new payment models,>
- 11 4. Page 17, line 10, after <if> by inserting <the

12 centers for Medicare and Medicaid services of the
 13 United States department of health and human services
 14 approves participation of the medical assistance
 15 program in the pilot project and>
 16 5. Page 17, line 23, after <facility> by inserting
 17 <as consistent with any other law enacted by the
 18 Eighty-fourth general assembly, 2011 session, that
 19 redesigns the mental health delivery system in the
 20 state>

JACK HATCH

S-3145

1 Amend Senate File 423 as follows:
 2 1. Page 1, by striking line 8 and inserting <under
 3 chapter 299A may demonstrate proficiency by submitting
 4 the written recommendation of the licensed practitioner
 5 providing supervision to the student in accordance
 6 with section 299A.2; may demonstrate proficiency
 7 as evidenced by achievement scores on the annual
 8 achievement evaluation required under section 299A.4;
 9 or may demonstrate proficiency as evidenced
 10 2. Page 1, line 10, after <of> by inserting <at
 11 least>

HERMAN C. QUIRMBACH

S-3146

1 Amend Senate File 467 as follows:
 2 1. Page 7, by striking line 25 and inserting <under
 3 chapter 299A may demonstrate proficiency by submitting
 4 the written recommendation of the licensed practitioner
 5 providing supervision to the student in accordance
 6 with section 299A.2; may demonstrate proficiency
 7 as evidenced by achievement scores on the annual
 8 achievement evaluation required under section 299A.4;
 9 or may demonstrate proficiency as evidenced
 10 2. Page 7, line 27, after <of> by inserting <at
 11 least>

HERMAN C. QUIRMBACH

S-3147

HOUSE AMENDMENT TO
 SENATE FILE 321

1 Amend Senate File 321, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by striking line 4 and inserting <that

- 4 is derived from an agricultural animal or>
 5 2. Page 1, by striking lines 6 through 8 and
 6 inserting <human consumption in its raw or processed
 7 state.
 8 a. A food commodity in its raw state for processing
 9 includes but is not limited to milk, eggs, vegetables,
 10 fruits, nuts, syrup, and honey.
 11 b. A food commodity in its processed state includes
 12 but is not limited to dairy products, pastries, pies,
 13 and meat or poultry products.>
 14 3. Page 1, by striking lines 9 through 15 and
 15 inserting:
 16 <NEW SUBSECTION. 14A. "On-farm processing
 17 operation" means any place located on a farm where
 18 the form or condition of a food commodity originating
 19 from that farm or another farm is changed or packaged
 20 for human consumption, including but not limited to a
 21 dairy, creamery, winery, distillery, cannery, bakery,
 22 or meat or poultry processor.>
 23 4. By renumbering as necessary.

S-3148

HOUSE AMENDMENT TO
 SENATE FILE 402

- 1 Amend Senate File 402, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 3, after <d.> by inserting <(1)>
 4 2. Page 1, after line 8 by inserting:
 5 <(2) Grants for veterans suffering subsequent,
 6 unrelated injuries after September 11, 2001, but
 7 prior to the effective date of this Act, shall be
 8 payable, upon a showing that the veteran would have
 9 been eligible for payment had the subsequent, unrelated
 10 injury occurred on or after the effective date of this
 11 Act.
 12 Sec. ____ Section 35A.14, Code 2011, is amended by
 13 adding the following new subsection:
 14 NEW SUBSECTION. 6. The department may appear
 15 before the executive council and request funds to meet
 16 the funding needs of the grant program under this
 17 section if funds are made available to the executive
 18 council for this purpose.>
 19 3. Page 1, after line 8 by inserting:
 20 <Sec. ____ EFFECTIVE UPON ENACTMENT AND RETROACTIVE
 21 APPLICABILITY. This Act, being deemed of immediate
 22 importance, takes effect upon enactment and applies
 23 retroactively to September 11, 2001, for veterans
 24 suffering a subsequent, unrelated injury after that
 25 date.>
 26 4. Title page, line 1, after <program> by inserting

27 <and including effective date and retroactive
28 applicability provisions>
29 5. By renumbering as necessary.

S-3149

1 Amend Senate File 293 as follows:
2 1. Page 5, by striking line 33 and inserting:
3 <b. (1) Pays an application fee established by the
4 board.
5 (2) The board shall establish the application fee
6 for a naturopathic physician based on the full cost of
7 administering this chapter. No funds derived from the
8 licensure of physicians and surgeons or osteopathic
9 physicians and surgeons shall be used to fund the
10 administration of this chapter.>

BILL DIX

S-3150

1 Amend Senate File 406 as follows:
2 1. Page 1, by striking lines 1 through 10.
3 2. Page 2, by striking lines 22 through 26 and
4 inserting:
5 <NEW SUBSECTION. 19. The commissioner may propose
6 and promulgate administrative rules to effectuate the
7 insurance provisions of the federal Patient Protection
8 and Affordable Care Act, Pub. L. No. 111-148, as
9 amended by the federal Health Care and Education
10 Reconciliation Act of 2010, Pub. L. No. 111-152, and
11 any amendments thereto, or other applicable federal
12 law.>
13 3. Page 3, line 8, by striking <subsection 3, Code
14 2011, is> and inserting <subsections 3 and 4, Code
15 2011, are>
16 4. Page 3, line 16, by striking <or disapproval>
17 and inserting <or, disapproval, or modification>
18 5. Page 3, after line 17 by inserting:
19 <4. The consumer advocate shall present the public
20 testimony, if any, and public comments received for
21 consideration by the commissioner in determining
22 whether to approve, ~~or~~ disapprove, or modify such
23 health insurance rate increase proposals.>
24 6. Page 16, line 6, by striking <transactions,> and
25 inserting <transactions>
26 7. Page 16, line 8, by striking <transactions,> and
27 inserting <transactions>
28 8. Page 16, line 10, by striking <instruments
29 or securities> and inserting <instruments used or
30 securities pledged>
31 9. Page 16, line 12, by striking <of the applicable

32 collateral agreement> and inserting <the applicable
33 collateral>

34 10. Page 17, after line 13 by inserting:

35 <Sec. ____ Section 513B.2, subsection 18, Code
36 2011, is amended to read as follows:

37 18. "Small employer" means a person actively
38 engaged in business who, on at least fifty percent of
39 the employer's working days during the preceding year,
40 employed ~~not less than two~~ at least one and not more
41 than fifty full-time equivalent eligible employees. In
42 determining the number of eligible employees, companies
43 which are affiliated companies or which are eligible
44 to file a combined tax return for purposes of state
45 taxation are considered one employer.

46 Sec. ____ Section 514C.13, subsection 1, paragraph
47 j, Code 2011, is amended to read as follows:

48 j. "Small employer" means a person actively engaged
49 in business who, during at least fifty percent of the
50 employer's working days during the preceding calendar

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1 year, employed ~~not less than two~~ at least one and not
2 more than fifty full-time equivalent employees.>

3 11. Page 18, after line 29 by inserting:

4 <Sec. ____ Section 515.129A, subsection 1, Code
5 2011, is amended to read as follows:

6 1. ~~A~~ After a personal lines policy or contract
7 of insurance ~~which~~ has been in effect for ~~more than~~
8 sixty days or more, the policy or contract shall not be
9 canceled except by notice to the insured as provided
10 in this chapter.>

11 12. Page 18, by striking lines 32 and 33 and
12 inserting:

13 <1. a. Notwithstanding the provisions of ~~sections~~
14 ~~515.125 through 515.127~~ section 515.129A, a notice of>

15 13. Page 19, by striking lines 3 and 4 and
16 inserting <notwithstanding the provisions of ~~sections~~
17 ~~515.125 and 515.127~~ section 515.129A, at least ten days
18 prior to the date of cancellation.>

19 14. Page 19, line 24, by striking <~~515.128~~> and
20 inserting <_, 515.128>

21 15. Page 20, line 4, by striking <and> and
22 inserting <or>

23 16. Page 24, after line 24 by inserting:

24 <Sec. ____ REPEAL. Section 515.135, Code 2011, is
25 repealed.

26 Sec. ____ EFFECTIVE DATE. The following provision
27 or provisions of this Act take effect January 1, 2014:

28 1. The section of this Act amending section 513B.2,
29 subsection 18.

30 2. The section of this Act amending section

- 31 514C.13, subsection 1, paragraph “j”.>
32 17. Title page, line 2, after <commerce> by
33 inserting <and including effective date provisions>
34 18. By renumbering as necessary.

MATT McCOY

S-3151

- 1 Amend Senate File 293 as follows:
2 1. Page 11, after line 6 by inserting:
3 <Sec. ____ NEW SECTION. 148F.10 Limits on
4 liability.
5 If a health care provider is caring for a patient
6 that has been previously under the care of a
7 naturopathic physician or if a naturopathic physician
8 recommends the interruption of a health care provider’s
9 prescribed treatment, the health care provider shall
10 be immune from liability for treatment of the patient.
11 Such immunity shall not apply to acts or omissions
12 constituting gross negligence, recklessness, or
13 intentional misconduct. For purposes of this section,
14 “health care provider” means a physician or surgeon,
15 osteopath, osteopathic physician or surgeon, physician
16 assistant, or nurse licensed in this state, or a
17 hospital licensed pursuant to chapter 135B.>
18 2. By renumbering as necessary.

JACK WHITVER

S-3152

- 1 Amend Senate File 293 as follows:
2 1. Page 7, after line 12 by inserting:
3 <Sec. ____ NEW SECTION. 148F.3A Mandatory
4 disclosure.
5 A naturopathic physician shall disclose in writing
6 to all patients that some treatments recommended by the
7 naturopathic physician are not scientifically proven
8 to be effective and that the federal food and drug
9 administration does not provide oversight of many of
10 the treatments provided by naturopathic physicians.
11 The naturopathic physician shall have the patient sign
12 this disclosure and keep a copy on file.>
13 2. By renumbering as necessary.

JACK WHITVER

S-3153

- 1 Amend Senate File 444 as follows:
2 1. Page 7, after line 9 by inserting:

3 <c. If a terminating student is a member, or the
 4 spouse of a member if the member has a dependent
 5 child, of the Iowa national guard or reserve forces
 6 of the United States and is ordered to state military
 7 service or federal service or duty, a person offering
 8 a postsecondary educational program that is more than
 9 four months in length shall provide to the terminating
 10 student a full refund of tuition and mandatory fees.>
 11 2. By renumbering as necessary.

HERMAN C. QUIRMBACH
 SHAWN HAMERLINCK

S-3154

1 Amend the amendment, S-3096, to Senate File 240 as
 2 follows:
 3 1. Page 1, line 16, after <violation> by inserting
 4 <, and if the violation involves selling, giving, or
 5 otherwise supplying any alcoholic beverage, wine,
 6 or beer to a person between the ages of eighteen and
 7 twenty years of age. A violation involving a person
 8 under the age of eighteen years of age shall not
 9 qualify for the bar against assessment of a penalty
 10 pursuant to subsection 3, for a violation of subsection
 11 123.49, subsection 2, paragraph "h">

MARK CHELGREN

S-3155

1 Amend Senate File 293 as follows:
 2 1. Page 6, after line 9 by inserting:
 3 <0e. Has completed a residency program consisting
 4 of at least six thousand hours with a curriculum
 5 approved by the board.>
 6 2. By renumbering as necessary.

JACK WHITVER

S-3156

1 Amend the amendment, S-3149, to Senate File 293 as
 2 follows:
 3 1. Page 1, line 7, after <chapter> by inserting <,
 4 reduced by any allocations received from the department
 5 of administrative services from the IowAccess revolving
 6 fund>

MERLIN BARTZ

S-3157

1 Amend Senate File 396 as follows:
2 1. By striking everything after the enacting clause
3 and inserting:
4 <Section 1. NEW SECTION. 537A.5 Indemnity
5 agreements — construction contracts.
6 1. As used in this section, “construction contract”
7 means an agreement relating to the construction,
8 alteration, improvement, development, demolition,
9 excavation, rehabilitation, maintenance, or repair
10 of buildings, highways, roads, streets, bridges,
11 tunnels, transportation facilities, airports, water or
12 sewage treatment plants, power plants, or any other
13 improvements to real property in this state, including
14 shafts, wells, and structures, whether on ground, above
15 ground, or underground, and includes agreements for
16 architectural services, design services, engineering
17 services, construction services, construction
18 management services, development services, maintenance
19 services, material purchases, equipment rental, and
20 labor. “Construction contract” includes all public,
21 private, foreign, or domestic agreements as described
22 in this subsection other than such public agreements
23 relating to highways, roads, and streets.
24 2. Except as excluded under subsection 3, a
25 provision in a construction contract that requires one
26 party to the construction contract to indemnify, hold
27 harmless, or defend any other party to the construction
28 contract, including the indemnitee’s employees,
29 consultants, agents, or others for whom the indemnitee
30 is responsible, against liability, claims, damages,
31 losses, or expenses, including attorney fees, to the
32 extent caused by or resulting from the negligent act
33 or omission of the indemnitee or of the indemnitee’s
34 employees, consultants, agents, or others for whom the
35 indemnitee is responsible, is void and unenforceable as
36 contrary to public policy.
37 3. This section does not apply to the
38 indemnification of a surety by a principal on any
39 surety bond, an insurer’s obligation to its insureds
40 under any insurance policy or agreement, a borrower’s
41 obligations to its lender, or any obligation of strict
42 liability otherwise imposed by law.>

MATT McCOY

S-3158

1 Amend Senate File 252 as follows:
2 1. Page 1, line 13, by striking <five> and
3 inserting <one>

- 4 2. Page 1, line 13, after <dollars.> by inserting
5 <However, if the manufactured or mobile home retailer
6 fails to obtain the certificate of title within ninety
7 days of the date of acquisition, such penalty shall be
8 five hundred dollars.>
- 9 3. Page 2, line 11, after <interest.> by inserting
10 <If a purchaser prepays an amount under the sales
11 contract, the seller is not required to provide an
12 updated schedule of payments unless an updated schedule
13 is requested in writing by the purchaser. The seller
14 may charge a fee to the purchaser not to exceed
15 ten dollars for providing the updated schedule of
16 payments.>
- 17 4. Page 5, by striking lines 19 and 20 and
18 inserting:
19 <4. a. Rental agreements shall be for a term of
20 ~~one year unless otherwise specified in the rental~~
21 ~~agreement at least six months.~~>
- 22 5. Page 6, by striking line 9 and inserting <not to
23 exceed ~~two~~ five hundred dollars in addition>
- 24 6. Page 6, by striking lines 20 through 35 and
25 inserting <disclosure statement to the prospective
26 tenant that includes all of the following:
27 a. An explanation of utility rates, charges, and
28 services, unless the utility charges are paid by the
29 tenant directly to the utility company.
30 b. An explanation of any fee or amount required to
31 be paid by the tenant to the landlord or to a third
32 party as a condition of the rental agreement.
33 c. A statement relating to the statutory rights and
34 duties of landlords and tenants under this chapter,
35 including specific references to sections 562B.4,
36 562B.11, 562B.13, 562B.16, 562B.22, 562B.23, 562B.24,
37 and 562B.31.
38 d. The telephone number and mailing address of the
39 attorney general's consumer protection division.>
- 40 7. Page 7, by striking lines 4 through 11 and
41 inserting <realized by the tenant selling the tenant's
42 mobile home, unless the manufactured home community
43 or park owner or operator has acted as agent for the
44 mobile home owner pursuant to a voluntary written
45 agreement under subsection 4.
- 46 Sec. ____ Section 562B.19, Code 2011, is amended by
47 adding the following new subsection:
48 NEW SUBSECTION. 4. A landlord may act as an agent
49 for a mobile home owner who is a tenant during the sale
50 of a mobile home if such agency is established pursuant

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- 1 to a voluntary written agreement between the landlord
2 and the tenant.>

- 3 8. Page 7, line 29, after <rent.> by inserting <The
4 remedy provided under this subsection shall not be
5 construed to allow a tenant to procure and deduct items
6 or services related to the tenant's personal property
7 or to other property for which the landlord is not
8 responsible under the rental agreement.>
9 9. By renumbering as necessary.

THOMAS G. COURTNEY

S-3159

- 1 Amend Senate File 406 as follows:
2 1. Page 21, line 16, by striking <a cause> and
3 inserting <~~a~~ no cause>
4 2. Page 21, line 16, by striking <not> and
5 inserting <~~not~~>
6 3. Page 21, line 22, by striking <reasonable> and
7 inserting <reasonable>
8 4. Page 21, line 23, after <any> by inserting
9 <reasonable>
10 5. By renumbering as necessary.

ROBERT M. HOGG

S-3160HOUSE AMENDMENT TO
SENATE FILE 470

- 1 Amend Senate File 470, as passed by the Senate, as
2 follows:
3 1. Page 2, line 16, by striking <47> and inserting
4 <48>

S-3161

- 1 Amend Senate File 492 as follows:
2 1. Page 1, line 8, after <status.> by inserting
3 <Prior to removal of the ward from the ward's
4 residence, the ward's family shall have the opportunity
5 to participate in a family team decision-making meeting
6 to plan for services for the ward.>
7 2. Page 1, line 16, after <status.> by inserting
8 <Prior to removal of the ward from the ward's
9 residence, the ward's family shall have the opportunity
10 to participate in a family team decision-making meeting
11 to plan for services for the ward.>
12 3. By renumbering as necessary.

JACK HATCH

S-3162

- 1 Amend Senate File 510 as follows:
 2 1. Page 1, line 14, by striking <7,942,930> and
 3 inserting <7,792,930>
 4 2. Page 1, line 22, by striking <2,876,400> and
 5 inserting <3,026,400>

DAVID JOHNSON

S-3163

- 1 Amend Senate File 511 as follows:
 2 1. Page 3, after line 7 by inserting:
 3 <__. It is the intent of the general assembly that
 4 the offices of the clerks of the district court operate
 5 in all 99 counties and be accessible to the public as
 6 much as is reasonably possible in order to address the
 7 relative needs of the citizens of each county.>
 8 2. By renumbering as necessary.

STEVE KETTERING

S-3164

- 1 Amend House File 617, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, after line 23 by inserting:
 4 <Sec. __. Section 123.30, subsection 3, paragraph
 5 e, Code 2011, is amended by adding the following new
 6 subparagraph:
 7 NEW SUBPARAGRAPH. (3) Notwithstanding any other
 8 provision to the contrary, a class "E" liquor control
 9 license shall not be issued to a premises at which
 10 gasoline is sold, located within the corporate limits
 11 of a city with a population of at least one hundred
 12 fifty thousand, without the applicant having obtained
 13 prior approval of the city council for conducting a
 14 business with a class "E" liquor control license at the
 15 location of the premises subject to the application.>

JACK HATCH

S-3165

- 1 Amend Senate File 444 as follows:
 2 1. Page 6, line 9, after <period> by inserting <to
 3 the total number of calendar days in the school period
 4 until the date equivalent to the completion of sixty
 5 percent of the calendar days in the school period>
 6 2. By renumbering as necessary.

HERMAN C. QUIRMBACH

S-3166

- 1 Amend House File 617, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, by striking lines 6 through 23.
- 4 2. By striking page 3, line 32, through page 4,
- 5 line 32.
- 6 3. By renumbering as necessary.

ROBERT M. HOGG
NANCY J. BOETTGER

S-3167

- 1 Amend Senate File 192 as follows:
- 2 1. Page 2, after line 8 by inserting:
- 3 <Sec. ____ Section 321G.7, Code 2011, is amended by
- 4 adding the following new subsection:
- 5 NEW SUBSECTION. 3. Notwithstanding subsection
- 6 2, any increase in revenue received on or after July
- 7 1, 2011, pursuant to this section as a result of fee
- 8 increases pursuant to this Act, shall not be used
- 9 for salaries or other administrative costs of the
- 10 department.>
- 11 2. By renumbering as necessary.

DENNIS H. BLACK

S-3168

- 1 Amend the amendment, S-3164, to House File 617,
- 2 as amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 10 through 13 and
- 5 inserting <gasoline is sold, without the applicant
- 6 having obtained prior approval of the city council, or
- 7 other applicable governing authority if the premises
- 8 are located outside the corporate limits of a city, for
- 9 conducting a>

SHAWN HAMERLINCK

S-3169

- 1 Amend Senate File 293 as follows:
- 2 1. Page 9, by striking lines 12 and 13.
- 3 2. By renumbering as necessary.

MATT McCOY

S-3170

HOUSE AMENDMENT TO
SENATE FILE 427

- 1 Amend Senate File 427, as passed by the Senate, as
2 follows:
- 3 1. Page 1, before line 1 by inserting:
4 <Section 1. Section 99B.5A, subsection 1, paragraph
5 a, Code 2011, is amended to read as follows:
6 a. "Community festival" means a festival of no more
7 than ~~four~~ six consecutive days in length held by a
8 community group.>
- 9 2. Page 1, after line 13 by inserting:
10 <Sec. ____ EFFECTIVE UPON ENACTMENT. The following
11 provision of this Act, being deemed of immediate
12 importance, takes effect upon enactment:
13 1. The section of this Act amending section
14 99B.5A.>
- 15 3. Title page, line 1, after <Act> by inserting
16 <relating to games of skill or chance, including>
- 17 4. Title page, line 3, after <participants> by
18 inserting <, and including effective date provisions>
- 19 5. By renumbering as necessary.

S-3171

HOUSE AMENDMENT TO
SENATE FILE 7

- 1 Amend Senate File 7, as passed by the Senate, as
2 follows:
- 3 1. Page 1, before line 1 by inserting:
4 <Section 1. Section 462A.2, subsection 24, Code
5 2011, is amended to read as follows:
6 24. "Operate" means to navigate or otherwise use
7 a vessel or motorboat. For the purposes of section
8 462A.12, subsection 2, sections 462A.14, 462A.14A,
9 462A.14B, 462A.14C, 462A.14D, and 462A.14E, and section
10 462A.23, subsection 2, paragraph "b", "operate" when
11 used in reference to a motorboat, means the motorboat
12 is powered by a motor which is running, and when used
13 in reference to a sailboat, means the sailboat is
14 either powered by a motor which is running, or has
15 sails hoisted and is not propelled by a motor, and is
16 under way.>
- 17 2. Title page, line 1, by striking <providing for>
18 and inserting <relating to>
- 19 3. By renumbering as necessary.

S-3172HOUSE AMENDMENT TO
SENATE FILE 361

- 1 Amend Senate File 361, as passed by the Senate, as
2 follows:
- 3 1. Page 3, after line 35 by inserting:
4 <__. The Iowa state fair board shall submit the
5 annual audit report, prepared pursuant to subsection
6 2, to the legislative services agency and the general
7 assembly's standing committees on government oversight
8 as required by committees. The board shall redact any
9 information which identifies a donor.>
- 10 2. By renumbering as necessary.

S-3173HOUSE AMENDMENT TO
SENATE FILE 233

- 1 Amend Senate File 233, as passed by the Senate, as
2 follows:
- 3 1. By striking everything after the enacting clause
4 and inserting:
5 <Section 1. Section 249A.15A, Code 2011, is amended
6 to read as follows:
7 249A.15A Licensed marital and family therapists ~~and~~
8 licensed master social workers, licensed mental health
9 counselors, and certified alcohol and drug counselors.
- 10 1. The department shall adopt rules pursuant to
11 chapter 17A entitling marital and family therapists
12 who are licensed pursuant to chapter 154D to payment
13 for behavioral health services provided to recipients
14 of medical assistance, subject to limitations and
15 exclusions the department finds necessary on the basis
16 of federal laws and regulations.
- 17 2. The department shall adopt rules pursuant to
18 chapter 17A entitling master social workers who hold
19 a master's degree approved by the board of social
20 work, are licensed as a master social worker pursuant
21 to section 154C.3, subsection 1, paragraph "b", and
22 provide treatment services under the supervision of an
23 independent social worker licensed pursuant to section
24 154C.3, subsection 1, paragraph "c", to payment for
25 behavioral health services provided to recipients
26 of medical assistance, subject to limitations and
27 exclusions the department finds necessary on the basis
28 of federal laws and regulations.
- 29 3. The department shall adopt rules pursuant to
30 chapter 17A entitling mental health counselors who
31 are licensed pursuant to chapter 154D to payment for

32 behavioral health services provided to recipients
 33 of medical assistance, subject to limitations and
 34 exclusions the department finds necessary on the basis
 35 of federal laws and regulations.
 36 4. The department shall adopt rules pursuant to
 37 chapter 17A entitling alcohol and drug counselors who
 38 are certified by the nongovernmental Iowa board of
 39 substance abuse certification to payment for behavioral
 40 health services provided to recipients of medical
 41 assistance, subject to limitations and exclusions the
 42 department finds necessary on the basis of federal laws
 43 and regulations.
 44 Sec. 2. MEDICAL ASSISTANCE STATE PLAN — MENTAL
 45 HEALTH COUNSELORS. The department of human services
 46 shall amend the medical assistance state plan to allow
 47 mental health counselors licensed in the state and
 48 alcohol and drug counselors certified in the state to
 49 be participating behavioral health providers under the
 50 medical assistance program.>

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1 2. Title page, by striking lines 1 through 3 and
 2 inserting <An Act relating to payment for behavioral
 3 health services provided by licensed mental health
 4 counselors and certified alcohol and drug counselors
 5 under the Medicaid program.>

S-3174

1 Amend the amendment, S-3172, to Senate File 361, as
 2 passed by the Senate, as follows:
 3 1. Page 1, by striking lines 3 through 9 and
 4 inserting:
 5 <___. Page 1, before line 1 by inserting:
 6 <Section 1. Section 8.7, Code 2011, is amended to
 7 read as follows:
 8 8.7 Reporting of gifts and bequests received.
 9 All gifts and bequests received by a department
 10 or accepted by the governor on behalf of the state
 11 shall be reported to the Iowa ethics and campaign
 12 disclosure board and the general assembly's standing
 13 committees on government oversight. The ethics and
 14 campaign disclosure board shall, by January 31 of each
 15 year, submit to the fiscal services division of the
 16 legislative services agency a written report listing
 17 all gifts and bequests received during the previous
 18 calendar year with a value over one thousand dollars
 19 and the purpose for each such gift or bequest. The
 20 submission shall also include a listing of all gifts
 21 and bequests received by a department from a person if
 22 the cumulative value of all gifts and bequests received

23 by the department from the person during the previous
 24 calendar year exceeds one thousand dollars, and the
 25 ethics and campaign disclosure board shall include, if
 26 available, the purpose for each such gift or bequest.
 27 However, the reports on gifts or bequests filed by the
 28 state board of regents and the Iowa state fair board
 29 pursuant to section 8.44 shall be deemed sufficient to
 30 comply with the requirements of this section. >>

DICK L. DEARDEN

S-3175

1 Amend Senate File 467 as follows:
 2 1. Page 13, after line 1 by inserting:
 3 <Sec. ____ Section 279.58, subsection 1, Code 2011,
 4 is amended by striking the subsection.
 5 Sec. ____ Section 279.58, subsection 2, Code 2011,
 6 is amended to read as follows:
 7 2. The board of directors of a school district may
 8 adopt, for the district or for an individual school
 9 within the district, a dress code policy that ~~prohibits~~
 10 ~~students from wearing gang related or other specific~~
 11 ~~apparel prescribes standard dress, or that otherwise~~
 12 ~~imposes limitations on student dress without limiting~~
 13 ~~a student's constitutional rights and privileges,~~
 14 if the board determines that the policy ~~is necessary~~
 15 ~~for would improve~~ the health, safety, or positive
 16 educational environment of students and staff in the
 17 school environment or for the appropriate discipline
 18 and operation of the school.
 19 3. Adoption and enforcement of a dress code policy
 20 pursuant to this section is not a violation of section
 21 280.22.>
 22 2. Page 19, after line 23 by inserting:
 23 <Sec. ____ EFFECTIVE UPON ENACTMENT. The sections
 24 of this Act amending section 279.58, being deemed of
 25 immediate importance, take effect upon enactment.>
 26 3. By renumbering as necessary.

JEFF DANIELSON
 WILLIAM A. DOTZLER, JR.

S-3176

1 Amend Senate File 465 as follows:
 2 1. By striking everything after the enacting clause
 3 and inserting:
 4 <Section 1. NEW SECTION. 231C.11A Voluntary
 5 cessation of program operations — decertification.
 6 1. The department shall adopt rules regarding
 7 the voluntary cessation of program operations of an
 8 assisted living program, including decertification.

9 The rules shall address notification of the tenants,
10 tenant legal representatives, the department, and
11 the tenant advocate at least ninety days prior to the
12 anticipated date of cessation of program operations;
13 the requirements for the safe and orderly transfer
14 or transition of all tenants; and monitoring of the
15 program during the process and after cessation of
16 program operations.

17 2. Within seven days following provision of notice
18 of cessation of program operations, the assisted
19 living program shall hold a meeting and invite all
20 tenants, tenant legal representatives, families of
21 tenants, representatives of the department, and the
22 tenant advocate to discuss the pending cessation of the
23 program and to answer any questions. The department
24 and the tenant advocate shall have access to attend
25 the meeting and provide information to the tenants
26 regarding their legal rights.

27 3. The tenant advocate shall monitor the
28 decertification process and shall undertake any
29 investigations necessary to ensure that the rights of
30 tenants are protected during the process and after
31 cessation of program operations. The tenant advocate
32 shall assist tenants during the transition, including
33 assisting tenants in finding necessary and appropriate
34 service providers if the assisted living program
35 is unable to provide such necessary and appropriate
36 services during the transition period. The assisted
37 living program shall cooperate with the tenant advocate
38 by providing contact information for service providers
39 within a thirty mile radius of the program.

40 4. Following cessation of program operations and
41 decertification, the department shall retain authority
42 to monitor the decertified program to ensure that the
43 entity does not continue to act as an uncertified
44 assisted living program or other unlicensed,
45 uncertified, or unregistered entity otherwise
46 regulated by the state following decertification. If
47 a decertified assisted living program continues to or
48 subsequently acts in a manner that meets the definition
49 of assisted living pursuant to section 231C.2,
50 the decertified program is subject to the criminal

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1 penalties and injunctive relief provisions of section
2 231C.15, and any other penalties applicable by law.>

3 2. Title page, by striking lines 1 through 3 and
4 inserting <An Act relating to voluntary cessation of
5 program operations and decertification of assisted
6 living programs, and providing penalties.>

S-3177

1 Amend House File 537, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, before line 1 by inserting:
 4 <Section 1. Section 231C.2, Code 2011, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 2A. "Assisted living program"
 7 or "program" means an entity that provides assisted
 8 living.
 9 Sec. ____ Section 231C.5, subsection 2, paragraph
 10 b, Code 2011, is amended to read as follows:
 11 b. (1) A statement regarding the impact of the
 12 fee structure on third-party payments, and whether
 13 third-party payments and resources are accepted by the
 14 assisted living program.
 15 (2) The occupancy agreement shall specifically
 16 include a statement regarding each of the following:
 17 (a) Whether the program requires disclosure of a
 18 tenant's personal financial information for occupancy
 19 or continued occupancy.
 20 (b) The program's policy regarding the continued
 21 tenancy of a tenant following exhaustion of private
 22 resources.
 23 (c) Contact information for the department of human
 24 services and the senior health insurance information
 25 program to assist tenants in accessing third-party
 26 payment sources.>
 27 2. Title page, line 1, after <to> by inserting
 28 <assisted living programs, including>
 29 3. By renumbering as necessary.

WILLIAM A. DOTZLER, JR.

S-3178

1 Amend Senate File 360 as follows:
 2 1. By striking everything after the enacting clause
 3 and inserting:
 4 <Section 1. Section 811.1, subsections 1 and 2,
 5 Code 2011, are amended to read as follows:
 6 1. A defendant awaiting judgment of conviction
 7 and sentencing following either a plea or verdict of
 8 guilty of a class "A" felony, murder, forcible felony
 9 as defined in section 702.11, any class "B" felony
 10 included in section 462A.14 or 707.6A; felonious
 11 assault; felonious child endangerment; sexual abuse in
 12 the second degree; sexual abuse in the third degree;
 13 kidnapping; robbery in the first degree; arson in the
 14 first degree; burglary in the first degree; any felony
 15 included in section 124.401, subsection 1, paragraph
 16 "a" or "b"; or a second or subsequent offense under

17 section 124.401, subsection 1, paragraph “c”; any
 18 felony punishable under section 902.9, subsection 1;
 19 any public offense committed while detained pursuant to
 20 section 229A.5; or any public offense committed while
 21 subject to an order of commitment pursuant to chapter
 22 229A.

23 2. A defendant appealing a conviction of a class
 24 “A” felony; ~~murder~~; forcible felony as defined in
 25 section 702.11; any class “B” or “C” felony included
 26 in section 462A.14 or 707.6A; ~~felonious assault;~~
 27 ~~felonious child endangerment; sexual abuse in the~~
 28 ~~second degree; sexual abuse in the third degree;~~
 29 ~~kidnapping; robbery in the first degree; arson in the~~
 30 ~~first degree; burglary in the first degree~~; any felony
 31 included in section 124.401, subsection 1, paragraph
 32 “a” or “b”; or a second or subsequent conviction under
 33 section 124.401, subsection 1, paragraph “c”; any
 34 felony punishable under section 902.9, subsection 1;
 35 any public offense committed while detained pursuant to
 36 section 229A.5; or any public offense committed while
 37 subject to an order of commitment pursuant to chapter
 38 229A.

39 Sec. 2. Section 903A.2, subsection 3, Code 2011, is
 amended to read as follows:

41 3. Time served in a jail, ~~or~~ municipal holding
 42 facility, or another facility prior to actual placement
 43 in an institution under the control of the department
 44 of corrections and credited against the sentence by
 45 the court shall accrue for the purpose of reduction of
 46 sentence under this section. Time which elapses during
 47 an escape shall not accrue for purposes of reduction of
 48 sentence under this section.

49 Sec. 3. Section 903A.5, subsection 1, Code 2011, is
 50 amended to read as follows:

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1 1. An inmate shall not be discharged from the
 2 custody of the director of the Iowa department of
 3 corrections until the inmate has served the full term
 4 for which the inmate was sentenced, less earned time
 5 and other credits earned and not forfeited, unless
 6 the inmate is pardoned or otherwise legally released.
 7 Earned time accrued and not forfeited shall apply
 8 to reduce a mandatory minimum sentence being served
 9 pursuant to section 124.406, 124.413, 902.7, 902.8,
 10 902.8A, or 902.11. An inmate shall be deemed to be
 11 serving the sentence from the day on which the inmate
 12 is received into the institution. If an inmate was
 13 confined to a county jail, municipal holding facility,
 14 or other correctional or mental facility at any time
 15 prior to sentencing, or after sentencing but prior to

16 the case having been decided on appeal, because of
 17 failure to furnish bail or because of being charged
 18 with a nonbailable offense, the inmate shall be given
 19 credit for the days already served upon the term of the
 20 sentence. However, if a person commits any offense
 21 while confined in a county jail, municipal holding
 22 facility, or other correctional or mental health
 23 facility, the person shall not be granted jail credit
 24 for that offense. Unless the inmate was confined in
 25 a correctional facility, the sheriff of the county in
 26 which the inmate was confined or the officer in charge
 27 of the municipal holding facility in which the inmate
 28 was confined shall certify to the clerk of the district
 29 court from which the inmate was sentenced and to the
 30 department of corrections' records administrator at the
 31 Iowa medical and classification center the number of
 32 days so served. The department of corrections' records
 33 administrator, or the administrator's designee, shall
 34 apply ~~jail~~ credit as ordered by the court of proper
 35 jurisdiction or as authorized by this section and
 36 section 907.3, subsection 3.>

37 2. Title page, by striking lines 1 and 2 and
 38 inserting <An Act relating to criminal defendants
 39 and inmates by modifying bail restrictions placed
 40 on criminal defendants and applying credit for time
 41 served.>

STEVEN J. SODDERS

S-3179

1 Amend Senate File 492 as follows:

2 1. By striking everything after the enacting clause
 3 and inserting:

4 <Section 1. Section 633.635, subsection 2,
 5 paragraph a, Code 2011, is amended to read as follows:

6 a. (1) Changing, at the guardian's request,
 7 the ward's permanent residence if the proposed new
 8 residence is more restrictive of the ward's liberties
 9 than the current residence.

10 (2) If a ward is removed from the ward's residence,
 11 the guardian shall provide, prior to the removal,
 12 notice of the removal to the ward's family by
 13 registered mail and such notice shall include a period
 14 of time for the ward's family to remove personal items
 15 from the ward's home.

16 Sec. 2. Section 633.641, Code 2011, is amended to
 17 read as follows:

18 633.641 Duties of conservator — ward receiving
 19 medical assistance.

20 1. a. It is the duty of the conservator of the
 21 estate to protect and preserve it, to invest it

22 prudently, to account for it as herein provided, and to
 23 perform all other duties required of the conservator by
 24 law, and at the termination of the conservatorship, to
 25 deliver the assets of the ward to the person entitled
 26 thereto.

27 b. If a ward is removed from the ward's residence,
 28 the conservator shall provide, prior to the removal,
 29 notice of the removal to the ward's family by
 30 registered mail and such notice shall include a period
 31 of time for the ward's family to remove personal items
 32 from the ward's home.

33 2. The conservator shall report to the department
 34 of human services the assets and income of any
 35 ward receiving medical assistance under chapter
 36 249A. Reports shall be made upon establishment of
 37 a conservatorship for an individual applying for
 38 or receiving medical assistance, upon application
 39 for benefits on behalf of the ward, upon annual or
 40 semiannual review of continued medical assistance
 41 eligibility, when any significant change in principal
 42 or income occurs in the conservatorship account, or
 43 as otherwise requested by the department of human
 44 services. Written reports shall be provided to
 45 the department of human services county office for
 46 the county in which the ward resides or the county
 47 office in which the ward's medical assistance is
 48 administered.>

DENNIS H. BLACK

S-3180

- 1 Amend Senate File 484 as follows:
 2 1. Page 2, by striking lines 15 through 17 and
 3 inserting:
 4 <NEW PARAGRAPH. x. For midwifery, a total of nine
 5 members, three members who are licensed midwives under
 6 chapter 148F; three members who are licensed under
 7 chapter 148, one of whom is a practicing>
 8 2. Page 4, line 35, by striking <may> and inserting
 9 <shall>
 10 3. Page 5, after line 19 by inserting:
 11 <0c. Adopt rules requiring malpractice liability
 12 insurance coverage and the policy limits of such
 13 coverage.>
 14 4. Page 6, by striking lines 24 through 28.
 15 5. By striking page 6, line 35, through page 7,
 16 line 1.
 17 6. By striking page 7, line 28, through page 8,
 18 line 1.
 19 7. Page 8, by striking lines 3 and 4 and inserting:
 20 <A health care provider caring for a patient that

- 21 has>
 22 8. Page 9, line 6, by striking <sections> and
 23 inserting <section>
 24 9. Page 9, by striking line 7 and inserting
 25 <section 147.2, subsection 1 takes>
 26 10. By renumbering as necessary.

RANDY FEENSTRA

S-3181

- 1 Amend Senate File 484 as follows:
 2 1. Page 4, after line 27 by inserting:
 3 <f. Licensure as a registered nurse pursuant to the
 4 provisions of Code chapter 152.>

SHAWN HAMERLINCK

S-3182

- 1 Amend Senate File 423 as follows:
 2 1. Page 1, after line 24 by inserting:
 3 <Sec. ____ Section 261E.8, subsection 2, Code 2011,
 4 is amended to read as follows:
 5 2. Students from accredited nonpublic schools and
 6 students receiving competent private instruction or
 7 independent private instruction under chapter 299A may
 8 access the program through the school district in which
 9 the accredited nonpublic school or private institution
 10 is located.
 11 Sec. ____ Section 299.1, subsection 1, Code 2011,
 12 is amended to read as follows:
 13 1. Except as provided in section 299.2, the parent,
 14 guardian, or legal or actual custodian of a child
 15 who is of compulsory attendance age, shall cause the
 16 child to attend some public school, or an accredited
 17 nonpublic school, or place the child under competent
 18 private instruction or independent private instruction
 19 in accordance with the provisions of chapter 299A,
 20 during a school year, as defined under section 279.10.
 21 Sec. ____ Section 299.1B, Code 2011, is amended to
 22 read as follows:
 23 299.1B Failure to attend — driver's license.
 24 A person who is of compulsory attendance age, who
 25 is not exempt under section 299.2, who does not attend
 26 a public school, or an accredited nonpublic school,
 27 who is not receiving competent private instruction or
 28 independent private instruction in accordance with the
 29 provisions of chapter 299A, and who does not attend an
 30 alternative school, or adult education classes, shall
 31 not receive an intermediate or full driver's license
 32 until age eighteen.

33 Sec. ____ Section 299.6A, subsection 1, Code 2011,
34 is amended to read as follows:

35 1. In lieu of a criminal proceeding under section
36 299.6, a county attorney may bring a civil action
37 against a parent, guardian, or legal or actual
38 custodian of a child who is of compulsory attendance
39 age, has not completed educational requirements, and
40 is truant, if the parent, guardian, or legal or actual
41 custodian has failed to cause the child to attend a
42 public school; or an accredited nonpublic school, or
43 placed the child under competent private instruction or
44 independent private instruction in the manner provided
45 in this chapter. If the court finds that the parent,
46 guardian, or legal or actual custodian has failed to
47 cause the child to attend as required in this section,
48 the court shall assess a civil penalty of not less than
49 one hundred but not more than one thousand dollars for
50 each violation established.

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1 Sec. ____ Section 299.8, Code 2011, is amended to
2 read as follows:

3 299.8 "Truant" defined.

4 Any child of compulsory attendance age who fails
5 to attend school as provided in this chapter, or as
6 required by the school board's or school governing
7 body's attendance policy, or who fails to attend
8 competent private instruction or independent private
9 instruction under chapter 299A, without reasonable
10 excuse for the absence, shall be deemed to be a truant.
11 A finding that a child is truant, however, shall not
12 by itself mean that the child is a child in need of
13 assistance within the meaning of chapter 232 and shall
14 not be the sole basis for a child in need of assistance
15 petition.

16 Sec. ____ Section 299.11, unnumbered paragraph 1,
17 Code 2011, is amended to read as follows:

18 The truancy officer may take into custody without
19 warrant any apparently truant child and place the
20 child in the charge of the school principal, or the
21 principal's designee, designated by the board of
22 directors of the school district in which the child
23 resides, or of any nonpublic school, or any authority
24 providing competent private instruction or independent
25 private instruction as defined in section 299A.1,
26 subsection 2, designated by the parent, guardian, or
27 legal or actual custodian; but if it is other than a
28 public school, the instruction and maintenance of the
29 child shall be without expense to the school district.
30 If a child is taken into custody under this section,
31 the truancy officer shall make every reasonable attempt

32 to immediately notify the parent, guardian, or legal or
33 actual custodian of the child's location.

34 Sec. ____ Section 299.12, subsection 2, Code 2011,
35 is amended to read as follows:

36 2. This section is not applicable to a child
37 who is receiving competent private instruction or
38 independent private instruction in accordance with the
39 requirements of chapter 299A. If a child is not in
40 compliance with the attendance requirements established
41 under section 299.1, and has not completed educational
42 requirements through the sixth grade, and the school
43 has used every means available to assure the child
44 does attend, the school truancy officer shall contact
45 the child's parent, guardian, or legal or actual
46 custodian to participate in an attendance cooperation
47 meeting. The parties to the attendance cooperation
48 meeting may include the child and shall include the
49 child's parent, guardian, or legal or actual custodian
50 and the school truancy officer. The school truancy

Page 3

1 officer contacting the participants in the attendance
2 cooperation meeting may invite other school officials,
3 a designee of the juvenile court, the county attorney
4 or the county attorney's designee, or other persons
5 deemed appropriate to participate in the attendance
6 cooperation meeting.

7 Sec. ____ Section 299A.1, Code 2011, is amended to
8 read as follows:

9 299A.1 Private Competent private instruction and
10 independent private instruction.

11 1. The parent, guardian, or legal custodian of
12 a child of compulsory attendance age who places the
13 child under private instruction shall provide, unless
14 otherwise exempted, competent private instruction or
15 independent private instruction in accordance with this
16 chapter. A parent, guardian, or legal custodian of
17 a child of compulsory attendance age who places the
18 child under private instruction which is not competent
19 private instruction or independent private instruction,
20 or otherwise fails to comply with the requirements of
21 this chapter, is subject to the provisions of sections
22 299.1 through 299.4 and the penalties provided in
23 section 299.6.

24 2. For purposes of this chapter, ~~“competent and~~
25 chapter 299:

26 a. “Competent private instruction” means private
27 instruction provided on a daily basis for at least
28 one hundred forty-eight days during a school year, to
29 be met by attendance for at least thirty-seven days
30 each school quarter, by or under the supervision of

31 a licensed practitioner in the manner provided under
 32 section 299A.2, or other person under section 299A.3,
 33 which results in the student making adequate progress.
 34 ~~For purposes of this chapter and chapter 299,~~
 35 ~~“private instruction”~~
 36 b. “Independent private instruction” means
 37 instruction that meets the following criteria:
 38 (1) Is not accredited.
 39 (2) Enrolls not more than four unrelated students.
 40 (3) Does not charge tuition, fees, or other
 41 remuneration for instruction.
 42 (4) Provides private or religious-based instruction
 43 as its primary purpose.
 44 (5) Provides enrolled students with instruction in
 45 mathematics, reading and language arts, science, and
 46 social studies.
 47 (6) Provides, upon written request from the
 48 superintendent of the school district in which the
 49 independent private instruction is provided, or from
 50 the director of the department of education, a report

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1 identifying the primary instructor, location, name of
 2 the authority responsible for the independent private
 3 instruction, and the names of the students enrolled.
 4 (7) Is not a nonpublic school and does not provide
 5 competent private instruction as defined in this
 6 subsection.
 7 (8) Is exempt from all state statutes and
 8 administrative rules applicable to a school, a school
 9 board, or a school district, except as otherwise
 10 provided in chapter 299 and this chapter.
 11 c. “Private instruction” means instruction using a
 12 plan and a course of study in a setting other than a
 13 public or organized accredited nonpublic school.
 14 Sec. ____. Section 299A.11, Code 2011, is amended to
 15 read as follows:
 16 299A.11 Student records confidential.
 17 Notwithstanding any provision of law or rule to the
 18 contrary, personal information in records regarding
 19 a child receiving competent private instruction or
 20 independent private instruction pursuant to this
 21 chapter, which are maintained, created, collected,
 22 or assembled by or for a state agency, shall be kept
 23 confidential in the same manner as personal information
 24 in student records maintained, created, collected, or
 25 assembled by or for a school corporation or educational
 26 institution in accordance with section 22.7, subsection
 27 1.
 28 Sec. ____. Section 321.178, subsection 1, paragraph
 29 c, Code 2011, is amended to read as follows:

30 c. Every public school district in Iowa shall offer
31 or make available to all students residing in the
32 school district, or Iowa students attending a nonpublic
33 school or receiving independent private instruction
34 as defined in section 299A.1, subsection 2, in the
35 district, an approved course in driver education.
36 The receiving district shall be the school district
37 responsible for making driver education available
38 to a student participating in open enrollment under
39 section 282.18. The courses may be offered at sites
40 other than at the public school, including nonpublic
41 school facilities within the public school districts.
42 An approved course offered during the summer months,
43 on Saturdays, after regular school hours during the
44 regular terms or partly in one term or summer vacation
45 period and partly in the succeeding term or summer
46 vacation period, as the case may be, shall satisfy the
47 requirements of this section to the same extent as
48 an approved course offered during the regular school
49 hours of the school term. A student who successfully
50 completes and obtains certification in an approved

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1 course in driver education or an approved course in
2 motorcycle education may, upon proof of such fact,
3 be excused from any field test which the student
4 would otherwise be required to take in demonstrating
5 the student's ability to operate a motor vehicle. A
6 student shall not be excused from any field test if a
7 parent, guardian, or instructor requests that a test be
8 administered. A final field test prior to a student's
9 completion of an approved course shall be administered
10 by a person qualified as a classroom driver education
11 instructor and certified to provide street and highway
12 driving instruction. A person qualified as a classroom
13 driver education instructor but not certified to
14 provide street and highway driving instruction may
15 administer the final field test if accompanied by
16 another person qualified to provide street and highway
17 driving instruction.>

18 2. Title page, line 1, after <to> by inserting
19 <private instruction, including>

20 3. Title page, line 3, after <eligibility> by
21 inserting <, and the establishment of an independent
22 private instruction option for students of compulsory
23 attendance age>

24 4. By renumbering as necessary.

BILL DIX
MARK CHELGREN
KENT SORENSON

ROBY SMITH
 HUBERT HOUSER
 JAMES A. SEYMOUR
 JERRY BEHN
 PAUL McKINLEY
 STEVE KETTERING
 BRAD ZAUN
 BILL ANDERSON
 JONI ERNST
 SHAWN HAMERLINCK
 JAMES F. HAHN
 RANDY FEENSTRA
 TIM L. KAPUCIAN
 DAVID JOHNSON
 JACK WHITVER

S-3183

- 1 Amend Senate File 514 as follows:
 2 1. Page 5, before line 33 by inserting:
 3 <Sec. ____ Section 15.293A, Code 2011, is amended
 4 by adding the following new subsection:
 5 NEW SUBSECTION. 14. This section is repealed on
 6 June 30, 2021.>
 7 2. Page 6, before line 9 by inserting:
 8 <Sec. ____ Section 15.293B, Code 2011, is amended
 9 by adding the following new subsection:
 10 NEW SUBSECTION. 4. This section is repealed on
 11 June 30, 2021.>
 12 3. By renumbering as necessary.

MARK CHELGREN

S-3184

- 1 Amend Senate File 517 as follows:
 2 1. Page 11, line 29, by striking <9,696,170> and
 3 inserting <8,660,480>
 4 2. Page 13, before line 17 by inserting:
 5 <Sec. ____ APPROPRIATIONS RESTRICTED. The
 6 department of workforce development shall not use any
 7 of the moneys appropriated pursuant to this Act for
 8 purposes of the national career readiness certificate
 9 program.>
 10 3. By renumbering as necessary.

WILLIAM A. DOTZLER, JR.

S-3185

- 1 Amend Senate File 516 as follows:
 2 1. By striking page 1, line 34, through page 2,

3 line 3, and inserting <residential construction or
4 installation. A tax credit in excess of the taxpayer's
5 liability for the tax year is not refundable but may be
6 credited to the tax liability for the following three
7 years or until depleted, whichever is earlier. A tax
8 credit shall not be carried back to a tax year prior
9 to the tax year in which the taxpayer first receives
10 the tax credit.>

MARK CHELGREN

S-3186

1 Amend Senate File 516 as follows:
2 1. By striking everything after the enacting clause
3 and inserting:
4 <Section 1. Section 422.7, Code 2011, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 34. a. Subtract, to the extent
7 not otherwise deducted or excluded and subject to the
8 limitations of this subsection, thirty percent of
9 the allowable costs incurred for the construction or
10 installation of a solar energy system or a wind energy
11 system.
12 b. The deduction allowed under paragraph "a" shall
13 be limited to the following amounts:
14 (1) In the case of commercial or agricultural
15 construction or installation, fifteen thousand dollars.
16 (2) In the case of residential construction or
17 installation, three thousand dollars.
18 c. To be eligible for a deduction under this
19 subsection, a taxpayer shall meet all of the following
20 conditions:
21 (1) An applicant shall complete and submit an
22 energy audit conducted either by or on behalf of the
23 applicant's electric utility or through a private
24 energy audit service. The level of energy audit to
25 be conducted shall be determined under rules adopted
26 by the department in consultation with the utilities
27 board of the utilities division of the department of
28 commerce.
29 (2) The solar energy system or wind energy system
30 must qualify for the energy star efficiency rating
31 developed by the United States environmental protection
32 agency, or a similar certification program or status
33 designated by the department by rule, if available.
34 (3) The installation must be performed by a
35 licensed or certified installer qualified to install
36 solar energy or wind energy systems and equipment, and
37 must meet or exceed all applicable local building codes
38 and ordinances.
39 d. A person whose application for a solar energy

40 system tax credit certificate or a wind energy system
41 tax credit certificate is denied may file an appeal
42 with the department within sixty days from the date of
43 denial pursuant to the provisions of chapter 17A.

44 e. A taxpayer who is eligible for a deduction under
45 this subsection shall not be eligible to claim the wind
46 energy production tax credit provided in chapter 476B
47 or the renewable energy tax credit provided in chapter
48 476C.

49 f. On or before January 1, annually, the department
50 shall submit a written report to the governor and the

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1 general assembly regarding the amounts claimed as a
2 deduction pursuant to this subsection.

3 g. For purposes of this subsection, the following
4 terms have the following meanings:

5 (1) "Allowable costs" means amounts incurred in
6 the construction or installation of a solar energy
7 system or a wind energy system which are determined by
8 the department by rule to qualify for the deduction
9 pursuant to this subsection.

10 (2) "Residential" means a primary or vacation
11 residence, and excludes rental property.

12 (3) "Solar energy system" means a solar energy
13 facility which collects and converts incident solar
14 radiation into energy to generate electricity.

15 (4) "Wind energy system" means a wind energy
16 conversion system that collects and converts wind
17 into energy to generate electricity, with a nameplate
18 generating capacity of less than or equal to twenty
19 megawatts.

20 Sec. 2. Section 422.35, Code 2011, is amended by
21 adding the following new subsection:

22 NEW SUBSECTION. 25. a. Subtract, to the extent
23 not otherwise deducted or excluded and subject to the
24 limitations of this subsection, thirty percent of
25 the allowable costs incurred for the construction or
26 installation of a solar energy system or a wind energy
27 system.

28 b. The deduction allowed under paragraph "a" shall
29 be limited to the following amounts:

30 (1) In the case of commercial or agricultural
31 construction or installation, fifteen thousand dollars.

32 (2) In the case of residential construction or
33 installation, three thousand dollars.

34 c. To be eligible for a deduction under this
35 subsection, a taxpayer shall meet all of the following
36 conditions:

37 (1) An applicant shall complete and submit an
38 energy audit conducted either by or on behalf of the

39 applicant's electric utility or through a private
40 energy audit service. The level of energy audit to
41 be conducted shall be determined under rules adopted
42 by the department in consultation with the utilities
43 board of the utilities division of the department of
44 commerce.

45 (2) The solar energy system or wind energy system
46 must qualify for the energy star efficiency rating
47 developed by the United States environmental protection
48 agency, or a similar certification program or status
49 designated by the department by rule, if available.

50 (3) The installation must be performed by a

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1 licensed or certified installer qualified to install
2 solar energy or wind energy systems and equipment, and
3 must meet or exceed all applicable local building codes
4 and ordinances.

5 d. A person whose application for a solar energy
6 system tax credit certificate or a wind energy system
7 tax credit certificate is denied may file an appeal
8 with the department within sixty days from the date of
9 denial pursuant to the provisions of chapter 17A.

10 e. A taxpayer who is eligible for a deduction under
11 this subsection shall not be eligible to claim the wind
12 energy production tax credit provided in chapter 476B
13 or the renewable energy tax credit provided in chapter
14 476C.

15 f. On or before January 1, annually, the department
16 shall submit a written report to the governor and the
17 general assembly regarding the amounts claimed as a
18 deduction pursuant to this subsection.

19 g. For purposes of this subsection, the following
20 terms have the following meanings:

21 (1) "Allowable costs" means amounts incurred in the
22 construction or installation of a solar energy system
23 or a wind energy system which are determined by the
24 department by rule to qualify for the tax credit issued
25 pursuant to this subsection.

26 (2) "Residential" means a primary or vacation
27 residence, and excludes rental property.

28 (3) "Solar energy system" means a solar energy
29 facility which collects and converts incident solar
30 radiation into energy to generate electricity.

31 (4) "Wind energy system" means a wind energy
32 conversion system that collects and converts wind
33 into energy to generate electricity, with a nameplate
34 generating capacity of less than or equal to twenty
35 megawatts.

36 Sec. 3. RETROACTIVE APPLICABILITY. This Act
37 applies retroactively to January 1, 2011, for tax years

38 beginning on or after that date.>
 39 2. Title page, by striking lines 1 through 4 and
 40 inserting <An Act excluding from the computation of net
 41 income specified amounts incurred in the construction
 42 and installation of solar energy systems and wind
 43 energy systems and including retroactive applicability
 44 provisions.>

MARK CHELGREN

S-3187

1 Amend Senate File 516 as follows:
 2 1. By striking everything after the enacting clause
 3 and inserting:
 4 <Section 1. Section 422.7, Code 2011, is amended by
 5 adding the following new subsection:
 6 NEW SUBSECTION. 34. a. Subtract, to the extent
 7 not otherwise deducted or excluded and subject to the
 8 limitations of this subsection, thirty percent of
 9 the allowable costs incurred for the construction or
 10 installation of a solar energy system or a wind energy
 11 system.
 12 b. The deduction allowed under paragraph "a" shall
 13 be limited to the following amounts:
 14 (1) In the case of commercial or agricultural
 15 construction or installation, fifteen thousand dollars.
 16 (2) In the case of residential construction or
 17 installation, three thousand dollars.
 18 c. To be eligible for a deduction under this
 19 subsection, a taxpayer shall meet all of the following
 20 conditions:
 21 (1) An applicant shall complete and submit an
 22 energy audit conducted either by or on behalf of the
 23 applicant's electric utility or through a private
 24 energy audit service. The level of energy audit to
 25 be conducted shall be determined under rules adopted
 26 by the department in consultation with the utilities
 27 board of the utilities division of the department of
 28 commerce.
 29 (2) The solar energy system or wind energy system
 30 must qualify for the energy star efficiency rating
 31 developed by the United States environmental protection
 32 agency, or a similar certification program or status
 33 designated by the department by rule, if available.
 34 (3) The installation must be performed by a
 35 licensed or certified installer qualified to install
 36 solar energy or wind energy systems and equipment, and
 37 must meet or exceed all applicable local building codes
 38 and ordinances.
 39 d. A taxpayer who is eligible for a deduction under
 40 this subsection shall not be eligible to claim the wind

41 energy production tax credit provided in chapter 476B
42 or the renewable energy tax credit provided in chapter
43 476C.

44 e. On or before January 1, annually, the department
45 shall submit a written report to the governor and the
46 general assembly regarding the amounts claimed as a
47 deduction pursuant to this subsection.

48 f. For purposes of this subsection, the following
49 terms have the following meanings:

50 (1) "Allowable costs" means amounts incurred in

Page 2

1 the construction or installation of a solar energy
2 system or a wind energy system which are determined by
3 the department by rule to qualify for the deduction
4 pursuant to this subsection.

5 (2) "Residential" means a primary or vacation
6 residence, and excludes rental property.

7 (3) "Solar energy system" means a solar energy
8 facility which collects and converts incident solar
9 radiation into energy to generate electricity.

10 (4) "Wind energy system" means a wind energy
11 conversion system that collects and converts wind
12 into energy to generate electricity, with a nameplate
13 generating capacity of less than or equal to twenty
14 megawatts.

15 Sec. 2. Section 422.35, Code 2011, is amended by
16 adding the following new subsection:

17 NEW SUBSECTION. 25. a. Subtract, to the extent
18 not otherwise deducted or excluded and subject to the
19 limitations of this subsection, thirty percent of
20 the allowable costs incurred for the construction or
21 installation of a solar energy system or a wind energy
22 system.

23 b. The deduction allowed under paragraph "a" shall
24 be limited to the following amounts:

25 (1) In the case of commercial or agricultural
26 construction or installation, fifteen thousand dollars.

27 (2) In the case of residential construction or
28 installation, three thousand dollars.

29 c. To be eligible for a deduction under this
30 subsection, a taxpayer shall meet all of the following
31 conditions:

32 (1) An applicant shall complete and submit an
33 energy audit conducted either by or on behalf of the
34 applicant's electric utility or through a private
35 energy audit service. The level of energy audit to
36 be conducted shall be determined under rules adopted
37 by the department in consultation with the utilities
38 board of the utilities division of the department of
39 commerce.

- 40 (2) The solar energy system or wind energy system
41 must qualify for the energy star efficiency rating
42 developed by the United States environmental protection
43 agency, or a similar certification program or status
44 designated by the department by rule, if available.
- 45 (3) The installation must be performed by a
46 licensed or certified installer qualified to install
47 solar energy or wind energy systems and equipment, and
48 must meet or exceed all applicable local building codes
49 and ordinances.
- 50 d. A taxpayer who is eligible for a deduction under

Page 3

- 1 this subsection shall not be eligible to claim the wind
2 energy production tax credit provided in chapter 476B
3 or the renewable energy tax credit provided in chapter
4 476C.
- 5 e. On or before January 1, annually, the department
6 shall submit a written report to the governor and the
7 general assembly regarding the amounts claimed as a
8 deduction pursuant to this subsection.
- 9 f. For purposes of this subsection, the following
10 terms have the following meanings:
- 11 (1) "Allowable costs" means amounts incurred in
12 the construction or installation of a solar energy
13 system or a wind energy system which are determined by
14 the department by rule to qualify for the deduction
15 pursuant to this subsection.
- 16 (2) "Residential" means a primary or vacation
17 residence, and excludes rental property.
- 18 (3) "Solar energy system" means a solar energy
19 facility which collects and converts incident solar
20 radiation into energy to generate electricity.
- 21 (4) "Wind energy system" means a wind energy
22 conversion system that collects and converts wind
23 into energy to generate electricity, with a nameplate
24 generating capacity of less than or equal to twenty
25 megawatts.
- 26 Sec. 3. RETROACTIVE APPLICABILITY. This Act
27 applies retroactively to January 1, 2011, for tax years
28 beginning on or after that date.>
- 29 2. Title page, by striking lines 1 through 4 and
30 inserting <An Act excluding from the computation of net
31 income specified amounts incurred in the construction
32 and installation of solar energy systems and wind
33 energy systems and including retroactive applicability
34 provisions.>

MARK CHELGREN

S-3188

1 Amend Senate File 478 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. Section 459.501, subsections 1, 3, and
5 5, Code 2011, are amended to read as follows:

6 1. A ~~manure storage indemnity~~ livestock remediation
7 fund is created as a separate fund in the state
8 treasury under the control of the department. The
9 general fund of the state is not liable for claims
10 presented against the fund.

11 3. a. The moneys collected under this section
12 shall be deposited in the fund and shall be
13 appropriated to the department for the following
14 ~~exclusive purpose of providing purposes:~~

15 (1) To provide moneys for cleanup of abandoned
16 facilities as provided in section 459.505, and to pay
17 the department for costs related to administering the
18 provisions of this subchapter. For each fiscal year,
19 the department shall not use more than one percent of
20 the total amount which is available in the fund or ten
21 thousand dollars, whichever is less, to pay for the
22 costs of administration.

23 (2) To allocate moneys to the department of
24 agriculture and land stewardship for the payment of
25 expenses incurred by the department of agriculture and
26 land stewardship associated with providing for the
27 sustenance and disposition of livestock in immediate
28 need of sustenance pursuant to chapter 717. The
29 department of natural resources shall allocate any
30 amount of unencumbered and unobligated moneys demanded
31 in writing by the department of agriculture and land
32 stewardship as provided in this subparagraph. The
33 department of natural resources shall complete the
34 allocation upon receiving the demand.

35 b. Moneys in the fund shall not be subject to
36 appropriation or expenditure for any other purpose than
37 provided in this section.

38 5. The following shall apply to moneys in the fund:

39 a. (1) The executive council may allocate moneys
40 from the general fund of the state as provided in
41 section 7D.10A in an amount necessary to support the
42 fund, including the following:

43 (a) The payment of claims as provided in section
44 459.505.

45 (b) The allocation of moneys to the department
46 of agriculture and land stewardship for the payment
47 of expenses incurred by the department of agriculture
48 and land stewardship associated with providing for the
49 sustenance and disposition of livestock pursuant to
50 chapter 717.

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1 ~~(2) However, an~~ Notwithstanding subparagraph (1),
 2 the allocation of moneys from the general fund of the
 3 state shall be made only if the amount of moneys in the
 4 fund, which are not obligated or encumbered, and not
 5 counting the department's estimate of the cost to the
 6 fund for pending or unsettled claims, ~~the amount to be~~
 7 allocated to the department of agriculture and land
 8 stewardship, and any amount required to be credited to
 9 the general fund of the state under this subsection, is
 10 less than one million dollars.

11 b. The department of natural resources shall credit
 12 an amount to the general fund of the state which
 13 is equal to an amount allocated to the fund by the
 14 executive council under paragraph "a". The department
 15 shall credit the moneys to the general fund of the
 16 state if the moneys in the fund which are not obligated
 17 or encumbered, and not counting the department's
 18 estimate of the cost to the fund for pending or
 19 unsettled claims, the amount to be allocated to the
 20 department of agriculture and land stewardship, and
 21 any amount required to be transferred to the general
 22 fund under this paragraph, are in excess of two million
 23 five hundred thousand dollars. The department is not
 24 required to credit the total amount to the general fund
 25 of the state during any one fiscal year.

26 Sec. 2. Section 579A.2, subsection 5, Code 2011, is
 27 amended to read as follows:

28 5. a. ~~Except as provided in this paragraph, a~~ A
 29 custom cattle feedlot lien that is perfected under
 30 this section is superior to and shall have priority
 31 over a conflicting lien or security interest in the
 32 cattle, including a lien or security interest that was
 33 perfected prior to the perfection of the custom cattle
 34 feedlot lien. ~~However~~

35 b. ~~Notwithstanding paragraph "a",~~ a custom cattle
 36 feedlot lien shall not be superior to a court-ordered
 37 lien provided in section 717.4 or a veterinarian's
 38 lien created under chapter 581, ~~that if such lien~~
 39 is perfected as an agricultural lien as provided in
 40 chapter 554, article 9.

41 ~~b. c.~~ A custom cattle feedlot lien that is
 42 effective but not perfected under this section has
 43 priority as provided in section 554.9322.

44 Sec. 3. Section 579B.4, subsection 4, paragraph a,
 45 Code 2011, is amended to read as follows:

46 a. ~~(1) Except as provided in this paragraph, a~~ A
 47 commodity production contract lien that is perfected
 48 under this section is superior to and shall have
 49 priority over a conflicting lien or security interest
 50 in the commodity, including a lien or security interest

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1 that was perfected prior to the perfection of the
2 commodity production contract lien under this chapter.

3 ~~However~~

4 (2) Notwithstanding subparagraph (1), a commodity
5 production contract lien shall not be superior to a
6 court ordered lien provided in section 717.4 or a
7 veterinarian's lien created under chapter 581, ~~that~~ if
8 such lien is perfected as an agricultural lien.

9 Sec. 4. Section 581.2, subsection 2, Code 2011, is
10 amended to read as follows:

11 2. a. A veterinarian's lien that is perfected
12 under section 581.3 shall have priority over any
13 conflicting security interest or lien in livestock
14 treated by a veterinarian, regardless of when such
15 security interest or lien is perfected.

16 b. Notwithstanding paragraph "a", a veterinarian's
17 lien shall not be superior to a court ordered lien
18 provided in section 717.4, if such lien is perfected as
19 an agricultural lien.

20 Sec. 5. Section 717.1, Code 2011, is amended by
21 adding the following new subsections:

22 NEW SUBSECTION. 01. "Department" means the
23 department of agriculture and land stewardship.

24 NEW SUBSECTION. 001. "Electronic mail" means any
25 message transmitted through the internet including but
26 not limited to messages transmitted from or to any
27 address affiliated with an internet site.

28 Sec. 6. NEW SECTION. 717.3 Livestock in immediate
29 need of sustenance — court order.

30 1. This section applies only to livestock which are
31 cattle, sheep, swine, or poultry.

32 2. For purposes of this section, "interested person"
33 means all of the following:

34 a. An owner of the livestock.

35 b. A person caring for the livestock, if different
36 from the owner of the livestock.

37 c. A person holding a perfected agricultural lien
38 or security interest in the livestock under chapter
39 554.

40 3. The department may determine that some or all
41 of the livestock kept by a person are in immediate
42 need of sustenance. Upon making the determination the
43 department may file a petition with a district court
44 in a county where some or all of the livestock are
45 kept requesting the court to issue an order to provide
46 sustenance of the livestock. The petition may be made
47 separately or with a petition filed pursuant to section
48 717.5. The petition must at least include all of the
49 following:

50 a. A statement signed by a veterinarian licensed

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- 1 pursuant to chapter 169 stating that the livestock are
2 in immediate need of sustenance.
- 3 b. The address of each location where the livestock
4 are kept.
- 5 c. A brief description of the livestock.
- 6 d. The name and address of each interested person,
7 if known.
- 8 e. The name and address of each qualified person
9 appointed by the department to provide sustenance to
10 the livestock.
- 11 4. Upon receiving the petition, the court may do
12 any of the following:
- 13 a. Notify any interested person that the petition
14 has been filed with the court. The notification must
15 be made in writing and may be delivered by ordinary,
16 certified, or restricted certified mail by United
17 States postal service; delivered by a common carrier;
18 or transmitted by electronic mail.
- 19 b. Hold a hearing to determine whether the
20 livestock are in immediate need of sustenance.
- 21 5. If the court determines that the livestock are
22 in immediate need of sustenance, the court shall issue
23 an order which at least declares all of the following:
- 24 a. That the livestock are in immediate need of
25 sustenance.
- 26 b. That the department shall assume supervision of
27 and provide for the sustenance of the livestock and as
28 provided in section 717.4.
- 29 c. That a lien is created attaching to the
30 livestock and associated proceeds and products as
31 provided in section 717.4.
- 32 6. The department shall assume supervision of
33 the livestock as provided in the court order. The
34 department may directly provide for the sustenance of
35 the livestock or appoint a qualified person to provide
36 for such sustenance.
- 37 Sec. 7. NEW SECTION. 717.4 Livestock in immediate
38 need of sustenance — lien.
- 39 1. This section applies to a lien created by a
40 court order entered pursuant to section 717.3 or 717.5.
41 The court ordered lien is an agricultural lien subject
42 to chapter 554 except as otherwise provided in this
43 section.
- 44 2. The court ordered lien shall be for the benefit
45 of the department. The amount of the lien shall be not
46 more than expenses incurred in providing sustenance to
47 the livestock pursuant to section 717.3 and providing
48 for the disposition of the livestock pursuant to
49 section 717.5.
- 50 3. The court ordered lien shall attach to the

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1 livestock, identifiable proceeds from the disposition
2 of the livestock, and products from the livestock in
3 the products' unmanufactured states.

4 4. The court ordered lien becomes effective on the
5 date that the court order is entered. To perfect the
6 lien, the department must file a financing statement
7 in the office of the secretary of state as provided
8 in sections 554.9308 and 554.9310 on or after but not
9 later than twenty days after the effective date of
10 the lien. For purposes of chapter 554, article 9,
11 the department is a secured party; the owner of the
12 livestock is a debtor; and the livestock and associated
13 proceeds and products as provided in subsection 3 are
14 the collateral.

15 5. The court ordered lien that is perfected under
16 this section is superior to and shall have priority
17 over a conflicting lien or security interest in the
18 livestock and associated proceeds and products as
19 provided in subsection 3, including a lien or security
20 interest that was perfected prior to the perfection of
21 the court ordered lien.

22 Sec. 8. NEW SECTION. 717.4A Livestock in immediate
23 need of sustenance — livestock remediation fund.

24 The department may utilize the moneys deposited
25 into the livestock remediation fund pursuant to
26 section 459.501 to pay for any expenses associated
27 with providing sustenance to or the disposition of the
28 livestock pursuant to a court order entered pursuant to
29 section 717.3 or 717.5. The department shall utilize
30 moneys from the fund only to the extent that the
31 department determines that expenses cannot be timely
32 paid by utilizing the available provisions of sections
33 717.4 and 717.5. The department shall deposit any
34 unexpended and unobligated moneys in the fund. The
35 department shall pay the fund the proceeds from the
36 disposition of the livestock and associated products
37 less expenses incurred by the department in providing
38 for the sustenance and disposition of the livestock, as
39 provided in section 717.5.

40 Sec. 9. Section 717.5, subsections 1 through 3,
41 Code 2011, are amended to read as follows:

42 1. a. A court shall order the disposition of
43 livestock neglected as provided in section 717.2 ~~after~~
44 ~~a hearing upon application or petition to the court~~
45 ~~or livestock in immediate need of sustenance and~~
46 ~~associated products as provided in sections 717.3 and~~
47 ~~717.4 in accordance with this section.~~

48 (1) A petition may be filed by a local authority or
49 a person owning or caring for the livestock pursuant
50 to section 717.2.

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1 (2) A petition may be filed by the department.
2 The court shall notify interested persons in the same
3 manner as provided in section 717.3. The petition may
4 be filed separately or with a petition filed pursuant
5 to section 717.3.

6 b. The matter shall be heard by the court within
7 ten days from the filing of a the petition by the local
8 authority or the person.

9 (1) The For livestock alleged to be neglected under
10 section 717.2, the court may continue the hearing for
11 up to forty days upon petition by the person. However,
12 the person shall post a bond or other security with the
13 local authority in an amount determined by the court,
14 which shall not be more than the amount sufficient to
15 provide for the maintenance of the livestock for forty
16 days. The court may grant a subsequent continuance by
17 the person for the same length of time if the person
18 submits a new bond or security.

19 (2) For livestock alleged to be in immediate need
20 of sustenance under section 717.3, the court may
21 continue the hearing for up to forty days upon petition
22 by the department. The department may file and the
23 court may grant one or more subsequent continuances
24 each for up to forty days. The department is not
25 required to post a bond or other security.

26 c. However, the Notwithstanding paragraph "b", the
27 court shall order the immediate disposition of the
28 livestock if the livestock is permanently distressed
29 by disease or injury to a degree that would result in
30 severe or prolonged suffering.

31 2. The hearing to determine if livestock has
32 been neglected under section 717.2 for purposes of
33 disposition shall be a civil proceeding. If the case
34 is related to a criminal proceeding under section
35 717.2, the disposition shall not be part of that
36 proceeding and shall not be considered a criminal
37 penalty imposed on a person found in violation of
38 section 717.2.

39 3. A court may order a person owning the neglected
40 livestock neglected under section 717.2 or in immediate
41 need of sustenance under section 717.3 to pay an amount
42 associated with expenses associated with the livestock
43 as follows:

44 a. (1) which For livestock neglected under section
45 717.2, the amount shall not be more than the for
46 expenses incurred by the local authority in maintaining
47 and disposing the neglected livestock rescued pursuant
48 to section 717.2A, and reasonable attorney fees and
49 expenses related to the investigation of the case. The
50 remaining amount of a bond or other security posted

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1 pursuant to ~~this section~~ subsection 1 shall be used to
2 reimburse the local authority.

3 (2) For livestock in immediate need of sustenance
4 under section 717.3, the amount shall not be more than
5 for expenses incurred by the department in providing
6 sustenance to and disposing of the neglected livestock
7 as provided in section 717.3 and this section. The
8 amount paid to the department shall be sufficient to
9 allow the department to repay the livestock remediation
10 fund as provided in section 459.501.

11 b. If more than one person has a divisible
12 ownership interest in the livestock, the amount
13 required to be paid shall be prorated based on the
14 percentage of interest in the livestock owned by
15 each person. The moneys shall be paid to the local
16 authority or department incurring the expense as
17 provided in paragraph "a". The amount shall be
18 subtracted from proceeds owed to the owner or owners of
19 the livestock, which are received from the sale of the
20 livestock ordered by the court.

21 c. (1) Moneys owed to the local authority from
22 the sale of neglected livestock that have been rescued
23 by a local authority pursuant to section 717.2A shall
24 be paid to the local authority before satisfying
25 indebtedness secured by any security interest in or
26 lien on the livestock. Moneys owed to the department
27 from the sale of livestock in immediate need of
28 sustenance and associated products shall be paid to
29 the department according to its priority status as a
30 lienholder as provided in section 717.4.

31 (2) If an owner of the livestock is a landowner,
32 the local authority may submit an amount of the moneys
33 owed to the clerk of the county board of supervisors
34 who shall report the amount to the county treasurer.
35 The amount shall equal the balance remaining after the
36 sale of the livestock. If the livestock owner owns a
37 percentage of the livestock, the reported amount shall
38 equal the remaining balance owed by all landowners
39 who own a percentage of the livestock. That amount
40 shall be prorated among the landowners based on the
41 percentage of interest in the livestock attributable to
42 each landowner. The amount shall be placed upon the
43 tax books, and collected with interest and penalties
44 after due, in the same manner as other unpaid property
45 taxes. The county shall reimburse a city within thirty
46 days from the collection of the property taxes.

47 Sec. 10. NEW SECTION. 717.6 Rulemaking.

48 The department may adopt rules pursuant to chapter
49 17A as required to implement and administer sections
50 717.3 through 717.5.

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- 1 Sec. 11. CODE EDITOR DIRECTIVE. Sections 7D.10A,
 2 459.303, 459.503A, and 460.206, Code 2011, are amended
 3 by striking from the sections the words “manure storage
 4 indemnity fund” and inserting in lieu thereof the words
 5 “livestock remediation fund”.>
 6 2. By renumbering as necessary.

TOM RIELLY
 JOE M. SENG

S-3189

- 1 Amend Senate File 252 as follows:
 2 1. Page 5, by striking lines 8 through 11 and
 3 inserting:
 4 <3. In an action under this section, the court
 5 shall award to the prevailing party the costs of
 6 the action and to the prevailing party’s attorney
 7 reasonable attorney fees.>
 8 2. Page 5, by striking lines 12 through 16.
 9 3. By striking page 5, line 21, through page 6,
 10 line 3 and inserting:
 11 <b. Rental agreements shall be canceled by at least
 12 sixty days’ written notice given by either party. A
 13 landlord shall not cancel a rental agreement solely for
 14 the purpose of making the tenant’s mobile home space
 15 available for another mobile home.>
 16 4. Page 7, by striking lines 17 and 18 and
 17 inserting <section 562B.16. In any such action the
 18 court may award to the prevailing party the costs of
 19 the action and to the prevailing party’s attorney
 20 reasonable attorney fees.>
 21 5. By striking page 8, line 18, through page 9,
 22 line 24.
 23 6. Page 9, by striking lines 25 and 26 and
 24 inserting:
 25 <Sec. ____ Section 562B.31, Code 2011, is amended
 26 to read as follows:
 27 562B.31 Landlord and tenant remedies for abuse of
 28 access to mobile home space.
 29 1. If the tenant refuses to allow lawful access
 30 to the mobile home space, the landlord may terminate
 31 the rental agreement and may recover actual damages
 32 plus attorney fees to be awarded to the landlord’s
 33 attorney.>
 34 7. Page 10, by striking lines 15 through 32.
 35 8. Page 11, line 1, by striking <If> and inserting
 36 <If Except as provided in subsection 2, if>
 37 9. Page 11, line 4, after <execution> by inserting
 38 <shall issue providing>

39 10. Page 11, by striking line 5 and inserting <from
40 the entry of judgment shall issue accordingly, to which
41 shall be>

42 11. Page 11, by striking lines 8 through 11 and
43 inserting:

44 <2. In cases covered by chapter 562B, if the
45 defendant is found guilty, judgment shall be entered
46 that the defendant be removed from the premises,
47 and that the plaintiff be put in possession of the
48 premises, and an execution shall issue providing for
49 the defendant's removal within seven days from the
50 entry of judgment, to which shall be added a clause

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1 commanding the officer to collect the costs as in
2 ordinary cases. The order of judgment entered by the
3 court shall describe the rights of each party described
4 in section 648.22A.>

5 12. Page 11, line 20, by striking <three> and
6 inserting <~~three~~ seven>

7 13. Page 11, by striking lines 22 through 28 and
8 inserting <be removed without the prior payment to the
9 plaintiff of all sums owing at the time of entry of
10 judgment, interest accrued on such sums as provided
11 by law, and per diem rent for that portion of the
12 sixty-day period>

13 14. By striking page 11, line 31, through page 12,
14 line 1.

15 15. By renumbering as necessary.

RANDY FEENSTRA

S-3190

1 Amend Senate File 466 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:
4 <Section 1. NEW SECTION. 103A.71 Residential
5 contractors.

6 1. As used in this section:

7 a. "Catastrophe" means a natural occurrence
8 including but not limited to fire, flood, drought,
9 earthquake, tornado, windstorm, or hailstorm, which
10 damages or destroys residential real estate.

11 b. "Residential contractor" means a person in the
12 business of contracting to repair or replace roof
13 systems or perform any other exterior repair, exterior
14 replacement, or exterior reconstruction work resulting
15 from a catastrophe on residential real estate or a
16 person offering to contract with an owner or possessor
17 of residential real estate to carry out such work.

18 c. "Residential real estate" means a new or existing
19 building, including a detached garage, constructed for
20 habitation by one to four families.

21 d. "Roof system" includes roof coverings, roof
22 sheathing, roof weatherproofing, and roof insulation.

23 2. A residential contractor shall not advertise
24 or promise to rebate any insurance deductible or
25 any portion thereof as an inducement to the sale of
26 goods or services. A promise to rebate any insurance
27 deductible includes granting any allowance or offering
28 any discount against the fees to be charged or
29 paying an insured or a person directly or indirectly
30 associated with the property any form of compensation,
31 except for items of nominal value. A residential
32 contractor may display a sign or other advertisement
33 on a person's residential property provided that the
34 person consents to the display and the person receives
35 no compensation from the residential contractor for the
36 placement of the sign or advertising.

37 3. A person who has entered into a written contract
38 with a residential contractor providing goods or
39 services to be paid from the proceeds of a property
40 and casualty insurance policy may cancel the contract
41 prior to midnight on the earlier of the third business
42 day after the person has received written notice from
43 the person's insurer that all or part of the claim or
44 contract is not a covered loss under the insurance
45 policy or the thirtieth business day after receipt
46 of properly executed proofs of loss by the insurer
47 from the insured. Cancellation shall be evidenced by
48 the person giving written notice of the cancellation
49 to the residential contractor at the address of the
50 residential contractor's place of business as stated

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1 in the contract. Written notice of cancellation
2 may be given by delivering or mailing a signed and
3 dated copy of the written notice of cancellation
4 to the residential contractor at the address of the
5 residential contractor's place of business as stated in
6 the contract. The notice of cancellation shall include
7 a copy of the written notice from the person's insurer
8 to the effect that all or part of the claim or contract
9 is not a covered loss under the insurance policy.
10 Notice of cancellation given by mail shall be effective
11 upon deposit into the United States mail with prepaid
12 postage, if properly addressed to the residential
13 contractor. Notice of cancellation need not take
14 a particular form, and is sufficient if the notice
15 indicates, by any form of written expression, the
16 intent of the insured not to be bound by the contract.

17 4. Before entering into a contract to provide goods
 18 or services to be paid from the proceeds of a property
 19 and casualty insurance policy, a residential contractor
 20 shall provide the insured along with the contract
 21 all of the following documents in substantially the
 22 following form:

23 a. The following statement in at least ten-point
 24 bold type:

25 **RIGHT OF CANCELLATION**

26 You may cancel this contract at any time prior to
 27 midnight on the earlier of the third business day
 28 after you have received written notification from your
 29 insurer that all or any part of the claim or contract
 30 is not a covered loss under your insurance policy or
 31 the thirtieth business day after your insurer has
 32 received properly executed proofs of loss from you.
 33 See the attached notice of cancellation form for an
 34 explanation of this right.

35 b. A fully completed duplicate form which shall
 36 accompany the contract, shall be easily detachable, and
 37 which shall contain the following statement in at least
 38 ten-point bold type:

39 **NOTICE OF CANCELLATION**

40 You may cancel the contract by mailing or delivering
 41 a signed and dated copy of this cancellation notice
 42 or any other written notice of cancellation to (name
 43 of contractor) at (address of contractor's place of
 44 business) at any time prior to midnight on the earlier
 45 of the third business day after you have received
 46 notice from your insurer that all or any part of the
 47 claim or contract is not a covered loss under your
 48 insurance policy or the thirtieth business day after
 49 your insurer has received properly executed proofs
 50 of loss from you. If you cancel the contract, any

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1 payments made by you under the contract, other than
 2 payments for goods or services related to a catastrophe
 3 which you agreed in writing to be necessary to prevent
 4 damage to your property, will be returned to you within
 5 ten business days following receipt by the contractor
 6 of your cancellation notice.

7 I hereby cancel this contract.

8 _____

9 Date

10 _____

11 Consumer's signature

12 5. Within ten days after a contract to provide
 13 goods or services to be paid from the proceeds of
 14 a property and casualty insurance policy has been
 15 canceled by notification pursuant to this section,

16 the residential contractor shall tender to the person
 17 canceling the contract any payments, partial payments,
 18 or deposits made by the person and any note or other
 19 evidence of indebtedness. However, if the residential
 20 contractor has provided any goods or services related
 21 to a catastrophe, agreed by the person in writing to
 22 be necessary to prevent damage to the premises, the
 23 residential contractor shall be entitled to be paid
 24 the reasonable value of such goods or services. Any
 25 provision in a contract to provide goods or services to
 26 be paid from the proceeds of a property and casualty
 27 insurance policy that requires the payment of any
 28 fee which is not for goods or services related to a
 29 catastrophe shall not be enforceable against any person
 30 who has canceled a contract pursuant to this section.

31 6. A residential contractor shall not represent
 32 or negotiate on behalf of, or offer or advertise
 33 to represent or negotiate on behalf of, an owner or
 34 possessor of residential real estate on any insurance
 35 claim in connection with the repair or replacement
 36 of roof systems, or the performance of any other
 37 exterior repair, exterior replacement, or exterior
 38 reconstruction work on the residential real estate.

39 7. A residential contractor violating this section
 40 is subject to the penalties and remedies prescribed by
 41 this chapter.

42 Sec. 2. APPLICABILITY. This Act applies to
 43 contracts entered into on or after the effective date
 44 of this Act.>

SWATI A. DANDEKAR

S-3191

1 Amend House File 557, as passed by the House, as
 2 follows:

- 3 1. Page 1, line 25, by striking <veterinarian> and
 4 inserting <sponsor of the exhibition>
- 5 2. By renumbering as necessary.

COMMITTEE ON AGRICULTURE
 JOE M. SENG, Chair

S-3192

1 Amend House File 589, as amended, passed, and
 2 reprinted by the House, as follows:

- 3 1. Page 1, by striking lines 1 through 17 and
 4 inserting:
 5 <Sec. ____ Section 717A.1, Code 2011, is amended by
 6 adding the following new subsection:
 7 NEW SUBSECTION. 1A. "Agricultural animal facility"

8 or “facility” means a location where an agricultural
 9 animal is maintained, including but not limited to a
 10 location dedicated to farming as defined in section
 11 9H.1, a livestock market, or an exhibition.

12 Sec. ____ Section 717A.1, subsection 2, Code 2011,
 13 is amended to read as follows:

14 2. “Agricultural production” means any activity
 15 related to maintaining an agricultural animal at
 16 an agricultural animal facility or a crop on crop
 17 operation property.

18 Sec. ____ Section 717A.1, subsections 3 and 4, Code
 19 2011, are amended by striking the subsections.>

20 2. By striking page 1, line 25, through page 2,
 21 line 1, and inserting:

22 <Sec. ____ Section 717A.1, subsection 9, paragraph
 23 a, Code 2011, is amended to read as follows:

24 a. For an agricultural animal maintained at an
 25 agricultural animal facility or property ~~belonging~~
 26 ~~to~~ kept at an agricultural animal facility, “deprive”
 27 means to do any of the following:

28 (1) Withhold the agricultural animal or property
 29 for a period of time sufficient to significantly reduce
 30 the value or enjoyment of the agricultural animal or
 31 property.

32 (2) Withhold the agricultural animal or
 33 property for ransom or upon condition to restore
 34 the agricultural animal or property in return for
 35 compensation.

36 (3) Dispose of the agricultural animal or property
 37 in a manner that makes recovery of the agricultural
 38 animal or property by its owner unlikely.

39 Sec. ____ Section 717A.1, subsection 10, paragraph
 40 a, Code 2011, is amended to read as follows:

41 a. Keep and provide for the care and feeding of any
 42 agricultural animal, including any activity relating
 43 to confining, handling, breeding, transporting, or
 44 exhibiting the animal.>

45 3. Page 2, by striking line 5 and inserting <a
 46 legal interest in an agricultural animal maintained at
 47 the agricultural animal facility>

48 4. Page 2, line 6, before <animal> by inserting
 49 <agricultural>

50 5. Page 2, line 25, by striking <Animal> and

Page 2

1 inserting <Agricultural animal>

2 6. Page 2, line 26, by striking <animal> and
 3 inserting <agricultural animal>

4 7. Page 2, line 27, by striking <animal> and
 5 inserting <agricultural animal>

6 8. Page 2, line 29, by striking <animal> and

7 inserting <agricultural animal>
8 9. Page 2, by striking line 33 and inserting:
9 <__. Kill or injure an agricultural animal
10 maintained at the agricultural animal>
11 10. Page 3, line 3, by striking <animal> and
12 inserting <agricultural animal>
13 11. Page 3, line 4, by striking <animal> and
14 inserting <agricultural animal>
15 12. Page 3, line 5, by striking <animal> and
16 inserting <agricultural animal>
17 13. Page 3, line 7, by striking <animal> and
18 inserting <agricultural animal>
19 14. Page 3, line 9, by striking <animal> and
20 inserting <agricultural animal>
21 15. Page 3, line 11, by striking <Animal> and
22 inserting <Agricultural animal>
23 16. Page 3, line 13, by striking <animal> and
24 inserting <agricultural animal>
25 17. Page 3, line 14, by striking <animal> and
26 inserting <agricultural animal>
27 18. Page 3, line 16, by striking <Animal> and
28 inserting <Agricultural animal>
29 19. Page 3, line 18, by striking <animal> and
30 inserting <agricultural animal>
31 20. Page 3, line 20, by striking <animal> and
32 inserting <agricultural animal>
33 21. Page 3, line 22, by striking <Animal> and
34 inserting <Agricultural animal>
35 22. Page 3, line 24, by striking <animal> and
36 inserting <agricultural animal>
37 23. Page 3, line 26, by striking <animal> and
38 inserting <agricultural animal>
39 24. Page 3, line 28, by striking <Animal> and
40 inserting <Agricultural animal>
41 25. Page 3, line 30, by striking <animal> and
42 inserting <agricultural animal>
43 26. Page 3, line 32, by striking <animal> and
44 inserting <agricultural animal>
45 27. Page 3, line 34, by striking <Animal> and
46 inserting <Agricultural animal>
47 28. Page 4, line 1, by striking <animal> and
48 inserting <agricultural animal>
49 29. Page 4, line 2, by striking <animal> and
50 inserting <agricultural animal>

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1 30. Page 4, line 5, by striking <animal> and
2 inserting <agricultural animal>
3 31. Page 4, line 8, by striking <animal> and
4 inserting <agricultural animal>
5 32. Page 4, line 9, by striking <animal> and

6 inserting <agricultural animal>
7 33. Page 4, line 12, by striking <animal> and
8 inserting <agricultural animal>
9 34. Page 4, line 15, by striking <Animal> and
10 inserting <Agricultural animal>
11 35. Page 4, line 16, by striking <animal> and
12 inserting <agricultural animal>
13 36. Page 4, line 17, by striking <animal> and
14 inserting <agricultural animal>
15 37. Page 4, line 20, by striking <animal> and
16 inserting <agricultural animal>
17 38. Page 4, line 22, by striking <animal> and
18 inserting <agricultural animal>
19 39. Page 4, line 24, by striking <animal> and
20 inserting <agricultural animal>
21 40. Page 4, line 27, by striking <animal> and
22 inserting <agricultural animal>
23 41. Page 4, by striking lines 29 through 31.
24 42. Page 4, line 32, by striking <animal> and
25 inserting <agricultural animal>
26 43. Page 4, by striking line 33 and inserting
27 <agricultural animal maintained at the agricultural
28 animal facility or other property>
29 44. Page 4, by striking line 34 and inserting <kept
30 at the agricultural animal facility, with intent to
31 deprive the agricultural animal>
32 45. Page 4, line 35, by striking <animal> and
33 inserting <agricultural animal>
34 46. Page 5, by striking line 1 and inserting:
35 <__. Enter onto the agricultural animal facility,
36 or remain at the agricultural animal>
37 47. Page 5, line 3, by striking <animal> and
38 inserting <agricultural animal>
39 48. Page 5, line 9, by striking <animals> and
40 inserting <agricultural animals>
41 49. Page 5, line 12, by striking <animal> and
42 inserting <agricultural animal>
43 50. Page 5, line 18, by striking <animal> and
44 inserting <agricultural animal>
45 51. Page 5, line 20, by striking <Animal> and
46 inserting <Agricultural animal>
47 52. Page 5, line 21, by striking <animal> and
48 inserting <agricultural animal>
49 53. Page 5, line 23, by striking <animal> and
50 inserting <agricultural animal>

Page 4

1 54. Page 5, line 25, by striking <animal> and
2 inserting <agricultural animal>
3 55. Page 5, line 27, by striking <animal> and
4 inserting <agricultural animal>

- 5 56. Page 5, line 30, by striking <animal> and
6 inserting <agricultural animal>
- 7 57. Page 5, line 31, by striking <animal> and
8 inserting <agricultural animal>
- 9 58. Page 6, line 2, by striking <animal> and
10 inserting <agricultural animal>
- 11 59. Page 6, by striking lines 4 through 6.
- 12 60. Page 6, line 7, by striking <Animal> and
13 inserting <Agricultural animal>
- 14 61. Page 6, line 10, by striking <animal> and
15 inserting <agricultural animal>
- 16 62. Page 6, line 11, by striking <animal> and
17 inserting <agricultural animal>
- 18 63. Page 6, line 21, by striking <Animal> and
19 inserting <Agricultural animal>
- 20 64. Page 6, line 24, by striking <animal> and
21 inserting <agricultural animal>
- 22 65. Page 6, by striking line 25 and inserting
23 <agricultural animal maintained at the agricultural
24 animal facility, or other property>
- 25 66. Page 6, line 26, by striking <animal> and
26 inserting <agricultural animal>
- 27 67. Page 6, by striking line 32 and inserting
28 <action involving an agricultural animal facility, an
29 agricultural animal maintained at>
- 30 68. Page 6, by striking line 33 and inserting <the
31 agricultural animal facility, or other property kept
32 at the agricultural animal>
- 33 69. Page 11, after line 3 by inserting:
34 <Sec. ____ Section 717A.4, subsection 1, Code 2011,
35 is amended to read as follows:
36 1. Except as provided in subsection 2, a person
37 shall not willfully possess, transport, or transfer a
38 pathogen with an intent to threaten the health of an
39 agricultural animal or crop.
40 a. For agricultural animals, a pathogen restricted
41 under this section shall be limited to a biological
42 agent or toxin listed in 9 C.F.R. § 121.2(b), as that
43 list exists on January 1, 2004.
44 b. For crops, a pathogen restricted under this
45 section shall be limited to a biological agent or toxin
46 listed in 7 C.F.R. § 331.3, as that list exists on
47 January 1, 2004.>
- 48 70. By renumbering as necessary.

MATT McCOY

S-3193

- 1 Amend House File 589, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, before line 1 by inserting:

4 <Section 1. NEW SECTION. 135P.1 Recordings at
5 pregnancy termination locations.
6 As used in this chapter, unless the context
7 otherwise requires:
8 1. "Pregnancy termination location" means a
9 hospital, clinic, or other facility where a health care
10 provider who induces a termination of pregnancy is
11 required to file a report with the department of public
12 health as provided in chapter 144.
13 2. "Record" means the same as defined in section
14 717A.1.
15 Sec. __. NEW SECTION. 135P.2 Pregnancy
16 termination location — interference.
17 A person is guilty of pregnancy termination location
18 interference, if the person acts without the consent
19 of the owner of a pregnancy termination location to
20 willfully do any of the following:
21 1. Produce a record which reproduces an image or
22 sound occurring at the medical facility as follows:
23 a. The record must be created by the person while
24 at the medical facility.
25 b. The record must be a reproduction of a visual or
26 audio experience occurring at the pregnancy termination
27 location, including but not limited to a photographic
28 or audio medium.
29 2. Possess or distribute a record which reproduces
30 an image or sound occurring at the pregnancy
31 termination location which was produced as provided in
32 subsection 1.
33 Sec. __. NEW SECTION. 135P.3 Pregnancy
34 termination location interference — penalties.
35 1. A person who commits the offense of pregnancy
36 termination location interference is guilty of the
37 following:
38 a. For the first conviction, the person is guilty
39 of an aggravated misdemeanor.
40 b. For the second or subsequent conviction, the
41 person is guilty of a class "D" felony.
42 2. A person who commits the offense of pregnancy
43 termination location interference is subject to an
44 order of restitution as provided in chapter 910.>
45 2. Title page, line 1, by striking <agricultural
46 operations,> and inserting <locations,>
47 3. By renumbering as necessary.

MATT McCOY

S-3194

1 Amend House File 589, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 11, after line 3 by inserting:

4 <Sec. ____ Section 717B.3A, subsection 3, paragraph
5 a, subparagraphs (1) and (2), Code 2011, are amended
6 to read as follows:

7 (1) For the first or a subsequent conviction, the
8 person is guilty of ~~an aggravated misdemeanor~~ a class
9 "D" felony. The sentencing order shall provide that
10 the person submit to psychological evaluation and
11 treatment according to terms required by the court.
12 The costs of the evaluation and treatment shall be
13 paid by the person. In addition, the sentencing order
14 shall provide that the person complete a community
15 work requirement, which may include a work requirement
16 performed at an animal shelter or pound, as defined
17 in section 162.2, according to terms required by the
18 court.

19 (2) For a second or subsequent conviction,
20 ~~the person is guilty of a class "D" felony. The~~
21 sentencing order shall provide that the person submit
22 to psychological evaluation and treatment according
23 to terms required by the court. The costs of the
24 psychological evaluation and treatment shall be paid
25 by the person.>

26 2. Title page, line 1, after <involving> by
27 inserting <the maintenance of animals and crops
28 including those maintained at>

29 3. By renumbering as necessary.

MATT McCOY

S-3195

1 Amend House File 589, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, before line 1 by inserting:
4 <Section 1. Section 717.2, subsection 2, Code 2011,
5 is amended to read as follows:

6 2. A person who commits the offense of livestock
7 neglect is guilty of a ~~simple~~ serious misdemeanor.
8 A person who intentionally commits the offense of
9 livestock neglect which results in serious injury
10 to or the death of livestock is guilty of ~~a serious~~
11 an aggravated misdemeanor. ~~However, a person shall~~
12 ~~not be guilty of more than one offense of livestock~~
13 ~~neglect punishable as a serious misdemeanor, when~~
14 ~~care or sustenance is not provided to multiple head of~~
15 ~~livestock during any period of uninterrupted neglect.>~~

16 2. By renumbering as necessary.

MATT McCOY

S-3196

- 1 Amend House File 589, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 11, after line 3 by inserting:
4 <Sec. ____ Section 717B.2, unnumbered paragraph 1,
5 Code 2011, is amended to read as follows:
6 A person is guilty of animal abuse if the person
7 intentionally injures, maims, disfigures, or destroys
8 an animal owned by another person, in any manner,
9 including intentionally poisoning the animal. A person
10 guilty of animal abuse is guilty of ~~an aggravated~~
11 ~~misdemeanor~~ a class "D" felony. This section shall not
12 apply to any of the following:>
- 13 2. Title page, line 1, after <involving> by
14 inserting <animals and crops including those maintained
15 at>
- 16 3. By renumbering as necessary.

MATT McCOY

S-3197

- 1 Amend House File 589, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 5, by striking lines 24 and 25 and
4 inserting <for the purpose of committing an unlawful
5 act.>
- 6 2. Page 5, by striking lines 27 through 30 and
7 inserting <an application to be employed at the animal
8 facility for the purpose of committing an unlawful
9 act.>

MATT McCOY

S-3198

- 1 Amend House File 589, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 7, after line 2 by inserting:
4 <____. An animal shelter as defined in section
5 162.2.
6 _____. A representative of a nonprofit organization
7 present for the purpose of informing the public of an
8 illegal activity observed at the animal facility.>
- 9 2. By renumbering as necessary.

MATT McCOY

S-3199

1 Amend House File 589, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, before line 1 by inserting:
 4 <Section 1. Section 162.2, Code 2011, is amended by
 5 adding the following new subsection:
 6 NEW SUBSECTION. 10A. "Covered dog" means an
 7 individual belonging to the species of canis lupus
 8 familiars, or a resultant hybrid, that is more than six
 9 months old and has its sexual organs intact.
 10 Sec. 2. NEW SECTION. 162.9B Limits imposed upon
 11 the number of covered dogs possessed for breeding and
 12 sale.
 13 A person shall not have possession of more than
 14 fifty covered dogs for purposes of breeding the covered
 15 dogs and selling the offspring produced from the
 16 covered dogs.>
 17 2. Title page, line 1, after <involving> by
 18 inserting <the maintenance of animals and crops
 19 including those maintained at commercial establishments
 20 and>
 21 3. By renumbering as necessary.

MATT McCOY

S-3200

1 Amend House File 589, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, before line 1 by inserting:
 4 <Section 1. Section 717.1, subsection 2, Code 2011,
 5 is amended to read as follows:
 6 2. "Livestock" means an animal belonging to the
 7 bovine, caprine, ~~equine~~, ovine, or porcine species,
 8 ostriches, rheas, emus; farm deer as defined in section
 9 170.1; or poultry.>
 10 2. By renumbering as necessary.

MATT McCOY

S-3201

1 Amend House File 589, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, before line 1 by inserting:
 4 <Section 1. Section 717.1, Code 2011, is amended by
 5 adding the following new subsection:
 6 NEW SUBSECTION. 01. "Egg-laying hen" means any
 7 domesticated chicken, turkey, duck, goose, or guinea
 8 fowl kept for purposes of egg production.
 9 Sec. 2. NEW SECTION. 717.3 Confinement of

10 egg-laying hens — penalty.

11 1. In addition, to other applicable provisions of
12 this chapter, a person shall not tether or confine
13 an egg-laying hen as part of an animal facility as
14 provided in chapter 717A, for all or the majority of
15 any day, in a manner that prevents such egg-laying
16 hen from lying down, standing up, fully extending its
17 wings, or turning around freely.

18 2. A person who violates this section is guilty of
19 a serious misdemeanor.>

20 2. Page 11, after line 3 by inserting:

21 <Sec. ____ EFFECTIVE DATES.

22 1. Except as provided in subsection 2, this Act
23 takes effect on July 1, 2011.

24 2. The sections of this Act amending section 717.1
25 and enacting section 717.3 take effect January 1,
26 2017.>

27 3. Title page, line 2, by striking <and providing>
28 and inserting <providing>

29 4. Title page, line 2, after <remedies> by
30 inserting <, and including effective date provisions>

31 5. By renumbering as necessary.

MATT McCOY

S-3202

1 Amend House File 589, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, before line 1 by inserting:

4 <Section 1. Section 717.1A, unnumbered paragraph 1,
5 Code 2011, is amended to read as follows:

6 A person is guilty of livestock abuse if the
7 person intentionally injures or destroys livestock
8 owned by another person, in any manner, including,
9 but not limited to, intentionally doing any of the
10 following: administering drugs or poisons to the
11 livestock, or disabling the livestock by using a
12 firearm or trap. A person guilty of livestock abuse
13 commits ~~an aggravated misdemeanor~~ a class "D" felony.
14 This section shall not apply to any of the following:>

15 2. By renumbering as necessary.

MATT McCOY

S-3203

1 Amend House File 589, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 11, after line 3 by inserting:

4 <Sec. ____ Section 717B.1, Code 2011, is amended by
5 adding the following new subsections:

6 NEW SUBSECTION. 2A. “Animal shelter” means the
7 same as defined in section 162.2.
8 NEW SUBSECTION. 3A. “Commercial establishment”
9 means the same as defined in section 162.2.
10 NEW SUBSECTION. 3B. “Department” means the
11 department of agriculture and land stewardship.
12 Sec. ____ NEW SECTION. 717B.3B Investigative and
13 enforcement proceedings.
14 The department shall qualify animal shelters to
15 provide investigatory services under this section.
16 An inspection officer designated by the qualified
17 animal shelter shall be appointed by the department as
18 an animal warden under chapter 162. The inspection
19 officer may inspect the premises of a commercial
20 establishment upon the officer’s own information or
21 upon complaint to determine if there is a violation
22 of this chapter. If the inspection officer has
23 reasonable cause to believe a violation exists and
24 remains uncorrected more than thirty days after
25 a written notice of the violation, the inspection
26 officer shall file a report with the department and
27 the county attorney in the county where the commercial
28 establishment is located. The department, the attorney
29 general, the county attorney, or the qualified animal
30 shelter may bring an action in district court to
31 restrain the commercial establishment from continuing
32 the violation. A person who fails to comply with the
33 court’s order within ten days shall be subject to a
34 civil penalty of not more than one thousand dollars.
35 Civil penalties collected under this section shall be
36 deposited in the general fund of the state.>
37 2. Title page, line 1, after <involving> by
38 inserting <the maintenance of animals and crops
39 including those maintained at commercial establishments
40 and>
41 3. By renumbering as necessary.

MATT McCoy

S-3204

1 Amend House File 589, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 11, after line 3 by inserting:
4 <Sec. ____ Section 717B.3, subsection 3, Code 2011,
5 is amended to read as follows:
6 3. A person who negligently or intentionally
7 commits the offense of animal neglect is guilty of a
8 ~~simple~~ serious misdemeanor. A person who intentionally
9 commits the offense of animal neglect which results in
10 serious injury to or the death of an animal is guilty
11 of a ~~serious~~ an aggravated misdemeanor.>
12 2. Title page, line 1, after <involving> by

13 inserting <the maintenance of animals and crops
14 including those maintained at>
15 3. By renumbering as necessary.

MATT McCOY

S-3205

1 Amend House File 589, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, before line 1 by inserting:
4 <Section 1. NEW SECTION. 135P.1 Recordings at
5 pregnancy termination locations.
6 As used in this chapter, unless the context
7 otherwise requires:
8 1. "Pregnancy termination location" means a
9 hospital, clinic, or other facility where a health care
10 provider who induces a termination of pregnancy is
11 required to file a report with the department of public
12 health as provided in chapter 144.
13 2. "Record" means the same as defined in section
14 717A.1.
15 Sec. __. NEW SECTION. 135P.2 Pregnancy
16 termination location — interference.
17 A person is guilty of pregnancy termination location
18 interference, if the person acts without the consent
19 of the owner of a pregnancy termination location to
20 willfully do any of the following:
21 1. Produce a record which reproduces an image or
22 sound occurring at the pregnancy termination location
23 as follows:
24 a. The record must be created by the person while
25 at the pregnancy termination location.
26 b. The record must be a reproduction of a visual or
27 audio experience occurring at the pregnancy termination
28 location, including but not limited to a photographic
29 or audio medium.
30 2. Possess or distribute a record which reproduces
31 an image or sound occurring at the pregnancy
32 termination location which was produced as provided in
33 subsection 1.
34 Sec. __. NEW SECTION. 135P.3 Pregnancy
35 termination location interference — penalties.
36 1. A person who commits the offense of pregnancy
37 termination location interference is guilty of the
38 following:
39 a. For the first conviction, the person is guilty
40 of an aggravated misdemeanor.
41 b. For the second or subsequent conviction, the
42 person is guilty of a class "D" felony.
43 2. A person who commits the offense of pregnancy
44 termination location interference is subject to an
45 order of restitution as provided in chapter 910.>

- 46 2. Title page, line 1, by striking <agricultural
47 operations,> and inserting <locations,>
48 3. By renumbering as necessary.

MATT McCOY

S-3206

- 1 Amend House File 589, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, before line 1 by inserting:
4 <Section 1. NEW SECTION. 135P.1 Recordings at
5 medical facilities.
6 As used in this chapter, unless the context
7 otherwise requires:
8 1. “Medical facility” means a hospital, clinic, or
9 other facility where a licensed health care provider
10 provides health care services.
11 2. “Record” means the same as defined in section
12 717A.1.
13 Sec. __. NEW SECTION. 135P.2 Medical facility —
14 interference.
15 A person is guilty of medical facility interference,
16 if the person acts without the consent of the owner
17 of the medical facility to willfully do any of the
18 following:
19 1. Produce a record which reproduces an image or
20 sound occurring at the medical facility as follows:
21 a. The record must be created by the person while
22 at the medical facility.
23 b. The record must be a reproduction of a visual
24 or audio experience occurring at the medical facility,
25 including but not limited to a photographic or audio
26 medium.
27 2. Possess or distribute a record which reproduces
28 an image or sound occurring at the medical facility
29 which was produced as provided in subsection 1.
30 Sec. __. NEW SECTION. 135P.3 Medical facility
31 interference — penalties.
32 1. A person who commits the offense of medical
33 facility interference is guilty of the following:
34 a. For the first conviction, the person is guilty
35 of an aggravated misdemeanor.
36 b. For the second or subsequent conviction, the
37 person is guilty of a class “D” felony.
38 2. A person who commits the offense of medical
39 facility interference is subject to an order of
40 restitution as provided in chapter 910.>
41 2. Title page, line 1, by striking <agricultural
42 operations,> and inserting <locations,>
43 3. By renumbering as necessary.

MATT McCOY

S-3207

1 Amend House File 493, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. NEW SECTION. 70A.27 Leave of absence
6 for charge of a crime — civil penalty.

7 1. For the purposes of this section:

8 a. “Convicted” means convicted of an indictable
9 offense and includes a guilty plea or other finding of
10 guilt by a court of competent jurisdiction.

11 b. “Public employee” means any individual employed
12 by a public employer. “Public employee” includes heads
13 of executive branch agencies.

14 c. “Public employer” means the state, its boards,
15 commissions, agencies, and departments, and its
16 political subdivisions including school districts and
17 other special purpose districts. “Public employer”
18 includes the general assembly and the governor.

19 2. a. A public employee on a leave of absence
20 with full or partial compensation because the public
21 employee is charged, by indictment or information,
22 with the commission of a public offense classified as
23 a class “D” felony or greater offense shall pay to
24 the public employer employing the public employee a
25 civil penalty equal to the cash wages that the public
26 employee received during the period of the leave of
27 absence if the public employee is convicted of a public
28 offense classified as a class “D” felony or greater
29 offense.

30 b. A public employee shall pay to the public
31 employer employing the public employee a civil
32 penalty equal to any payments that the public employee
33 received pursuant to the terms of the public employee’s
34 employment contract that result from the termination
35 of the contract, if the termination was caused by the
36 employee being charged, by indictment or information,
37 with the commission of a public offense classified as a
38 class “D” felony or greater offense, and if the public
39 employee is convicted of a public offense classified as
40 a class “D” felony or greater offense.>

41 2. Title page, by striking lines 1 through 4 and
42 inserting <An Act requiring public employees charged
43 with a felony to pay a civil penalty equal to the cash
44 wages received during a paid leave of absence and any
45 contract termination payments if convicted.>

S-3208

- 1 Amend House File 589, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, before line 1 by inserting:
 4 <Section 1. NEW SECTION. 459.606 Violations —
 5 criminal penalty.
 6 Notwithstanding any provisions of this chapter to
 7 the contrary, a person who violates section 459.311 or
 8 a condition of a permit concerning the discharge of
 9 manure into water of the state is guilty of a class “C”
 10 felony.>
 11 2. By renumbering as necessary.

MATT McCOY

S-3209

- 1 Amend House File 589, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, before line 1 by inserting:
 4 <Section 1. NEW SECTION. 459A.503 Violations —
 5 criminal penalty.
 6 Notwithstanding any provisions of this chapter to
 7 the contrary, a person who violates this chapter or
 8 a condition of a permit concerning the discharge of
 9 manure or settled open feedlot effluent into water of
 10 the state is guilty of a class “C” felony.>
 11 2. By renumbering as necessary.

MATT McCOY

S-3210

- 1 Amend House File 597, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by striking lines 26 through 29 and
 4 inserting <of coverage documents as excluded from
 5 coverage.>

COMMITTEE ON COMMERCE
 SWATI A. DANDEKAR, Chair**S-3211**

- 1 Amend House File 148, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 4, by striking <quarterly> and
 4 inserting <~~quarterly~~ three times per year>
 5 2. Page 1, line 7, by striking <next two
 6 succeeding> and inserting <following>

- 7 3. Page 1, line 11, after <fund.> by inserting <An
8 estimate for the following fiscal year, other than an
9 estimate agreed to pursuant to subsection 3, 4, or 5,
10 shall be considered a preliminary estimate.>
- 11 4. Page 1, line 12, by striking <1 and 2> and
12 inserting <1, 2, and 3>
- 13 5. Page 1, line 26, by striking <one-tenth> and
14 inserting <one-twentieth>
- 15 6. Page 2, line 5, by striking <one-tenth> and
16 inserting <one-twentieth>
- 17 7. Page 2, after line 19 by inserting:
18 <3. Prior to any transfer of funds pursuant to
19 subsection 1 or 2 of this section or a transfer of
20 an allocation from a subunit of a department which
21 statutorily has independent budgeting authority,
22 the director shall notify the chairpersons of the
23 standing committees on budget of the senate and the
24 house of representatives ~~and~~, the chairpersons of
25 subcommittees of such committees, and the legislative
26 council of the proposed transfer. The notice from
27 the director shall include information concerning the
28 amount of the proposed transfer, the departments,
29 institutions or agencies affected by the proposed
30 transfer and the reasons for the proposed transfer.
31 Chairpersons notified shall be given at least two
32 weeks to review and comment on the proposed transfer
33 before the transfer of funds is made. If, within sixty
34 days of receiving notice concerning the transfer, the
35 legislative council by a majority vote of its members,
36 formally objects to the transfer, the transfer shall be
37 rescinded.>
- 38 8. Page 2, line 25, by striking <five-tenths> and
39 inserting <one-fourth>
- 40 9. Page 2, line 27, after <year.> by inserting
41 <The aggregate amount of the intradepartmental and
42 interdepartmental transfers made from an appropriation
43 for a fiscal year is limited to fifty percent of the
44 appropriation.>

COMMITTEE ON STATE GOVERNMENT
JEFF DANIELSON, Chair

S-3212

- 1 Amend House File 484, as passed by the House, as
2 follows:
- 3 1. Page 4, line 10, by striking <July 1, 2011> and
4 inserting <March 1, 2012>
- 5 2. Page 4, line 11, after <identify> by inserting
6 <or have identified>
- 7 3. Page 4, line 21, after <identify> by inserting
8 <or have identified>

- 9 4. Page 4, after line 32, by inserting:
 10 <c. The Iowa public employees' retirement system,
 11 acting on behalf of the system and other public funds
 12 subject to this section, may develop and issue a
 13 request for proposals for third-party services to
 14 complete the identification of scrutinized companies
 15 and the compilation of a scrutinized companies list.
 16 The request for proposals may request bids for optional
 17 services related to this purpose, including but not
 18 limited to provision of notice of such scrutinized
 19 companies as required in subsection 2. The Iowa public
 20 employees' retirement system shall consult with all
 21 other public funds on the development of the request
 22 for proposals, however selection of a successful
 23 proposal and the final scope of services to be provided
 24 shall be determined only by those public funds that
 25 have agreed to utilize the third-party services. If
 26 more than one public fund decides to utilize the
 27 third-party services, the participating public funds
 28 shall equally share the costs of such services.>
 29 5. Page 4, line 35, after <send> by inserting <or
 30 have sent>
 31 6. Page 5, line 5, after <fund> by inserting <or
 32 its representative>
 33 7. Page 5, line 10, after <send> by inserting <or
 34 have sent>
 35 8. Page 5, line 20, after <The public fund> by
 36 inserting <or its representative>
 37 9. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT
 JEFF DANIELSON, Chair

S-3213

HOUSE AMENDMENT TO
 SENATE FILE 512

- 1 Amend Senate File 512, as passed by the Senate, as
 2 follows:
 3 1. By striking everything after the enacting clause
 4 and inserting:
 5 <DIVISION I
 6 INTERNAL REVENUE CODE REFERENCES
 7 Section 1. Section 422.3, subsection 5, Code 2011,
 8 is amended to read as follows:
 9 5. "Internal Revenue Code" means the Internal
 10 Revenue Code of 1954, prior to the date of its
 11 redesignation as the Internal Revenue Code of 1986
 12 by the Tax Reform Act of 1986, or means the Internal
 13 Revenue Code of 1986 as amended to and including
 14 January 1, ~~2008~~ 2011.

15 Sec. 2. Section 422.7, subsection 29A, Code 2011,
16 is amended by striking the subsection.

17 Sec. 3. Section 422.9, subsection 2, paragraph i,
18 Code 2011, is amended to read as follows:

19 i. The deduction for state sales and use taxes
20 is allowable only if the taxpayer elected to deduct
21 the state sales and use taxes in lieu of state income
22 taxes under section 164 of the Internal Revenue Code.
23 A deduction for state sales and use taxes is not
24 allowed if the taxpayer has taken the deduction for
25 state income taxes or claimed the standard deduction
26 under section 63 of the Internal Revenue Code. This
27 paragraph applies to taxable years beginning after
28 December 31, 2003, and before January 1, ~~2006~~ 2008, and
29 to taxable years beginning after December 31, 2009, and
30 before January 1, 2012.

31 Sec. 4. Section 422.32, subsection 7, Code 2011, is
32 amended to read as follows:

33 7. "Internal Revenue Code" means the Internal
34 Revenue Code of 1954, prior to the date of its
35 redesignation as the Internal Revenue Code of 1986
36 by the Tax Reform Act of 1986, or means the Internal
37 Revenue Code of 1986 as amended to and including
38 January 1, ~~2008~~ 2011.

39 Sec. 5. EFFECTIVE UPON ENACTMENT. This division of
40 this Act, being deemed of immediate importance, takes
41 effect upon enactment.

42 Sec. 6. RETROACTIVE APPLICABILITY. The following
43 provision or provisions of this division of this Act
44 apply retroactively to January 1, 2010, for tax years
45 beginning on or after that date:

46 1. The section of this Act amending section 422.3.
47 2. The section of this Act amending section 422.32.

48 Sec. 7. RETROACTIVE APPLICABILITY. The following
49 provision or provisions of this division of this Act
50 apply retroactively to January 1, 2011, for tax years

Page 2

1 beginning on or after that date:

2 1. The section of this Act amending section 422.7,
3 subsection 29A.

4 DIVISION II

5 RESEARCH ACTIVITIES CREDIT

6 Sec. 8. Section 15.335, subsection 4, Code 2011, is
7 amended to read as follows:

8 4. a. In lieu of the credit amount computed in
9 subsection 2, an eligible business may elect to compute
10 the credit amount for qualified research expenses
11 incurred in this state in a manner consistent with the
12 alternative ~~incremental~~ simplified credit described in
13 section ~~41(e)(4)~~ 41(c)(5) of the Internal Revenue Code.

14 The taxpayer may make this election regardless of the
 15 method used for the taxpayer's federal income tax. The
 16 election made under this paragraph is for the tax year
 17 and the taxpayer may use another or the same method for
 18 any subsequent year.

19 b. For purposes of the alternate credit computation
 20 method in paragraph "a", the credit percentages
 21 applicable to qualified research expenses described
 22 in ~~clauses (i), (ii), and (iii) of section 41(c)(4)(A)~~
 23 41(c)(5)(A) and clause (ii) of section 41(c)(5)(B) of
 24 the Internal Revenue Code are as follows:

25 (1) In the case of an eligible business whose gross
 26 revenues do not exceed twenty million dollars per
 27 year, the credit percentages are ~~two and fifty-four~~
 28 ~~hundredths percent, three and thirty-eight hundredths~~
 29 ~~percent, and four and twenty-three hundredths~~ seven
 30 percent and three percent, respectively.

31 (2) In the case of an eligible business whose
 32 gross revenues exceed twenty million dollars per year,
 33 the credit percentages are ~~seventy-six hundredths~~
 34 ~~percent, one and two hundredths percent, and one and~~
 35 ~~twenty-seven hundredths~~ two and one-tenth percent and
 36 nine-tenths percent, respectively.

37 Sec. 9. Section 15.335, subsection 7, Code 2011, is
 38 amended to read as follows:

39 7. a. For purposes of this section, "base amount",
 40 "basic research payment", and "qualified research
 41 expense" mean the same as defined for the federal
 42 credit for increasing research activities under section
 43 41 of the Internal Revenue Code, except that for the
 44 alternative ~~incremental~~ simplified credit such amounts
 45 are for research conducted within this state.

46 b. For purposes of this section, "Internal Revenue
 47 Code" means the Internal Revenue Code in effect on
 48 January 1, ~~2009~~ 2011.

49 Sec. 10. Section 15A.9, subsection 8, paragraphs b,
 50 c, and e, Code 2011, are amended to read as follows:

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1 b. In lieu of the credit amount computed in
 2 paragraph "a", subparagraph (1), subparagraph division
 3 (a), a business may elect to compute the credit amount
 4 for qualified research expenses incurred in this
 5 state within the zone in a manner consistent with the
 6 alternative ~~incremental~~ simplified credit described in
 7 section ~~41(e)(4)~~ 41(c)(5) of the Internal Revenue Code.
 8 The taxpayer may make this election regardless of the
 9 method used for the taxpayer's federal income tax. The
 10 election made under this paragraph is for the tax year
 11 and the taxpayer may use another or the same method for
 12 any subsequent year.

13 c. For purposes of the alternate credit computation
 14 method in paragraph "b", the credit percentages
 15 applicable to qualified research expenses described in
 16 ~~clauses (i), (ii), and (iii) of section 41(e)(4)(A)~~
 17 ~~41(c)(5)(A) and clause (ii) of section 41(c)(5)(B)~~
 18 of the Internal Revenue Code are ~~three and thirty~~
 19 ~~hundredths percent, four and forty hundredths percent,~~
 20 ~~and five and fifty hundredths percent, respectively as~~
 21 ~~follows:~~

22 (1) In the case of an eligible business whose gross
 23 revenues do not exceed twenty million dollars per year,
 24 the credit percentages are seven percent and three
 25 percent, respectively.

26 (2) In the case of an eligible business whose gross
 27 revenues exceed twenty million dollars per year, the
 28 credit percentages are two and one-tenths percent and
 29 nine-tenths percent, respectively.

30 e. (1) For the purposes of this subsection,
 31 "base amount", "basic research payment", and "qualified
 32 research expense" mean the same as defined for the
 33 federal credit for increasing research activities under
 34 section 41 of the Internal Revenue Code, except that
 35 for the alternative ~~incremental~~ simplified credit such
 36 amounts are for research conducted within this state
 37 within the zone.

38 (2) For purposes of this subsection, "Internal
 39 Revenue Code" means the Internal Revenue Code in effect
 40 on January 1, ~~2009~~ 2011.

41 Sec. 11. Section 422.10, subsection 1, paragraphs b
 42 and c, Code 2011, are amended to read as follows:

43 b. In lieu of the credit amount computed in
 44 paragraph "a", subparagraph (1), subparagraph division
 45 (a), a taxpayer may elect to compute the credit amount
 46 for qualified research expenses incurred in this state
 47 in a manner consistent with the alternative ~~incremental~~
 48 simplified credit described in section ~~41(e)(4)~~
 49 41(c)(5) of the Internal Revenue Code. The taxpayer
 50 may make this election regardless of the method used

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1 for the taxpayer's federal income tax. The election
 2 made under this paragraph is for the tax year and the
 3 taxpayer may use another or the same method for any
 4 subsequent year.

5 c. For purposes of the alternate credit computation
 6 method in paragraph "b", the credit percentages
 7 applicable to qualified research expenses described in
 8 ~~clauses (i), (ii), and (iii) of section 41(e)(4)(A)~~
 9 ~~41(c)(5)(A) and clause (ii) of section 41(c)(5)(B)~~
 10 of the Internal Revenue Code are ~~one and sixty five~~
 11 ~~hundredths percent, two and twenty hundredths percent,~~

12 ~~and two and seventy five hundredths~~ four and fifty-five
 13 hundredths percent and one and ninety-five hundredths
 14 percent, respectively.

15 Sec. 12. Section 422.10, subsection 3, Code 2011,
 16 is amended to read as follows:

17 3. a. For purposes of this section, “base amount”,
 18 “basic research payment”, and “qualified research
 19 expense” mean the same as defined for the federal
 20 credit for increasing research activities under section
 21 41 of the Internal Revenue Code, except that for the
 22 alternative ~~incremental~~ simplified credit such amounts
 23 are for research conducted within this state.

24 b. For purposes of this section, “Internal Revenue
 25 Code” means the Internal Revenue Code in effect on
 26 January 1, ~~2009~~ 2011.

27 Sec. 13. Section 422.33, subsection 5, paragraphs
 28 b, c, and d, Code 2011, are amended to read as follows:

29 b. In lieu of the credit amount computed in
 30 paragraph “a”, subparagraph (1), a corporation may
 31 elect to compute the credit amount for qualified
 32 research expenses incurred in this state in a manner
 33 consistent with the alternative ~~incremental~~ simplified
 34 credit described in section ~~41(e)(4)~~ 41(c)(5) of
 35 the Internal Revenue Code. The taxpayer may make
 36 this election regardless of the method used for the
 37 taxpayer’s federal income tax. The election made under
 38 this paragraph is for the tax year and the taxpayer may
 39 use another or the same method for any subsequent year.

40 c. For purposes of the alternate credit computation
 41 method in paragraph “b”, the credit percentages
 42 applicable to qualified research expenses described in
 43 ~~clauses (i), (ii), and (iii) of section 41(e)(4)(A)~~
 44 41(c)(5)(A) and clause (ii) of section 41(c)(5)(B)
 45 of the Internal Revenue Code are ~~one and sixty five~~
 46 ~~hundredths percent, two and twenty hundredths percent,~~
 47 ~~and two and seventy five hundredths~~ four and fifty-five
 48 hundredths percent and one and ninety-five hundredths
 49 percent, respectively.

50 d. ~~(1)~~ For purposes of this subsection, “base

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1 amount”, “basic research payment”, and “qualified
 2 research expense” mean the same as defined for the
 3 federal credit for increasing research activities under
 4 section 41 of the Internal Revenue Code, except that
 5 for the alternative ~~incremental~~ simplified credit such
 6 amounts are for research conducted within this state.

7 ~~(2)~~ For purposes of this subsection, “Internal
 8 Revenue Code” means the Internal Revenue Code in effect
 9 on January 1, ~~2009~~ 2011.

10 Sec. 14. EFFECTIVE UPON ENACTMENT. This division

11 of this Act, being deemed of immediate importance,
12 takes effect upon enactment.

13 Sec. 15. RETROACTIVE APPLICABILITY. The following
14 provision or provisions of this division of this Act
15 apply retroactively to July 1, 2010, for tax credits
16 awarded on or after that date:

17 1. The section of this Act amending section 15.335,
18 subsection 4.

19 2. The section of this Act amending section 15A.9.

20 Sec. 16. RETROACTIVE APPLICABILITY. The following
21 provision or provisions of this division of this Act
22 apply retroactively to January 1, 2010, for tax years
23 beginning on or after that date:

24 1. The section of this Act amending section 15.335,
25 subsection 7.

26 2. The section of this Act amending section 422.10,
27 subsection 1.

28 3. The section of this Act amending section 422.10,
29 subsection 3.

30 4. The section of this Act amending section 422.33.

31 DIVISION III

32 BONUS DEPRECIATION

33 Sec. 17. Section 422.5, subsection 2, paragraph
34 b, subparagraph (1), Code 2011, is amended to read as
35 follows:

36 (1) Add items of tax preference included in federal
37 alternative minimum taxable income under section 57,
38 except subsections (a)(1), (a)(2), and (a)(5), of the
39 Internal Revenue Code, make the adjustments included
40 in federal alternative minimum taxable income under
41 section 56, except subsections (a)(4), (b)(1)(C)(iii),
42 and (d), of the Internal Revenue Code, and add losses
43 as required by section 58 of the Internal Revenue
44 Code. To the extent that any preference or adjustment
45 is determined by an individual's federal adjusted
46 gross income, the individual's federal adjusted
47 gross income is computed in accordance with section
48 422.7, ~~subsection~~ subsections 39, 39A, 39B, and
49 53. In the case of an estate or trust, the items
50 of tax preference, adjustments, and losses shall

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1 be apportioned between the estate or trust and the
2 beneficiaries in accordance with rules prescribed by
3 the director.

4 Sec. 18. Section 422.7, Code 2011, is amended by
5 adding the following new subsections:

6 NEW SUBSECTION. 39A. The additional first-year
7 depreciation allowance authorized in section 168(k)
8 of the Internal Revenue Code, as enacted by Pub. L.
9 No. 110-185, section 103, Pub. L. No. 111-5, section

10 1201, Pub. L. No. 111-240, section 2022, and Pub. L.
11 No. 111-312, section 401, does not apply in computing
12 net income for state tax purposes. If the taxpayer has
13 taken the additional first-year depreciation allowance
14 for purposes of computing federal adjusted gross
15 income, then the taxpayer shall make the following
16 adjustments to federal adjusted gross income when
17 computing net income for state tax purposes:

18 a. Add the total amount of depreciation taken under
19 section 168(k) of the Internal Revenue Code for the tax
20 year.

21 b. Subtract the amount of depreciation allowable
22 under the modified accelerated cost recovery system
23 described in section 168 of the Internal Revenue Code
24 and calculated without regard to section 168(k).

25 c. Any other adjustments to gains or losses
26 necessary to reflect the adjustments made in paragraphs
27 "a" and "b". The director shall adopt rules for the
28 administration of this paragraph.

29 NEW SUBSECTION. 39B. The additional first-year
30 depreciation allowance authorized in section 168(n) of
31 the Internal Revenue Code, as enacted by Pub. L. No.
32 110-343, section 710, does not apply in computing net
33 income for state tax purposes. If the taxpayer has
34 taken the additional first-year depreciation allowance
35 for purposes of computing federal adjusted gross
36 income, then the taxpayer shall make the following
37 adjustments to federal adjusted gross income when
38 computing net income for state tax purposes:

39 a. Add the total amount of depreciation taken under
40 section 168(n) of the Internal Revenue Code for the tax
41 year.

42 b. Subtract the amount of depreciation allowable
43 under the modified accelerated cost recovery system
44 described in section 168 of the Internal Revenue Code
45 and calculated without regard to section 168(n).

46 c. Any other adjustments to gains or losses
47 necessary to reflect the adjustments made in paragraphs
48 "a" and "b". The director shall adopt rules for the
49 administration of this paragraph.

50 Sec. 19. Section 422.7, subsection 53, Code 2011,

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1 is amended to read as follows:

2 53. A taxpayer is not allowed to take the increased
3 expensing allowance under section 179 of the Internal
4 Revenue Code, as amended by Pub. L. No. ~~110-185~~ 111-5,
5 section 1202, in computing adjusted gross income for
6 state tax purposes.

7 Sec. 20. Section 422.9, subsection 2, paragraph h,
8 Code 2011, is amended to read as follows:

9 h. For purposes of calculating the deductions
10 in this subsection that are authorized under the
11 Internal Revenue Code, and to the extent that any
12 of such deductions is determined by an individual's
13 federal adjusted gross income, the individual's federal
14 adjusted gross income is computed in accordance with
15 section 422.7, ~~subsection~~ subsections 39, 39A, 39B, and
16 53.

17 Sec. 21. Section 422.35, Code 2011, is amended by
18 adding the following new subsections:
19 NEW SUBSECTION. 19A. The additional first-year
20 depreciation allowance authorized in section 168(k)
21 of the Internal Revenue Code, as enacted by Pub. L.
22 No. 110-185, section 103, Pub. L. No. 111-5, section
23 1201, Pub. L. No. 111-240, section 2022, and Pub. L.
24 No. 111-312, section 401, does not apply in computing
25 net income for state tax purposes. If the taxpayer has
26 taken the additional first-year depreciation allowance
27 for purposes of computing federal taxable income, then
28 the taxpayer shall make the following adjustments to
29 federal taxable income when computing net income for
30 state tax purposes:

31 a. Add the total amount of depreciation taken under
32 section 168(k) of the Internal Revenue Code for the tax
33 year.

34 b. Subtract the amount of depreciation allowable
35 under the modified accelerated cost recovery system
36 described in section 168 of the Internal Revenue Code
37 and calculated without regard to section 168(k).

38 c. Any other adjustments to gains or losses
39 necessary to reflect the adjustments made in paragraphs
40 "a" and "b". The director shall adopt rules for the
41 administration of this paragraph.

42 NEW SUBSECTION. 19B. The additional first-year
43 depreciation allowance authorized in section 168(n) of
44 the Internal Revenue Code, as enacted by Pub. L. No.
45 110-343, section 710, does not apply in computing net
46 income for state tax purposes. If the taxpayer has
47 taken the additional first-year depreciation allowance
48 for purposes of computing federal taxable income, then
49 the taxpayer shall make the following adjustments to
50 federal taxable income when computing net income for

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1 state tax purposes:

2 a. Add the total amount of depreciation taken under
3 section 168(n) of the Internal Revenue Code for the tax
4 year.

5 b. Subtract the amount of depreciation allowable
6 under the modified accelerated cost recovery system
7 described in section 168 of the Internal Revenue Code

8 and calculated without regard to section 168(n).
 9 c. Any other adjustments to gains or losses
 10 necessary to reflect the adjustments made in paragraphs
 11 “a” and “b”. The director shall adopt rules for the
 12 administration of this paragraph.

13 Sec. 22. Section 422.35, subsection 24, Code 2011,
 14 is amended to read as follows:

15 24. A taxpayer is not allowed to take the increased
 16 expensing allowance under section 179 of the Internal
 17 Revenue Code, as amended by Pub. L. No. ~~110-185~~ 111-5,
 18 section 1202, in computing taxable income for state tax
 19 purposes.

20 Sec. 23. EFFECTIVE UPON ENACTMENT. This division
 21 of this Act, being deemed of immediate importance,
 22 takes effect upon enactment.

23 Sec. 24. RETROACTIVE APPLICABILITY. The following
 24 provision or provisions of this division of this Act
 25 apply retroactively to January 1, 2008, for tax years
 26 ending on or after that date:

27 1. The section of this Act amending section 422.5.

28 2. The section of this Act enacting section 422.7,
 29 new subsections 39A and 39B.

30 3. The section of this Act amending section 422.9.

31 4. The section of this Act enacting section 422.35,
 32 new subsections 19A and 19B.

33 Sec. 25. RETROACTIVE APPLICABILITY. The following
 34 provision or provisions of this division of this Act
 35 apply retroactively to January 1, 2009, for tax years
 36 beginning on or after that date, and before January 1,
 37 2010:

38 1. The section of this Act amending section 422.7,
 39 subsection 53.

40 2. The section of this Act amending section 422.35,
 41 subsection 24.

42 DIVISION IV

43 STATE PUBLIC DEFENDER TRANSFER

44 Sec. 26. TRANSFER AUTHORIZATION — STATE PUBLIC
 45 DEFENDER.

46 1. Notwithstanding section 8.39, subsection 2,
 47 while the general assembly is in regular session, the
 48 director of the department of management, with the
 49 approval of the governor, may make an interdepartmental
 50 transfer from any other department, institution, or

1 agency of the state having an appropriation in excess
 2 of its needs, of sufficient funds to supplement the
 3 following appropriations made to the office of the
 4 public defender of the department of inspections and
 5 appeals, in order to meet the obligations incurred
 6 under the appropriations:

7 a. For the office of the state public defender, in
 8 2010 Iowa Acts, chapter 1190, section 10, subsection 1.

9 b. For the fees of court-appointed attorneys for
 10 indigent adults and juveniles, in accordance with
 11 section 232.141 and chapter 815, in 2010 Iowa Acts,
 12 chapter 1190, section 10, subsection 2.

13 2. A transfer made under this section is subject
 14 to the notice and reporting requirements applicable
 15 to transfers made under section 8.39. However, the
 16 chairpersons' review and comment period under section
 17 8.39, subsection 3, is not applicable.

18 Sec. 27. EFFECTIVE UPON ENACTMENT. This division
 19 of this Act, being deemed of immediate importance,
 20 takes effect upon enactment.>

21 2. Title page, by striking lines 1 through 3 and
 22 inserting <An Act relating to public funding matters by
 23 updating the Code references to the Internal Revenue
 24 Code and by decoupling from certain federal bonus
 25 depreciation provisions, authorizing appropriation
 26 transfers, and including effective date and retroactive
 27 applicability provisions.>

28 3. By renumbering as necessary.

S-3214

HOUSE AMENDMENT TO
 SENATE FILE 508

1 Amend Senate File 508, as passed by the Senate, as
 2 follows:

3 1. Page 1, before line 1 by inserting:

4 <DIVISION I
 5 FY 2011-2012>

6 2. Page 16, after line 15 by inserting:

7 <DIVISION II
 8 FY 2012-2013

9 Sec. 19. SUBSTANCE ABUSE APPROPRIATION.

10 1. There is appropriated from the fund created by
 11 section 8.41 to the department of public health for
 12 the federal fiscal year beginning October 1, 2012, and
 13 ending September 30, 2013, the following amount:

14 \$ 13,571,229

15 a. Funds appropriated in this subsection are the
 16 anticipated funds to be received from the federal
 17 government for the designated federal fiscal year
 18 under 42 U.S.C., ch. 6A, subch. XVII, part B, subpart
 19 ii, which provides for the prevention and treatment
 20 of substance abuse block grant. The department shall
 21 expend the funds appropriated in this subsection as
 22 provided in the federal law making the funds available
 23 and in conformance with chapter 17A.

24 b. Of the funds appropriated in this subsection,

25 an amount not exceeding 5 percent shall be used by the
26 department for administrative expenses.

27 c. The department shall expend no less than an
28 amount equal to the amount expended for treatment
29 services in the state fiscal year beginning July 1,
30 2011, for pregnant women and women with dependent
31 children.

32 d. Of the funds appropriated in this subsection, an
33 amount not exceeding \$24,585 shall be used for audits.

34 2. At least 20 percent of the funds remaining
35 from the appropriation made in subsection 1 shall be
36 allocated for prevention programs.

37 3. In implementing the federal prevention and
38 treatment of substance abuse block grant under 42
39 U.S.C., ch. 6A, subch. XVII, and any other applicable
40 provisions of the federal Public Health Service Act
41 under 42 U.S.C., ch. 6A, the department shall apply the
42 provisions of Pub. L. No. 106-310, § 3305, as codified
43 in 42 U.S.C. § 300x-65, relating to services under
44 such federal law being provided by religious and other
45 nongovernmental organizations.

46 Sec. 20. COMMUNITY MENTAL HEALTH SERVICES
47 APPROPRIATION.

48 1. a. There is appropriated from the fund created
49 by section 8.41 to the department of human services for
50 the federal fiscal year beginning October 1, 2012, and

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1 ending September 30, 2013, the following amount:
2 \$ 3,370,840

3 b. Funds appropriated in this subsection are the
4 anticipated funds to be received from the federal
5 government for the designated federal fiscal year
6 under 42 U.S.C., ch. 6A, subch. XVII, part B, subpart
7 i, which provides for the community mental health
8 services block grant. The department shall expend
9 the funds appropriated in this subsection as provided
10 in the federal law making the funds available and in
11 conformance with chapter 17A.

12 c. The department shall allocate not less than 95
13 percent of the amount of the block grant to eligible
14 community mental health services providers for
15 carrying out the plan submitted to and approved by the
16 federal substance abuse and mental health services
17 administration for the fiscal year involved.

18 d. Of the amount allocated to eligible services
19 providers under paragraph "c", 70 percent shall be
20 distributed to the state's accredited community mental
21 health centers established or designated by counties
22 in accordance with law or administrative rule. If a
23 county has not established or designated a community

24 mental health center and has received a waiver from
 25 the mental health and disability services commission,
 26 the mental health services provider designated by that
 27 county is eligible to receive funding distributed
 28 pursuant to this paragraph in lieu of a community
 29 mental health center. The funding distributed shall
 30 be used by recipients of the funding for the purpose
 31 of developing and providing evidence-based practices
 32 and emergency services to adults with a serious
 33 mental illness and children with a serious emotional
 34 disturbance. The distribution amounts shall be
 35 announced at the beginning of the federal fiscal year
 36 and distributed on a quarterly basis according to the
 37 formulas used in previous fiscal years. Recipients
 38 shall submit quarterly reports containing data
 39 consistent with the performance measures approved by
 40 the federal substance abuse and mental health services
 41 administration.

42 2. An amount not exceeding 5 percent of the
 43 funds appropriated in subsection 1 shall be used by
 44 the department of human services for administrative
 45 expenses. From the funds set aside by this subsection
 46 for administrative expenses, the department shall pay
 47 to the auditor of state an amount sufficient to pay
 48 the cost of auditing the use and administration of the
 49 state's portion of the funds appropriated in subsection
 50 1. The auditor of state shall bill the department for

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1 the costs of the audits.

2 Sec. 21. MATERNAL AND CHILD HEALTH SERVICES
 3 APPROPRIATIONS.

4 1. There is appropriated from the fund created by
 5 section 8.41 to the department of public health for
 6 the federal fiscal year beginning October 1, 2012, and
 7 ending September 30, 2013, the following amount:

8 \$ 6,529,540

9 a. The funds appropriated in this subsection are
 10 the funds anticipated to be received from the federal
 11 government for the designated federal fiscal year under
 12 42 U.S.C., ch. 7, subch. V, which provides for the
 13 maternal and child health services block grant. The
 14 department shall expend the funds appropriated in this
 15 subsection as provided in the federal law making the
 16 funds available and in conformance with chapter 17A.
 17 b. Funds appropriated in this subsection shall not
 18 be used by the university of Iowa hospitals and clinics
 19 for indirect costs.

20 2. An amount not exceeding 10 percent of the
 21 funds appropriated in subsection 1 shall be used by
 22 the department of public health for administrative

23 expenses.

24 3. The departments of public health, human
25 services, and education and the university of Iowa’s
26 mobile and regional child health specialty clinics
27 shall continue to pursue to the maximum extent feasible
28 the coordination and integration of services to women
29 and children.

30 4. a. Sixty-three percent of the remaining funds
31 appropriated in subsection 1 shall be allocated to
32 supplement appropriations for maternal and child health
33 programs within the department of public health. Of
34 these funds, \$300,291 shall be set aside for the
35 statewide perinatal care program.

36 b. Thirty-seven percent of the remaining funds
37 appropriated in subsection 1 shall be allocated to
38 the university of Iowa hospitals and clinics under
39 the control of the state board of regents for mobile
40 and regional child health specialty clinics. The
41 university of Iowa hospitals and clinics shall not
42 receive an allocation for indirect costs from the
43 funds for this program. Priority shall be given to
44 establishment and maintenance of a statewide system of
45 mobile and regional child health specialty clinics.

46 5. The department of public health shall administer
47 the statewide maternal and child health program and the
48 disabled children’s program by conducting mobile and
49 regional child health specialty clinics and conducting
50 other activities to improve the health of low-income

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1 women and children and to promote the welfare of
2 children with actual or potential handicapping
3 conditions and chronic illnesses in accordance with the
4 requirements of Tit. V of the federal Social Security
5 Act.

6 Sec. 22. PREVENTIVE HEALTH AND HEALTH SERVICES
7 APPROPRIATIONS.

8 1. There is appropriated from the fund created by
9 section 8.41 to the department of public health for
10 the federal fiscal year beginning October 1, 2012, and
11 ending September 30, 2013, the following amount:

12 \$ 1,102,464

13 Funds appropriated in this subsection are the funds
14 anticipated to be received from the federal government
15 for the designated federal fiscal year under 42 U.S.C.,
16 ch. 6A, subch. XVII, part A, which provides for the
17 preventive health and health services block grant. The
18 department shall expend the funds appropriated in this
19 subsection as provided in the federal law making the
20 funds available and in conformance with chapter 17A.

21 2. Of the funds appropriated in subsection 1, an

22 amount not exceeding 10 percent shall be used by the
23 department for administrative expenses.

24 3. Of the funds appropriated in subsection 1, the
25 specific amount of funds stipulated by the notice of
26 the block grant award shall be allocated for services
27 to victims of sex offenses and for rape prevention
28 education.

29 4. After deducting the funds allocated in
30 subsections 2 and 3, the remaining funds appropriated
31 in subsection 1 may be used by the department for
32 healthy people 2011/healthy Iowans 2011 program
33 objectives, preventive health advisory committee,
34 and risk reduction services, including nutrition
35 programs, health incentive programs, chronic disease
36 services, emergency medical services, monitoring of the
37 fluoridation program and start-up fluoridation grants,
38 and acquired immune deficiency syndrome services. The
39 moneys specified in this subsection shall not be used
40 by the university of Iowa hospitals and clinics or
41 by the state hygienic laboratory for the funding of
42 indirect costs.

43 Sec. 23. STOP VIOLENCE AGAINST WOMEN GRANT PROGRAM
44 APPROPRIATION.

45 1. There is appropriated from the fund created
46 by section 8.41 to the department of justice for the
47 federal fiscal year beginning October 1, 2012, and
48 ending September 30, 2013, the following amount:

49 \$ 1,588,692
50 Funds appropriated in this subsection are the

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1 anticipated funds to be received from the federal
2 government for the designated fiscal year under 42
3 U.S.C., ch. 46, § 3796gg-1, which provides for grants
4 to combat violent crimes against women. The department
5 of justice shall expend the funds appropriated in this
6 subsection as provided in the federal law making the
7 funds available and in conformance with chapter 17A.

8 2. An amount not exceeding 10 percent of the funds
9 appropriated in subsection 1 shall be used by the
10 department of justice for administrative expenses.
11 From the funds set aside by this subsection for
12 administrative expenses, the department shall pay to
13 the auditor of state an amount sufficient to pay the
14 cost of auditing the use and administration of the
15 state's portion of the funds appropriated in subsection
16 1.

17 Sec. 24. RESIDENTIAL SUBSTANCE ABUSE TREATMENT
18 FOR STATE PRISONERS FORMULA GRANT PROGRAM. There is
19 appropriated from the fund created by section 8.41 to
20 the governor's office of drug control policy for the

21 federal fiscal year beginning October 1, 2012, and
 22 ending September 30, 2013, the following amount:
 23 \$ 246,826

24 Funds appropriated in this section are the funds
 25 anticipated to be received from the federal government
 26 for the designated fiscal year under 42 U.S.C., ch. 46,
 27 subch. XII-G, which provides grants for substance abuse
 28 treatment programs in state and local correctional
 29 facilities. The drug policy coordinator shall expend
 30 the funds appropriated in this section as provided
 31 in federal law making the funds available and in
 32 conformance with chapter 17A.

33 Sec. 25. EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE
 34 GRANT PROGRAM APPROPRIATION.

35 1. There is appropriated from the fund created by
 36 section 8.41 to the governor's office of drug control
 37 policy for the federal fiscal year beginning October
 38 1, 2012, and ending September 30, 2013, the following
 39 amount:
 40 \$ 2,974,695

41 Funds appropriated in this subsection are the
 42 anticipated funds to be received from the federal
 43 government for the designated fiscal year under
 44 42 U.S.C., ch. 46, subch. V, which provides for
 45 the Edward Byrne memorial justice assistance grant
 46 program. The drug policy coordinator shall expend
 47 the funds appropriated in this subsection as provided
 48 in the federal law making the funds available and in
 49 conformance with chapter 17A.

50 2. An amount not exceeding 10 percent of the funds

Page 6

1 appropriated in subsection 1 shall be used by the
 2 drug policy coordinator for administrative expenses.
 3 From the funds set aside by this subsection for
 4 administrative expenses, the drug policy coordinator
 5 shall pay to the auditor of state an amount sufficient
 6 to pay the cost of auditing the use and administration
 7 of the state's portion of the funds appropriated in
 8 subsection 1.

9 Sec. 26. COMMUNITY SERVICES APPROPRIATIONS.

10 1. a. There is appropriated from the fund created
 11 by section 8.41 to the division of community action
 12 agencies of the department of human rights for the
 13 federal fiscal year beginning October 1, 2012, and
 14 ending September 30, 2013, the following amount:
 15 \$ 7,540,877

16 Funds appropriated in this subsection are the funds
 17 anticipated to be received from the federal government
 18 for the designated federal fiscal year under 42 U.S.C.,
 19 ch. 106, which provides for the community services

20 block grant. The division of community action agencies
21 of the department of human rights shall expend the
22 funds appropriated in this subsection as provided
23 in the federal law making the funds available and in
24 conformance with chapter 17A.

25 b. The administrator of the division of community
26 action agencies of the department of human rights shall
27 allocate not less than 96 percent of the amount of
28 the block grant to eligible community action agencies
29 for programs benefiting low-income persons. Each
30 eligible agency shall receive a minimum allocation of
31 not less than \$100,000. The minimum allocation shall
32 be achieved by redistributing increased funds from
33 agencies experiencing a greater share of available
34 funds. The funds shall be distributed on the basis of
35 the poverty-level population in the area represented by
36 the community action areas compared to the size of the
37 poverty-level population in the state.

38 2. An amount not exceeding 4 percent of the funds
39 appropriated in subsection 1 shall be used by the
40 division of community action agencies of the department
41 of human rights for administrative expenses. From the
42 funds set aside by this subsection for administrative
43 expenses, the division of community action agencies
44 of the department of human rights shall pay to the
45 auditor of state an amount sufficient to pay the cost
46 of auditing the use and administration of the state's
47 portion of the funds appropriated in subsection 1. The
48 auditor of state shall bill the division of community
49 action agencies for the costs of the audits.

50 Sec. 27. COMMUNITY DEVELOPMENT APPROPRIATIONS.

Page 7

1	1. There is appropriated from the fund created by	
2	section 8.41 to the department of economic development	
3	for the federal fiscal year beginning October 1, 2012,	
4	and ending September 30, 2013, the following amount:	
5	.....	\$ 28,514,788

6 Funds appropriated in this subsection are the funds
7 anticipated to be received from the federal government
8 for the designated federal fiscal year under 42 U.S.C.,
9 ch. 69, which provides for community development block
10 grants. The department of economic development shall
11 expend the funds appropriated in this subsection as
12 provided in the federal law making the funds available
13 and in conformance with chapter 17A.

14 2. An amount not exceeding \$1,240,000 for the
15 federal fiscal year beginning October 1, 2012, shall
16 be used by the department of economic development for
17 administrative expenses for the community development
18 block grant. The total amount used for administrative

19 expenses includes \$670,000 for the federal fiscal year
 20 beginning October 1, 2012, of funds appropriated in
 21 subsection 1 and a matching contribution from the state
 22 equal to \$570,000 from the appropriation of state funds
 23 for the community development block grant and state
 24 appropriations for related activities of the department
 25 of economic development. From the funds set aside
 26 for administrative expenses by this subsection, the
 27 department of economic development shall pay to the
 28 auditor of state an amount sufficient to pay the cost
 29 of auditing the use and administration of the state's
 30 portion of the funds appropriated in subsection 1. The
 31 auditor of state shall bill the department for the
 32 costs of the audit.

33 Sec. 28. LOW-INCOME HOME ENERGY ASSISTANCE
 34 APPROPRIATIONS.

35 1. There is appropriated from the fund created
 36 by section 8.41 to the division of community action
 37 agencies of the department of human rights for the
 38 federal fiscal year beginning October 1, 2012, and
 39 ending September 30, 2013, the following amount:

40 \$ 70,527,851

41 The funds appropriated in this subsection are the
 42 funds anticipated to be received from the federal
 43 government for the designated federal fiscal year under
 44 42 U.S.C., ch. 94, subch. II, which provides for the
 45 low-income home energy assistance block grants. The
 46 division of community action agencies of the department
 47 of human rights shall expend the funds appropriated in
 48 this subsection as provided in the federal law making
 49 the funds available and in conformance with chapter
 50 17A.

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1 2. Up to 15 percent of the amount appropriated in
 2 this section that is actually received shall be used
 3 for residential weatherization or other related home
 4 repairs for low-income households. Of this allocation
 5 amount, not more than 10 percent may be used for
 6 administrative expenses.

7 3. After subtracting the allocation in subsection
 8 2, up to 10 percent of the remaining moneys are
 9 allocated for administrative expenses of the low-income
 10 home energy assistance program of which \$377,000 is
 11 allocated for administrative expenses of the division.
 12 The costs of auditing the use and administration of
 13 the portion of the appropriation in this section that
 14 is retained by the state shall be paid from the amount
 15 allocated in this subsection to the division. The
 16 auditor of state shall bill the division for the audit
 17 costs.

18 4. The remaining moneys of the appropriation
19 in this section following the allocations made in
20 subsections 2 and 3, shall be used to help eligible
21 households as defined in 42 U.S.C., ch. 94, subch. II,
22 to meet home energy costs.

23 5. Not more than 10 percent of the amount
24 appropriated in this section that is actually received
25 may be carried forward for use in the succeeding
26 federal fiscal year.

27 6. Expenditures for assessment and resolution of
28 energy problems shall be limited to not more than 5
29 percent of the amount appropriated in this section that
30 is actually received.

31 Sec. 29. SOCIAL SERVICES APPROPRIATIONS.

32 1. There is appropriated from the fund created by
33 section 8.41 to the department of human services for
34 the federal fiscal year beginning October 1, 2012, and
35 ending September 30, 2013, the following amount:

36 \$ 16,562,583

37 Funds appropriated in this subsection are the
38 funds anticipated to be received from the federal
39 government for the designated federal fiscal year under
40 42 U.S.C., ch. 7, subch. XX, which provides for the
41 social services block grant. The department of human
42 services shall expend the funds appropriated in this
43 subsection as provided in the federal law making the
44 funds available and in conformance with chapter 17A.

45 2. Not more than \$1,065,917 of the funds
46 appropriated in subsection 1 shall be used by
47 the department of human services for general
48 administration. From the funds set aside in this
49 subsection for general administration, the department
50 of human services shall pay to the auditor of state an

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1 amount sufficient to pay the cost of auditing the use
2 and administration of the state's portion of the funds
3 appropriated in subsection 1.

4 3. In addition to the allocation for general
5 administration in subsection 2, the remaining funds
6 appropriated in subsection 1 shall be allocated in the
7 following amounts to supplement appropriations for the
8 federal fiscal year beginning October 1, 2012, for
9 the following programs within the department of human
10 services:

11 a. Field operations:
12 \$ 6,375,369

13 b. Child and family services:
14 \$ 824,195

15 c. Local administrative costs and other local
16 services:

17	\$	676,125
18 d. Volunteers:		
19	\$	74,023
20 e. MH/MR/DD/BI community services (local purchase):		
21	\$	7,546,954

22 Sec. 30. SOCIAL SERVICES BLOCK GRANT PLAN. The
 23 department of human services during each state fiscal
 24 year shall develop a plan for the use of federal social
 25 services block grant funds for the subsequent state
 26 fiscal year.

27 The proposed plan shall include all programs and
 28 services at the state level which the department
 29 proposes to fund with federal social services block
 30 grant funds, and shall identify state and other funds
 31 which the department proposes to use to fund the state
 32 programs and services.

33 The proposed plan shall also include all local
 34 programs and services which are eligible to be funded
 35 with federal social services block grant funds, the
 36 total amount of federal social services block grant
 37 funds available for the local programs and services,
 38 and the manner of distribution of the federal social
 39 services block grant funds to the counties. The
 40 proposed plan shall identify state and local funds
 41 which will be used to fund the local programs and
 42 services.

43 The proposed plan shall be submitted with the
 44 department's budget requests to the governor and the
 45 general assembly.

46 Sec. 31. PROJECTS FOR ASSISTANCE IN TRANSITION FROM
 47 HOMELESSNESS.

48 1. Upon receipt of the minimum formula grant from
 49 the federal substance abuse and mental health services
 50 administration to provide mental health services for

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1 the homeless, for the federal fiscal year beginning
 2 October 1, 2012, and ending September 30, 2013, the
 3 department of human services shall assure that a
 4 project which receives funds under the formula grant
 5 shall do all of the following:

6 a. Provide outreach and engagement to homeless
 7 individuals and individuals at risk of homelessness and
 8 assesses those individuals for serious mental illness.

9 b. Enroll those individuals with serious mental
 10 illness who are willing to accept services through the
 11 project.

12 c. Provide case management to homeless persons.

13 d. Provide appropriate training to persons who
 14 provide services to persons targeted by the grant.

15 e. Assure a local match share of 25 percent.

16 f. Refer homeless individuals and individuals
17 at risk of homelessness to primary health care, job
18 training, educational services, and relevant housing
19 services.

20 2. A project may expend funds for community
21 mental health services, diagnostic services, crisis
22 intervention services, habilitation and rehabilitation
23 services, substance abuse services, supportive and
24 supervisory services to homeless persons living in
25 residential settings that are not otherwise supported,
26 and housing services including minor renovation,
27 expansion, and repair of housing, security deposits,
28 planning of housing, technical assistance in applying
29 for housing, improving the coordination of housing
30 services, the costs associated with matching eligible
31 homeless individuals with appropriate housing, and
32 one-time rental payments to prevent eviction.

33 Sec. 32. CHILD CARE AND DEVELOPMENT
34 APPROPRIATION. There is appropriated from the
35 fund created by section 8.41 to the department of human
36 services for the federal fiscal year beginning October
37 1, 2012, and ending September 30, 2013, the following
38 amount:

39 \$ 43,792,517

40 Funds appropriated in this section are the funds
41 anticipated to be received from the federal government
42 under 42 U.S.C., ch. 105, subch. II-B, which provides
43 for the child care and development block grant. The
44 department shall expend the funds appropriated in this
45 section as provided in the federal law making the funds
46 available and in conformance with chapter 17A.

47 Moneys appropriated in this section that remain
48 unencumbered or unobligated at the close of the fiscal
49 year shall revert to be available for appropriation for
50 purposes of the child care and development block grant

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1 in the succeeding fiscal year.

2 Sec. 33. PROCEDURE FOR REDUCED FEDERAL FUNDS.

3 1. If the funds received from the federal
4 government for the block grants specified in this Act
5 are less than the amounts appropriated, the funds
6 actually received shall be prorated by the governor
7 for the various programs, other than for the services
8 to victims of sex offenses and for rape prevention
9 education under section 22, subsection 3, of this
10 division of this Act, for which each block grant
11 is available according to the percentages that each
12 program is to receive as specified in this division of
13 this Act. However, if the governor determines that
14 the funds allocated by the percentages will not be

15 sufficient to accomplish the purposes of a particular
16 program, or if the appropriation is not allocated by
17 percentage, the governor may allocate the funds in a
18 manner which will accomplish to the greatest extent
19 possible the purposes of the various programs for which
20 the block grants are available.

21 2. Before the governor implements the actions
22 provided for in subsection 1, the following procedures
23 shall be taken:

24 a. The chairpersons and ranking members of the
25 senate and house standing committees on appropriations,
26 the appropriate chairpersons and ranking members of
27 subcommittees of those committees, and the director of
28 the legislative services agency shall be notified of
29 the proposed action.

30 b. The notice shall include the proposed
31 allocations, and information on the reasons why
32 particular percentages or amounts of funds are
33 allocated to the individual programs, the departments
34 and programs affected, and other information deemed
35 useful. Chairpersons and ranking members notified
36 shall be allowed at least two weeks to review and
37 comment on the proposed action before the action is
38 taken.

39 Sec. 34. PROCEDURE FOR INCREASED FEDERAL FUNDS.

40 1. If funds received from the federal government
41 in the form of block grants exceed the amounts
42 appropriated in sections 19, 20, 21, 22, 25, 27, and
43 29 of this division of this Act, the excess shall
44 be prorated to the appropriate programs according
45 to the percentages specified in those sections,
46 except additional funds shall not be prorated for
47 administrative expenses.

48 2. If actual funds received from the federal
49 government from block grants exceed the amount
50 appropriated in section 28 of this division of this Act

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1 for the low-income home energy assistance program, not
2 more than 10 percent of the excess may be allocated to
3 the low-income residential weatherization program and
4 not more than 15 percent of the excess may be used for
5 administrative costs.

6 3. If funds received from the federal government
7 from community services block grants exceed the amount
8 appropriated in section 26 of this division of this
9 Act, 100 percent of the excess is allocated to the
10 community services block grant program.

11 Sec. 35. PROCEDURE FOR EXPENDITURE OF ADDITIONAL
12 FEDERAL FUNDS. If other federal grants, receipts, and
13 funds and other nonstate grants, receipts, and funds

14 become available or are awarded which are not available
15 or awarded during the period in which the general
16 assembly is in session, but which require expenditure
17 by the applicable department or agency prior to March
18 15 of the fiscal year beginning July 1, 2012, and
19 ending June 30, 2013, these grants, receipts, and funds
20 are appropriated to the extent necessary, provided
21 that the fiscal committee of the legislative council
22 is notified within 30 days of receipt of the grants,
23 receipts, or funds and the fiscal committee of the
24 legislative council has an opportunity to comment on
25 the expenditure of the grants, receipts, or funds.

26 Sec. 36. EXPENDITURE REPORT. Each department,
27 agency, or authority receiving an appropriation of
28 federal funds pursuant to this Act for the federal
29 fiscal year beginning October 1, 2011, or October 1,
30 2012, shall submit a detailed plan for the expenditure
31 of the federal funds designated for departmental
32 administrative expenses to the members of the joint
33 appropriations subcommittee with jurisdiction over
34 the state appropriations for the department, agency,
35 or authority. The plan shall be submitted at least
36 60 calendar days prior to the commencement of the
37 federal fiscal year to which the plan applies and shall
38 be accompanied by a detailed report on the actual
39 department administrative expenditures for the federal
40 fiscal year in progress and the most recently completed
41 federal fiscal year, both in a form acceptable to the
42 legislative services agency.

43 Sec. 37. OTHER GRANTS, RECEIPTS, AND
44 FUNDS. Federal grants, receipts, and funds and
45 other nonstate grants, receipts, and funds, available
46 in whole or in part of the fiscal year beginning July
47 1, 2012, and ending June 30, 2013, are appropriated
48 to the following departments and agencies that are
49 designated by and for the purposes set forth in the
50 grants, receipts, or conditions accompanying the

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- 1 receipt of the funds, unless otherwise provided by law:
- 2 1. Department of administrative services.
- 3 2. Department on aging.
- 4 3. Department of agriculture and land stewardship.
- 5 4. Office of auditor of state.
- 6 5. Department for the blind.
- 7 6. Iowa state civil rights commission.
- 8 7. College student aid commission.
- 9 8. Department of commerce.
- 10 9. Department of corrections.
- 11 10. Department of cultural affairs.
- 12 11. Department of economic development.

- 13 12. Department of education.
 14 13. Office of energy independence.
 15 14. Iowa ethics and campaign disclosure board.
 16 15. Iowa finance authority.
 17 16. Offices of the governor and lieutenant
 18 governor.
 19 17. Governor's office of drug control policy.
 20 18. Department of human rights.
 21 19. Department of human services.
 22 20. Department of inspections and appeals.
 23 21. Judicial branch.
 24 22. Department of justice.
 25 23. Iowa law enforcement academy.
 26 24. Department of management.
 27 25. Department of natural resources.
 28 26. Board of parole.
 29 27. Department of public defense.
 30 28. Public employment relations board.
 31 29. Department of public health.
 32 30. Department of public safety.
 33 31. State board of regents.
 34 32. Department of revenue.
 35 33. Office of secretary of state.
 36 34. Iowa state fair authority.
 37 35. Office for state-federal relations.
 38 36. Iowa telecommunications and technology
 39 commission.
 40 37. Office of treasurer of state.
 41 38. Department of transportation.
 42 39. Department of veterans affairs.
 43 40. Department of workforce development.>
 44 3. Title page, by striking lines 1 through 2 and
 45 inserting <An Act appropriating federal>
 46 4. By renumbering as necessary.

S-3215

- 1 Amend the amendment, S-3213, to Senate File 512, as
 2 passed by the Senate, as follows:
 3 1. Page 1, by striking lines 3 and 4 and inserting:
 4 <__. Page 1, before line 1 by inserting the
 5 following:>
 6 2. By striking page 8, line 42, through page 9,
 7 line 20, and inserting:
 8 <DIVISION IV
 9 APPROPRIATIONS FOR STATE PUBLIC DEFENDER>
 10 3. Page 9, before line 21 by inserting:
 11 <__. Page 1, line 18, by striking <This Act> and
 12 inserting <This division of this Act>>
 13 4. Page 9, lines 25 and 26, by striking

14 <authorizing appropriation transfers,> and inserting
 15 <making appropriations,>
 16 5. By renumbering as necessary.

ROBERT M. HOGG

S-3216

1	Amend House File 642, as amended, passed, and	
2	reprinted by the House, as follows:	
3	1. Page 1, by striking lines 3 and 4 and inserting	
4	<department of transportation for the fiscal year	
5	beginning July 1, 2011, and ending June 30, 2012, the	
6	following amounts, or so much thereof as is necessary,	
7	to>	
8	2. Page 1, by striking lines 9 and 10 and	
9	inserting:	
10	<.....	\$ 3,876,000>
11	3. Page 1, by striking lines 19 and 20 and	
12	inserting:	
13	<.....	\$ 6,570,000>
14	4. Page 1, by striking lines 22 and 23 and	
15	inserting:	
16	<.....	\$ 458,000>
17	5. Page 1, by striking lines 25 and 26 and	
18	inserting:	
19	<.....	\$ 33,921,000>
20	6. Page 1, by striking lines 29 and 30 and	
21	inserting:	
22	<.....	\$ 225,000>
23	7. Page 1, by striking lines 32 and 33 and	
24	inserting:	
25	<.....	\$ 7,000>
26	8. Page 2, by striking lines 2 and 3 and inserting:	
27	<.....	\$ 119,000>
28	9. Page 2, by striking lines 6 and 7 and inserting:	
29	<.....	\$ 78,000>
30	10. Page 2, by striking lines 10 and 11 and	
31	inserting:	
32	<.....	\$ 67,319>
33	11. Page 2, by striking lines 15 and 16 and	
34	inserting:	
35	<.....	\$ 1,406,000>
36	12. Page 2, by striking lines 20 and 21 and	
37	inserting:	
38	<.....	\$ 100,000>
39	13. Page 2, by striking lines 24 and 25 and	
40	inserting:	
41	<.....	\$ 40,000>
42	14. Page 2, by striking lines 28 and 29 and	
43	inserting:	
44	<.....	\$ 200,000>

45 15. Page 2, by striking lines 31 and 32 and
 46 inserting:
 47 <..... \$ 550,000>
 48 16. Page 3, by striking line 10 and inserting
 49 <transportation for the fiscal year beginning July 1,
 50 2011, and ending June 30, 2012, the following>

Page 2

1 17. Page 3, by striking lines 17 through 20 and
 2 inserting:
 3 <..... \$ 40,356,529
 4 FTEs 296.00>
 5 18. Page 3, by striking lines 22 through 25 and
 6 inserting:
 7 <..... \$ 8,697,095
 8 FTEs 121.00>
 9 19. Page 3, by striking lines 27 through 30 and
 10 inserting:
 11 <..... \$ 230,913,992
 12 FTEs 2,247.00>
 13 20. Page 3, by striking lines 32 through 35 and
 14 inserting:
 15 <..... \$ 1,413,540
 16 FTEs 445.00>
 17 21. Page 4, by striking lines 3 and 4 and
 18 inserting:
 19 <..... \$ 1,388,000>
 20 22. Page 4, by striking lines 6 and 7 and
 21 inserting:
 22 <..... \$ 138,000>
 23 23. Page 4, by striking lines 12 and 13 and
 24 inserting:
 25 <..... \$ 2,846,000>
 26 24. Page 4, by striking lines 16 and 17 and
 27 inserting:
 28 <..... \$ 800,000>
 29 25. Page 4 by striking lines 20 and 21 and
 30 inserting:
 31 <..... \$ 572,000>
 32 26. Page 4, by striking lines 24 and 25 and
 33 inserting:
 34 <..... \$ 415,181>
 35 27. Page 4, by striking lines 27 and 28 and
 36 inserting:
 37 <..... \$ 242,000>
 38 28. Page 4, by striking lines 30 and 31 and
 39 inserting:
 40 <..... \$ 5,366,000>
 41 29. Page 4, by striking lines 33 and 34 and
 42 inserting:
 43 <..... \$ 400,000>

44	30. Page 5, by striking lines 1 and 2 and		
45	inserting:		
46	<.....	\$	200,000>
47	31. Page 5, by striking lines 5 and 6 and		
48	inserting:		
49	<.....	\$	400,000>
50	32. Page 5, by striking lines 9 and 10 and		

Page 3

1	inserting:		
2	<.....	\$	1,000,000>
3	33. Page 5, by striking lines 12 and 13 and		
4	inserting:		
5	<.....	\$	100,000>
6	34. Page 5, by striking lines 16 and 17 and		
7	inserting:		
8	<.....	\$	1,000,000>
9	35. Page 5, by striking lines 19 and 20 and		
10	inserting:		
11	<.....	\$	2,100,000>
12	36. Page 5, by striking lines 21 through 23.		
13	37. Page 5, line 25, by striking <17> and inserting		
14	<16>		
15	38. By renumbering as necessary.		

COMMITTEE ON APPROPRIATIONS
 ROBERT E. DVORSKY, Chair

S-3217

HOUSE AMENDMENT TO
 SENATE FILE 453

- 1 Amend Senate File 453, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 13, by striking <an eighth grade>
- 4 and inserting <any>
- 5 2. Page 1, line 16, by striking <one year> and
- 6 inserting <a unit>

S-3218

- 1 Amend House File 461, as passed by the House, as
- 2 follows:
- 3 1. Page 1, after line 11 by inserting:
- 4 <Sec. ____ NEW SECTION. 483A.8D Special
- 5 nonresident landowner deer hunting licenses.
- 6 1. As used in this section:
- 7 a. "Family member" means a nonresident who is the
- 8 spouse or child of the owner.
- 9 b. "Farm unit" means all parcels of land which are

10 certified by the commission pursuant to rule as meeting
11 the following requirements:

12 (1) Are in tracts of eighty or more contiguous
13 acres.

14 (2) Are under the lawful control of the owner.

15 c. "Owner" means a nonresident who is the owner
16 of a farm unit for taxation purposes or is a majority
17 investor in the farm unit.

18 2. Notwithstanding section 483A.8, subsection
19 5, upon written application on forms furnished by
20 the department and payment of a fee of one thousand
21 dollars, the department shall issue annually two deer
22 hunting licenses, one antlered or any sex deer hunting
23 license and one antlerless deer only deer hunting
24 license, to the owner of a farm unit or to a family
25 member of the owner, but limited to a total of two
26 licenses for both.

27 3. In addition, if an owner of a farm unit or
28 a family member of the owner purchases deer hunting
29 licenses pursuant to subsection 2, that person may
30 purchase additional antlerless deer only deer hunting
31 licenses which are valid only for use on the farm unit
32 under the same conditions and for the same price as
33 resident owners and their family members.

34 4. The deer hunting licenses issued shall be valid
35 only for use on the farm unit for which the applicant
36 applies pursuant to this section.

37 5. A person who is issued a deer hunting license
38 pursuant to this section may transfer the license to
39 another person for use only on the farm unit for which
40 the license was issued.

41 6. If a farm unit has multiple owners, only one
42 owner and that owner's family members may apply for
43 licenses pursuant to this section.

44 7. The deer hunting licenses issued pursuant
45 to this section may be used during any deer hunting
46 season.

47 8. A person who is issued or to whom a deer hunting
48 license is transferred pursuant to this section shall
49 be otherwise qualified to hunt deer in this state, pay
50 the wildlife habitat fee, and pay the one dollar fee

Page 2

1 for the purpose of deer herd population management,
2 including assisting with the cost of processing deer
3 donated to the help us stop hunger program administered
4 by the commission.

5 9. a. A deer hunting license issued pursuant to
6 this section shall be attested by the signature of the
7 person to whom the license is issued and shall contain
8 a statement in substantially the following form:

9 By signing this license I certify that I qualify
10 as an owner or family member under Iowa Code section
11 483A.8D.
12 b. A person who makes a false attestation under
13 this subsection is guilty of a simple misdemeanor.
14 In addition, the person's deer hunting license shall
15 be revoked and the person shall not be issued a deer
16 hunting license for a period of one year.>
17 2. Title page, by striking line 1 and inserting <An
18 Act relating to deer hunting and providing penalties.>
19 3. By renumbering as necessary.

MARK CHELGREN

S-3219

1 Amend Senate Resolution 7 as follows:
2 1. By striking page 1, line 1, through page 3, line
3 3, and inserting:
4 <A Resolution urging the nullification of rules
5 adopted by the United States Environmental Protection
6 Agency relating to national emissions standards for
7 hazardous air pollutants for reciprocating internal
8 combustion engines.
9 WHEREAS, the United States Environmental
10 Protection Agency in March 2000 finalized national
11 emissions standards for hazardous air pollutants for
12 reciprocating internal combustion engines which took
13 effect in May 2010; and
14 WHEREAS, the rules would have a devastating impact
15 on Iowa's municipal utilities due to the fact that the
16 municipal utilities collectively operate 287 diesel
17 electric generators with a combined nameplate capacity
18 of 548 megawatts; and
19 WHEREAS, these rules impact 67 utilities that serve
20 a total of 106,000 customers with an average of 1,560
21 customer meters per utility; and
22 WHEREAS, Iowa's municipal electric utilities
23 operate diesel generators both to be able to keep the
24 lights on when transmissions lines are downed by ice,
25 wind, floods, or other natural disasters or man-made
26 emergencies, and to meet the obligation to own or buy
27 reserve capacity; and
28 WHEREAS, the rules allow a municipal electric
29 utility to run diesel generators in an emergency, but
30 effectively take away the ability of a small community
31 to afford them by prohibiting the receipt of payment or
32 credit for reserve capacity; and
33 WHEREAS, the diesel generators run only a few hours
34 a year, with averages ranging from 14 to 46 hours
35 depending on power supply arrangements; and
36 WHEREAS, the application of the rules requires that

37 each of these engines either be retrofit, replaced,
 38 or removed, resulting in huge cost increases to the
 39 citizen owners of these utilities in the form of rate
 40 increases and lost capacity; and
 41 WHEREAS, the cost estimate if all 287 diesel
 42 generators were to be retrofit for compliance over a
 43 10-year period is \$36 million, which is an average cost
 44 of \$34.14 per year per customer with costs as high
 45 as \$203 per year per customer or more, and such cost
 46 estimates would increase beyond this amount if diesel
 47 generators are replaced or taken out of service; NOW
 48 THEREFORE,
 49 BE IT RESOLVED BY THE SENATE, That the United States
 50 Environmental Protection Agency is urged to rescind

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1 the national emissions standards for hazardous air
 2 pollutants for reciprocating internal combustion
 3 engines; and
 4 BE IT FURTHER RESOLVED, That Iowa's Congressional
 5 delegation is urged to take action to nullify the
 6 rules; and
 7 BE IT FURTHER RESOLVED, That the Secretary of the
 8 Senate shall forward a copy of this resolution to
 9 the Administrator of the United States Environmental
 10 Protection Agency and all members of Iowa's
 11 Congressional delegation.>

JOHN P. KIBBIE
 MERLIN BARTZ

S-3220

HOUSE AMENDMENT TO
 SENATE FILE 511

1 Amend Senate File 511, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking everything after the enacting clause
 4 and inserting:
 5 <DIVISION I
 6 FY 2011-2012
 7 Section 1. JUDICIAL BRANCH.
 8 1. There is appropriated from the general fund of
 9 the state to the judicial branch for the fiscal year
 10 beginning July 1, 2011, and ending June 30, 2012, the
 11 following amount, or so much thereof as is necessary,
 12 to be used for the purposes designated:
 13 a. For salaries of supreme court justices,
 14 appellate court judges, district court judges, district
 15 associate judges, judicial magistrates and staff,

16 state court administrator, clerk of the supreme
 17 court, district court administrators, clerks of the
 18 district court, juvenile court officers, board of law
 19 examiners and board of examiners of shorthand reporters
 20 and judicial qualifications commission; receipt and
 21 disbursement of child support payments; reimbursement
 22 of the auditor of state for expenses incurred in
 23 completing audits of the offices of the clerks of the
 24 district court during the fiscal year beginning July
 25 1, 2011; and maintenance, equipment, and miscellaneous
 26 purposes:
 27 \$ 154,111,822

28 b. For deposit in the revolving fund created
 29 pursuant to section 602.1302, subsection 3, for jury
 30 and witness fees, mileage, costs related to summoning
 31 jurors, fees for interpreters, and reimbursement of
 32 attorney fees paid by the state public defender:
 33 \$ 2,300,000

34 2. The judicial branch, except for purposes of
 35 internal processing, shall use the current state budget
 36 system, the state payroll system, and the Iowa finance
 37 and accounting system in administration of programs
 38 and payments for services, and shall not duplicate the
 39 state payroll, accounting, and budgeting systems.

40 3. The judicial branch shall submit monthly
 41 financial statements to the legislative services
 42 agency and the department of management containing
 43 all appropriated accounts in the same manner as
 44 provided in the monthly financial status reports and
 45 personal services usage reports of the department
 46 of administrative services. The monthly financial
 47 statements shall include a comparison of the dollars
 48 and percentage spent of budgeted versus actual revenues
 49 and expenditures on a cumulative basis for full-time
 50 equivalent positions and dollars.

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1 4. The judicial branch shall focus efforts upon the
 2 collection of delinquent fines, penalties, court costs,
 3 fees, surcharges, or similar amounts.

4 5. The judicial branch shall open the offices of
 5 the clerk of the district court in all 99 counties
 6 from 8:00 a.m. until 4:30 p.m. during each business
 7 day the judicial branch is open for business in order
 8 to address the relative needs of the citizens of each
 9 county.

10 6. In addition to the requirements for transfers
 11 under section 8.39, the judicial branch shall not
 12 change the appropriations from the amounts appropriated
 13 to the judicial branch in this Act, unless notice of
 14 the revisions is given prior to their effective date

15 to the legislative services agency. The notice shall
16 include information on the branch's rationale for
17 making the changes and details concerning the workload
18 and performance measures upon which the changes are
19 based.

20 7. The judicial branch shall submit a semiannual
21 update to the legislative services agency specifying
22 the amounts of fines, surcharges, and court costs
23 collected using the Iowa court information system since
24 the last report. The judicial branch shall continue
25 to facilitate the sharing of vital sentencing and
26 other information with other state departments and
27 governmental agencies involved in the criminal justice
28 system through the Iowa court information system.

29 8. The judicial branch shall provide a report to
30 the general assembly by January 1, 2012, concerning
31 the amounts received and expended from the enhanced
32 court collections fund created in section 602.1304 and
33 the court technology and modernization fund created in
34 section 602.8108, subsection 7, during the fiscal year
35 beginning July 1, 2010, and ending June 30, 2011, and
36 the plans for expenditures from each fund during the
37 fiscal year beginning July 1, 2011, and ending June 30,
38 2012. A copy of the report shall be provided to the
39 legislative services agency.

40 9. The judicial branch is encouraged to purchase
41 products from Iowa state industries, as defined in
42 section 904.802, when purchases are required and the
43 products are available from Iowa state industries.
44 The judicial branch shall obtain bids from Iowa state
45 industries for purchases of office furniture during the
46 fiscal year beginning July 1, 2011, exceeding \$5,000.
47 Sec. 2. CIVIL TRIALS — LOCATION. Notwithstanding
48 any provision to the contrary, for the fiscal year
49 beginning July 1, 2011, and ending June 30, 2012, if
50 all parties in a case agree, a civil trial including a

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1 jury trial may take place in a county contiguous to the
2 county with proper jurisdiction, even if the contiguous
3 county is located in an adjacent judicial district or
4 judicial election district. If the trial is moved
5 pursuant to this section, court personnel shall treat
6 the case as if a change of venue occurred. However,
7 if a trial is moved to an adjacent judicial district
8 or judicial election district, the judicial officers
9 serving in the judicial district or judicial election
10 district receiving the case shall preside over the
11 case.

12 Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding
13 section 602.1509, for the fiscal year beginning July 1,

14 2011, a judicial officer may waive travel reimbursement
15 for any travel outside the judicial officer's county of
16 residence to conduct official judicial business.

17 Sec. 4. POSTING OF REPORTS IN ELECTRONIC FORMAT —
18 LEGISLATIVE SERVICES AGENCY. All reports or copies of
19 reports required to be provided by the judicial branch
20 for fiscal year 2011–2012 to the legislative services
21 agency shall be provided in an electronic format. The
22 legislative services agency shall post the reports on
23 its internet website and shall notify by electronic
24 means all the members of the joint appropriations
25 subcommittee on the justice system when a report
26 is posted. Upon request, copies of the reports may
27 be mailed to members of the joint appropriations
28 subcommittee on the justice system.

29 Sec. 5. JUDICIAL OFFICER — UNPAID
30 LEAVE. Notwithstanding the annual salary rates
31 for judicial officers established by 2008 Iowa Acts,
32 chapter 1191, section 11, for the fiscal year beginning
33 July 1, 2011, and ending June 30, 2012, the supreme
34 court may by order place all judicial officers on
35 unpaid leave status on any day employees of the
36 judicial branch are placed on temporary layoff status.
37 The biweekly pay of the judicial officers shall be
38 reduced accordingly for the pay period in which the
39 unpaid leave date occurred in the same manner as for
40 noncontract employees of the judicial branch. Through
41 the course of the fiscal year, the judicial branch may
42 use an amount equal to the aggregate amount of salary
43 reductions due to the judicial officer unpaid leave
44 days for any purpose other than for judicial salaries.

45 Sec. 6. IOWA COMMUNICATIONS NETWORK. It is the
46 intent of the general assembly that the judicial branch
47 utilize the Iowa communications network or other secure
48 electronic communications in lieu of traveling for the
49 fiscal year beginning July 1, 2011.

50 DIVISION II

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1 FY 2012–2013
2 Sec. 7. JUDICIAL BRANCH.
3 1. There is appropriated from the general fund of
4 the state to the judicial branch for the fiscal year
5 beginning July 1, 2012, and ending June 30, 2013, the
6 following amount, or so much thereof as is necessary,
7 to be used for the purposes designated:
8 a. For salaries of supreme court justices,
9 appellate court judges, district court judges, district
10 associate judges, judicial magistrates and staff,
11 state court administrator, clerk of the supreme
12 court, district court administrators, clerks of the

13 district court, juvenile court officers, board of law
 14 examiners and board of examiners of shorthand reporters
 15 and judicial qualifications commission; receipt and
 16 disbursement of child support payments; reimbursement
 17 of the auditor of state for expenses incurred in
 18 completing audits of the offices of the clerks of the
 19 district court during the fiscal year beginning July
 20 1, 2012; and maintenance, equipment, and miscellaneous
 21 purposes:
 22 \$ 157,311,822
 23 b. For deposit in the revolving fund created
 24 pursuant to section 602.1302, subsection 3, for jury
 25 and witness fees, mileage, costs related to summoning
 26 jurors, fees for interpreters, and reimbursement of
 27 attorney fees paid by the state public defender:
 28 \$ 2,300,000
 29 2. The judicial branch, except for purposes of
 30 internal processing, shall use the current state budget
 31 system, the state payroll system, and the Iowa finance
 32 and accounting system in administration of programs
 33 and payments for services, and shall not duplicate the
 34 state payroll, accounting, and budgeting systems.
 35 3. The judicial branch shall submit monthly
 36 financial statements to the legislative services
 37 agency and the department of management containing
 38 all appropriated accounts in the same manner as
 39 provided in the monthly financial status reports and
 40 personal services usage reports of the department
 41 of administrative services. The monthly financial
 42 statements shall include a comparison of the dollars
 43 and percentage spent of budgeted versus actual revenues
 44 and expenditures on a cumulative basis for full-time
 45 equivalent positions and dollars.
 46 4. The judicial branch shall focus efforts upon the
 47 collection of delinquent fines, penalties, court costs,
 48 fees, surcharges, or similar amounts.
 49 5. The judicial branch shall open the offices of
 50 the clerk of the district court in all 99 counties

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1 from 8:00 a.m. until 4:30 p.m. during each business
 2 day the judicial branch is open for business in order
 3 to address the relative needs of the citizens of each
 4 county.
 5 6. In addition to the requirements for transfers
 6 under section 8.39, the judicial branch shall not
 7 change the appropriations from the amounts appropriated
 8 to the judicial branch in this division of this Act,
 9 unless notice of the revisions is given prior to their
 10 effective date to the legislative services agency.
 11 The notice shall include information on the branch's

12 rationale for making the changes and details concerning
13 the workload and performance measures upon which the
14 changes are based.

15 7. The judicial branch shall submit a semiannual
16 update to the legislative services agency specifying
17 the amounts of fines, surcharges, and court costs
18 collected using the Iowa court information system since
19 the last report. The judicial branch shall continue
20 to facilitate the sharing of vital sentencing and
21 other information with other state departments and
22 governmental agencies involved in the criminal justice
23 system through the Iowa court information system.

24 8. The judicial branch shall provide a report to
25 the general assembly by January 1, 2013, concerning
26 the amounts received and expended from the enhanced
27 court collections fund created in section 602.1304 and
28 the court technology and modernization fund created in
29 section 602.8108, subsection 7, during the fiscal year
30 beginning July 1, 2011, and ending June 30, 2012, and
31 the plans for expenditures from each fund during the
32 fiscal year beginning July 1, 2012, and ending June 30,
33 2013. A copy of the report shall be provided to the
34 legislative services agency.

35 9. The judicial branch is encouraged to purchase
36 products from Iowa state industries, as defined in
37 section 904.802, when purchases are required and the
38 products are available from Iowa state industries.
39 The judicial branch shall obtain bids from Iowa state
40 industries for purchases of office furniture during the
41 fiscal year beginning July 1, 2012, exceeding \$5,000.

42 Sec. 8. CIVIL TRIALS — LOCATION.

43 Notwithstanding any provision to the contrary, for
44 the fiscal year beginning July 1, 2012, and ending
45 June 30, 2013, if all parties in a case agree, a civil
46 trial including a jury trial may take place in a county
47 contiguous to the county with proper jurisdiction, even
48 if the contiguous county is located in an adjacent
49 judicial district or judicial election district. If
50 the trial is moved pursuant to this section, court

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1 personnel shall treat the case as if a change of venue
2 occurred. However, if a trial is moved to an adjacent
3 judicial district or judicial election district, the
4 judicial officers serving in the judicial district or
5 judicial election district receiving the case shall
6 preside over the case.

7 Sec. 9. TRAVEL REIMBURSEMENT. Notwithstanding
8 section 602.1509, for the fiscal year beginning July 1,
9 2012, a judicial officer may waive travel reimbursement
10 for any travel outside the judicial officer's county of

11 residence to conduct official judicial business.

12 Sec. 10. POSTING OF REPORTS IN ELECTRONIC FORMAT —
 13 LEGISLATIVE SERVICES AGENCY. All reports or copies of
 14 reports required to be provided by the judicial branch
 15 for fiscal year 2012-2013 to the legislative services
 16 agency shall be provided in an electronic format. The
 17 legislative services agency shall post the reports on
 18 its internet website and shall notify by electronic
 19 means all the members of the joint appropriations
 20 subcommittee on the justice system when a report
 21 is posted. Upon request, copies of the reports may
 22 be mailed to members of the joint appropriations
 23 subcommittee on the justice system.

24 Sec. 11. JUDICIAL OFFICER — UNPAID
 25 LEAVE. Notwithstanding the annual salary rates
 26 for judicial officers established by 2008 Iowa Acts,
 27 chapter 1191, section 11, for the fiscal year beginning
 28 July 1, 2012, and ending June 30, 2013, the supreme
 29 court may by order place all judicial officers on
 30 unpaid leave status on any day employees of the
 31 judicial branch are placed on temporary layoff status.
 32 The biweekly pay of the judicial officers shall be
 33 reduced accordingly for the pay period in which the
 34 unpaid leave date occurred in the same manner as for
 35 noncontract employees of the judicial branch. Through
 36 the course of the fiscal year, the judicial branch may
 37 use an amount equal to the aggregate amount of salary
 38 reductions due to the judicial officer unpaid leave
 39 days for any purpose other than for judicial salaries.

40 Sec. 12. IOWA COMMUNICATIONS NETWORK. It is the
 41 intent of the general assembly that the judicial branch
 42 utilize the Iowa communications network or other secure
 43 electronic communications in lieu of traveling for the
 44 fiscal year beginning July 1, 2012.>

45 2. By renumbering as necessary.

S-3221

1 Amend the amendment, S-3211, to House File 148,
 2 as amended, passed, and reprinted by the House, as
 3 follows:

- 4 1. Page 1, by striking lines 11 and 12.
- 5 2. Page 1, by striking lines 17 through 37.
- 6 3. By renumbering as necessary.

JEFF DANIELSON
 BILL DIX

S-3222

HOUSE AMENDMENT TO
 SENATE FILE 326

1 Amend Senate File 326, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, before line 1 by inserting:

4 <Section 1. Section 46.3, Code 2011, is amended to
5 read as follows:

6 46.3 Appointment of district judicial nominating
7 commissioners.

8 1. The governor shall appoint five eligible
9 electors of each judicial election district to the
10 district judicial nominating commission.

11 2. ~~Appointments~~ The appointments made by the
12 governor shall be to staggered terms of six years each
13 and shall be made in the month of January for terms
14 commencing February 1 of even-numbered years.

15 3. No more than a simple majority of the
16 commissioners appointed shall be of the same gender.

17 4. Beginning with terms commencing February 1,
18 2012, there shall not be more than one appointed
19 commissioner from a county within a judicial election
20 district unless each county within the judicial
21 election district has an appointed or elected
22 commissioner or the number of appointed commissioners
23 exceeds the number of counties within the judicial
24 election district. This subsection shall not be used
25 to remove an appointed commissioner from office prior
26 to the expiration of the commissioner's term.>

27 2. Title page, line 1, by striking <judicial
28 officers> and inserting <district judicial nominating
29 commissioners, judicial officers,>

30 3. By renumbering as necessary.

S-3223

HOUSE AMENDMENT TO SENATE FILE 312

1 Amend Senate File 312, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. Section 321.34, subsection 10,
6 paragraph b, Code 2011, is amended to read as follows:

7 b. The application shall be approved by the
8 department in consultation with representatives
9 designated by the Iowa fire fighters' associations,
10 and the special registration plates shall be issued to
11 the applicant in exchange for the registration plates
12 previously issued to the person. An applicant who is
13 the owner of a business-trade truck or special truck
14 shall not be issued special fire fighter registration
15 plates for more than one vehicle. The fee for the

16 special plates is twenty-five dollars which shall be
17 paid in addition to the regular annual registration
18 fee. The department shall validate the special plates
19 in the same manner as regular registration plates are
20 validated under this section at the regular annual
21 registration fee.

22 Sec. 2. Section 321.120, subsection 3, Code 2011,
23 is amended to read as follows:

24 3. Upon approval of the application and payment
25 of the proper fees, the county treasurer shall issue
26 regular registration plates for the ~~vehicle which~~
27 ~~distinguish the vehicle as a~~ business-trade truck.
28 The department may adopt rules requiring the use of
29 a sticker or other means to identify motor vehicles
30 registered under this section.

31 Sec. 3. Section 321.121, Code 2011, is amended by
32 adding the following new subsection:

33 NEW SUBSECTION. 1A. Upon approval of the
34 application and payment of the proper fees, the county
35 treasurer shall issue regular registration plates for
36 the special truck. The department may adopt rules
37 requiring the use of a sticker or other means to
38 identify motor vehicles registered under this section.

39 Sec. 4. PHASED-IN ELIMINATION OF BUSINESS-TRADE
40 TRUCK AND SPECIAL TRUCK PLATES.

41 1. It is the intent of the general assembly that
42 the owners of business-trade trucks and special trucks
43 have access to any of the specialty registration plates
44 issued under section 321.34 under the same terms and
45 conditions that apply to owners of other motor vehicles
46 under that section, except that the issuance of special
47 fire fighter plates shall be subject to the limitation
48 imposed under section 321.34, subsection 10, as amended
49 in this Act.

50 2. By January 1, 2012, the department of

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1 transportation shall discontinue the practice of
2 issuing business-trade truck registration plates
3 and special truck registration plates, and shall
4 instead provide regular registration plates for new
5 business-trade truck and special truck registrations.
6 Current requirements and fees for business-trade truck
7 and special truck registrations continue to apply. In
8 conjunction with the transition to the issuance of
9 regular registration plates for business-trade and
10 special trucks, the following registration practices
11 shall apply:

12 a. Except as provided in paragraph "b", current
13 owners of vehicles with business-trade or special
14 truck plates shall continue to use those plates until

15 ownership of the vehicle is transferred or until a new
 16 series of Iowa registration plates is issued by the
 17 department of transportation.

18 b. The owner of a motor vehicle with current
 19 business-trade truck plates or special truck plates
 20 may elect to be issued specialty plates in lieu of the
 21 current registration plates for the vehicle, subject
 22 to the terms and conditions applicable under section
 23 321.34.

24 c. The owner of a motor vehicle being registered
 25 for the first time as a business-trade truck or special
 26 truck may elect to be issued specialty plates in lieu
 27 of regular registration plates, subject to the terms
 28 and conditions applicable under section 321.34.

29 Sec. 5. APPLICABILITY. This Act applies for
 30 registration plates issued during registration periods
 31 beginning on or after January 1, 2012.>

32 2. Title page, by striking lines 1 through 6 and
 33 inserting <An Act concerning registration plates issued
 34 for business-trade trucks and special trucks, and
 35 including applicability provisions.>

S-3224

1 Amend House File 392, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 3, after line 35 by inserting:
 4 <Sec. ___. Section 105.18, subsection 4, unnumbered
 5 paragraph 1, Code 2011, is amended to read as follows:
 6 Notwithstanding section 17A.9A, the board
 7 shall through December 31, 2009, waive the written
 8 examination requirements and prior experience
 9 requirements in subsection 2, paragraph "b",
 10 subparagraph (1), ~~subparagraph division (e), and~~
 11 subsection 2, paragraph "c", ~~subparagraph (3),~~ for a
 12 journeyman or master license if the applicant meets
 13 either of the following requirements:

14 Sec. ___. Section 105.18, Code 2011, is amended by
 15 adding the following new subsection:
 16 NEW SUBSECTION. 5. Waiver for military service.
 17 Notwithstanding section 17A.9A, the board shall
 18 waive the written examination requirements and prior
 19 experience requirements in subsection 2, paragraph "b",
 20 subparagraph (1), and subsection 2, paragraph "c", for
 21 a journeyman or master license if the applicant
 22 meets all of the following requirements:

- 23 a. Is an active or retired member of the United
 24 States military.
- 25 b. Provides documentation that the applicant was
 26 deployed on active duty during any portion of the time
 27 period of July 1, 2008, through December 31, 2009.
- 28 c. Provides documentation that shows the applicant

29 has previously passed an examination which the board
 30 deems substantially similar to the examination
 31 for a journeyperson license or a master license,
 32 as applicable, issued by the board, or provides
 33 documentation that shows the applicant has previously
 34 been licensed by a state or local governmental
 35 jurisdiction in the same trade and trade level.>
 36 2. By renumbering as necessary.

JEFF DANIELSON

S-3225

- 1 Amend House File 461, as passed by the House, as
 2 follows:
- 3 1. Page 1, after line 11 by inserting:
 - 4 <Sec. ____ Section 483A.24, subsections 3 and 4,
 - 5 Code 2011, are amended by striking the subsections.>
 - 6 2. Title page, by striking line 1 and inserting <An
 - 7 Act relating to deer and turkey hunting.>
 - 8 3. By renumbering as necessary.

JEFF DANIELSON

S-3226

- 1 Amend Senate File 519 as follows:
- 2 1. Page 1, line 10, by striking <the> and inserting
 - 3 <a>
 - 4 2. Page 1, line 11, after <fees> by inserting <for
 - 5 products or services>
 - 6 3. Page 1, line 12, after <2.> by inserting
 - 7 <"Organization" includes a related for-profit or
 - 8 not-for-profit subsidiary of an organization.>
 - 9 4. Page 1, line 15, by striking <and> and inserting
 - 10 <or>
 - 11 5. Page 1, line 21, after <fees> by inserting <for
 - 12 products or services>
 - 13 6. Page 1, by striking lines 29 through 33 and
 - 14 inserting <in annual dues, fees, or assessments for
 - 15 products or services received from the organization,
 - 16 and the total amount of any revenue or dividend
 - 17 payments received from the organization. The
 - 18 information shall be submitted to the>
 - 19 7. Page 3, after line 5 by inserting:
 - 20 <__. An organization shall not pay to an employee,
 - 21 officer, a member of the organization's governing
 - 22 board, or to a legislative representative or lobbyist
 - 23 of the organization, a commission, bonus, or other
 - 24 consideration of any type which is in addition to
 - 25 compensation paid and published and reported as
 - 26 required by subsection 4.>

- 27 8. Title page, line 1, by striking <membership in
- 28 and membership dues paid to>
- 29 9. By renumbering as necessary.

THOMAS G. COURTNEY

S-3227

HOUSE AMENDMENT TO
SENATE FILE 509

1 Amend Senate File 509, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking everything after the enacting clause
 4 and inserting:

5 <DIVISION I

6 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
 7 GENERAL APPROPRIATIONS FOR FY 2011-2012

8 Section 1. GENERAL FUND — DEPARTMENT.

9 1. There is appropriated from the general fund of
 10 the state to the department of agriculture and land
 11 stewardship for the fiscal year beginning July 1, 2011,
 12 and ending June 30, 2012, the following amount, or
 13 so much thereof as is necessary, to be used for the
 14 purposes designated:

15 For purposes of supporting the department, including
 16 its divisions, for administration, regulation, and
 17 programs; for salaries, support, maintenance, and
 18 miscellaneous purposes; and for not more than the
 19 following full-time equivalent positions:

20	\$	16,497,308
21	FTEs	365.00

22 2. The department shall submit a report each
 23 quarter of the fiscal year to the legislative services
 24 agency, the department of management, the members of
 25 the joint appropriations subcommittee on agriculture
 26 and natural resources, and the chairpersons and
 27 ranking members of the senate and house committees on
 28 appropriations. The report shall describe in detail
 29 the expenditure of moneys appropriated in this section
 30 to support the department's administration, regulation,
 31 and programs.

32 3. Of the amount appropriated in this section,
 33 \$238,000 is transferred to Iowa state university of
 34 science and technology, to be used for the university's
 35 midwest grape and wine industry institute.

36 DESIGNATED APPROPRIATIONS — ANIMAL HUSBANDRY

37 Sec. 2. UNCLAIMED PARI-MUTUEL WAGERING WINNINGS —
 38 HORSE AND DOG RACING. There is appropriated from the
 39 moneys available under section 99D.13 to the department
 40 of agriculture and land stewardship for the fiscal year
 41 beginning July 1, 2011, and ending June 30, 2012, the

42 following amount, or so much thereof as is necessary,
 43 to be used for the purposes designated:
 44 For purposes of supporting the department’s
 45 administration and enforcement of horse and dog racing
 46 law pursuant to section 99D.22, including for salaries,
 47 support, maintenance, and miscellaneous purposes:
 48 \$ 305,516
 49 DESIGNATED APPROPRIATIONS — MOTOR FUEL
 50 Sec. 3. RENEWABLE FUEL INFRASTRUCTURE FUND —

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1 MOTOR FUEL INSPECTION. There is appropriated from
 2 the renewable fuel infrastructure fund created in
 3 section 15G.205 to the department of agriculture and
 4 land stewardship for the fiscal year beginning July 1,
 5 2011, and ending June 30, 2012, the following amount,
 6 or so much thereof as is necessary, to be used for the
 7 purposes designated:
 8 For purposes of the inspection of motor fuel,
 9 including salaries, support, maintenance, and
 10 miscellaneous purposes:
 11 \$ 500,000
 12 The department shall establish and administer
 13 programs for the auditing of motor fuel including
 14 biofuel processing and production plants, for screening
 15 and testing motor fuel, including renewable fuel,
 16 and for the inspection of motor fuel sold by dealers
 17 including retail dealers who sell and dispense motor
 18 fuel from motor fuel pumps.

DIVISION II

DEPARTMENT OF NATURAL RESOURCES

GENERAL APPROPRIATIONS FOR FY 2011–2012

Sec. 4. GENERAL FUND — DEPARTMENT.

23 1. There is appropriated from the general fund of
 24 the state to the department of natural resources for
 25 the fiscal year beginning July 1, 2011, and ending June
 26 30, 2012, the following amount, or so much thereof as
 27 is necessary, to be used for the purposes designated:
 28 For purposes of supporting the department, including
 29 its divisions, for administration, regulation, and
 30 programs; for salaries, support, maintenance, and
 31 miscellaneous purposes; and for not more than the
 32 following full-time equivalent positions:
 33 \$ 12,266,688
 34 FTEs 1,145.95

35 2. Of the number of full-time equivalent positions
 36 authorized to the department pursuant to subsection 1,
 37 50.00 full-time equivalent positions shall be allocated
 38 by the department for seasonal employees for purposes
 39 of providing maintenance, upkeep, and sanitary services
 40 at state parks.

41 3. The department shall submit a report each
 42 quarter of the fiscal year to the legislative services
 43 agency, the department of management, the members of
 44 the joint appropriations subcommittee on agriculture
 45 and natural resources, and the chairpersons and
 46 ranking members of the senate and house committees on
 47 appropriations. The report shall describe in detail
 48 the expenditure of moneys appropriated under this
 49 section to support the department's administration,
 50 regulation, and programs.

Page 3

1 Sec. 5. STATE FISH AND GAME PROTECTION FUND —
 2 DIVISION OF FISH AND WILDLIFE.

3 1. There is appropriated from the state fish and
 4 game protection fund to the department of natural
 5 resources for the fiscal year beginning July 1, 2011,
 6 and ending June 30, 2012, the following amount, or
 7 so much thereof as is necessary, to be used for the
 8 purposes designated:

9 For purposes of supporting the division of fish and
 10 wildlife, including for administration, regulation,
 11 and programs; and for salaries, support, maintenance,
 12 equipment, and miscellaneous purposes:

13 \$ 38,793,154

14 2. Notwithstanding section 455A.10, the department
 15 may use the unappropriated balance remaining in the
 16 state fish and game protection fund to provide for the
 17 funding of health and life insurance premium payments
 18 from unused sick leave balances of conservation peace
 19 officers employed in a protection occupation who
 20 retire, pursuant to section 97B.49B.

21 3. Notwithstanding section 455A.10, the department
 22 of natural resources may use the unappropriated
 23 balance remaining in the state fish and game protection
 24 fund for the fiscal year beginning July 1, 2011,
 25 and ending June 30, 2012, as is necessary to fund
 26 salary adjustments for departmental employees which
 27 the general assembly has made an operating budget
 28 appropriation for in subsection 1.

29 Sec. 6. GROUNDWATER PROTECTION FUND — WATER
 30 QUALITY. There is appropriated from the groundwater

31 protection fund created in section 455E.11 to the
 32 department of natural resources for the fiscal year
 33 beginning July 1, 2011, and ending June 30, 2012, from
 34 those moneys which are not allocated pursuant to that
 35 section, the following amount, or so much thereof as is
 36 necessary, to be used for the purposes designated:

37 For purposes of supporting the department's
 38 protection of the state's groundwater, including
 39 for administration, regulation, and programs, and

40 for salaries, support, maintenance, equipment, and
 41 miscellaneous purposes:
 42 \$ 3,455,832
 43 DESIGNATED APPROPRIATIONS — MISCELLANEOUS
 44 Sec. 7. SPECIAL SNOWMOBILE FUND — SNOWMOBILE
 45 PROGRAM. There is appropriated from the special
 46 snowmobile fund created under section 321G.7 to the
 47 department of natural resources for the fiscal year
 48 beginning July 1, 2011, and ending June 30, 2012, the
 49 following amount, or so much thereof as is necessary,
 50 to be used for the purpose designated:

Page 4

1 For purposes of administering and enforcing the
 2 state snowmobile programs:
 3 \$ 100,000
 4 Sec. 8. SPECIAL SNOWMOBILE FUND. Notwithstanding
 5 section 321G.7, subsection 2, for the fiscal year
 6 beginning July 1, 2011, and ending June 30, 2012,
 7 at least seventy-five percent of the moneys in the
 8 special snowmobile fund which are appropriated to the
 9 department of natural resources as provided in that
 10 subsection shall be made available for use by political
 11 subdivisions or incorporated private organizations, or
 12 both, for their use as provided in that subsection.
 13 Sec. 9. UNASSIGNED REVENUE FUND — UNDERGROUND
 14 STORAGE TANK SECTION EXPENSES. There is appropriated
 15 from the unassigned revenue fund administered by the
 16 Iowa comprehensive underground storage tank fund
 17 board to the department of natural resources for the
 18 fiscal year beginning July 1, 2011, and ending June 30,
 19 2012, the following amount, or so much thereof as is
 20 necessary, to be used for the purpose designated:
 21 For purposes of paying for administration expenses
 22 of the department's underground storage tank section:
 23 \$ 200,000
 24 Sec. 10. STORM WATER DISCHARGE PERMIT FEES —
 25 SUPPORT FOR SPECIAL PURPOSES. Notwithstanding any
 26 contrary provision of state law, for the fiscal year
 27 beginning July 1, 2011, and ending June 30, 2012, the
 28 department of natural resources may use additional
 29 moneys available to the department collected from
 30 storm water discharge permit fees as provided in
 31 sections 455B.103A and 455B.197 for the staffing of the
 32 following additional full-time equivalent positions for
 33 the purposes designated:
 34 1. For purposes of reducing the department's
 35 floodplain permit backlog:
 36 FTEs 2.00
 37 2. For purposes of implementing the federal total
 38 maximum daily load program:

39 FTEs 2.00

40 DIVISION III
 41 IOWA STATE UNIVERSITY
 42 APPROPRIATION FOR FY 2011–2012

43 Sec. 11. GENERAL FUND — VETERINARY DIAGNOSTIC
 44 LABORATORY.

45 1. There is appropriated from the general fund
 46 of the state to Iowa state university of science and
 47 technology for the fiscal year beginning July 1, 2011,
 48 and ending June 30, 2012, the following amount, or
 49 so much thereof as is necessary, to be used for the
 50 purposes designated:

Page 5

1 For purposes of supporting the college of veterinary
 2 medicine for the operation of the veterinary diagnostic
 3 laboratory and for not more than the following
 4 full-time equivalent positions:
 5 \$ 3,237,636
 6 FTEs 50.00

7 2. a. Iowa state university of science and
 8 technology shall not reduce the amount that it
 9 allocates to support the college of veterinary medicine
 10 from any other source due to the appropriation made in
 11 this section.

12 b. Paragraph “a” does not apply to a reduction made
 13 to support the college of veterinary medicine, if the
 14 same percentage of reduction imposed on the college
 15 of veterinary medicine is also imposed on all of Iowa
 16 state university’s budget units.

17 3. If by June 30, 2012, Iowa state university
 18 of science and technology fails to allocate the
 19 moneys appropriated in this section to the college of
 20 veterinary medicine in accordance with this section,
 21 the moneys appropriated in this section for that fiscal
 22 year shall revert to the general fund of the state.

23 Sec. 12. VETERINARY DIAGNOSTIC LABORATORY —
 24 FUTURE YEAR. This section applies if appropriations
 25 made in this Act and all other Acts enacted by the
 26 Eighty-fourth General Assembly during the 2011 regular
 27 session and all extraordinary sessions, for the
 28 fiscal year beginning July 1, 2011, and ending June
 29 30, 2012, for purposes of supporting the operation
 30 of the veterinary diagnostic laboratory associated
 31 with the college of veterinary medicine at Iowa state
 32 university, total less than \$4,000,000. It is the
 33 intent of the general assembly that the amount of any
 34 deficit will be appropriated by the general assembly
 35 during its 2012 regular session for purposes of
 36 supporting the operation of the veterinary diagnostic
 37 laboratory for the fiscal year beginning July 1, 2012,

38 and ending June 30, 2013.

39 DIVISION IV
40 ENVIRONMENT FIRST FUND
41 GENERAL APPROPRIATIONS FOR FY 2011–2012
42 Sec. 13. DEPARTMENT OF AGRICULTURE AND LAND

43 STEWARDSHIP. There is appropriated from the
44 environment first fund created in section 8.57A to the
45 department of agriculture and land stewardship for the
46 fiscal year beginning July 1, 2011, and ending June 30,
47 2012, the following amounts, or so much thereof as is
48 necessary, to be used for the purposes designated:

49 1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

50 a. For the conservation reserve enhancement program

Page 6

1 to restore and construct wetlands for the purposes of
2 intercepting tile line runoff, reducing nutrient loss,
3 improving water quality, and enhancing agricultural
4 production practices:
5 \$ 1,000,000

6 b. Not more than 10 percent of the moneys
7 appropriated in paragraph “a” may be used for costs of
8 administration and implementation of soil and water
9 conservation practices.

10 c. Notwithstanding any other provision in law,
11 the department may provide state resources from this
12 appropriation, in combination with other appropriate
13 environment first fund appropriations, for cost sharing
14 to match United States department of agriculture,
15 natural resources conservation service, wetlands
16 reserve enhancement program (WREP) funding available
17 to Iowa.

18 2. WATERSHED PROTECTION

19 a. For continuation of a program that provides
20 multiobjective resource protections for flood control,
21 water quality, erosion control, and natural resource
22 conservation:
23 \$ 900,000

24 b. Not more than 10 percent of the moneys
25 appropriated in paragraph “a” may be used for costs of
26 administration and implementation of soil and water
27 conservation practices.

28 3. FARM MANAGEMENT DEMONSTRATION PROGRAM

29 a. For continuation of a statewide voluntary farm
30 management demonstration program to demonstrate the
31 effectiveness and adaptability of emerging practices in
32 agronomy that protect water resources and provide other
33 environmental benefits:
34 \$ 725,000

35 b. Not more than 10 percent of the moneys
36 appropriated in paragraph “a” may be used for costs of

37 administration and implementation of soil and water
 38 conservation practices.

39 c. Of the amount appropriated in paragraph “a”,
 40 \$400,000 shall be allocated to an organization
 41 representing soybean growers to provide for an
 42 agriculture and environment performance program in
 43 order to carry out the purposes of this subsection as
 44 specified in paragraph “a”.

45 4. AGRICULTURAL DRAINAGE WELL WATER QUALITY
 46 ASSISTANCE FUND

47 a. For deposit in the agricultural drainage well
 48 water quality assistance fund created in section
 49 460.303 to be used for purposes of supporting the
 50 agricultural drainage well water quality assistance

Page 7

1	program as provided in section 460.304:		
2	.....	\$	875,000
3	b. Not more than 10 percent of the moneys		
4	appropriated in paragraph “a” may be used for costs of		
5	administration and implementation of soil and water		
6	conservation practices.		
7	5. SOIL AND WATER CONSERVATION — ADMINISTRATION		
8	For use by the department for costs of		
9	administration and implementation of soil and water		
10	conservation practices:		
11	.....	\$	2,000,000
12	6. CONSERVATION RESERVE PROGRAM (CRP)		
13	a. To encourage and assist farmers in enrolling		
14	in and the implementation of the federal conservation		
15	reserve program and to work with them to enhance their		
16	revegetation efforts to improve water quality and		
17	habitat:		
18	.....	\$	1,000,000
19	b. Not more than 10 percent of the moneys		
20	appropriated in paragraph “a” may be used for costs of		
21	administration and implementation of soil and water		
22	conservation practices.		
23	7. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND		
24	a. For deposit in the loess hills development and		
25	conservation fund created in section 161D.2:		
26	.....	\$	475,000
27	b. (1) Of the amount appropriated in paragraph		
28	“a”, \$380,000 shall be allocated to the fund’s hungry		
29	canyons account.		
30	(2) Not more than 10 percent of the moneys		
31	allocated to the hungry canyons account as provided in		
32	subparagraph (1) may be used for administrative costs.		
33	c. (1) Of the amount appropriated in paragraph		
34	“a”, \$95,000 shall be allocated to the fund’s loess		
35	hills alliance account.		

36 (2) Not more than 10 percent of the moneys
 37 allocated to the loess hills alliance account
 38 as provided in subparagraph (1) may be used for
 39 administrative costs.

40 8. SOUTHERN IOWA DEVELOPMENT AND CONSERVATION FUND

41 a. For deposit in the southern Iowa development and
 42 conservation fund created in section 161D.12:
 43 \$ 225,000

44 b. Not more than 10 percent of the moneys
 45 appropriated in paragraph "a" may be used for
 46 administrative costs.

47 9. SOIL AND WATER CONSERVATION

48 a. For use by the department in providing for soil
 49 and water conservation administration, the conservation
 50 of soil and water resources, or the support of soil and

Page 8

1 water conservation district commissioners:
 2 \$ 6,300,000

3 b. The department may deposit any amount of the
 4 moneys into the Mississippi river basin healthy
 5 watersheds initiative fund created in section 161G.2.

6 Sec. 14. DEPARTMENT OF NATURAL RESOURCES. There is
 7 appropriated from the environment first fund created in
 8 section 8.57A to the department of natural resources
 9 for the fiscal year beginning July 1, 2011, and ending
 10 June 30, 2012, the following amounts, or so much
 11 thereof as is necessary, to be used for the purposes
 12 designated:

13 1. KEEPERS OF THE LAND

14 For statewide coordination of volunteer efforts
 15 under the water quality and keepers of the land
 16 programs:
 17 \$ 100,000

18 2. STATE PARKS MAINTENANCE AND OPERATIONS

19 a. For regular maintenance of state parks and staff
 20 time associated with these activities:
 21 \$ 2,910,000

22 b. Of the amount appropriated in paragraph "a",
 23 \$1,200,000 shall be allocated by the department for
 24 purposes of providing funding for seasonal employees
 25 for purposes of providing maintenance, upkeep, and
 26 sanitary services at state parks.

27 3. GEOGRAPHIC INFORMATION SYSTEM (GIS)

28 To provide local watershed managers with geographic
 29 information system data for their use in developing,
 30 monitoring, and displaying results of their watershed
 31 work:
 32 \$ 195,000

33 4. WATER QUALITY MONITORING

34 For continuing the establishment and operation of

35	water quality monitoring stations:	
36	.....	\$ 2,955,000
37	5. PUBLIC WATER SUPPLY SYSTEM ACCOUNT	
38	For deposit in the public water supply system	
39	account of the water quality protection fund created	
40	in section 455B.183A:	
41	.....	\$ 500,000
42	6. REGULATION OF ANIMAL FEEDING OPERATIONS	
43	For the regulation of animal feeding operations,	
44	including as provided for in chapters 459 and 459A:	
45	.....	\$ 420,000
46	7. AMBIENT AIR QUALITY	
47	For the abatement, control, and prevention of	
48	ambient air pollution in this state, including measures	
49	as necessary to assure attainment and maintenance of	
50	ambient air quality standards from particulate matter:	

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1	\$ 425,000
2	8. WATER QUANTITY REGULATION	
3	For regulating water quantity from surface and	
4	subsurface sources by providing for the allocation and	
5	use of water resources, the protection and management	
6	of water resources, and the preclusion of conflicts	
7	among users of water resources, including as provided	
8	in chapter 455B, division III, part 4:	
9	.....	\$ 495,000
10	Sec. 15. REVERSION. Notwithstanding section 8.33,	
11	moneys appropriated for the fiscal year beginning	
12	July 1, 2011, in this division of this Act that remain	
13	unencumbered or unobligated at the close of the fiscal	
14	year shall not revert but shall remain available to	
15	be used for the purposes designated until the close	
16	of the fiscal year beginning July 1, 2012, or until	
17	the project for which the appropriation was made is	
18	completed, whichever is earlier.	
19	DIVISION V	
20	RESOURCES ENHANCEMENT AND PROTECTION	
21	(REAP) FUND FOR FY 2011–2012	
22	GENERAL APPROPRIATIONS	
23	Sec. 16. ENVIRONMENT FIRST FUND. Notwithstanding	
24	the amount of the standing appropriation from the	
25	general fund of the state to the Iowa resources	
26	enhancement and protection fund as provided in section	
27	455A.18, there is appropriated from the environment	
28	first fund created in section 8.57A to the Iowa	
29	resources enhancement and protection fund, in lieu of	
30	the appropriation made in section 455A.18, for the	
31	fiscal year beginning July 1, 2011, and ending June 30,	
32	2012, the following amount, to be allocated as provided	
33	in section 455A.19:	

34 \$ 11,500,000
 35 Sec. 17. OPEN SPACE ACCOUNT —
 36 ALLOCATIONS. Notwithstanding section 455A.19,
 37 subsection 1, paragraph “a”, for the fiscal year
 38 beginning July 1, 2011, and ending June 30, 2012,
 39 unobligated and unencumbered moneys allocated to the
 40 open spaces account of the Iowa resources enhancement
 41 and protection fund created pursuant to sections
 42 455A.18 and 455A.19, subsection 1, paragraph “a”, shall
 43 be allocated only in the following priority order:
 44 1. First, at least ten percent shall be made
 45 available to match private funds for open space
 46 projects on the cost-share basis of not less than
 47 twenty-five percent private funds pursuant to the rules
 48 adopted by the natural resource commission.
 49 2. Second, five percent shall be used to fund the
 50 protected waters program. This amount shall be used by

Page 10

1 the department to implement the statewide open space
 2 acquisition, protection, and development programs.
 3 3. Third, any remaining amount shall be used to
 4 reimburse political subdivisions of the state for
 5 property tax dollars lost to open space acquisitions
 6 based on the reimbursement formula provided for in
 7 section 465A.4.
 8 4. Fourth, any remaining amount shall be used to
 9 pay for debt service on bonds issued by the Honey creek
 10 premier destination park authority as provided in
 11 chapter 463C to the extent that the debt service cannot
 12 be paid as provided in that chapter.
 13 5. Fifth, of any remaining amount, \$100,000 shall
 14 be transferred to the loess hills development and
 15 conservation fund created in section 161D.2 for deposit
 16 in the hungry canyons account as provided in that
 17 section.
 18 6. Sixth, of any remaining amount, \$375,000 shall
 19 be transferred to the soil conservation division of the
 20 department of agriculture and land stewardship for the
 21 administration and implementation of soil and water
 22 conservation practices as provided in chapter 161A.
 23 7. Seventh, of any remaining amount, not more than
 24 \$300,000 shall be used by the department of natural
 25 resources for expenses related to the maintenance and
 26 operation of state parks.
 27 8. Eighth, any remaining amount may be used by
 28 the department to implement statewide open space
 29 acquisition, protection, and development programs.

DIVISION VI

33

FUND

34 Sec. 18. Section 455G.3, subsections 6 and 7, Code
35 2011, are amended to read as follows:

36 6. a. For the fiscal year beginning July 1,
37 2010, and each fiscal year thereafter, there is
38 appropriated from the Iowa comprehensive petroleum
39 underground storage tank fund to the department of
40 natural resources two hundred thousand dollars for
41 purposes of technical review support to be conducted
42 by nongovernmental entities for leaking underground
43 storage tank assessments.

44 b. Notwithstanding section 8.33, moneys
45 appropriated in this subsection that remain
46 unencumbered or unobligated at the close of the fiscal
47 year shall not revert but shall remain available for
48 expenditure for the purposes designated until the close
49 of the succeeding fiscal year.

50 7. a. For the fiscal year beginning July 1, 2010,

Page 11

1 there is appropriated from the Iowa comprehensive
2 petroleum underground storage tank fund to the
3 department of natural resources one hundred thousand
4 dollars for purposes of database modifications
5 necessary to accept batched external data regarding
6 underground storage tank inspections conducted by
7 nongovernmental entities.

8 b. Notwithstanding section 8.33, moneys
9 appropriated in this subsection that remain
10 unencumbered or unobligated at the close of the fiscal
11 year shall not revert but shall remain available for
12 expenditure for the purposes designated until the close
13 of the succeeding fiscal year.

14 Sec. 19. Section 455G.3, subsection 8, Code 2011,
15 is amended by adding the following new unnumbered
16 paragraph:

17 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
18 8.33, moneys appropriated in this subsection that
19 remain unencumbered or unobligated at the close of the
20 fiscal year shall not revert but shall remain available
21 for expenditure for the purposes designated until the
22 close of the succeeding fiscal year.

23 Sec. 20. EFFECTIVE UPON ENACTMENT. This division
24 of this Act, being deemed of immediate importance,
25 takes effect upon enactment.

26

DIVISION VII

27

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

28

GENERAL APPROPRIATIONS FOR FY 2012–2013

29

Sec. 21. GENERAL FUND — DEPARTMENT.

30

1. There is appropriated from the general fund of

31

the state to the department of agriculture and land

32 stewardship for the fiscal year beginning July 1, 2012,
33 and ending June 30, 2013, the following amount, or
34 so much thereof as is necessary, to be used for the
35 purposes designated:

36 For purposes of supporting the department, including
37 its divisions, for administration, regulation, and
38 programs; for salaries, support, maintenance, and
39 miscellaneous purposes; and for not more than the
40 following full-time equivalent positions:

41	\$	17,497,308
42	FTEs	365.00

43 2. The department shall submit a report each
44 quarter of the fiscal year to the legislative services
45 agency, the department of management, the members of
46 the joint appropriations subcommittee on agriculture
47 and natural resources, and the chairpersons and
48 ranking members of the senate and house committees on
49 appropriations. The report shall describe in detail
50 the expenditure of moneys appropriated in this section

Page 12

1 to support the department’s administration, regulation,
2 and programs.

3 3. Of the amount appropriated in this section,
4 \$238,000 is transferred to Iowa state university of
5 science and technology, to be used for the university’s
6 midwest grape and wine industry institute.

7 DESIGNATED APPROPRIATIONS — ANIMAL HUSBANDRY
8 Sec. 22. UNCLAIMED PARI-MUTUEL WAGERING WINNINGS —
9 HORSE AND DOG RACING. There is appropriated from the
10 moneys available under section 99D.13 to the department
11 of agriculture and land stewardship for the fiscal year
12 beginning July 1, 2012, and ending June 30, 2013, the
13 following amount, or so much thereof as is necessary,
14 to be used for the purposes designated:

15 For purposes of supporting the department’s
16 administration and enforcement of horse and dog racing
17 law pursuant to section 99D.22, including for salaries,
18 support, maintenance, and miscellaneous purposes:

19	\$	305,516
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20 DESIGNATED APPROPRIATIONS — MOTOR FUEL
21 Sec. 23. RENEWABLE FUEL INFRASTRUCTURE FUND —
22 MOTOR FUEL INSPECTION. There is appropriated from
23 the renewable fuel infrastructure fund created in
24 section 15G.205 to the department of agriculture and
25 land stewardship for the fiscal year beginning July 1,
26 2012, and ending June 30, 2013, the following amount,
27 or so much thereof as is necessary, to be used for the
28 purposes designated:

29 For purposes of the inspection of motor fuel,
30 including salaries, support, maintenance, and

31 miscellaneous purposes:
 32 \$ 500,000
 33 The department shall establish and administer
 34 programs for the auditing of motor fuel including
 35 biofuel processing and production plants, for screening
 36 and testing motor fuel, including renewable fuel,
 37 and for the inspection of motor fuel sold by dealers
 38 including retail dealers who sell and dispense motor
 39 fuel from motor fuel pumps.

40 DIVISION VIII

41 DEPARTMENT OF NATURAL RESOURCES

42 GENERAL APPROPRIATIONS FOR FY 2012–2013

43 Sec. 24. GENERAL FUND — DEPARTMENT.

44 1. There is appropriated from the general fund of
 45 the state to the department of natural resources for
 46 the fiscal year beginning July 1, 2012, and ending June
 47 30, 2013, the following amount, or so much thereof as
 48 is necessary, to be used for the purposes designated:
 49 For purposes of supporting the department, including
 50 its divisions, for administration, regulation, and

Page 13

1 programs; for salaries, support, maintenance, and
 2 miscellaneous purposes; and for not more than the
 3 following full-time equivalent positions:
 4 \$ 12,466,688
 5 FTEs 1,145.95

6 2. Of the number of full-time equivalent positions
 7 authorized to the department pursuant to subsection 1,
 8 50.00 full-time equivalent positions shall be allocated
 9 by the department for seasonal employees for purposes
 10 of providing maintenance, upkeep, and sanitary services
 11 at state parks.

12 3. The department shall submit a report each
 13 quarter of the fiscal year to the legislative services
 14 agency, the department of management, the members of
 15 the joint appropriations subcommittee on agriculture
 16 and natural resources, and the chairpersons and
 17 ranking members of the senate and house committees on
 18 appropriations. The report shall describe in detail
 19 the expenditure of moneys appropriated under this
 20 section to support the department’s administration,
 21 regulation, and programs.

22 Sec. 25. GENERAL FUND — FLOODPLAIN MANAGEMENT.

23 1. There is appropriated from the general fund of
 24 the state to the department of natural resources for
 25 the fiscal year beginning July 1, 2012, and ending June
 26 30, 2013, the following amount, or so much thereof as
 27 is necessary, to be used for the purposes designated:
 28 For floodplain management and dam safety:
 29 \$ 2,000,000

30 2. Of the amount appropriated in subsection 1,
31 up to \$400,000 is authorized for streamgages to be
32 used for tracking and predicting flood events and for
33 compiling necessary data relating to flood frequency
34 analysis.

35 Sec. 26. GENERAL FUND — LAKE PROJECTS. There is
36 appropriated from the general fund of the state to the
37 department of natural resources for the fiscal year
38 beginning July 1, 2012, and ending June 30, 2013, the
39 following amount, or so much thereof as is necessary,
40 to be used for the purposes designated:

41 For implementation of lake projects that have
42 established watershed improvement initiatives and
43 community support in accordance with the department's
44 annual lake restoration plan and report:

45 \$ 8,600,000

46 Sec. 27. STATE FISH AND GAME PROTECTION FUND —
47 DIVISION OF FISH AND WILDLIFE.

48 1. There is appropriated from the state fish and
49 game protection fund to the department of natural
50 resources for the fiscal year beginning July 1, 2012,

Page 14

1 and ending June 30, 2013, the following amount, or
2 so much thereof as is necessary, to be used for the
3 purposes designated:

4 For purposes of supporting the division of fish and
5 wildlife, including for administration, regulation,
6 and programs; and for salaries, support, maintenance,
7 equipment, and miscellaneous purposes:

8 \$ 38,793,154

9 2. Notwithstanding section 455A.10, the department
10 may use the unappropriated balance remaining in the
11 state fish and game protection fund to provide for the
12 funding of health and life insurance premium payments
13 from unused sick leave balances of conservation peace
14 officers employed in a protection occupation who
15 retire, pursuant to section 97B.49B.

16 Sec. 28. GROUNDWATER PROTECTION FUND — WATER
17 QUALITY. There is appropriated from the groundwater
18 protection fund created in section 455E.11 to the
19 department of natural resources for the fiscal year
20 beginning July 1, 2012, and ending June 30, 2013, from
21 those moneys which are not allocated pursuant to that
22 section, the following amount, or so much thereof as is
23 necessary, to be used for the purposes designated:

24 For purposes of supporting the department's
25 protection of the state's groundwater, including
26 for administration, regulation, and programs, and
27 for salaries, support, maintenance, equipment, and
28 miscellaneous purposes:

29	.....	\$	3,455,832
30	DESIGNATED APPROPRIATIONS — MISCELLANEOUS		
31	Sec. 29. SPECIAL SNOWMOBILE FUND — SNOWMOBILE		
32	PROGRAM. There is appropriated from the special		
33	snowmobile fund created under section 321G.7 to the		
34	department of natural resources for the fiscal year		
35	beginning July 1, 2012, and ending June 30, 2013, the		
36	following amount, or so much thereof as is necessary,		
37	to be used for the purpose designated:		
38	For purposes of administering and enforcing the		
39	state snowmobile programs:		
40	.....	\$	100,000
41	Sec. 30. SPECIAL SNOWMOBILE FUND. Notwithstanding		
42	section 321G.7, subsection 2, for the fiscal year		
43	beginning July 1, 2012, and ending June 30, 2013,		
44	at least seventy-five percent of the moneys in the		
45	special snowmobile fund which are appropriated to the		
46	department of natural resources as provided in that		
47	subsection shall be made available for use by political		
48	subdivisions or incorporated private organizations, or		
49	both, for their use as provided in that subsection.		
50	Sec. 31. UNASSIGNED REVENUE FUND — UNDERGROUND		

Page 15

1	STORAGE TANK SECTION EXPENSES. There is appropriated		
2	from the unassigned revenue fund administered by the		
3	Iowa comprehensive underground storage tank fund		
4	board to the department of natural resources for the		
5	fiscal year beginning July 1, 2012, and ending June 30,		
6	2013, the following amount, or so much thereof as is		
7	necessary, to be used for the purpose designated:		
8	For purposes of paying for administration expenses		
9	of the department's underground storage tank section:		
10	.....	\$	200,000
11	Sec. 32. STORM WATER DISCHARGE PERMIT FEES —		
12	SUPPORT FOR SPECIAL PURPOSES. Notwithstanding any		
13	contrary provision of state law, for the fiscal year		
14	beginning July 1, 2012, and ending June 30, 2013, the		
15	department of natural resources may use additional		
16	moneys available to the department collected from		
17	storm water discharge permit fees as provided in		
18	sections 455B.103A and 455B.197 for the staffing of the		
19	following additional full-time equivalent positions for		
20	the purposes designated:		
21	1. For purposes of reducing the department's		
22	floodplain permit backlog:		
23	.....	FTEs	2.00
24	2. For purposes of implementing the federal total		
25	maximum daily load program:		
26	.....	FTEs	2.00
27	DIVISION IX		

28 STATE UNIVERSITIES
 29 APPROPRIATION FOR FY 2012–2013
 30 Sec. 33. GENERAL FUND — IOWA STATE UNIVERSITY —
 31 VETERINARY DIAGNOSTIC LABORATORY.

32 1. There is appropriated from the general fund
 33 of the state to Iowa state university of science and
 34 technology for the fiscal year beginning July 1, 2012,
 35 and ending June 30, 2013, the following amount, or
 36 so much thereof as is necessary, to be used for the
 37 purposes designated:

38 For purposes of supporting the college of veterinary
 39 medicine for the operation of the veterinary diagnostic
 40 laboratory and for not more than the following
 41 full-time equivalent positions:

42	\$	3,537,636
43	FTEs	50.00

44 2. a. Iowa state university of science and
 45 technology shall not reduce the amount that it
 46 allocates to support the college of veterinary medicine
 47 from any other source due to the appropriation made in
 48 this section.

49 b. Paragraph “a” does not apply to a reduction made
 50 to support the college of veterinary medicine, if the

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1 same percentage of reduction imposed on the college
 2 of veterinary medicine is also imposed on all of Iowa
 3 state university’s budget units.

4 3. If by June 30, 2013, Iowa state university
 5 of science and technology fails to allocate the
 6 moneys appropriated in this section to the college of
 7 veterinary medicine in accordance with this section,
 8 the moneys appropriated in this section for that fiscal
 9 year shall revert to the general fund of the state.

10 Sec. 34. VETERINARY DIAGNOSTIC LABORATORY —
 11 FUTURE YEAR. This section applies if appropriations
 12 made in this Act and all other Acts enacted by the
 13 Eighty-fourth General Assembly during the 2012 regular
 14 session and all extraordinary sessions, for the
 15 fiscal year beginning July 1, 2012, and ending June
 16 30, 2013, for purposes of supporting the operation
 17 of the veterinary diagnostic laboratory associated
 18 with the college of veterinary medicine at Iowa state
 19 university, total less than \$4,000,000. It is the
 20 intent of the general assembly that the amount of any
 21 deficit will be appropriated by the general assembly
 22 during its 2013 regular session for purposes of
 23 supporting the operation of the veterinary diagnostic
 24 laboratory for the fiscal year beginning July 1, 2013,
 25 and ending June 30, 2014.

26 Sec. 35. GENERAL FUND — UNIVERSITY OF IOWA — IOWA

27 FLOOD CENTER. There is appropriated from the general
28 fund of the state to the state university of Iowa for
29 the fiscal year beginning July 1, 2012, and ending June
30 30, 2013, the following amount, or so much thereof as
31 is necessary, to be used for the purposes designated:

32 For the Iowa flood center at the state university
33 of Iowa for use by the university's college of
34 engineering, pursuant to section 466C.1:
35 \$ 1,300,000

36 DIVISION X

37 ENVIRONMENT FIRST FUND APPROPRIATION FOR FY 2012-2013

38 GENERAL APPROPRIATIONS

39 Sec. 36. DEPARTMENT OF AGRICULTURE AND LAND

40 STEWARDSHIP. There is appropriated from the
41 environment first fund created in section 8.57A to the
42 department of agriculture and land stewardship for the
43 fiscal year beginning July 1, 2012, and ending June 30,
44 2013, the following amounts, or so much thereof as is
45 necessary, to be used for the purposes designated:

46 1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

47 a. For the conservation reserve enhancement program
48 to restore and construct wetlands for the purposes of
49 intercepting tile line runoff, reducing nutrient loss,
50 improving water quality, and enhancing agricultural

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1 production practices:
2 \$ 1,000,000

3 b. Not more than 10 percent of the moneys
4 appropriated in paragraph "a" may be used for costs of
5 administration and implementation of soil and water
6 conservation practices.

7 c. Notwithstanding any other provision in law,
8 the department may provide state resources from this
9 appropriation, in combination with other appropriate
10 environment first fund appropriations, for cost sharing
11 to match United States department of agriculture,
12 natural resources conservation service, wetlands
13 reserve enhancement program (WREP) funding available
14 to Iowa.

15 2. WATERSHED PROTECTION

16 a. For continuation of a program that provides
17 multiobjective resource protections for flood control,
18 water quality, erosion control, and natural resource
19 conservation:
20 \$ 900,000

21 b. Not more than 10 percent of the moneys
22 appropriated in paragraph "a" may be used for costs of
23 administration and implementation of soil and water
24 conservation practices.

25 3. FARM MANAGEMENT DEMONSTRATION PROGRAM

26 a. For continuation of a statewide voluntary farm
 27 management demonstration program to demonstrate the
 28 effectiveness and adaptability of emerging practices in
 29 agronomy that protect water resources and provide other
 30 environmental benefits:
 31 \$ 725,000
 32 b. Not more than 10 percent of the moneys
 33 appropriated in paragraph "a" may be used for costs of
 34 administration and implementation of soil and water
 35 conservation practices.
 36 c. Of the amount appropriated in paragraph "a",
 37 \$400,000 shall be allocated to an organization
 38 representing soybean growers to provide for an
 39 agriculture and environment performance program in
 40 order to carry out the purposes of this subsection as
 41 specified in paragraph "a".
 42 4. AGRICULTURAL DRAINAGE WELL WATER QUALITY
 43 ASSISTANCE FUND
 44 a. For deposit in the agricultural drainage well
 45 water quality assistance fund created in section
 46 460.303 to be used for purposes of supporting the
 47 agricultural drainage well water quality assistance
 48 program as provided in section 460.304:
 49 \$ 1,275,000
 50 b. Not more than 10 percent of the moneys

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1 appropriated in paragraph "a" may be used for costs of
 2 administration and implementation of soil and water
 3 conservation practices.
 4 5. SOIL AND WATER CONSERVATION — ADMINISTRATION
 5 For use by the department for costs of
 6 administration and implementation of soil and water
 7 conservation practices:
 8 \$ 2,200,000
 9 6. CONSERVATION RESERVE PROGRAM (CRP)
 10 a. To encourage and assist farmers in enrolling
 11 in and the implementation of the federal conservation
 12 reserve program and to work with them to enhance their
 13 revegetation efforts to improve water quality and
 14 habitat:
 15 \$ 1,000,000
 16 b. Not more than 10 percent of the moneys
 17 appropriated in paragraph "a" may be used for costs of
 18 administration and implementation of soil and water
 19 conservation practices.
 20 7. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND
 21 a. For deposit in the loess hills development and
 22 conservation fund created in section 161D.2:
 23 \$ 775,000
 24 b. (1) Of the amount appropriated in paragraph

25 “a”, \$620,000 shall be allocated to the fund’s hungry
 26 canyons account.

27 (2) Not more than 10 percent of the moneys
 28 allocated to the hungry canyons account as provided in
 29 subparagraph (1) may be used for administrative costs.

30 c. (1) Of the amount appropriated in paragraph
 31 “a”, \$155,000 shall be allocated to the fund’s loess
 32 hills alliance account.

33 (2) Not more than 10 percent of the moneys
 34 allocated to the loess hills alliance account
 35 as provided in subparagraph (1) may be used for
 36 administrative costs.

37 8. SOUTHERN IOWA DEVELOPMENT AND CONSERVATION FUND

38 a. For deposit in the southern Iowa development and
 39 conservation fund created in section 161D.12:

40 \$ 300,000

41 b. Not more than 10 percent of the moneys
 42 appropriated in paragraph “a” may be used for
 43 administrative costs.

44 9. SOIL AND WATER CONSERVATION

45 a. For use by the department in providing for soil
 46 and water conservation administration, the conservation
 47 of soil and water resources, or the support of soil and
 48 water conservation district commissioners:

49 \$ 7,000,000

50 b. The department may deposit any amount of the

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1 moneys into the Mississippi river basin healthy
 2 watersheds initiative fund created in section 161G.2.

3 Sec. 37. DEPARTMENT OF NATURAL RESOURCES. There is
 4 appropriated from the environment first fund created in
 5 section 8.57A to the department of natural resources
 6 for the fiscal year beginning July 1, 2012, and ending
 7 June 30, 2013, the following amounts, or so much
 8 thereof as is necessary, to be used for the purposes
 9 designated:

10 1. KEEPERS OF THE LAND

11 For statewide coordination of volunteer efforts
 12 under the water quality and keepers of the land
 13 programs:

14 \$ 100,000

15 2. STATE PARKS MAINTENANCE AND OPERATIONS

16 a. For regular maintenance of state parks and staff
 17 time associated with these activities:

18 \$ 2,910,000

19 b. Of the amount appropriated in paragraph “a”,
 20 \$1,200,000 shall be allocated by the department for
 21 purposes of providing funding for seasonal employees
 22 for purposes of providing maintenance, upkeep, and
 23 sanitary services at state parks.

24	3. FORESTRY MANAGEMENT ACTIVITIES		
25	a. For forestry management activities:		
26	.....	\$	300,000
27	b. Of the amount appropriated in paragraph "a",		
28	\$100,000 shall be used to provide for forestry health		
29	management programs.		
30	c. Of the amount appropriated in paragraph "a",		
31	\$200,000 shall be used for the purposes of planting		
32	trees not subject to imminent and serious threat by		
33	varieties of pests or diseases.		
34	4. GEOGRAPHIC INFORMATION SYSTEM (GIS)		
35	To provide local watershed managers with geographic		
36	information system data for their use in developing,		
37	monitoring, and displaying results of their watershed		
38	work:		
39	.....	\$	195,000
40	5. WATER QUALITY MONITORING		
41	For continuing the establishment and operation of		
42	water quality monitoring stations:		
43	.....	\$	2,955,000
44	6. PUBLIC WATER SUPPLY SYSTEM ACCOUNT		
45	For deposit in the public water supply system		
46	account of the water quality protection fund created		
47	in section 455B.183A:		
48	.....	\$	500,000
49	7. REGULATION OF ANIMAL FEEDING OPERATIONS		
50	For the regulation of animal feeding operations,		

Page 20

1	including as provided for in chapters 459 and 459A:		
2	.....	\$	420,000
3	8. AMBIENT AIR QUALITY		
4	For the abatement, control, and prevention of		
5	ambient air pollution in this state, including measures		
6	as necessary to assure attainment and maintenance of		
7	ambient air quality standards from particulate matter:		
8	.....	\$	425,000
9	9. WATER QUANTITY REGULATION		
10	For regulating water quantity from surface and		
11	subsurface sources by providing for the allocation and		
12	use of water resources, the protection and management		
13	of water resources, and the preclusion of conflicts		
14	among users of water resources, including as provided		
15	in chapter 455B, division III, part 4:		
16	.....	\$	495,000
17	DESIGNATED APPROPRIATION		
18	Sec. 38. WATER QUALITY TESTING. There is		
19	appropriated from the environment first fund created in		
20	section 8.57A to the department of natural resources		
21	for the fiscal year beginning July 1, 2012, and		
22	ending June 30, 2013, the following amount, or so much		

23 thereof as is necessary, to be used for the purposes
 24 designated:

25 For water quality testing in a watershed associated
 26 with the Iowa river where there is located a large
 27 number of confinement feeding operations:
 28 \$ 25,000

29 Sec. 39. REVERSION. Notwithstanding section 8.33,
 30 moneys appropriated for the fiscal year beginning
 31 July 1, 2012, in this division of this Act that remain
 32 unencumbered or unobligated at the close of the fiscal
 33 year shall not revert but shall remain available to
 34 be used for the purposes designated until the close
 35 of the fiscal year beginning July 1, 2013, or until
 36 the project for which the appropriation was made is
 37 completed, whichever is earlier.

38 DIVISION XI

39 RESOURCES ENHANCEMENT AND PROTECTION (REAP)

40 FUND FOR FY 2012-2013

41 GENERAL APPROPRIATIONS

42 Sec. 40. ENVIRONMENT FIRST FUND. Notwithstanding
 43 the amount of the standing appropriation from the
 44 general fund of the state to the Iowa resources
 45 enhancement and protection fund as provided in section
 46 455A.18, there is appropriated from the environment
 47 first fund created in section 8.57A to the Iowa
 48 resources enhancement and protection fund, in lieu of
 49 the appropriation made in section 455A.18, for the
 50 fiscal year beginning July 1, 2012, and ending June 30,

Page 21

1 2013, the following amount, to be allocated as provided
 2 in section 455A.19:
 3 \$ 11,500,000

4 Sec. 41. OPEN SPACE ACCOUNT —
 5 ALLOCATIONS. Notwithstanding section 455A.19,
 6 subsection 1, paragraph “a”, for the fiscal year
 7 beginning July 1, 2012, and ending June 30, 2013,
 8 unobligated and unencumbered moneys allocated to the
 9 open spaces account of the Iowa resources enhancement
 10 and protection fund created pursuant to sections
 11 455A.18 and 455A.19, subsection 1, paragraph “a”, shall
 12 be allocated only in the following priority order:

- 13 1. First, at least ten percent shall be made
- 14 available to match private funds for open space
- 15 projects on the cost-share basis of not less than
- 16 twenty-five percent private funds pursuant to the rules
- 17 adopted by the natural resource commission.
- 18 2. Second, five percent shall be used to fund the
- 19 protected waters program. This amount shall be used by
- 20 the department to implement the statewide open space
- 21 acquisition, protection, and development programs.

- 22 3. Third, any remaining amount shall be used to
 23 reimburse political subdivisions of the state for
 24 property tax dollars lost to open space acquisitions
 25 based on the reimbursement formula provided for in
 26 section 465A.4.
- 27 4. Fourth, any remaining amount shall be used to
 28 pay for debt service on bonds issued by the Honey creek
 29 premier destination park authority as provided in
 30 chapter 463C to the extent that the debt service cannot
 31 be paid as provided in that chapter.
- 32 5. Fifth, of any remaining amount, not more than
 33 \$300,000 shall be used by the department of natural
 34 resources for expenses related to the maintenance and
 35 operation of state parks.
- 36 6. Sixth, any remaining amount may be used by
 37 the department to implement statewide open space
 38 acquisition, protection, and development programs.

S-3228

- 1 Amend Senate File 517 as follows:
- 2 1. Page 11, line 29, by striking <9,696,170> and
 3 inserting <8,660,480>
- 4 2. Page 13, before line 17 by inserting:
 5 <Sec. ____ APPROPRIATIONS RESTRICTED. The
 6 department of workforce development shall not use any
 7 of the moneys appropriated pursuant to this Act for
 8 purposes of the national career readiness certificate
 9 program.>
- 10 3. By striking page 13, line 32, through page 14,
 11 line 12.
- 12 4. Page 14, before line 25 by inserting:
 13 <Sec. ____ Section 15E.117, subsection 3, paragraph
 14 b, Code 2011, is amended by striking the paragraph.>
- 15 5. Page 15, before line 4 by inserting:
 16 <Sec. ____ Section 123.183, subsection 2, paragraph
 17 b, Code 2011, is amended by striking the paragraph and
 18 inserting in lieu thereof the following:
 19 b. (1) A wine gallonage tax fund is created in the
 20 office of the treasurer of state.
 21 (2) Moneys deposited in the fund are appropriated
 22 as follows:
 23 (a) To the midwest grape and wine industry
 24 institute at Iowa state university of science and
 25 technology, one hundred twenty thousand dollars.
 26 (b) To the department of economic development for
 27 purposes of section 15E.117, the balance of moneys
 28 in the fund after the appropriation in subparagraph
 29 subdivision (a).
 30 (3) Moneys in the fund and moneys appropriated from
 31 the fund pursuant to subparagraph (2) are not subject
 32 to reversion under section 8.33.>

33 6. By renumbering as necessary.

WILLIAM A. DOTZLER, JR.

S-3229

1 Amend Senate File 517 as follows:
2 1. Page 16, before line 7 by inserting:
3 <Sec. ____ REPEAL. Sections 15.300 and 15.301,
4 Code 2011, are repealed.
5 Sec. ____ TRANSITION PROVISIONS.
6 1. On the effective date of this section, all
7 unencumbered and unobligated moneys in the save
8 our small businesses fund shall be transferred and
9 appropriated to the department of workforce development
10 for the fiscal year beginning July 1, 2011, for
11 purposes of providing funding for field offices.
12 2. All repayments of moneys loaned under the save
13 our small businesses program shall revert to the
14 general fund of the state upon their receipt by the
15 department.
16 3. This section, being deemed of immediate
17 importance, takes effect upon enactment.
18 Sec. ____ EFFECTIVE UPON ENACTMENT. The section of
19 this Act repealing sections 15.300 and 15.301, being
20 deemed of immediate importance, takes effect upon
21 enactment.>
22 2. By renumbering as necessary.

BILL DIX

S-3230

1 Amend Senate File 519 as follows:
2 1. Page 1, line 10, by striking <the> and inserting
3 <a>
4 2. Page 1, line 11, after <fees> by inserting <for
5 products or services>
6 3. Page 1, line 12, after <2.> by inserting
7 <"Organization" includes a related for-profit or
8 not-for-profit subsidiary of an organization.>
9 4. Page 1, line 15, by striking <and> and inserting
10 <or>
11 5. Page 1, line 21, after <fees> by inserting <for
12 products or services>
13 6. Page 1, by striking lines 29 through 33 and
14 inserting <in annual dues, fees, or assessments for
15 products or services received from the organization,
16 and the total amount of any revenue or dividend
17 payments received from the organization. The
18 information shall be submitted to the>
19 7. Page 3, after line 5 by inserting:

20 <__. An organization shall not pay an employee
 21 or officer of the organization, a member of the
 22 organization's governing board, or a legislative
 23 representative or lobbyist for the organization, a
 24 bonus or other consideration of any type which is
 25 in addition to compensation paid and published and
 26 reported as required by subsection 4. In addition, the
 27 organization shall not allow any other entity to pay an
 28 employee or officer of the organization, a member of
 29 the organization's governing board, or a legislative
 30 representative or lobbyist for the organization for
 31 services performed on behalf of the organization.
 32 However, the organization may pay an employee a
 33 commission if the terms for paying the commission
 34 are in writing under an agreement which is a public
 35 document and the employee's compensation, which shall
 36 list the amount of the commission, is published and
 37 reported in the same manner as provided in subsection
 38 4.>
 39 8. Title page, line 1, by striking <membership in
 40 and membership dues paid to>
 41 9. By renumbering as necessary.

THOMAS G. COURTNEY

S-3231

1 Amend House File 654, as passed by the House, as
 2 follows:
 3 1. Page 1, before line 1 by inserting:
 4 <Section 1. NEW SECTION. 468.190 Farm mediation
 5 not applicable.
 6 A case, dispute, or other controversy arising
 7 under this chapter shall not be subject to any of the
 8 requirements of mediation provided in chapter 654A,
 9 654B, or 654C.>
 10 2. Title page, line 1, before <moneys> by inserting
 11 <drainage or levee districts, including>
 12 3. By renumbering as necessary.

MERLIN BARTZ

S-3232

1 Amend Senate File 521 as follows:
 2 1. By striking page 4, line 31, through page 5,
 3 line 2, and inserting:
 4 <Sec. __. RETROACTIVE APPLICABILITY. This Act
 5 applies retroactively to July 1, 2009, for projects
 6 approved and tax credits reserved on or after that
 7 date.>

WILLIAM A. DOTZLER, JR.

S-3233

HOUSE AMENDMENT TO
SENATE FILE 510

1 Amend Senate File 510, as passed by the Senate, as
2 follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <DIVISION I
6 FY 2011-2012

7 Section 1. DEPARTMENT OF JUSTICE.

8 1. There is appropriated from the general fund
9 of the state to the department of justice for the
10 fiscal year beginning July 1, 2011, and ending June 30,
11 2012, the following amounts, or so much thereof as is
12 necessary, to be used for the purposes designated:

13 a. For the general office of attorney general for
14 salaries, support, maintenance, and miscellaneous
15 purposes, including the prosecuting attorneys training
16 program, matching funds for federal violence against
17 women grant programs, victim assistance grants, office
18 of drug control policy prosecuting attorney program,
19 and odometer fraud enforcement, and for not more than
20 the following full-time equivalent positions:

21 \$ 7,292,930
22 FTEs 212.00

23 It is the intent of the general assembly that as
24 a condition of receiving the appropriation provided
25 in this lettered paragraph, the department of justice
26 shall maintain a record of the estimated time incurred
27 representing each agency or department.

28 b. For victim assistance grants:

29 \$ 2,876,400

30 The funds appropriated in this lettered paragraph
31 shall be used to provide grants to care providers
32 providing services to crime victims of domestic abuse
33 or to crime victims of rape and sexual assault.

34 The balance of the victim compensation fund
35 established in section 915.94 may be used to provide
36 salary and support of not more than 24 FTEs and
37 to provide maintenance for the victim compensation
38 functions of the department of justice.

39 The department of justice may transfer moneys from
40 the victim compensation fund established in section
41 915.94 to the victim assistance grant program.

42 c. For legal services for persons in poverty grants
43 as provided in section 13.34:

44 \$ 1,000,000

45 2. a. The department of justice, in submitting
46 budget estimates for the fiscal year commencing July
47 1, 2012, pursuant to section 8.23, shall include a

48 report of funding from sources other than amounts
49 appropriated directly from the general fund of the
50 state to the department of justice or to the office of

Page 2

1 consumer advocate. These funding sources shall include
2 but are not limited to reimbursements from other state
3 agencies, commissions, boards, or similar entities, and
4 reimbursements from special funds or internal accounts
5 within the department of justice. The department of
6 justice shall also report actual reimbursements for the
7 fiscal year commencing July 1, 2010, and actual and
8 expected reimbursements for the fiscal year commencing
9 July 1, 2011.

10 b. The department of justice shall include the
11 report required under paragraph "a", as well as
12 information regarding any revisions occurring as a
13 result of reimbursements actually received or expected
14 at a later date, in a report to the co-chairpersons
15 and ranking members of the joint appropriations
16 subcommittee on the justice system and the legislative
17 services agency. The department of justice shall
18 submit the report on or before January 15, 2012.

19 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is
20 appropriated from the department of commerce revolving
21 fund created in section 546.12 to the office of
22 consumer advocate of the department of justice for the
23 fiscal year beginning July 1, 2011, and ending June 30,
24 2012, the following amount, or so much thereof as is
25 necessary, to be used for the purposes designated:

26 For salaries, support, maintenance, miscellaneous
27 purposes, and for not more than the following full-time
28 equivalent positions:

29	\$	3,136,163
30	FTEs	22.00

31 Sec. 3. DEPARTMENT OF CORRECTIONS — FACILITIES.

32 1. There is appropriated from the general fund of
33 the state to the department of corrections for the
34 fiscal year beginning July 1, 2011, and ending June
35 30, 2012, the following amounts, or so much thereof as
36 is necessary, to be used for the operation of adult
37 correctional institutions, reimbursement of counties
38 for certain confinement costs, and federal prison
39 reimbursement, to be allocated as follows:

40 a. For the operation of the Fort Madison
41 correctional facility, including salaries, support,
42 maintenance, and miscellaneous purposes:

43	\$	41,031,283
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44 b. For the operation of the Anamosa correctional
45 facility, including salaries, support, maintenance, and
46 miscellaneous purposes:

47 \$ 31,985,974
 48 c. For the operation of the Oakdale correctional
 49 facility, including salaries, support, maintenance, and
 50 miscellaneous purposes:

Page 3

1 \$ 54,374,426
 2 d. For the operation of the Newton correctional
 3 facility, including salaries, support, maintenance, and
 4 miscellaneous purposes:

5 \$ 25,958,757
 6 e. For the operation of the Mt. Pleasant
 7 correctional facility, including salaries, support,
 8 maintenance, and miscellaneous purposes:

9 \$ 25,917,815
 10 f. For the operation of the Rockwell City
 11 correctional facility, including salaries, support,
 12 maintenance, and miscellaneous purposes:

13 \$ 9,316,466
 14 g. For the operation of the Clarinda correctional
 15 facility, including salaries, support, maintenance, and
 16 miscellaneous purposes:

17 \$ 24,639,518
 18 Moneys received by the department of corrections as
 19 reimbursement for services provided to the Clarinda
 20 youth corporation are appropriated to the department
 21 and shall be used for the purpose of operating the
 22 Clarinda correctional facility.

23 h. For the operation of the Mitchellville
 24 correctional facility, including salaries, support,
 25 maintenance, and miscellaneous purposes:

26 \$ 15,615,374
 27 i. For the operation of the Fort Dodge correctional
 28 facility, including salaries, support, maintenance, and
 29 miscellaneous purposes:

30 \$ 29,062,235
 31 j. For reimbursement of counties for temporary
 32 confinement of work release and parole violators, as
 33 provided in sections 901.7, 904.908, and 906.17, and
 34 for offenders confined pursuant to section 904.513:

35 \$ 775,092
 36 k. For federal prison reimbursement, reimbursements
 37 for out-of-state placements, and miscellaneous
 38 contracts:

39 \$ 239,411
 40 2. The department of corrections shall use moneys
 41 appropriated in subsection 1 to continue to contract
 42 for the services of a Muslim imam and a Native American
 43 spiritual leader.

44 Sec. 4. DEPARTMENT OF CORRECTIONS —
 45 ADMINISTRATION. There is appropriated from the general

46 fund of the state to the department of corrections for
 47 the fiscal year beginning July 1, 2011, and ending June
 48 30, 2012, the following amounts, or so much thereof as
 49 is necessary, to be used for the purposes designated:
 50 1. For general administration, including salaries,

Page 4

1 support, maintenance, employment of an education	
2 director to administer a centralized education	
3 program for the correctional system, and miscellaneous	
4 purposes:	
5	\$ 4,835,542

6 a. It is the intent of the general assembly
 7 that as a condition of receiving the appropriation
 8 provided in this lettered paragraph the department of
 9 corrections shall not, except as otherwise provided
 10 in paragraph "c", enter into a new contract, unless
 11 the contract is a renewal of an existing contract,
 12 for the expenditure of moneys in excess of \$100,000
 13 during the fiscal year beginning July 1, 2011, for the
 14 privatization of services performed by the department
 15 using state employees as of July 1, 2011, or for the
 16 privatization of new services by the department without
 17 prior consultation with any applicable state employee
 18 organization affected by the proposed new contract and
 19 prior notification of the co-chairpersons and ranking
 20 members of the joint appropriations subcommittee on the
 21 justice system.

22 b. It is the intent of the general assembly
 23 that each lease negotiated by the department of
 24 corrections with a private corporation for the purpose
 25 of providing private industry employment of inmates in
 26 a correctional institution shall prohibit the private
 27 corporation from utilizing inmate labor for partisan
 28 political purposes for any person seeking election to
 29 public office in this state and that a violation of
 30 this requirement shall result in a termination of the
 31 lease agreement.

32 c. It is the intent of the general assembly that as
 33 a condition of receiving the appropriation provided in
 34 this subsection the department of corrections shall not
 35 enter into a lease or contractual agreement pursuant to
 36 section 904.809 with a private corporation for the use
 37 of building space for the purpose of providing inmate
 38 employment without providing that the terms of the
 39 lease or contract establish safeguards to restrict, to
 40 the greatest extent feasible, access by inmates working
 41 for the private corporation to personal identifying
 42 information of citizens.

43 2. For educational programs for inmates at state
 44 penal institutions:

45 \$ 2,308,109
 46 a. As a condition of receiving the appropriation in
 47 this subsection, the department of corrections shall
 48 transfer at least \$300,000 from the canteen operating
 49 funds established pursuant to section 904.310 to be
 50 used for correctional educational programs funded in

Page 5

1 this subsection.
 2 b. It is the intent of the general assembly that
 3 moneys appropriated in this subsection shall be used
 4 solely for the purpose indicated and that the moneys
 5 shall not be transferred for any other purpose. In
 6 addition, it is the intent of the general assembly
 7 that the department shall consult with the community
 8 colleges in the areas in which the institutions
 9 are located to utilize moneys appropriated in this
 10 subsection to fund the high school completion, high
 11 school equivalency diploma, adult literacy, and adult
 12 basic education programs in a manner so as to maintain
 13 these programs at the institutions.
 14 c. To maximize the funding for educational
 15 programs, the department shall establish guidelines
 16 and procedures to prioritize the availability of
 17 educational and vocational training for inmates based
 18 upon the goal of facilitating an inmate's successful
 19 release from the correctional institution.
 20 d. The director of the department of corrections
 21 may transfer moneys from Iowa prison industries for use
 22 in educational programs for inmates.
 23 e. Notwithstanding section 8.33, moneys
 24 appropriated in this subsection that remain unobligated
 25 or unexpended at the close of the fiscal year shall not
 26 revert but shall remain available to be used only for
 27 the purposes designated in this subsection until the
 28 close of the succeeding fiscal year.
 29 3. For the development of the Iowa corrections
 30 offender network (ICON) data system:
 31 \$ 424,364
 32 4. For offender mental health and substance abuse
 33 treatment:
 34 \$ 22,319
 35 5. For viral hepatitis prevention and treatment:
 36 \$ 167,881

37 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF
38 CORRECTIONAL SERVICES.

39 1. There is appropriated from the general fund of
 40 the state to the department of corrections for the
 41 fiscal year beginning July 1, 2011, and ending June
 42 30, 2012, for salaries, support, maintenance, and
 43 miscellaneous purposes, the following amounts, or

44 so much thereof as is necessary, to be allocated as
45 follows:

46 a. For the first judicial district department of		
47 correctional services:		
48	\$	12,020,098
49 b. For the second judicial district department of		
50 correctional services:		

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1	\$	10,336,948
2 c. For the third judicial district department of		
3 correctional services:		
4	\$	5,599,765
5 d. For the fourth judicial district department of		
6 correctional services:		
7	\$	5,391,355
8 e. For the fifth judicial district department of		
9 correctional services, including funding for electronic		
10 monitoring devices for use on a statewide basis:		
11	\$	18,742,129
12 f. For the sixth judicial district department of		
13 correctional services:		
14	\$	13,112,563
15 g. For the seventh judicial district department of		
16 correctional services:		
17	\$	6,492,814
18 h. For the eighth judicial district department of		
19 correctional services:		
20	\$	6,731,055

21 2. Each judicial district department of
 22 correctional services, within the funding available,
 23 shall continue programs and plans established within
 24 that district to provide for intensive supervision, sex
 25 offender treatment, diversion of low-risk offenders
 26 to the least restrictive sanction available, job
 27 development, and expanded use of intermediate criminal
 28 sanctions.

29 3. Each judicial district department of
 30 correctional services shall provide alternatives to
 31 prison consistent with chapter 901B. The alternatives
 32 to prison shall ensure public safety while providing
 33 maximum rehabilitation to the offender. A judicial
 34 district department of correctional services may also
 35 establish a day program.

36 4. The governor's office of drug control policy
 37 shall consider federal grants made to the department
 38 of corrections for the benefit of each of the eight
 39 judicial district departments of correctional services
 40 as local government grants, as defined pursuant to
 41 federal regulations.

42 5. The department of corrections shall continue

43 to contract with a judicial district department
44 of correctional services to provide for the rental
45 of electronic monitoring equipment which shall be
46 available statewide.
47 6. A judicial district department of correctional
48 services shall accept into the facilities of the
49 district department, offenders assigned from other
50 judicial district departments of correctional services.

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1 Sec. 6. DEPARTMENT OF CORRECTIONS — REALLOCATION
2 OF APPROPRIATIONS. Notwithstanding section 8.39,
3 within the moneys appropriated in this Act to the
4 department of corrections, the department may
5 reallocate the moneys appropriated and allocated as
6 necessary to best fulfill the needs of the correctional
7 institutions, administration of the department, and the
8 judicial district departments of correctional services.

9 However, in addition to complying with the requirements
10 of sections 904.116 and 905.8 and providing notice
11 to the legislative services agency, the department
12 of corrections shall also provide notice to the
13 department of management, prior to the effective date
14 of the revision or reallocation of an appropriation
15 made pursuant to this section. The department of
16 corrections shall not reallocate an appropriation or
17 allocation for the purpose of eliminating any program.

18 Sec. 7. INTENT — REPORTS.

19 1. The department of corrections in cooperation
20 with townships, the Iowa cemetery associations, and
21 other nonprofit or governmental entities may use inmate
22 labor during the fiscal year beginning July 1, 2011,
23 to restore or preserve rural cemeteries and historical
24 landmarks. The department in cooperation with the
25 counties may also use inmate labor to clean up roads,
26 major water sources, and other water sources around the
27 state.

28 2. On a quarterly basis the department shall
29 provide a status report regarding private-sector
30 employment to the legislative services agency beginning
31 on July 1, 2011. The report shall include the number
32 of offenders employed in the private sector, the
33 combined number of hours worked by the offenders, the
34 total amount of allowances, and the distribution of
35 allowances pursuant to section 904.702, including any
36 moneys deposited in the general fund of the state.

37 Sec. 8. ELECTRONIC MONITORING REPORT. The
38 department of corrections shall submit a report on
39 electronic monitoring to the general assembly, to the
40 co-chairpersons and the ranking members of the joint
41 appropriations subcommittee on the justice system, and

42 to the legislative services agency by January 15, 2012.
 43 The report shall specifically address the number of
 44 persons being electronically monitored and break down
 45 the number of persons being electronically monitored
 46 by offense committed. The report shall also include a
 47 comparison of any data from the prior fiscal year with
 48 the current year.

49 Sec. 9. STATE AGENCY PURCHASES FROM PRISON
 50 INDUSTRIES.

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1 1. As used in this section, unless the context
 2 otherwise requires, "state agency" means the government
 3 of the state of Iowa, including but not limited to
 4 all executive branch departments, agencies, boards,
 5 bureaus, and commissions, the judicial branch,
 6 the general assembly and all legislative agencies,
 7 institutions within the purview of the state board of
 8 regents, and any corporation whose primary function is
 9 to act as an instrumentality of the state.

10 2. State agencies are hereby encouraged to purchase
 11 products from Iowa state industries, as defined in
 12 section 904.802, when purchases are required and the
 13 products are available from Iowa state industries.
 14 State agencies shall obtain bids from Iowa state
 15 industries for purchases of office furniture during the
 16 fiscal year beginning July 1, 2011, exceeding \$5,000
 17 or in accordance with applicable administrative rules
 18 related to purchases for the agency.

19 Sec. 10. IOWA LAW ENFORCEMENT ACADEMY.

20 1. There is appropriated from the general fund of
 21 the state to the Iowa law enforcement academy for the
 22 fiscal year beginning July 1, 2011, and ending June 30,
 23 2012, the following amount, or so much thereof as is
 24 necessary, to be used for the purposes designated:

25 For salaries, support, maintenance, miscellaneous		
26 purposes, including jailer training and technical		
27 assistance, and for not more than the following		
28 full-time equivalent positions:		
29	\$	448,500
30	FTEs	24.55

31 It is the intent of the general assembly that the
 32 Iowa law enforcement academy may provide training of
 33 state and local law enforcement personnel concerning
 34 the recognition of and response to persons with
 35 Alzheimer's disease.

36 The Iowa law enforcement academy may temporarily
 37 exceed and draw more than the amount appropriated in
 38 this subsection and incur a negative cash balance as
 39 long as there are receivables equal to or greater than
 40 the negative balance and the amount appropriated in

41 this subsection is not exceeded at the close of the
 42 fiscal year.
 43 2. The Iowa law enforcement academy may select
 44 at least five automobiles of the department of public
 45 safety, division of state patrol, prior to turning over
 46 the automobiles to the department of administrative
 47 services to be disposed of by public auction, and
 48 the Iowa law enforcement academy may exchange any
 49 automobile owned by the academy for each automobile
 50 selected if the selected automobile is used in training

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1 law enforcement officers at the academy. However,
 2 any automobile exchanged by the academy shall be
 3 substituted for the selected vehicle of the department
 4 of public safety and sold by public auction with the
 5 receipts being deposited in the depreciation fund to
 6 the credit of the department of public safety, division
 7 of state patrol.

8 Sec. 11. STATE PUBLIC DEFENDER. There is
 9 appropriated from the general fund of the state to the
 10 office of the state public defender of the department
 11 of inspections and appeals for the fiscal year
 12 beginning July 1, 2011, and ending June 30, 2012, the
 13 following amounts, or so much thereof as is necessary,
 14 to be allocated as follows for the purposes designated:

15 1. For salaries, support, maintenance,
 16 miscellaneous purposes, and for not more than the
 17 following full-time equivalent positions:
 18 \$ 24,083,182
 19 FTEs 219.00

20 2. For the fees of court-appointed attorneys for
 21 indigent adults and juveniles, in accordance with
 22 section 232.141 and chapter 815:
 23 \$ 29,680,929

24 Sec. 12. BOARD OF PAROLE. There is appropriated
 25 from the general fund of the state to the board of
 26 parole for the fiscal year beginning July 1, 2011, and
 27 ending June 30, 2012, the following amount, or so much
 28 thereof as is necessary, to be used for the purposes
 29 designated:
 30 For salaries, support, maintenance, miscellaneous
 31 purposes, and for not more than the following full-time
 32 equivalent positions:
 33 \$ 1,053,835
 34 FTEs 12.50

35 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
 36 appropriated from the general fund of the state to
 37 the department of public defense for the fiscal year
 38 beginning July 1, 2011, and ending June 30, 2012, the
 39 following amounts, or so much thereof as is necessary,

40 to be used for the purposes designated:

41 1. MILITARY DIVISION

42 For salaries, support, maintenance, miscellaneous
43 purposes, and for not more than the following full-time
44 equivalent positions:

45	\$	5,527,042
46	FTEs	313.00

47 The military division may temporarily exceed
48 and draw more than the amount appropriated in this
49 subsection and incur a negative cash balance as long
50 as there are receivables of federal funds equal to

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1 or greater than the negative balance and the amount
2 appropriated in this subsection is not exceeded at the
3 close of the fiscal year.

4 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
5 DIVISION

6 For salaries, support, maintenance, miscellaneous
7 purposes, and for not more than the following full-time
8 equivalent positions:

9	\$	1,836,877
10	FTEs	40.00

11 a. The homeland security and emergency management
12 division may temporarily exceed and draw more than the
13 amount appropriated in this subsection and incur a
14 negative cash balance as long as there are receivables
15 of federal funds equal to or greater than the negative
16 balance and the amount appropriated in this subsection
17 is not exceeded at the close of the fiscal year.

18 b. It is the intent of the general assembly that
19 the homeland security and emergency management division
20 work in conjunction with the department of public
21 safety, to the extent possible, when gathering and
22 analyzing information related to potential domestic
23 or foreign security threats, and when monitoring such
24 threats.

25 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is
26 appropriated from the general fund of the state to
27 the department of public safety for the fiscal year
28 beginning July 1, 2011, and ending June 30, 2012, the
29 following amounts, or so much thereof as is necessary,
30 to be used for the purposes designated:

31 1. For the department's administrative functions,
32 including the criminal justice information system, and
33 for not more than the following full-time equivalent
34 positions:

35	\$	4,007,075
36	FTEs	36.00

37 2. For the division of criminal investigation,
38 including the state's contribution to the peace

39 officers' retirement, accident, and disability system
 40 provided in chapter 97A in the amount of the state's
 41 normal contribution rate, as defined in section
 42 97A.8, multiplied by the salaries for which the
 43 funds are appropriated, to meet federal fund matching
 44 requirements, and for not more than the following
 45 full-time equivalent positions:

46	\$	12,533,931
47	FTEs	159.10

48 The department shall employ one additional special
 49 agent and one additional criminalist for the purpose
 50 of investigating cold cases. Prior to employing the

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1 additional special agent and criminalist authorized
 2 in this paragraph, the department shall provide a
 3 written statement to prospective employees that states
 4 to the effect that the positions are being funded by
 5 a temporary federal grant and there are no assurances
 6 that funds from other sources will be available after
 7 the federal funding expires. If the federal funding
 8 for the additional positions expires during the fiscal
 9 year, the number of full-time equivalent positions
 10 authorized in this subsection is reduced by 2.00 FTEs.

11 3. For the criminalistics laboratory fund created
 12 in section 691.9:

13	\$	302,345
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14 4. a. For the division of narcotics enforcement,
 15 including the state's contribution to the peace
 16 officers' retirement, accident, and disability system
 17 provided in chapter 97A in the amount of the state's
 18 normal contribution rate, as defined in section
 19 97A.8, multiplied by the salaries for which the
 20 funds are appropriated, to meet federal fund matching
 21 requirements, and for not more than the following
 22 full-time equivalent positions:

23	\$	6,429,884
24	FTEs	74.00

25 b. For the division of narcotics enforcement for
 26 undercover purchases:

27	\$	109,042
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28 5. For the division of state fire marshal, for fire
 29 protection services as provided through the state fire
 30 service and emergency response council as created in
 31 the department, and for the state's contribution to the
 32 peace officers' retirement, accident, and disability
 33 system provided in chapter 97A in the amount of the
 34 state's normal contribution rate, as defined in section
 35 97A.8, multiplied by the salaries for which the funds
 36 are appropriated, and for not more than the following
 37 full-time equivalent positions:

38	.....	\$	4,298,707
39	.....	FTEs	55.00
40	6. For the division of state patrol, for salaries,		
41	support, maintenance, workers' compensation costs,		
42	and miscellaneous purposes, including the state's		
43	contribution to the peace officers' retirement,		
44	accident, and disability system provided in chapter 97A		
45	in the amount of the state's normal contribution rate,		
46	as defined in section 97A.8, multiplied by the salaries		
47	for which the funds are appropriated, and for not more		
48	than the following full-time equivalent positions:		
49	\$	51,903,233
50	FTEs	513.00

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1 It is the intent of the general assembly that
2 members of the state patrol be assigned to patrol
3 the highways and roads in lieu of assignments for
4 inspecting school buses for the school districts.

5 7. For deposit in the sick leave benefits fund
6 established under section 80.42 for all departmental
7 employees eligible to receive benefits for accrued sick
8 leave under the collective bargaining agreement:

9	\$	279,517
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10 8. For costs associated with the training and
11 equipment needs of volunteer fire fighters:

12	\$	575,520
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13 a. Notwithstanding section 8.33, moneys
14 appropriated in this subsection that remain
15 unencumbered or unobligated at the close of the fiscal
16 year shall not revert but shall remain available for
17 expenditure only for the purpose designated in this
18 subsection until the close of the succeeding fiscal
19 year.

20 b. Notwithstanding section 8.39, within the
21 moneys appropriated in this section, the department
22 of public safety may reallocate moneys as necessary
23 to best fulfill the needs provided for in the
24 appropriation. However, the department shall not
25 reallocate an appropriation made to the department
26 in this section unless notice of the reallocation
27 is given to the legislative services agency and
28 the department of management prior to the effective
29 date of the reallocation. The notice shall include
30 information regarding the rationale for reallocating
31 the appropriation. The department shall not reallocate
32 an appropriation made in this section for the purpose
33 of eliminating any program.

34 Sec. 15. GAMING ENFORCEMENT.

35 1. There is appropriated from the gaming
36 enforcement revolving fund created in section 80.43 to

37 the department of public safety for the fiscal year
38 beginning July 1, 2011, and ending June 30, 2012, the
39 following amount, or so much thereof as is necessary,
40 to be used for the purposes designated:

41 For any direct and indirect support costs for
42 agents and officers of the division of criminal
43 investigation's excursion gambling boat, gambling
44 structure, and racetrack enclosure enforcement
45 activities, including salaries, support, maintenance,
46 miscellaneous purposes, and for not more than the
47 following full-time equivalent positions:

48	\$	9,836,306
49	FTEs	120.00

50 2. For each additional license to conduct gambling

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1 games on an excursion gambling boat, gambling
2 structure, or racetrack enclosure issued during
3 the fiscal year beginning July 1, 2011, there is
4 appropriated from the gaming enforcement fund to
5 the department of public safety for the fiscal year
6 beginning July 1, 2011, and ending June 30, 2012, an
7 additional amount of not more than \$521,000 to be used
8 for not more than 6.00 additional full-time equivalent
9 positions.

10 3. The department of public safety, with the
11 approval of the department of management, may employ
12 no more than two special agents and four gaming
13 enforcement officers for each additional riverboat
14 or gambling structure regulated after July 1, 2011,
15 and one special agent for each racing facility which
16 becomes operational during the fiscal year which
17 begins July 1, 2011. One additional gaming enforcement
18 officer, up to a total of four per riverboat or
19 gambling structure, may be employed for each riverboat
20 or gambling structure that has extended operations to
21 24 hours and has not previously operated with a 24-hour
22 schedule. Positions authorized in this subsection
23 are in addition to the full-time equivalent positions
24 otherwise authorized in this section.

25 Sec. 16. CIVIL RIGHTS COMMISSION. There is
26 appropriated from the general fund of the state to the
27 Iowa state civil rights commission for the fiscal year
28 beginning July 1, 2011, and ending June 30, 2012, the
29 following amount, or so much thereof as is necessary,
30 to be used for the purposes designated:

31 For salaries, support, maintenance, miscellaneous
32 purposes, and for not more than the following full-time
33 equivalent positions:

34	\$	1,297,069
35	FTEs	28.00

36 The Iowa state civil rights commission may enter
 37 into a contract with a nonprofit organization to
 38 provide legal assistance to resolve civil rights
 39 complaints.

40 Sec. 17. 2009 Iowa Acts, chapter 178, section 20,
 41 is amended to read as follows:

42 SEC. 20. CONSUMER EDUCATION AND LITIGATION
 43 FUND. Notwithstanding section 714.16C, for each
 44 fiscal year of the period beginning July 1, 2008, and
 45 ending June 30, ~~2011~~ 2013, the annual appropriations
 46 in section 714.16C, are increased from \$1,125,000 to
 47 \$1,875,000, and \$75,000 to \$125,000 respectively.
 48 Moneys appropriated from the consumer education and
 49 litigation fund may be allocated for cash flow purposes
 50 to the victim compensation fund established in section

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1 915.94 during each of the fiscal years enumerated,
 2 provided that any moneys so allocated are returned to
 3 the consumer education and litigation fund by the end
 4 of each fiscal year an allocation occurs.

5 Sec. 18. IOWA COMMUNICATIONS NETWORK. It is the
 6 intent of the general assembly that the executive
 7 branch agencies receiving an appropriation in this Act
 8 utilize the Iowa communications network or secure other
 9 electronic communications in lieu of traveling for the
 10 fiscal year addressed by the appropriations.

11 Sec. 19. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
 12 DIVISION. There is appropriated from the wireless
 13 E911 emergency communications fund created in section
 14 34A.7A to the administrator of the homeland security
 15 and emergency management division of the department of
 16 public defense for the fiscal year beginning July 1,
 17 2011, and ending June 30, 2012, an amount not exceeding
 18 \$200,000 to be used for implementation, support, and
 19 maintenance of the functions of the administrator and
 20 program manager under chapter 34A and to employ the
 21 auditor of the state to perform an annual audit of the
 22 wireless E911 emergency communications fund.

23 Sec. 20. SUPERVISORY EMPLOYEES TO OTHER EMPLOYEES
 24 — RATIO. Notwithstanding section 8A.402, subsection
 25 2, paragraph “g”, for the fiscal year beginning July
 26 1, 2011, the department of corrections, department of
 27 public safety, and the judicial district departments of
 28 correctional services shall be exempt from the target
 29 ratio of supervisory employees to other employees
 30 otherwise applicable for that fiscal year under section
 31 8A.402, subsection 2, paragraph “g”.

32 Sec. 21. GERIATRIC AND PSYCHIATRIC TREATMENT
 33 REPORT. The departments of corrections, human
 34 services, inspections and appeals, and public health,

35 and the board of parole, shall jointly study the
 36 development and establishment of treatment options
 37 for geriatric and psychiatric patients currently
 38 under the care, custody, and control of the state
 39 to provide maximum treatment opportunities for such
 40 persons while achieving fiscal efficiencies. The
 41 department of corrections in consultation with the
 42 other departments and the board of parole, shall
 43 provide a report detailing the results of the study
 44 to the co-chairpersons and the ranking members of the
 45 joint appropriations subcommittee on health and human
 46 services, the co-chairpersons and ranking members
 47 of the joint appropriations subcommittee on justice
 48 system, and the legislative services agency by November
 49 15, 2011.

50 DIVISION II

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2 Sec. 22. DEPARTMENT OF JUSTICE.

3 1. There is appropriated from the general fund
 4 of the state to the department of justice for the
 5 fiscal year beginning July 1, 2012, and ending June 30,
 6 2013, the following amounts, or so much thereof as is
 7 necessary, to be used for the purposes designated:

8 a. For the general office of attorney general for
 9 salaries, support, maintenance, and miscellaneous
 10 purposes, including the prosecuting attorneys training
 11 program, matching funds for federal violence against
 12 women grant programs, victim assistance grants, office
 13 of drug control policy prosecuting attorney program,
 14 and odometer fraud enforcement, and for not more than
 15 the following full-time equivalent positions:

16	\$	7,942,930
17	FTEs	212.00

18 It is the intent of the general assembly that as
 19 a condition of receiving the appropriation provided
 20 in this lettered paragraph, the department of justice
 21 shall maintain a record of the estimated time incurred
 22 representing each agency or department.

23 b. For victim assistance grants:

24	\$	2,876,400
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25 The funds appropriated in this lettered paragraph
 26 shall be used to provide grants to care providers
 27 providing services to crime victims of domestic abuse
 28 or to crime victims of rape and sexual assault.

29 The balance of the victim compensation fund
 30 established in section 915.94 may be used to provide
 31 salary and support of not more than 24 FTEs and
 32 to provide maintenance for the victim compensation
 33 functions of the department of justice.

34 The department of justice may transfer moneys from
35 the victim compensation fund established in section
36 915.94 to the victim assistance grant program.

37 c. For legal services for persons in poverty grants
38 as provided in section 13.34:

39 \$ 1,800,000

40 2. a. The department of justice, in submitting
41 budget estimates for the fiscal year commencing July
42 1, 2013, pursuant to section 8.23, shall include a
43 report of funding from sources other than amounts
44 appropriated directly from the general fund of the
45 state to the department of justice or to the office of
46 consumer advocate. These funding sources shall include
47 but are not limited to reimbursements from other state
48 agencies, commissions, boards, or similar entities, and
49 reimbursements from special funds or internal accounts
50 within the department of justice. The department of

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1 justice shall also report actual reimbursements for the
2 fiscal year commencing July 1, 2011, and actual and
3 expected reimbursements for the fiscal year commencing
4 July 1, 2012.

5 b. The department of justice shall include the
6 report required under paragraph "a", as well as
7 information regarding any revisions occurring as a
8 result of reimbursements actually received or expected
9 at a later date, in a report to the co-chairpersons
10 and ranking members of the joint appropriations
11 subcommittee on the justice system and the legislative
12 services agency. The department of justice shall
13 submit the report on or before January 15, 2013.

14 Sec. 23. OFFICE OF CONSUMER ADVOCATE. There is
15 appropriated from the department of commerce revolving
16 fund created in section 546.12 to the office of
17 consumer advocate of the department of justice for the
18 fiscal year beginning July 1, 2012, and ending June 30,
19 2013, the following amount, or so much thereof as is
20 necessary, to be used for the purposes designated:

21 For salaries, support, maintenance, miscellaneous
22 purposes, and for not more than the following full-time
23 equivalent positions:

24 \$ 3,136,163
25 FTEs 22.00

26 Sec. 24. DEPARTMENT OF CORRECTIONS — FACILITIES.

27 1. There is appropriated from the general fund of
28 the state to the department of corrections for the
29 fiscal year beginning July 1, 2012, and ending June
30 30, 2013, the following amounts, or so much thereof as
31 is necessary, to be used for the operation of adult
32 correctional institutions, reimbursement of counties

33	for certain confinement costs, and federal prison		
34	reimbursement, to be allocated as follows:		
35	a. For the operation of the Fort Madison		
36	correctional facility, including salaries, support,		
37	maintenance, and miscellaneous purposes:		
38	.....	\$	41,031,283
39	b. For the operation of the Anamosa correctional		
40	facility, including salaries, support, maintenance, and		
41	miscellaneous purposes:		
42	.....	\$	31,985,974
43	c. For the operation of the Oakdale correctional		
44	facility, including salaries, support, maintenance, and		
45	miscellaneous purposes:		
46	.....	\$	54,374,426
47	d. For the operation of the Newton correctional		
48	facility, including salaries, support, maintenance, and		
49	miscellaneous purposes:		
50	\$	25,958,757

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1	e. For the operation of the Mt. Pleasant		
2	correctional facility, including salaries, support,		
3	maintenance, and miscellaneous purposes:		
4	.....	\$	25,917,815
5	f. For the operation of the Rockwell City		
6	correctional facility, including salaries, support,		
7	maintenance, and miscellaneous purposes:		
8	.....	\$	9,316,466
9	g. For the operation of the Clarinda correctional		
10	facility, including salaries, support, maintenance, and		
11	miscellaneous purposes:		
12	.....	\$	24,639,518
13	Moneys received by the department of corrections as		
14	reimbursement for services provided to the Clarinda		
15	youth corporation are appropriated to the department		
16	and shall be used for the purpose of operating the		
17	Clarinda correctional facility.		
18	h. For the operation of the Mitchellville		
19	correctional facility, including salaries, support,		
20	maintenance, and miscellaneous purposes:		
21	.....	\$	15,615,374
22	i. For the operation of the Fort Dodge correctional		
23	facility, including salaries, support, maintenance, and		
24	miscellaneous purposes:		
25	.....	\$	29,062,235
26	j. For reimbursement of counties for temporary		
27	confinement of work release and parole violators, as		
28	provided in sections 901.7, 904.908, and 906.17, and		
29	for offenders confined pursuant to section 904.513:		
30	.....	\$	775,092
31	k. For federal prison reimbursement, reimbursements		

32 for out-of-state placements, and miscellaneous
 33 contracts:
 34 \$ 239,411
 35 2. The department of corrections shall use moneys
 36 appropriated in subsection 1 to continue to contract
 37 for the services of a Muslim imam and a Native American
 38 spiritual leader.
 39 Sec. 25. DEPARTMENT OF CORRECTIONS —
 40 ADMINISTRATION.
 41 There is appropriated from the general fund of
 42 the state to the department of corrections for the
 43 fiscal year beginning July 1, 2012, and ending June 30,
 44 2013, the following amounts, or so much thereof as is
 45 necessary, to be used for the purposes designated:
 46 1. For general administration, including salaries,
 47 support, maintenance, employment of an education
 48 director to administer a centralized education
 49 program for the correctional system, and miscellaneous
 50 purposes:

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1 \$ 4,835,542
 2 a. It is the intent of the general assembly
 3 that as a condition of receiving the appropriation
 4 provided in this lettered paragraph the department of
 5 corrections shall not, except as otherwise provided
 6 in paragraph “c”, enter into a new contract, unless
 7 the contract is a renewal of an existing contract,
 8 for the expenditure of moneys in excess of \$100,000
 9 during the fiscal year beginning July 1, 2012, for the
 10 privatization of services performed by the department
 11 using state employees as of July 1, 2012, or for the
 12 privatization of new services by the department without
 13 prior consultation with any applicable state employee
 14 organization affected by the proposed new contract and
 15 prior notification of the co-chairpersons and ranking
 16 members of the joint appropriations subcommittee on the
 17 justice system.
 18 b. It is the intent of the general assembly
 19 that each lease negotiated by the department of
 20 corrections with a private corporation for the purpose
 21 of providing private industry employment of inmates in
 22 a correctional institution shall prohibit the private
 23 corporation from utilizing inmate labor for partisan
 24 political purposes for any person seeking election to
 25 public office in this state and that a violation of
 26 this requirement shall result in a termination of the
 27 lease agreement.
 28 c. It is the intent of the general assembly that as
 29 a condition of receiving the appropriation provided in
 30 this subsection the department of corrections shall not

31 enter into a lease or contractual agreement pursuant to
32 section 904.809 with a private corporation for the use
33 of building space for the purpose of providing inmate
34 employment without providing that the terms of the
35 lease or contract establish safeguards to restrict, to
36 the greatest extent feasible, access by inmates working
37 for the private corporation to personal identifying
38 information of citizens.

39 2. For educational programs for inmates at state
40 penal institutions:
41 \$ 2,308,109

42 a. As a condition of receiving the appropriation in
43 this subsection, the department of corrections shall
44 transfer at least \$300,000 from the canteen operating
45 funds established pursuant to section 904.310 to be
46 used for correctional educational programs funded in
47 this subsection.

48 b. It is the intent of the general assembly that
49 moneys appropriated in this subsection shall be used
50 solely for the purpose indicated and that the moneys

Page 19

1 shall not be transferred for any other purpose. In
2 addition, it is the intent of the general assembly
3 that the department shall consult with the community
4 colleges in the areas in which the institutions
5 are located to utilize moneys appropriated in this
6 subsection to fund the high school completion, high
7 school equivalency diploma, adult literacy, and adult
8 basic education programs in a manner so as to maintain
9 these programs at the institutions.

10 c. To maximize the funding for educational
11 programs, the department shall establish guidelines
12 and procedures to prioritize the availability of
13 educational and vocational training for inmates based
14 upon the goal of facilitating an inmate's successful
15 release from the correctional institution.

16 d. The director of the department of corrections
17 may transfer moneys from Iowa prison industries for use
18 in educational programs for inmates.

19 e. Notwithstanding section 8.33, moneys
20 appropriated in this subsection that remain unobligated
21 or unexpended at the close of the fiscal year shall not
22 revert but shall remain available to be used only for
23 the purposes designated in this subsection until the
24 close of the succeeding fiscal year.

25 3. For the development of the Iowa corrections
26 offender network (ICON) data system:
27 \$ 424,364

28 4. For offender mental health and substance abuse
29 treatment:

30	.....	\$	22,319
31	5. For viral hepatitis prevention and treatment:		
32	.....	\$	167,881
33	6. For a pilot project establishing a geriatric and		
34	psychiatric unit for persons under the care, custody,		
35	and control of the state:		
36	.....	\$	1,665,000
37	Sec. 26. JUDICIAL DISTRICT DEPARTMENTS OF		
38	CORRECTIONAL SERVICES.		
39	1. There is appropriated from the general fund of		
40	the state to the department of corrections for the		
41	fiscal year beginning July 1, 2012, and ending June		
42	30, 2013, for salaries, support, maintenance, and		
43	miscellaneous purposes, the following amounts, or		
44	so much thereof as is necessary, to be allocated as		
45	follows:		
46	a. For the first judicial district department of		
47	correctional services:		
48	.....	\$	12,020,098
49	b. For the second judicial district department of		
50	correctional services:		
Page 20			
1	.....	\$	10,336,948
2	c. For the third judicial district department of		
3	correctional services:		
4	.....	\$	5,599,765
5	d. For the fourth judicial district department of		
6	correctional services:		
7	.....	\$	5,391,355
8	e. For the fifth judicial district department of		
9	correctional services, including funding for electronic		
10	monitoring devices for use on a statewide basis:		
11	.....	\$	18,742,129
12	f. For the sixth judicial district department of		
13	correctional services:		
14	.....	\$	13,112,563
15	g. For the seventh judicial district department of		
16	correctional services:		
17	.....	\$	6,492,814
18	h. For the eighth judicial district department of		
19	correctional services:		
20	.....	\$	6,731,055
21	2. Each judicial district department of		
22	correctional services, within the funding available,		
23	shall continue programs and plans established within		
24	that district to provide for intensive supervision, sex		
25	offender treatment, diversion of low-risk offenders		
26	to the least restrictive sanction available, job		
27	development, and expanded use of intermediate criminal		
28	sanctions.		

29 3. Each judicial district department of
30 correctional services shall provide alternatives to
31 prison consistent with chapter 901B. The alternatives
32 to prison shall ensure public safety while providing
33 maximum rehabilitation to the offender. A judicial
34 district department of correctional services may also
35 establish a day program.

36 4. The governor's office of drug control policy
37 shall consider federal grants made to the department
38 of corrections for the benefit of each of the eight
39 judicial district departments of correctional services
40 as local government grants, as defined pursuant to
41 federal regulations.

42 5. The department of corrections shall continue
43 to contract with a judicial district department
44 of correctional services to provide for the rental
45 of electronic monitoring equipment which shall be
46 available statewide.

47 6. A judicial district department of correctional
48 services shall accept into the facilities of the
49 district department, offenders assigned from other
50 judicial district departments of correctional services.

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1 Sec. 27. DEPARTMENT OF CORRECTIONS — REALLOCATION
2 OF APPROPRIATIONS. Notwithstanding section 8.39,
3 within the moneys appropriated in this division of this
4 Act to the department of corrections, the department
5 may reallocate the moneys appropriated and allocated as
6 necessary to best fulfill the needs of the correctional
7 institutions, administration of the department, and the
8 judicial district departments of correctional services.
9 However, in addition to complying with the requirements
10 of sections 904.116 and 905.8 and providing notice
11 to the legislative services agency, the department
12 of corrections shall also provide notice to the
13 department of management, prior to the effective date
14 of the revision or reallocation of an appropriation
15 made pursuant to this section. The department of
16 corrections shall not reallocate an appropriation or
17 allocation for the purpose of eliminating any program.

18 Sec. 28. INTENT — REPORTS.

19 1. The department of corrections in cooperation
20 with townships, the Iowa cemetery associations, and
21 other nonprofit or governmental entities may use inmate
22 labor during the fiscal year beginning July 1, 2012,
23 to restore or preserve rural cemeteries and historical
24 landmarks. The department in cooperation with the
25 counties may also use inmate labor to clean up roads,
26 major water sources, and other water sources around the
27 state.

28 2. On a quarterly basis the department shall
29 provide a status report regarding private-sector
30 employment to the legislative services agency beginning
31 on July 1, 2012. The report shall include the number
32 of offenders employed in the private sector, the
33 combined number of hours worked by the offenders, the
34 total amount of allowances, and the distribution of
35 allowances pursuant to section 904.702, including any
36 moneys deposited in the general fund of the state.

37 Sec. 29. ELECTRONIC MONITORING REPORT. The
38 department of corrections shall submit a report on
39 electronic monitoring to the general assembly, to the
40 co-chairpersons and the ranking members of the joint
41 appropriations subcommittee on the justice system, and
42 to the legislative services agency by January 15, 2013.
43 The report shall specifically address the number of
44 persons being electronically monitored and break down
45 the number of persons being electronically monitored
46 by offense committed. The report shall also include a
47 comparison of any data from the prior fiscal year with
48 the current year.

49 Sec. 30. STATE AGENCY PURCHASES FROM PRISON
50 INDUSTRIES.

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1 1. As used in this section, unless the context
2 otherwise requires, "state agency" means the government
3 of the state of Iowa, including but not limited to
4 all executive branch departments, agencies, boards,
5 bureaus, and commissions, the judicial branch,
6 the general assembly and all legislative agencies,
7 institutions within the purview of the state board of
8 regents, and any corporation whose primary function is
9 to act as an instrumentality of the state.

10 2. State agencies are hereby encouraged to purchase
11 products from Iowa state industries, as defined in
12 section 904.802, when purchases are required and the
13 products are available from Iowa state industries.
14 State agencies shall obtain bids from Iowa state
15 industries for purchases of office furniture during the
16 fiscal year beginning July 1, 2012, exceeding \$5,000
17 or in accordance with applicable administrative rules
18 related to purchases for the agency.

19 Sec. 31. IOWA LAW ENFORCEMENT ACADEMY.

20 1. There is appropriated from the general fund of
21 the state to the Iowa law enforcement academy for the
22 fiscal year beginning July 1, 2012, and ending June 30,
23 2013, the following amount, or so much thereof as is
24 necessary, to be used for the purposes designated:

25 For salaries, support, maintenance, miscellaneous
26 purposes, including jailer training and technical

27 assistance, and for not more than the following
 28 full-time equivalent positions:
 29 \$ 448,500
 30 FTEs 24.55

31 It is the intent of the general assembly that the
 32 Iowa law enforcement academy may provide training of
 33 state and local law enforcement personnel concerning
 34 the recognition of and response to persons with
 35 Alzheimer's disease.

36 The Iowa law enforcement academy may temporarily
 37 exceed and draw more than the amount appropriated in
 38 this subsection and incur a negative cash balance as
 39 long as there are receivables equal to or greater than
 40 the negative balance and the amount appropriated in
 41 this subsection is not exceeded at the close of the
 42 fiscal year.

43 2. The Iowa law enforcement academy may select
 44 at least five automobiles of the department of public
 45 safety, division of state patrol, prior to turning over
 46 the automobiles to the department of administrative
 47 services to be disposed of by public auction, and
 48 the Iowa law enforcement academy may exchange any
 49 automobile owned by the academy for each automobile
 50 selected if the selected automobile is used in training

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1 law enforcement officers at the academy. However,
 2 any automobile exchanged by the academy shall be
 3 substituted for the selected vehicle of the department
 4 of public safety and sold by public auction with the
 5 receipts being deposited in the depreciation fund to
 6 the credit of the department of public safety, division
 7 of state patrol.

8 Sec. 32. STATE PUBLIC DEFENDER. There is
 9 appropriated from the general fund of the state to the
 10 office of the state public defender of the department
 11 of inspections and appeals for the fiscal year
 12 beginning July 1, 2012, and ending June 30, 2013, the
 13 following amounts, or so much thereof as is necessary,
 14 to be allocated as follows for the purposes designated:

15 1. For salaries, support, maintenance,
 16 miscellaneous purposes, and for not more than the
 17 following full-time equivalent positions:
 18 \$ 24,083,182
 19 FTEs 219.00

20 2. For the fees of court-appointed attorneys for
 21 indigent adults and juveniles, in accordance with
 22 section 232.141 and chapter 815:
 23 \$ 29,680,929

24 Sec. 33. BOARD OF PAROLE. There is appropriated
 25 from the general fund of the state to the board of

26 parole for the fiscal year beginning July 1, 2012, and
27 ending June 30, 2013, the following amount, or so much
28 thereof as is necessary, to be used for the purposes
29 designated:

30	For salaries, support, maintenance, miscellaneous		
31	purposes, and for not more than the following full-time		
32	equivalent positions:		
33	.....	\$	1,053,835
34	.....	FTEs	12.50

35 Sec. 34. DEPARTMENT OF PUBLIC DEFENSE. There is
36 appropriated from the general fund of the state to
37 the department of public defense for the fiscal year
38 beginning July 1, 2012, and ending June 30, 2013, the
39 following amounts, or so much thereof as is necessary,
40 to be used for the purposes designated:

41 1. MILITARY DIVISION

42 For salaries, support, maintenance, miscellaneous
43 purposes, and for not more than the following full-time
44 equivalent positions:

45	.....	\$	5,527,042
46	.....	FTEs	313.00

47 The military division may temporarily exceed
48 and draw more than the amount appropriated in this
49 subsection and incur a negative cash balance as long
50 as there are receivables of federal funds equal to

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1 or greater than the negative balance and the amount
2 appropriated in this subsection is not exceeded at the
3 close of the fiscal year.

4 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
5 DIVISION

6 For salaries, support, maintenance, miscellaneous
7 purposes, and for not more than the following full-time
8 equivalent positions:

9	.....	\$	1,836,877
10	.....	FTEs	40.00

11 a. The homeland security and emergency management
12 division may temporarily exceed and draw more than the
13 amount appropriated in this subsection and incur a
14 negative cash balance as long as there are receivables
15 of federal funds equal to or greater than the negative
16 balance and the amount appropriated in this subsection
17 is not exceeded at the close of the fiscal year.

18 b. It is the intent of the general assembly that
19 the homeland security and emergency management division
20 work in conjunction with the department of public
21 safety, to the extent possible, when gathering and
22 analyzing information related to potential domestic
23 or foreign security threats, and when monitoring such
24 threats.

25 Sec. 35. DEPARTMENT OF PUBLIC SAFETY. There is
 26 appropriated from the general fund of the state to
 27 the department of public safety for the fiscal year
 28 beginning July 1, 2012, and ending June 30, 2013, the
 29 following amounts, or so much thereof as is necessary,
 30 to be used for the purposes designated:

31 1. For the department's administrative functions,
 32 including the criminal justice information system, and
 33 for not more than the following full-time equivalent
 34 positions:
 35 \$ 4,007,075
 36 FTEs 36.00

37 2. For the division of criminal investigation,
 38 including the state's contribution to the peace
 39 officers' retirement, accident, and disability system
 40 provided in chapter 97A in the amount of the state's
 41 normal contribution rate, as defined in section
 42 97A.8, multiplied by the salaries for which the
 43 funds are appropriated, to meet federal fund matching
 44 requirements, and for not more than the following
 45 full-time equivalent positions:
 46 \$ 12,533,931
 47 FTEs 159.10

48 The department shall employ one additional special
 49 agent and one additional criminalist for the purpose
 50 of investigating cold cases. Prior to employing the

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1 additional special agent and criminalist authorized
 2 in this paragraph, the department shall provide a
 3 written statement to prospective employees that states
 4 to the effect that the positions are being funded by
 5 a temporary federal grant and there are no assurances
 6 that funds from other sources will be available after
 7 the federal funding expires. If the federal funding
 8 for the additional positions expires during the fiscal
 9 year, the number of full-time equivalent positions
 10 authorized in this subsection is reduced by 2.00 FTEs.

11 3. For the criminalistics laboratory fund created
 12 in section 691.9:
 13 \$ 302,345

14 4. a. For the division of narcotics enforcement,
 15 including the state's contribution to the peace
 16 officers' retirement, accident, and disability system
 17 provided in chapter 97A in the amount of the state's
 18 normal contribution rate, as defined in section
 19 97A.8, multiplied by the salaries for which the
 20 funds are appropriated, to meet federal fund matching
 21 requirements, and for not more than the following
 22 full-time equivalent positions:
 23 \$ 6,429,884

24	.....	FTEs	74.00
25	b. For the division of narcotics enforcement for		
26	undercover purchases:		
27	.....	\$	109,042
28	5. For the division of state fire marshal, for fire		
29	protection services as provided through the state fire		
30	service and emergency response council as created in		
31	the department, and for the state's contribution to the		
32	peace officers' retirement, accident, and disability		
33	system provided in chapter 97A in the amount of the		
34	state's normal contribution rate, as defined in section		
35	97A.8, multiplied by the salaries for which the funds		
36	are appropriated, and for not more than the following		
37	full-time equivalent positions:		
38	.....	\$	4,298,707
39	.....	FTEs	55.00
40	6. For the division of state patrol, for salaries,		
41	support, maintenance, workers' compensation costs,		
42	and miscellaneous purposes, including the state's		
43	contribution to the peace officers' retirement,		
44	accident, and disability system provided in chapter 97A		
45	in the amount of the state's normal contribution rate,		
46	as defined in section 97A.8, multiplied by the salaries		
47	for which the funds are appropriated, and for not more		
48	than the following full-time equivalent positions:		
49	\$	55,403,233
50	FTEs	533.00

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1 It is the intent of the general assembly that
2 members of the state patrol be assigned to patrol
3 the highways and roads in lieu of assignments for
4 inspecting school buses for the school districts.

5 7. For deposit in the sick leave benefits fund
6 established under section 80.42 for all departmental
7 employees eligible to receive benefits for accrued sick
8 leave under the collective bargaining agreement:

9 \$ 279,517

10 8. For costs associated with the training and
11 equipment needs of volunteer fire fighters:

12 \$ 760,520

13 a. Notwithstanding section 8.33, moneys
14 appropriated in this subsection that remain
15 unencumbered or unobligated at the close of the fiscal
16 year shall not revert but shall remain available for
17 expenditure only for the purpose designated in this
18 subsection until the close of the succeeding fiscal
19 year.

20 b. Notwithstanding section 8.39, within the
21 moneys appropriated in this section, the department
22 of public safety may reallocate moneys as necessary

23 to best fulfill the needs provided for in the
 24 appropriation. However, the department shall not
 25 reallocate an appropriation made to the department
 26 in this section unless notice of the reallocation
 27 is given to the legislative services agency and
 28 the department of management prior to the effective
 29 date of the reallocation. The notice shall include
 30 information regarding the rationale for reallocating
 31 the appropriation. The department shall not reallocate
 32 an appropriation made in this section for the purpose
 33 of eliminating any program.

34 Sec. 36. GAMING ENFORCEMENT.

35 1. There is appropriated from the gaming
 36 enforcement revolving fund created in section 80.43 to
 37 the department of public safety for the fiscal year
 38 beginning July 1, 2012, and ending June 30, 2013, the
 39 following amount, or so much thereof as is necessary,
 40 to be used for the purposes designated:

41 For any direct and indirect support costs for
 42 agents and officers of the division of criminal
 43 investigation's excursion gambling boat, gambling
 44 structure, and racetrack enclosure enforcement
 45 activities, including salaries, support, maintenance,
 46 miscellaneous purposes, and for not more than the
 47 following full-time equivalent positions:

48	\$	9,836,306
49	FTEs	120.00

50 2. For each additional license to conduct gambling

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1 games on an excursion gambling boat, gambling
 2 structure, or racetrack enclosure issued during
 3 the fiscal year beginning July 1, 2012, there is
 4 appropriated from the gaming enforcement fund to
 5 the department of public safety for the fiscal year
 6 beginning July 1, 2012, and ending June 30, 2013, an
 7 additional amount of not more than \$521,000 to be used
 8 for not more than 6.00 additional full-time equivalent
 9 positions.

10 3. The department of public safety, with the
 11 approval of the department of management, may employ
 12 no more than two special agents and four gaming
 13 enforcement officers for each additional riverboat
 14 or gambling structure regulated after July 1, 2012,
 15 and one special agent for each racing facility which
 16 becomes operational during the fiscal year which
 17 begins July 1, 2012. One additional gaming enforcement
 18 officer, up to a total of four per riverboat or

19 gambling structure, may be employed for each riverboat
 20 or gambling structure that has extended operations to
 21 24 hours and has not previously operated with a 24-hour
 22 schedule. Positions authorized in this subsection
 23 are in addition to the full-time equivalent positions
 24 otherwise authorized in this section.

25 Sec. 37. CIVIL RIGHTS COMMISSION. There is
 26 appropriated from the general fund of the state to the
 27 Iowa state civil rights commission for the fiscal year
 28 beginning July 1, 2012, and ending June 30, 2013, the
 29 following amount, or so much thereof as is necessary,
 30 to be used for the purposes designated:

31 For salaries, support, maintenance, miscellaneous
 32 purposes, and for not more than the following full-time
 33 equivalent positions:

34	\$	1,297,069
35	FTEs	28.00

36 The Iowa state civil rights commission may enter
 37 into a contract with a nonprofit organization to
 38 provide legal assistance to resolve civil rights
 39 complaints.

40 Sec. 38. HOMELAND SECURITY AND EMERGENCY MANAGEMENT

41 DIVISION. There is appropriated from the wireless
 42 E911 emergency communications fund created in section
 43 34A.7A to the administrator of the homeland security
 44 and emergency management division of the department of
 45 public defense for the fiscal year beginning July 1,
 46 2012, and ending June 30, 2013, an amount not exceeding
 47 \$200,000 to be used for implementation, support, and
 48 maintenance of the functions of the administrator and
 49 program manager under chapter 34A and to employ the
 50 auditor of the state to perform an annual audit of the

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1 wireless E911 emergency communications fund.
 2 Sec. 39. SUPERVISORY EMPLOYEES TO OTHER EMPLOYEES
 3 — RATIO. Notwithstanding section 8A.402, subsection
 4 2, paragraph “g”, for the fiscal year beginning July
 5 1, 2011, the department of corrections, department of
 6 public safety, and the judicial district departments of
 7 correctional services shall be exempt from the target
 8 ratio of supervisory employees to other employees
 9 otherwise applicable for that fiscal year under section
 10 8A.402, subsection 2, paragraph “g”.>

S-3234

- 1 Amend House File 392, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, by striking lines 10 through 21.
 4 2. Page 3, lines 26 and 27, by striking

5 <residential property> and inserting <principal
6 residence>
7 3. By renumbering as necessary.

JEFF DANIELSON

S-3235

1 Amend Senate File 520 as follows:
2 1. Page 2, by striking line 17 and inserting <is
3 not refundable. However, the taxpayer>
4 2. By renumbering as necessary.

MARK CHELGREN

S-3236

1 Amend Senate File 521 as follows:
2 1. Page 1, by striking lines 11 through 13 and
3 inserting:
4 <b. Tax credits in excess of tax liabilities shall
5 be refunded or credited as provided in section 404A.4,
6 subsection 3 are not refundable but may be credited to
7 the tax liability for the following five tax years or
8 until depleted.>
9 2. Page 4, before line 31 by inserting:
10 <Sec. __. Section 404A.4, subsection 3, Code 2011,
11 is amended by striking the subsection.>
12 3. By renumbering as necessary.

MARK CHELGREN

S-3237

1 Amend Senate File 517 as follows:
2 1. Page 11, line 29, by striking <9,696,170> and
3 inserting <8,660,480>
4 2. Page 12, before line 15 by inserting:
5 <Sec. __. WORKERS' COMPENSATION CARRYFORWARD
6 APPROPRIATION.

7 1. There is appropriated from the general fund of
8 the state to the department of workforce development
9 for the fiscal year beginning July 1, 2010, and
10 ending June 30, 2011, the following amount, or so much
11 thereof as is necessary, to be used for the purposes
12 designated:

13 For expenditure in the fiscal year beginning July
14 1, 2011, for the division of workers' compensation,
15 including salaries, support, maintenance, and
16 miscellaneous purposes:
17 \$ 300,000

18 2. Notwithstanding section 8.33, moneys

19 appropriated in this section that remain unencumbered
 20 or unobligated at the close of the fiscal year shall
 21 not revert but shall remain available for expenditure
 22 for the purposes designated until the close of the
 23 succeeding fiscal year.>

24 3. Page 13, before line 17 by inserting:
 25 <Sec. ____ APPROPRIATIONS RESTRICTED. The
 26 department of workforce development shall not use any
 27 of the moneys appropriated pursuant to this Act for
 28 purposes of the national career readiness certificate
 29 program.>

30 4. By striking page 13, line 32, through page 14,
 31 line 15.

32 5. Page 14, after line 24 by inserting:
 33 <Sec. ____ Section 15E.117, subsection 3, paragraph
 34 b, Code 2011, is amended by striking the paragraph.>

35 6. By striking page 14, line 25, through page 15,
 36 line 3.

37 7. Page 15, before line 4 by inserting:
 38 <Sec. ____ Section 123.183, subsection 2, paragraph
 39 b, Code 2011, is amended by striking the paragraph and
 40 inserting in lieu thereof the following:

41 b. (1) A wine gallonage tax fund is created in the
 42 office of the treasurer of state.

43 (2) Moneys deposited in the fund are appropriated
 44 as follows:

45 (a) To the midwest grape and wine industry
 46 institute at Iowa state university of science and
 47 technology, one hundred twenty thousand dollars.

48 (b) To the department of economic development for
 49 purposes of section 15E.117, the balance of moneys
 50 in the fund after the appropriation in subparagraph

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1 subdivision (a).

2 (3) Moneys in the fund and moneys appropriated from
 3 the fund pursuant to subparagraph (2) are not subject
 4 to reversion under section 8.33.>

5 8. Page 16, after line 10 by inserting:

6 <The section of this Act appropriating moneys from
 7 the general fund of the state to the department of
 8 workforce development in the fiscal year beginning
 9 July 1, 2010, for expenditure in the fiscal year
 10 beginning July 1, 2011, for the division of workers'
 11 compensation, being deemed of immediate importance,
 12 takes effect upon enactment.>

13 9. By renumbering as necessary.

S-3238

1 Amend House File 254, as passed by the House, as
2 follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. Section 8D.9, subsection 2, Code 2011,
6 is amended to read as follows:

7 2. a. A private or public agency, other than
8 a private college or university or a nonpublic
9 school, which certifies to the commission pursuant to
10 subsection 1 that the agency is a part of or intends
11 to become a part of the network shall use the network
12 for all video, data, and voice requirements of the
13 agency unless the private or public agency petitions
14 the commission for a waiver and one of the following
15 applies:

16 (1) The costs to the authorized user for services
17 provided on the network are not competitive with the
18 same services provided by another provider.

19 (2) The authorized user is under contract with
20 another provider for such services, provided the
21 contract was entered into prior to April 1, 1994. The
22 agency shall use the network for video, data, and voice
23 requirements which are not provided pursuant to such
24 contract.

25 (3) The authorized user has entered into an
26 agreement with the commission to become part of the
27 network prior to June 1, 1994, which does not provide
28 for use of the network for all video, data, and voice
29 requirements of the agency. The commission may enter
30 into an agreement described in this subparagraph upon
31 a determination that the use of the network for all
32 video, data, and voice requirements of the agency would
33 not be in the best interests of the agency.

34 b. A private or public agency, other than a private
35 college or university or a nonpublic school, shall
36 petition the commission for a waiver of the requirement
37 to use the network as provided in paragraph "a", if the
38 agency determines that paragraph "a", subparagraph (1)
39 or (2) applies. The commission shall establish by rule
40 a review process for determining, upon application of
41 an authorized user, whether paragraph "a", subparagraph
42 (1) or (2) applies. An authorized user found by the
43 commission to be under contract for such services as
44 provided in paragraph "a", subparagraph (2), shall not
45 enter into another contract upon the expiration of
46 such contract, but shall utilize the network for such
47 services as provided in this section unless paragraph
48 "a", subparagraph (1), applies. A waiver approved by
49 the commission may be for a period as requested by the
50 private or public agency of up to three years.

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1 c. A private college or university or a nonpublic
2 school which certifies to the commission pursuant to
3 subsection 1 that the private college, university, or
4 nonpublic school is a part of or intends to become
5 a part of the network may use the network for its
6 video, data, or voice requirements as determined by the
7 private college or university or nonpublic school.>
8 2. Title page, by striking lines 1 and 2 and
9 inserting <An Act modifying provisions relating to
10 utilization of the Iowa communications network.>

MATT McCOY
SWATI A. DANDEKAR

S-3239

1 Amend House File 646, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking everything after the enacting clause
4 and inserting:
5 <Section 1. DEPARTMENT OF ADMINISTRATIVE SERVICES.
6 1. There is appropriated from the general fund of
7 the state to the department of administrative services
8 for the fiscal year beginning July 1, 2011, and ending
9 June 30, 2012, the following amounts, or so much
10 thereof as is necessary, to be used for the purposes
11 designated, and for not more than the following
12 full-time equivalent positions:
13 a. For salaries, support, maintenance, and
14 miscellaneous purposes:
15 \$ 4,210,319
16 FTEs 84.18
17 b. For the payment of utility costs:
18 \$ 2,739,460
19 FTEs 1.00
20 Notwithstanding section 8.33, any excess funds
21 appropriated for utility costs in this lettered
22 paragraph shall not revert to the general fund of the
23 state at the end of the fiscal year but shall remain
24 available for expenditure for the purposes of this
25 lettered paragraph during the succeeding fiscal year.
26 c. For Terrace Hill operations:
27 \$ 405,914
28 FTEs 6.88
29 d. For the I3 distribution account:
30 \$ 3,328,000
31 e. For operations and maintenance of the Iowa
32 building:
33 \$ 1,018,185
34 FTEs 4.00

35 2. Members of the general assembly serving as
36 members of the deferred compensation advisory board
37 shall be entitled to receive per diem and necessary
38 travel and actual expenses pursuant to section 2.10,
39 subsection 5, while carrying out their official duties
40 as members of the board.

41 3. Any funds and premiums collected by the
42 department for workers' compensation shall be
43 segregated into a separate workers' compensation
44 fund in the state treasury to be used for payment of
45 state employees' workers' compensation claims and
46 administrative costs. Notwithstanding section 8.33,
47 unencumbered or unobligated moneys remaining in this
48 workers' compensation fund at the end of the fiscal
49 year shall not revert but shall be available for
50 expenditure for purposes of the fund for subsequent

Page 2

1 fiscal years.

2 Sec. 2. REVOLVING FUNDS. There is appropriated
3 to the department of administrative services for the
4 fiscal year beginning July 1, 2011, and ending June
5 30, 2012, from the revolving funds designated in
6 chapter 8A and from internal service funds created
7 by the department such amounts as the department
8 deems necessary for the operation of the department
9 consistent with the requirements of chapter 8A.

10 Sec. 3. FUNDING FOR IOWACCESS.

11 1. Notwithstanding section 321A.3, subsection
12 1, for the fiscal year beginning July 1, 2011, and
13 ending June 30, 2012, the first \$750,000 collected
14 and transferred by the department of transportation
15 to the treasurer of state with respect to the fees
16 for transactions involving the furnishing of a
17 certified abstract of a vehicle operating record under
18 section 321A.3, subsection 1, shall be transferred
19 to the IowAccess revolving fund for the purposes of
20 developing, implementing, maintaining, and expanding
21 electronic access to government records as provided by
22 law.

23 2. All fees collected with respect to transactions
24 involving IowAccess shall be deposited in the IowAccess
25 revolving fund and shall be used only for the support
26 of IowAccess projects.

27 3. For the fiscal year beginning July 1, 2011,
28 and ending June 30, 2012, there is appropriated from
29 the IowAccess revolving fund, to the office of the
30 secretary of state \$75,000 for costs associated with
31 decennial redistricting.

32 Sec. 4. STATE EMPLOYEE HEALTH INSURANCE
33 ADMINISTRATION CHARGE. For the fiscal year beginning

34 July 1, 2011, and ending June 30, 2012, the monthly per
 35 contract administrative charge which may be assessed by
 36 the department of administrative services shall be \$2
 37 per contract on all health insurance plans administered
 38 by the department.

39 Sec. 5. AUDITOR OF STATE.

40 1. There is appropriated from the general fund of
 41 the state to the office of the auditor of state for the
 42 fiscal year beginning July 1, 2011, and ending June
 43 30, 2012, subject to subsection 3 of this section, the
 44 following amount, or so much thereof as is necessary,
 45 to be used for the purposes designated, and for not
 46 more than the following full-time equivalent positions:

47 For salaries, support, maintenance, and		
48 miscellaneous purposes:		
49	\$	814,921
50	FTEs	103.00

Page 3

1 2. The auditor of state may retain additional
 2 full-time equivalent positions as is reasonable and
 3 necessary to perform governmental subdivision audits
 4 which are reimbursable pursuant to section 11.20
 5 or 11.21, to perform audits which are requested by
 6 and reimbursable from the federal government, and
 7 to perform work requested by and reimbursable from
 8 departments or agencies pursuant to section 11.5A
 9 or 11.5B. The auditor of state shall notify the
 10 department of management, the legislative fiscal
 11 committee, and the legislative services agency of the
 12 additional full-time equivalent positions retained.

13 3. Notwithstanding section 8.31, the director of
 14 the department of management shall not approve the
 15 allotment of moneys appropriated pursuant to subsection
 16 1 of this section to the office of the auditor of
 17 state until completion of the audit of the state's
 18 comprehensive annual financial report as specified in
 19 section 8A.502, subsection 8.

20 Sec. 6. IOWA ETHICS AND CAMPAIGN DISCLOSURE

21 BOARD. There is appropriated from the general fund of
 22 the state to the Iowa ethics and campaign disclosure
 23 board for the fiscal year beginning July 1, 2011, and
 24 ending June 30, 2012, the following amount, or so much
 25 thereof as is necessary, for the purposes designated:

26 For salaries, support, maintenance, and		
27 miscellaneous purposes, and for not more than the		
28 following full-time equivalent positions:		
29	\$	525,000
30	FTEs	5.00

31 Sec. 7. DEPARTMENT OF COMMERCE.

32 1. There is appropriated from the general fund

33 of the state to the department of commerce for the
 34 fiscal year beginning July 1, 2011, and ending June 30,
 35 2012, the following amounts, or so much thereof as is
 36 necessary, for the purposes designated:

37 a. ALCOHOLIC BEVERAGES DIVISION

38 (1) For salaries, support, maintenance, and
 39 miscellaneous purposes, and for not more than the
 40 following full-time equivalent positions:

41	\$	1,370,391
42	FTEs	23.00

43 (2) Of the funds appropriated pursuant to this
 44 paragraph, up to \$60,000 shall be used to establish
 45 and implement a web-based alcohol compliance employee
 46 training program for alcoholic beverage sales
 47 personnel.

48 (3) Two of the full-time equivalent positions
 49 authorized pursuant to subparagraph (1) shall
 50 be allocated for purposes associated with the

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1 implementation of 2011 Iowa Acts, House File 617.
 2 b. PROFESSIONAL LICENSING AND REGULATION BUREAU

3 For salaries, support, maintenance, and
 4 miscellaneous purposes, and for not more than the
 5 following full-time equivalent positions:

6	\$	609,353
7	FTEs	12.00

8 2. There is appropriated from the department of
 9 commerce revolving fund created in section 546.12
 10 to the department of commerce for the fiscal year
 11 beginning July 1, 2011, and ending June 30, 2012, the
 12 following amounts, or so much thereof as is necessary,
 13 for the purposes designated:

14 a. BANKING DIVISION

15 For salaries, support, maintenance, and
 16 miscellaneous purposes, and for not more than the
 17 following full-time equivalent positions:

18	\$	8,851,670
19	FTEs	80.00

20 b. CREDIT UNION DIVISION

21 For salaries, support, maintenance, and
 22 miscellaneous purposes, and for not more than the
 23 following full-time equivalent positions:

24	\$	1,727,995
25	FTEs	19.00

26 c. INSURANCE DIVISION

27 (1) For salaries, support, maintenance, and
 28 miscellaneous purposes, and for not more than the
 29 following full-time equivalent positions:

30	\$	4,983,244
31	FTEs	106.50

32 (2) The insurance division may reallocate
 33 authorized full-time equivalent positions as necessary
 34 to respond to accreditation recommendations or
 35 requirements. The insurance division expenditures
 36 for examination purposes may exceed the projected
 37 receipts, refunds, and reimbursements, estimated
 38 pursuant to section 505.7, subsection 7, including the
 39 expenditures for retention of additional personnel,
 40 if the expenditures are fully reimbursable and the
 41 division first does both of the following:

42 (a) Notifies the department of management, the
 43 legislative services agency, and the legislative fiscal
 44 committee of the need for the expenditures.

45 (b) Files with each of the entities named in
 46 subparagraph division (a) the legislative and
 47 regulatory justification for the expenditures, along
 48 with an estimate of the expenditures.

49 d. UTILITIES DIVISION

50 (1) For salaries, support, maintenance, and

Page 5

1	miscellaneous purposes, and for not more than the		
2	following full-time equivalent positions:		
3	.....	\$	8,173,069
4	.....	FTEs	79.00

5 (2) The utilities division may expend additional
 6 funds, including funds for additional personnel, if
 7 those additional expenditures are actual expenses which
 8 exceed the funds budgeted for utility regulation and
 9 the expenditures are fully reimbursable. Before the
 10 division expends or encumbers an amount in excess of
 11 the funds budgeted for regulation, the division shall
 12 first do both of the following:

13 (a) Notify the department of management, the
 14 legislative services agency, and the legislative fiscal
 15 committee of the need for the expenditures.

16 (b) File with each of the entities named in
 17 subparagraph division (a) the legislative and
 18 regulatory justification for the expenditures, along
 19 with an estimate of the expenditures.

20 (3) Notwithstanding sections 8.33 and 476.10 or
 21 any other provisions to the contrary, any unencumbered
 22 or unobligated balance of the appropriation made in
 23 this paragraph for the utilities division or any other
 24 operational appropriation made for the fiscal year
 25 beginning July 1, 2011, and ending June 30, 2012,
 26 that remains unused, unencumbered, or unobligated
 27 at the close of the fiscal year shall not revert but
 28 shall remain available to be used for purposes of the
 29 energy-efficient building project authorized under
 30 section 476.10B, or for relocation costs in succeeding

31 fiscal years.

32 3. CHARGES. Each division and the office of
33 consumer advocate shall include in its charges
34 assessed or revenues generated an amount sufficient
35 to cover the amount stated in its appropriation and
36 any state-assessed indirect costs determined by the
37 department of administrative services.

38 Sec. 8. DEPARTMENT OF COMMERCE — PROFESSIONAL
39 LICENSING AND REGULATION BUREAU. There is appropriated
40 from the housing trust fund of the Iowa finance
41 authority created in section 16.181, to the bureau of
42 professional licensing and regulation of the banking
43 division of the department of commerce for the fiscal
44 year beginning July 1, 2011, and ending June 30,
45 2012, the following amount, or so much thereof as is
46 necessary, to be used for the purposes designated:

47 For salaries, support, maintenance, and
48 miscellaneous purposes:
49 \$ 62,317

50 Sec. 9. GOVERNOR AND LIEUTENANT GOVERNOR. There is

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1 appropriated from the general fund of the state to the
2 offices of the governor and the lieutenant governor for
3 the fiscal year beginning July 1, 2011, and ending June
4 30, 2012, the following amounts, or so much thereof as
5 is necessary, to be used for the purposes designated:

6 1. GENERAL OFFICE

7 For salaries, support, maintenance, and
8 miscellaneous purposes for the general office of the
9 governor and the general office of the lieutenant
10 governor, and for not more than the following full-time
11 equivalent positions:

12 \$ 2,163,492
13 FTEs 21.00

14 2. TERRACE HILL QUARTERS

15 For salaries, support, maintenance, and
16 miscellaneous purposes for the governor's quarters
17 at Terrace Hill, and for not more than the following
18 full-time equivalent positions:

19 \$ 69,533
20 FTEs 0.88

21 Sec. 10. GOVERNOR'S OFFICE OF DRUG CONTROL
22 POLICY. There is appropriated from the general fund
23 of the state to the governor's office of drug control
24 policy for the fiscal year beginning July 1, 2011, and
25 ending June 30, 2012, the following amount, or so much
26 thereof as is necessary, to be used for the purposes
27 designated:

28 For salaries, support, maintenance, and
29 miscellaneous purposes, including statewide

30 coordination of the drug abuse resistance education
 31 (D.A.R.E.) programs or similar programs, and for not
 32 more than the following full-time equivalent positions:
 33 \$ 326,043
 34 FTEs 8.00

35 Sec. 11. DEPARTMENT OF HUMAN RIGHTS. There is
 36 appropriated from the general fund of the state to
 37 the department of human rights for the fiscal year
 38 beginning July 1, 2011, and ending June 30, 2012, the
 39 following amounts, or so much thereof as is necessary,
 40 to be used for the purposes designated:

41 1. CENTRAL ADMINISTRATION DIVISION
 42 For salaries, support, maintenance, and
 43 miscellaneous purposes, and for not more than the
 44 following full-time equivalent positions:
 45 \$ 206,103
 46 FTEs 7.00

47 2. COMMUNITY ADVOCACY AND SERVICES DIVISION
 48 For salaries, support, maintenance, and
 49 miscellaneous purposes, and for not more than the
 50 following full-time equivalent positions:

Page 7

1 \$ 1,056,792
 2 FTEs 17.00
 3 3. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION
 4 For salaries, support, maintenance, and
 5 miscellaneous purposes, and for not more than the
 6 following full-time equivalent positions:
 7 \$ 1,073,892
 8 FTEs 10.00

9 The criminal and juvenile justice planning advisory
 10 council and the juvenile justice advisory council
 11 shall coordinate their efforts in carrying out their
 12 respective duties relative to juvenile justice.

13 Sec. 12. DEPARTMENT OF INSPECTIONS AND
 14 APPEALS. There is appropriated from the general fund
 15 of the state to the department of inspections and
 16 appeals for the fiscal year beginning July 1, 2011, and
 17 ending June 30, 2012, the following amounts, or so much
 18 thereof as is necessary, for the purposes designated:

19 1. ADMINISTRATION DIVISION
 20 For salaries, support, maintenance, and
 21 miscellaneous purposes, and for not more than the
 22 following full-time equivalent positions:
 23 \$ 1,611,061
 24 FTEs 37.40

25 2. ADMINISTRATIVE HEARINGS DIVISION
 26 For salaries, support, maintenance, and
 27 miscellaneous purposes, and for not more than the
 28 following full-time equivalent positions:

29	.....	\$	553,973
30	.....	FTEs	23.00
31	3. INVESTIGATIONS DIVISION		
32	a. For salaries, support, maintenance, and		
33	miscellaneous purposes, and for not more than the		
34	following full-time equivalent positions:		
35	.....	\$	1,168,639
36	.....	FTEs	58.50
37	b. The department, in coordination with the		
38	investigations division, shall provide a report to		
39	the general assembly by January 10, 2012, concerning		
40	the fiscal impact of additional full-time equivalent		
41	positions on the department's efforts relative to the		
42	Medicaid divestiture program under chapter 249F.		
43	4. HEALTH FACILITIES DIVISION		
44	a. For salaries, support, maintenance, and		
45	miscellaneous purposes, and for not more than the		
46	following full-time equivalent positions:		
47	.....	\$	3,562,739
48	.....	FTEs	134.75
49	b. The department shall, in coordination with		
50	the health facilities division, make the following		

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- 1 information available to the public in a timely
- 2 manner, to include providing the information on the
- 3 department's internet website, during the fiscal year
- 4 beginning July 1, 2011, and ending June 30, 2012:
- 5 (1) The number of inspections conducted by the
- 6 division annually by type of service provider and type
- 7 of inspection.
- 8 (2) The total annual operations budget for the
- 9 division, including general fund appropriations and
- 10 federal contract dollars received by type of service
- 11 provider inspected.
- 12 (3) The total number of full-time equivalent
- 13 positions in the division, to include the number of
- 14 full-time equivalent positions serving in a supervisory
- 15 capacity, and serving as surveyors, inspectors, or
- 16 monitors in the field by type of service provider
- 17 inspected.
- 18 (4) Identification of state and federal survey
- 19 trends, cited regulations, the scope and severity of
- 20 deficiencies identified, and federal and state fines
- 21 assessed and collected concerning nursing and assisted
- 22 living facilities and programs.
- 23 c. It is the intent of the general assembly that
- 24 the department and division continuously solicit input
- 25 from facilities regulated by the division to assess and
- 26 improve the division's level of collaboration and to
- 27 identify new opportunities for cooperation.

28 5. EMPLOYMENT APPEAL BOARD

29 a. For salaries, support, maintenance, and
30 miscellaneous purposes, and for not more than the
31 following full-time equivalent positions:

32	\$	42,215
33	FTEs	14.00

34 b. The employment appeal board shall be reimbursed
35 by the labor services division of the department
36 of workforce development for all costs associated
37 with hearings conducted under chapter 91C, related
38 to contractor registration. The board may expend,
39 in addition to the amount appropriated under this
40 subsection, additional amounts as are directly billable
41 to the labor services division under this subsection
42 and to retain the additional full-time equivalent
43 positions as needed to conduct hearings required
44 pursuant to chapter 91C.

45 6. CHILD ADVOCACY BOARD

46 a. For foster care review and the court appointed
47 special advocate program, including salaries, support,
48 maintenance, and miscellaneous purposes, and for not
49 more than the following full-time equivalent positions:

50	\$	2,794,473
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1	FTEs	40.80
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2 b. The department of human services, in
3 coordination with the child advocacy board and the
4 department of inspections and appeals, shall submit an
5 application for funding available pursuant to Tit. IV-E
6 of the federal Social Security Act for claims for child

7 advocacy board administrative review costs.
8 c. The court appointed special advocate program
9 shall investigate and develop opportunities for
10 expanding fund-raising for the program.

11 d. Administrative costs charged by the department
12 of inspections and appeals for items funded under this
13 subsection shall not exceed 4 percent of the amount
14 appropriated in this subsection.

15 Sec. 13. DEPARTMENT OF INSPECTIONS AND APPEALS
16 — MUNICIPAL CORPORATION FOOD INSPECTIONS. For the
17 fiscal year beginning July 1, 2011, and ending June 30,
18 2012, the department of inspections and appeals shall
19 retain any license fees generated during the fiscal
20 year as a result of actions under section 137F.3A
21 occurring during the period beginning July 1, 2009, and
22 ending June 30, 2011, for the purpose of enforcing the
23 provisions of chapters 137C, 137D, and 137F.

24 Sec. 14. DEPARTMENT OF INSPECTIONS AND APPEALS —
25 HEALTH CARE FACILITIES INSPECTIONS. Notwithstanding
26 any provision of section 135C.16 to the contrary,

27 inspections of health care facilities that are only
28 state-licensed and not certified under the Medicare
29 or Medicaid programs shall not be inspected by the
30 department of inspections and appeals every thirty
31 months, but only as provided pursuant to sections
32 135C.9 and 135C.38.

33 Sec. 15. DEPARTMENT OF INSPECTIONS AND APPEALS
34 — GENERAL SUPPORT — MEDICAID FRAUD ACCOUNT

35 APPROPRIATION. There is appropriated from the
36 Medicaid fraud account created in section 249A.7 to
37 the department of inspections and appeals for the
38 fiscal year beginning July 1, 2011, and ending June 30,
39 2012, the following amount, or so much thereof as is
40 necessary, to be used for the purposes designated:

41 For general support of the health facilities
42 division:
43 \$ 650,000

44 Sec. 16. DEPARTMENT OF INSPECTIONS AND APPEALS
45 — STATE MATCH REQUIREMENTS — MEDICAID FRAUD ACCOUNT

46 APPROPRIATION. There is appropriated from the
47 Medicaid fraud account created in section 249A.7 to the
48 department of inspections and appeals for the fiscal
49 year beginning July 1, 2011, and ending June 30, 2012,
50 the amounts necessary for the purposes designated:

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1 1. To cover the cost of any state match to draw
2 down matching federal funds through the department of
3 human services for additional full-time equivalent
4 positions for conducting investigations of alleged
5 fraud and overpayments of food assistance benefits
6 through electronic benefits transfer.

7 2. For the state financial match requirement
8 for meeting the federal mandates connected with the
9 department's Medicaid fraud and abuse activities, and
10 the amount necessary to cover costs incurred by the
11 department or other agencies in providing regulation,
12 responding to allegations, or other activity involving
13 chapter 1350.

14 Sec. 17. DEPARTMENT OF INSPECTIONS AND APPEALS
15 — LEGISLATIVE IMPLEMENTATION — MEDICAID FRAUD
16 ACCOUNT APPROPRIATION. There is appropriated from

17 the Medicaid fraud account created in section 249A.7
18 to the department of inspections and appeals for the
19 fiscal year beginning July 1, 2011, and ending June 30,
20 2012, the following amount, or so much thereof as is
21 necessary, to be used for the purposes designated:

22 For salaries, support, maintenance, miscellaneous
23 purposes, administration, and other costs associated
24 with implementation of 2010 Iowa Acts, chapter 1177:
25 \$ 250,000

26 Sec. 18. RACING AND GAMING COMMISSION.

27 1. RACETRACK REGULATION

28 There is appropriated from the gaming regulatory
29 revolving fund established in section 99F.20 to the
30 racing and gaming commission of the department of
31 inspections and appeals for the fiscal year beginning
32 July 1, 2011, and ending June 30, 2012, the following
33 amount, or so much thereof as is necessary, to be used
34 for the purposes designated:

35 For salaries, support, maintenance, and
36 miscellaneous purposes for the regulation of
37 pari-mutuel racetracks, and for not more than the
38 following full-time equivalent positions:

39	\$	2,511,440
40	FTEs	28.53

41 2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION

42 There is appropriated from the gaming regulatory
43 revolving fund established in section 99F.20 to the
44 racing and gaming commission of the department of
45 inspections and appeals for the fiscal year beginning
46 July 1, 2011, and ending June 30, 2012, the following
47 amount, or so much thereof as is necessary, to be used
48 for the purposes designated:

49 For salaries, support, maintenance, and
50 miscellaneous purposes for administration and

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1 enforcement of the excursion boat gambling and gambling
2 structure laws, and for not more than the following
3 full-time equivalent positions:

4	\$	3,078,100
5	FTEs	44.22

6 Sec. 19. ROAD USE TAX FUND APPROPRIATION —
7 DEPARTMENT OF INSPECTIONS AND APPEALS. There is

8 appropriated from the road use tax fund created in
9 section 312.1 to the administrative hearings division
10 of the department of inspections and appeals for the
11 fiscal year beginning July 1, 2011, and ending June 30,
12 2012, the following amount, or so much thereof as is
13 necessary, for the purposes designated:

14 For salaries, support, maintenance, and
15 miscellaneous purposes:

16	\$	1,623,897
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17 Sec. 20. DEPARTMENT OF MANAGEMENT.

18 1. There is appropriated from the general fund
19 of the state to the department of management for the
20 fiscal year beginning July 1, 2011, and ending June 30,
21 2012, the following amounts, or so much thereof as is
22 necessary, to be used for the purposes designated:

23 For salaries, support, maintenance, and
24 miscellaneous purposes, and for not more than the

25 following full-time equivalent positions:
 26 \$ 2,163,998
 27 FTEs 25.00

28 2. Of the moneys appropriated in this section, the
 29 department shall use a portion for enterprise resource
 30 planning, providing for a salary model administrator,
 31 conducting performance audits, and for the department's
 32 LEAN process.

33 Sec. 21. ROAD USE TAX APPROPRIATION — DEPARTMENT
 34 OF MANAGEMENT. There is appropriated from the road use
 35 tax fund created in section 312.1 to the department
 36 of management for the fiscal year beginning July 1,
 37 2011, and ending June 30, 2012, the following amount,
 38 or so much thereof as is necessary, to be used for the
 39 purposes designated:

40 For salaries, support, maintenance, and
 41 miscellaneous purposes:
 42 \$ 56,000

43 Sec. 22. DEPARTMENT OF REVENUE.

44 1. There is appropriated from the general fund
 45 of the state to the department of revenue for the
 46 fiscal year beginning July 1, 2011, and ending June 30,
 47 2012, the following amounts, or so much thereof as is
 48 necessary, to be used for the purposes designated:

49 For salaries, support, maintenance, and
 50 miscellaneous purposes, and for not more than the

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1 following full-time equivalent positions:
 2 \$ 17,805,459
 3 FTEs 303.48

4 2. Of the funds appropriated pursuant to this
 5 section, \$400,000 shall be used to pay the direct
 6 costs of compliance related to the collection and
 7 distribution of local sales and services taxes imposed
 8 pursuant to chapters 423B and 423E.

9 3. The director of revenue shall prepare and issue
 10 a state appraisal manual and the revisions to the
 11 state appraisal manual as provided in section 421.17,
 12 subsection 17, without cost to a city or county.

13 Sec. 23. MOTOR VEHICLE FUEL TAX
 14 APPROPRIATION. There is appropriated from the motor
 15 fuel tax fund created by section 452A.77 to the
 16 department of revenue for the fiscal year beginning
 17 July 1, 2011, and ending June 30, 2012, the following
 18 amount, or so much thereof as is necessary, to be used
 19 for the purposes designated:

20 For salaries, support, maintenance, miscellaneous
 21 purposes, and for administration and enforcement of the
 22 provisions of chapter 452A and the motor vehicle use
 23 tax program:

24	.....	\$	1,305,775
25	Sec. 24. SECRETARY OF STATE.		
26	1. There is appropriated from the general fund of		
27	the state to the office of the secretary of state for		
28	the fiscal year beginning July 1, 2011, and ending June		
29	30, 2012, the following amounts, or so much thereof as		
30	is necessary, to be used for the purposes designated:		
31	For salaries, support, maintenance, and miscellaneous		
32	purposes, and for not more than the following full-time		
33	equivalent positions:		
34	.....	\$	2,895,585
35	.....	FTEs	45.00
36	2. The state department or state agency which		
37	provides data processing services to support voter		
38	registration file maintenance and storage shall provide		
39	those services without charge.		
40	Sec. 25. SECRETARY OF STATE FILING FEES REFUND.		
41	Notwithstanding the obligation to collect fees pursuant		
42	to the provisions of section 490.122, subsection 1,		
43	paragraphs "a" and "s", and section 504.113, subsection		
44	1, paragraphs "a", "c", "d", "j", "k", "l", and		
45	"m", for the fiscal year beginning July 1, 2011, the		
46	secretary of state may refund these fees to the filer		
47	pursuant to rules established by the secretary of		
48	state. The decision of the secretary of state not to		
49	issue a refund under rules established by the secretary		
50	of state is final and not subject to review pursuant		

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1	to chapter 17A.		
2	Sec. 26. TREASURER.		
3	1. There is appropriated from the general fund of		
4	the state to the office of treasurer of state for the		
5	fiscal year beginning July 1, 2011, and ending June 30,		
6	2012, the following amount, or so much thereof as is		
7	necessary, to be used for the purposes designated:		
8	For salaries, support, maintenance, and		
9	miscellaneous purposes, and for not more than the		
10	following full-time equivalent positions:		
11	.....	\$	854,289
12	.....	FTEs	28.80
13	2. The office of treasurer of state shall supply		
14	clerical and secretarial support for the executive		
15	council.		
16	Sec. 27. ROAD USE TAX APPROPRIATION — OFFICE		
17	OF TREASURER OF STATE. There is appropriated from		
18	the road use tax fund created in section 312.1 to		
19	the office of treasurer of state for the fiscal year		
20	beginning July 1, 2011, and ending June 30, 2012, the		
21	following amount, or so much thereof as is necessary,		
22	to be used for the purposes designated:		

23 For enterprise resource management costs related to
 24 the distribution of road use tax funds:
 25 \$ 93,148
 26 Sec. 28. IPERS — GENERAL OFFICE. There is
 27 appropriated from the Iowa public employees’ retirement
 28 system fund to the Iowa public employees’ retirement
 29 system for the fiscal year beginning July 1, 2011, and
 30 ending June 30, 2012, the following amount, or so much
 31 thereof as is necessary, to be used for the purposes
 32 designated:
 33 For salaries, support, maintenance, and other
 34 operational purposes to pay the costs of the Iowa
 35 public employees’ retirement system, and for not more
 36 than the following full-time equivalent positions:
 37 \$ 17,686,968
 38 FTEs 90.13
 39 Sec. 29. STATE CAPITOL SIDEWALK HEATING —
 40 DISCONNECTION. The department of administrative
 41 services shall disconnect electricity to the heated
 42 sidewalk installed in the entry walkway on the East
 43 side of the state capitol building, and shall not
 44 reconnect the electricity without the authorization of
 45 the general assembly.
 46 Sec. 30. Section 8A.111, subsection 4, Code 2011,
 47 is amended by striking the subsection.
 48 Sec. 31. Section 8A.311, subsection 15, Code 2011,
 49 is amended to read as follows:
 50 15. a. A bidder ~~awarded, to be considered for an~~

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1 ~~award of a state construction contract, shall disclose~~
 2 ~~to the state agency awarding the contract the names of~~
 3 ~~all subcontractors; and suppliers who will work on the~~
 4 ~~project being bid; within forty-eight hours after the~~
 5 ~~award of the contract published date and time by which~~
 6 ~~bids must submitted.~~
 7 ~~b. A bidder shall not replace a subcontractor or~~
 8 ~~supplier disclosed under paragraph “a” without the~~
 9 ~~approval of the state agency awarding the contract.~~
 10 ~~c. A bidder, prior to an award or who is awarded a~~
 11 ~~state construction contract, shall disclose all of the~~
 12 ~~following, as applicable:~~
 13 ~~b. (1) If a subcontractor named or supplier~~
 14 ~~disclosed under paragraph “a” by a bidder awarded~~
 15 ~~a state construction contract is replaced, or if~~
 16 ~~the reason for replacement and the name of the new~~
 17 ~~subcontractor or supplier.~~
 18 ~~(2) If the cost of work to be done by a~~
 19 ~~subcontractor or supplier is reduced, the bidder shall~~
 20 ~~disclose the name of the new subcontractor or changed~~
 21 ~~or if the replacement of a subcontractor or supplier~~

22 results in a change in the cost, the amount of the
 23 ~~reduced change in~~ cost.

24 Sec. 32. Section 8A.315, subsection 1, paragraph d,
 25 Code 2011, is amended by striking the paragraph.

26 Sec. 33. Section 8A.321, subsection 6, Code 2011,
 27 is amended to read as follows:

28 6. a. Lease all buildings and office space
 29 necessary to carry out the provisions of this
 30 subchapter or necessary for the proper functioning of
 31 any state agency ~~at the seat of government~~ wherever
 32 located throughout the state. For state agencies
 33 at the seat of government, the director may lease
 34 buildings and office space in Polk county or in a
 35 county contiguous to Polk county. If no specific
 36 appropriation has been made, the proposed lease
 37 shall be submitted to the executive council for
 38 approval. The cost of any lease for which no specific
 39 appropriation has been made shall be paid from the fund
 40 provided in section 7D.29. Additionally, the director
 41 shall also develop cooperative relationships with the
 42 state board of regents in order to promote colocation
 43 of state agencies.

44 b. When the general assembly is not in session,
 45 the director may request moneys from the executive
 46 council for moving state agencies ~~located at the seat~~
 47 ~~of government~~ from one location to another. The
 48 request may include moving costs, telecommunications
 49 costs, repair costs, or any other costs relating to the
 50 move. The executive council may approve and shall pay

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1 the costs from funds provided in section 7D.29 if it
 2 determines the agency or department has no available
 3 funds for these expenses.

4 ~~e. Coordinate the leasing of buildings and office~~
 5 ~~space by state agencies throughout the state and~~
 6 ~~develop cooperative relationships with the state board~~
 7 ~~of regents in order to promote the colocation of state~~
 8 ~~agencies.~~

9 Sec. 34. Section 8A.327, subsection 1, Code 2011,
 10 is amended to read as follows:

11 1. A rent revolving fund is created in the state
 12 treasury under the control of the department to be used
 13 by the department to pay the lease or rental costs of
 14 all buildings and office space necessary for the proper
 15 functioning of any state agency ~~at the seat of state~~
 16 ~~government~~ wherever located throughout the state as
 17 provided in section 8A.321, subsection 6, except that
 18 this fund shall not be used to pay the rental or lease
 19 costs of a state agency which has not received funds
 20 budgeted for rental or lease purposes.

21 Sec. 35. Section 8A.361, Code 2011, is amended to
22 read as follows:

23 8A.361 Vehicle assignment — authority in
24 department.

25 The department shall provide for the assignment of
26 all ~~state owned~~ motor vehicles ~~to~~ utilized by all state
27 officers and employees, and ~~to~~ by all state offices,
28 departments, bureaus, and commissions, except the state
29 department of transportation, institutions under the
30 control of the state board of regents, the department
31 for the blind, and any other agencies exempted by law.

32 Sec. 36. Section 8A.362, subsection 4, paragraphs a
33 through c, Code 2011, are amended to read as follows:

34 a. The director shall provide for the purchase
35 of ~~all~~ motor vehicles for all branches of the
36 state government, except the state department of
37 transportation, institutions under the control of the
38 state board of regents, the department for the blind,
39 and any other state agency exempted by law, which are
40 not rented or leased pursuant to section 8A.367. The
41 director shall purchase new vehicles in accordance with
42 competitive bidding procedures for items or services as
43 provided in this subchapter. The director may purchase
44 used or preowned vehicles at governmental or dealer
45 auctions if the purchase is determined to be in the
46 best interests of the state.

47 b. The director, and any other state agency,
48 which for purposes of this subsection includes but is
49 not limited to community colleges and institutions
50 under the control of the state board of regents, or

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1 local governmental subdivisions purchasing new motor
2 vehicles, shall purchase ~~new passenger motor~~ vehicles
3 and light trucks, which are not rented or leased
4 pursuant to section 8A.367, so that the average fuel
5 efficiency for the fleet of new passenger vehicles and
6 light trucks purchased in that year equals or exceeds
7 the average fuel economy standard for the vehicles'
8 model year as established by the United States
9 secretary of transportation under 15 U.S.C. § 2002.
10 This paragraph does not apply to vehicles purchased
11 for law enforcement purposes or used for off-road
12 maintenance work, or work vehicles used to pull loaded
13 trailers.

14 c. Not later than June 15 of each year, the
15 director shall report compliance with the corporate
16 average fuel economy standards published by the United
17 States secretary of transportation for ~~new assigned~~
18 motor vehicles, other than motor vehicles purchased by
19 the state department of transportation, institutions

20 under the control of the state board of regents, the
21 department for the blind, and any other state agency
22 exempted from the requirements of this subsection.
23 The report of compliance shall classify the vehicles
24 ~~purchased~~ assigned for the current vehicle model year
25 using the following categories: passenger automobiles,
26 enforcement automobiles, vans, and light trucks.
27 The director shall deliver a copy of the report to
28 the office of energy independence. As used in this
29 paragraph, "corporate average fuel economy" means the
30 corporate average fuel economy as defined in 49 C.F.R.
31 § 533.5.

32 Sec. 37. Section 8A.362, subsections 7 through 9,
33 Code 2011, are amended to read as follows:

34 7. The director may authorize the establishment
35 of motor pools consisting of a number of ~~state-owned~~
36 state-assigned motor vehicles under the director's
37 supervision. The director may store the motor vehicles
38 in a public or private garage. If the director
39 establishes a motor pool, any state officer or employee
40 desiring the use of a ~~state-owned~~ state-assigned motor
41 vehicle on state business shall notify the director
42 of the need for a vehicle within a reasonable time
43 prior to actual use of the motor vehicle. The director
44 may assign a motor vehicle from the motor pool to the
45 state officer or employee, or from the vendor awarded
46 a contract pursuant to section 8A.367. If two or
47 more state officers or employees desire the use of a
48 ~~state-owned~~ state-assigned motor vehicle for a trip to
49 the same destination for the same length of time, the
50 director may assign one vehicle to make the trip.

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1 8. The director shall require that a sign be placed
2 on each state-owned motor vehicle in a conspicuous
3 place which indicates its ownership by the state.
4 This requirement shall not apply to motor vehicles
5 requested to be exempt by the director or by the
6 commissioner of public safety. All state-owned motor
7 vehicles shall display registration plates bearing the
8 word "official" except motor vehicles requested to be
9 furnished with ordinary plates by the director or by
10 the commissioner of public safety pursuant to section
11 321.19. The director shall keep an accurate record
12 of the registration plates used on all state-owned
13 motor vehicles. This subsection shall not apply to an
14 assigned vehicle rented or leased pursuant to section
15 8A.367.

16 9. All fuel used in ~~state-owned~~ state-assigned
17 automobiles shall be purchased at cost from the various
18 installations or garages of the state department of

19 transportation, state board of regents, department of
20 human services, or state motor pools throughout the
21 state, unless the state-owned sources for the purchase
22 of fuel are not reasonably accessible. If the director
23 determines that state-owned sources for the purchase of
24 fuel are not reasonably accessible, the director shall
25 authorize the purchase of fuel from other sources. The
26 director may prescribe a manner, other than the use
27 of the revolving fund, in which the purchase of fuel
28 from state-owned sources is charged to the state agency
29 responsible for the use of the motor vehicle. The
30 director shall prescribe the manner in which oil and
31 other normal motor vehicle maintenance for state-owned
32 motor vehicles may be purchased from private sources,
33 if they cannot be reasonably obtained from a state
34 motor pool. The director may advertise for bids and
35 award contracts in accordance with competitive bidding
36 procedures for items and services as provided in
37 this subchapter for furnishing fuel, oil, grease, and
38 vehicle replacement parts for all state-owned motor
39 vehicles. The director and other state agencies, when
40 advertising for bids for gasoline, shall also seek bids
41 for ethanol blended gasoline.

42 Sec. 38. Section 8A.363, subsection 1, Code 2011,
43 is amended to read as follows:

44 1. A state officer or employee shall not use a
45 ~~state owned~~ state-assigned motor vehicle for personal
46 private use. A state officer or employee shall not be
47 compensated for driving a privately owned motor vehicle
48 unless it is done on state business with the approval
49 of the director. In that case the state officer or
50 employee shall receive an amount to be determined by

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1 the director. The amount shall not exceed the maximum
2 allowable under the federal internal revenue service
3 rules per mile, notwithstanding established mileage
4 requirements or depreciation allowances. However, the
5 director may authorize private motor vehicle rates in
6 excess of the rate allowed under the federal internal
7 revenue service rules for state business use of
8 substantially modified or specially equipped privately
9 owned vehicles required by persons with disabilities.
10 A statutory provision establishing reimbursement for
11 necessary mileage, travel, or actual expenses to a
12 state officer falls under the private motor vehicle
13 mileage rate limitation provided in this section
14 unless specifically provided otherwise. Any peace
15 officer employed by the state as defined in section
16 801.4 who is required to use a private motor vehicle
17 in the performance of official duties shall receive

18 the private vehicle mileage rate at the rate provided
19 in this section. However, the director may delegate
20 authority to officials of the state, and department
21 heads, for the use of private vehicles on state
22 business up to a yearly mileage figure established
23 by the director. If a ~~state~~ motor vehicle has been
24 assigned to a state officer or employee, the officer
25 or employee shall not collect mileage for the use of a
26 privately owned motor vehicle unless the ~~state~~ motor
27 vehicle assigned is not usable.

28 Sec. 39. NEW SECTION. 8A.367 State-owned passenger
29 vehicles — disposition and sale — fleet privatization.

30 1. For purposes of this section, “passenger
31 vehicles” means United States environmental protection
32 agency designated compact sedans, compact wagon,
33 midsize sedans, midsize wagons, full-size sedans,
34 and passenger minivans, and additional vehicle
35 classes determined by the department to be able to be
36 reasonably supported by a private entity for rental or
37 leasing. “Passenger vehicles” does not mean utility
38 vehicles, vans other than passenger minivans, fire
39 trucks, ambulances, motor homes, buses, medium-duty and
40 heavy-duty trucks, heavy construction equipment, and
41 other highway maintenance vehicles, vehicles assigned
42 for law enforcement purposes, and any other classes
43 of vehicles of limited application approved by the
44 director of the department of administrative services.

45 2. On or before September 30, 2011, the department
46 shall implement a request for proposal process to enter
47 into a contract for the purpose of state passenger
48 vehicle rental or leasing from a private entity.
49 Prior to awarding a contract, a private entity shall
50 demonstrate the following:

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- 1 a. Existence of sufficient inventory of passenger
2 vehicles within this state to accommodate the needs of
3 the state in assigning passenger vehicles.
- 4 b. Existence of adequate personnel in any county
5 within the state where rental and leasing activity can
6 be supported to satisfy the terms of the contract in
7 renting or leasing state-assigned vehicles.
- 8 c. Existence of adequate personnel to facilitate
9 the sale and disposition of the existing state-owned
10 passenger vehicles returned to the department pursuant
11 to subsection 3 or otherwise under the control of the
12 department. Notwithstanding the provisions of section
13 8A.364 to the contrary, proceeds from the sale of
14 motor vehicles as provided by this subsection shall be
15 credited to the fund from which the motor vehicles were
16 purchased.

17 3. By March 1, 2012, the department shall award
18 a vehicle rental or leasing contract to a private
19 entity, and shall assign passenger vehicles for rental
20 or lease pursuant to that contract, to the extent the
21 department determines doing so would be economically
22 feasible and financially advantageous. By March 1,
23 2012, all state-assigned passenger vehicles designated
24 for use by multiple drivers, and located in any county
25 of this state which can support the operation of a
26 private entity for rental and leasing purposes, which
27 the department determines would be suitable for rental
28 or leasing shall be returned to the department for use
29 and disposition as provided in this section.

30 4. Notwithstanding any other provision of state law
31 to the contrary, a private entity awarded a contract
32 pursuant to this section shall not be required to
33 indemnify or hold harmless the state for any liability
34 the state might have to any third party due to the
35 negligence of the state or any of its employees.

36 5. The department shall conduct an ongoing
37 evaluation regarding the economic advantages of
38 renting or leasing state-assigned vehicles versus state
39 ownership of such vehicles, and shall accordingly
40 adjust the number of vehicles subject to the rental and
41 leasing contract pursuant to this section at intervals
42 specified in the contract.

43 Sec. 40. Section 22.3A, subsection 1, paragraph e,
44 Code 2011, is amended to read as follows:

45 e. "Data processing software" means an ordered set
46 of instructions or statements that, when executed by
47 a computer, causes the computer to process data, and
48 includes any program or set of programs, procedures,
49 or routines used to employ and control capabilities of
50 computer hardware. As used in this paragraph "data

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1 processing software" includes but is not limited to an
2 operating system, compiler, assembler, utility, library
3 resource, maintenance routine, application, ~~or~~ computer
4 networking program, or the associated documentation.

5 Sec. 41. Section 99D.14, subsection 2, paragraph b,
6 Code 2011, is amended to read as follows:

7 b. Notwithstanding sections 8.60 and 99D.17, the
8 portion of the fee paid pursuant to paragraph "a"
9 relating to the costs of special agents plus any
10 direct and indirect support costs for the agents, for
11 the division of criminal investigation's racetrack
12 activities, shall not be deposited in the general fund
13 of the state but instead shall be deposited into either
14 the gaming enforcement revolving fund established in
15 section 80.43 or the gaming regulatory revolving fund

16 established in section 99F.20, as determined by the
17 department.

18 Sec. 42. Section 99F.10, subsection 4, paragraph b,
19 Code 2011, is amended to read as follows:

20 b. Notwithstanding sections 8.60 and 99F.4, the
21 portion of the fee paid pursuant to paragraph “a”
22 relating to the costs of special agents and officers
23 plus any direct and indirect support costs for the
24 agents and officers, for the division of criminal
25 investigation’s excursion gambling boat or gambling
26 structure activities, shall not be deposited in
27 the general fund of the state but instead shall be
28 deposited into either the gaming enforcement revolving
29 fund established in section 80.43 or the gaming
30 regulatory revolving fund established in section
31 99F.20, as determined by the department.

32 Sec. 43. NEW SECTION. 99F.20 Gaming regulatory
33 revolving fund.

34 1. A gaming regulatory revolving fund is created in
35 the state treasury under the control of the department.
36 The fund shall consist of fees collected and deposited
37 into the fund paid by licensees pursuant to section
38 99D.14, subsection 2, paragraph “b”, and fees paid
39 by licensees pursuant to section 99F.10, subsection
40 4, paragraph “b”. All costs relating to racetrack,
41 excursion boat, and gambling structure regulation shall
42 be paid from the fund as provided in appropriations
43 made for this purpose by the general assembly.

44 2. To meet the department’s cash flow needs, the
45 department may temporarily use funds from the general
46 fund of the state to pay expenses in excess of moneys
47 available in the revolving fund if those additional
48 expenditures are fully reimbursable and the department
49 reimburses the general fund of the state and ensures
50 all moneys are repaid in full by the close of the

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1 fiscal year. Because any general fund moneys used
2 shall be fully reimbursed, such temporary use of funds
3 from the general fund of the state shall not constitute
4 an appropriation for purposes of calculating the state
5 general fund expenditure limitation pursuant to section
6 8.54.

7 3. Section 8.33 does not apply to any moneys
8 credited or appropriated to the revolving fund from
9 any other fund and, notwithstanding section 12C.7,
10 subsection 2, earnings or interest on moneys deposited
11 in the revolving fund shall be credited to the
12 revolving fund.

13 4. The establishment of the revolving fund pursuant
14 to this section shall not be interpreted in any

15 manner to compromise or impact the accountability
16 of, and limitation of authority with respect to, the
17 department under state law. Any provision applicable
18 to, or responsibility of, the department shall not be
19 altered or impacted by the existence of the fund and
20 shall remain applicable to the same extent as if the
21 department were receiving moneys pursuant to a general
22 fund appropriation.

23 Sec. 44. Section 137F.3, subsection 5, Code 2011,
24 is amended to read as follows:

25 5. a. The director shall monitor municipal
26 corporations which have entered into an agreement
27 pursuant to this section to determine if they are
28 enforcing this chapter within their respective
29 jurisdictions. If the director determines that this
30 chapter is not enforced by a municipal corporation, the
31 director may rescind the agreement after reasonable
32 notice and an opportunity for a hearing. If the
33 agreement is rescinded, the director shall assume
34 responsibility for enforcement in the jurisdiction
35 involved.

36 b. With respect to a municipal corporation
37 consisting of a city with a population of not less than
38 58,900 or more than 59,000 as of the 2010 decennial
39 federal census, financial savings to the department or
40 any reason other than the failure on the part of the
41 municipal corporation to enforce this chapter or comply
42 with the terms of the agreement shall not constitute
43 sufficient cause for rescision.

44 Sec. 45. Section 546.12, Code 2011, is amended by
45 adding the following new subsection:

46 NEW SUBSECTION. 3. The establishment of the
47 revolving fund pursuant to this section shall not be
48 interpreted in any manner to compromise or impact
49 the accountability of, and limitation of authority
50 with respect to, an agency or entity under state law.

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1 Any provision applicable to, or responsibility of, a
2 division or office collecting moneys for deposit into
3 the fund established pursuant to this section shall not
4 be altered or impacted by the existence of the fund and
5 shall remain applicable to the same extent as if the
6 division or office were receiving moneys pursuant to a
7 general fund appropriation.

8 Sec. 46. Section 715C.2, subsection 1, Code 2011,
9 is amended to read as follows:

10 1. Any person who owns or licenses computerized
11 data that includes a consumer's personal information
12 that is used in the course of the person's business,
13 vocation, occupation, or volunteer activities and

14 that was subject to a breach of security shall give
 15 notice of the breach of security following discovery
 16 of such breach of security, or receipt of notification
 17 under subsection 2, to any consumer whose personal
 18 information was included in the information that was
 19 breached. The consumer notification shall be made
 20 in the most expeditious manner possible and without
 21 unreasonable delay, consistent with the legitimate
 22 needs of law enforcement as provided in subsection
 23 3, and consistent with any measures necessary to
 24 sufficiently determine contact information for the
 25 affected consumers, determine the scope of the breach,
 26 and restore the reasonable integrity, security, and
 27 confidentiality of the data. A person required to
 28 provide notice of a breach of security under this
 29 section shall also notify the attorney general as to
 30 the timing, content, and distribution of the notice
 31 to consumers and an approximate number of affected
 32 consumers.

33 Sec. 47. REPEAL. 2009 Iowa Acts, chapter 179,
 34 section 146, is repealed.

35 Sec. 48. 2009 Iowa Acts, chapter 169, section 4,
 36 subsection 2, is amended to read as follows:

37 2. From the moneys appropriated in this section,
 38 there is transferred to the department of human rights
 39 two hundred fifty thousand dollars for deposit in the
 40 individual development account state match fund created
 41 in section 541A.7. Notwithstanding other provisions to
 42 the contrary in section 541A.3, subsection 1, moneys
 43 appropriated to the individual development account
 44 state match fund under this subsection ~~shall~~ may be
 45 used to provide the state match to account holders
 46 affected by a natural disaster occurring in 2008 for
 47 which the president of the United States declared a
 48 disaster area, and who have a household income that
 49 is equal to or less than three hundred percent of the
 50 federal poverty level as defined by the most recently

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1 revised poverty income guidelines published by the
 2 United States department of health and human services.

3 Sec. 49. 2010 Iowa Acts, chapter 1193, section 84,
 4 subsection 2, is amended to read as follows:

5 2. DEPARTMENT OF REVENUE

6 For the duties of the office of the state debt
 7 coordinator established in 2010 Iowa Acts, Senate
 8 File 2383, if enacted, including salaries, support,
 9 maintenance, services, advertising, miscellaneous
 10 purposes, and for not more than the following full-time
 11 equivalent positions:

12 \$ 300,000

13 FTEs 3.00

14 For the period beginning on the effective date of
15 the section establishing the debt amnesty program in
16 2010 Iowa Acts, Senate File 2383, through November 30,
17 2010, or when the program is ended, whichever is later,
18 an amount of the proceeds collected by the program
19 equal to the administrative, advertising, and other
20 costs of the program shall be considered repayment
21 receipts, as defined in section 8.2, and shall be used
22 by the office of the state debt coordinator for those
23 costs.

24 Notwithstanding section 8.33, moneys appropriated in
25 this section that remain unencumbered or unobligated
26 at the close of the fiscal year shall not revert but
27 shall remain available for expenditure for the purposes
28 designated until the close of the succeeding fiscal
29 year.

30 Beginning on the effective date of this 2011 Iowa
31 Act, moneys appropriated in this subsection that
32 remain unencumbered or unobligated shall be used by
33 the department of revenue for the administrative costs
34 associated with state tax processing.

35 Sec. 50. CODE EDITOR DIRECTIVE. The Code editor
36 is directed to change the words “state-owned” to
37 “state-assigned”, to the extent not otherwise changed
38 pursuant to this Act, in Code sections 8A.362, 8A.363,
39 8A.364, and 8A.366.

40 Sec. 51. EFFECTIVE UPON ENACTMENT.
41 1. The section of this Act directing the department
42 of administrative services to disconnect electricity
43 to the heated sidewalk installed at the state capitol
44 building, being deemed of immediate importance, takes
45 effect upon enactment.

46 2. The section of this Act amending 2009 Iowa Acts,
47 chapter 169, section 4, in relation to utilization
48 of moneys appropriated to the individual development
49 account state match fund, being deemed of immediate
50 importance, takes effect upon enactment.

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1 3. The section of this Act amending 2010 Iowa Acts,
2 chapter 1193, section 84, in relation to utilization
3 of funds by the department of revenue for state tax
4 processing, being deemed of immediate importance, takes
5 effect upon enactment.>

S-3240

- 1 Amend Senate File 517 as follows:
- 2 1. Page 14, before line 25 by inserting:
- 3 <Sec. ____ Section 15.301, subsection 1, paragraph
- 4 c, subparagraph (1), Code 2011, is amended to read as
- 5 follows:
- 6 (1) If, on March 31, 2011, there are unobligated
- 7 moneys in the fund, such unobligated moneys shall
- 8 ~~revert to the general fund of the state be transferred~~
- 9 and appropriated to the department of workforce
- 10 development for the fiscal year beginning July 1, 2011,
- 11 for purposes of providing funding for field offices.>
- 12 2. Page 16, before line 7 by inserting:
- 13 <Sec. ____ EFFECTIVE UPON ENACTMENT — RETROACTIVE
- 14 APPLICABILITY. The section of this Act amending
- 15 section 15.301, being deemed of immediate importance,
- 16 takes effect upon enactment and applies retroactively
- 17 to March 30, 2011.>
- 18 3. Title page, line 6, after <date> by inserting
- 19 <and retroactive applicability>
- 20 4. By renumbering as necessary.

BILL DIX
WILLIAM A. DOTZLER, JR.

S-3241

- 1 Amend Senate File 520 as follows:
- 2 1. Page 1, before line 1 by inserting:
- 3 <Section 1. Section 422.7, Code 2011, is amended by
- 4 adding the following new subsection:
- 5 NEW SUBSECTION. 54. a. A taxpayer taking a
- 6 depreciation allowance under section 168 of the
- 7 Internal Revenue Code for property described in section
- 8 422.11Y is not allowed to take the allowance to the
- 9 extent that a tax credit is taken for the purchase of
- 10 the property under section 422.11Y.
- 11 b. A taxpayer taking an expensing allowance under
- 12 section 179 of the Internal Revenue Code for property
- 13 described in section 422.11Y is not allowed to take the
- 14 allowance to the extent that a tax credit is taken for
- 15 the purchase of such property under section 422.11Y.
- 16 c. This subsection is repealed on January 1, 2019.>
- 17 2. Page 3, after line 18 by inserting:
- 18 <Sec. ____ Section 422.35, Code 2011, is amended by
- 19 adding the following new subsection:
- 20 NEW SUBSECTION. 15. a. A taxpayer taking a
- 21 depreciation allowance under section 168 of the
- 22 Internal Revenue Code for property described in section
- 23 422.33, subsection 11D, is not allowed to take the
- 24 allowance to the extent that a tax credit is taken for

- 25 the purchase of the property under section 422.33,
 26 subsection 11D.
- 27 b. A taxpayer taking an expensing allowance under
 28 section 179 of the Internal Revenue Code for property
 29 described in section 422.33, subsection 11D, is not
 30 allowed to take the allowance to the extent that a tax
 31 credit is taken for the purchase of such property under
 32 section 422.33, subsection 11D.
- 33 c. This subsection is repealed on January 1, 2019.>
 34 3. By renumbering as necessary.

ROBERT M. HOGG

S-3242

HOUSE AMENDMENT TO
 SENATE FILE 407

- 1 Amend Senate File 407, as passed by the Senate, as
 2 follows:
- 3 1. Page 2, after line 23 by inserting:
 4 <Sec. ____ Section 455B.191, Code 2011, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 8. Any civil penalty collected by
 7 the state or a county relating to the construction of
 8 semipublic sewage disposal systems shall be deposited
 9 in the unsewered community revolving loan fund created
 10 pursuant to section 16.141.>
- 11 2. Page 2, before line 24 by inserting:
 12 <Sec. ____ Section 455B.199B, subsection 2, Code
 13 2011, is amended to read as follows:
 14 2. The department shall find that a regulated
 15 entity and the affected community are a disadvantaged
 16 community by ~~using~~ evaluating all of the following
 17 ~~criteria~~:
- 18 a. ~~The ability of the regulated entity and the~~
 19 ~~affected community to pay for a project based on the~~
 20 ~~ratio of the total annual project costs per household~~
 21 ~~to median household income.~~
- 22 ~~b. Median household income in the community as~~
 23 ~~a percentage of statewide household income and the~~
 24 ~~unemployment rate of the county in which the community~~
 25 ~~is located.~~
- 26 ~~b. Annual water and sewer rates as a percentage of~~
 27 ~~median household income.~~
- 28 c. ~~Families below the poverty level in the~~
 29 ~~community as a percentage of the statewide number of~~
 30 ~~families below the poverty level.~~
- 31 ~~d. Per capita~~ The outstanding debt of the system as
 32 a percentage of median household income and the bond
 33 rating of the community.
- 34 e. ~~Cost effectiveness calculated by determining~~

35 ~~construction costs per user.~~

36 Sec. ____ Section 455B.199B, Code 2011, is amended
37 by adding the following new subsections:

38 NEW SUBSECTION. 2A. The department shall find that
39 an unsewered community is a disadvantaged community by
40 evaluating all of the following:

41 a. The ability of the community to pay for a
42 project based on the ratio of the total annual project
43 costs per household to median household income.

44 b. The unemployment rate in the county where the
45 community is located.

46 c. The median household income of the community.

47 NEW SUBSECTION. 2B. The department shall not
48 consider a regulated entity, affected community, or
49 unsewered community a disadvantaged community if the
50 ratio of compliance costs to median household income

Page 2

1 is below one percent.

2 NEW SUBSECTION. 3A. The department shall not
3 require installation of a wastewater treatment system
4 by an unsewered community if the department determines
5 that such installation would create substantial and
6 widespread economic and social impact.>

7 3. Title page, line 1, by striking <delegating to
8 counties> and inserting <relating to counties and other
9 regulated entities and>

10 4. Title page, by striking line 3 and inserting
11 <the inspection and construction of certain sewage
12 disposal systems and>

13 5. By renumbering as necessary.

S-3243

HOUSE AMENDMENT TO
SENATE FILE 424

1 Amend Senate File 424, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 15, after <university.> by
4 inserting <Each school district wishing to participate
5 in a consortium shall, not less than twenty days
6 prior to requesting approval from the department of
7 education, hold a public hearing on the question of
8 participation in the proposed consortium. The school
9 district shall publish a notice of the public hearing
10 and a statement of the school district's intent to
11 participate in the consortium in a newspaper of general
12 circulation in the school district at least ten days
13 prior to the date of the hearing. In addition to
14 the date, time, and location of the hearing, the

15 notice shall include a description of the consortium's
 16 proposed efforts and a description of the funding to be
 17 used by the proposed consortium.>

18 2. Page 1, line 27, after <subsection 3.> by
 19 inserting <Each consortium participating in the pilot
 20 program shall submit a report to the general assembly
 21 and the department of education on or before January
 22 1, 2014. The report shall include but shall not be
 23 limited to a summary of the consortium's efforts,
 24 the consortium's findings and conclusions relating
 25 to the operations of the consortium, information
 26 relating to measureable outcomes of student achievement
 27 and access to coursework within the consortium,
 28 and recommendations related to the continuation,
 29 modification, or expansion of the pilot program
 30 authorized in this section.>

S-3244

HOUSE AMENDMENT TO SENATE FILE 462

1 Amend Senate File 462, as passed by the Senate, as
 2 follows:

3 1. By striking everything after the enacting clause
 4 and inserting:

5 <Sec. ____ Section 124.204, subsection 4, Code
 6 2011, is amended by adding the following new paragraph:
 7 NEW PARAGRAPH. ai. (1) Mephedrone-4-methylmethcathinone
 8 (RS)-2-methylamino-1-(4-methylphenyl)propan-1-one.
 9 (2) Methylene-dioxypyrovalerone(MDPV)[(1-(1,3-
 10 Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone].
 11 (3) Salvia divinorum.
 12 (4) Salvinorin A.
 13 (5) Any substance, compound, mixture or preparation
 14 which contains any quantity of any synthetic
 15 cannabinoid that is not approved as a pharmaceutical,
 16 including but not limited to the following:
 17 (a) CP 47, 497 and homologues 2-[(1R, 3S)-3-
 18 hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol.
 19 (b) HU-210[(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-
 20 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]
 21 chromen-1-ol)].
 22 (c) HU-211(dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-
 23 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]
 24 chromen-1-ol).
 25 (d) JWH-018 1-Pentyl-3-(1-naphthoyl)indole.
 26 (e) JWH-073 1-Butyl-3-(1-naphthoyl)indole.
 27 (f) JWH-200 [1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl]-1-
 28 naphthalenyl-methanone.
 29 Sec. ____ Section 124.401, subsection 1, paragraph
 30 c, subparagraph (8), Code 2011, is amended to read as

31 follows:

32 (8) Any other controlled substance, counterfeit
 33 substance, or simulated controlled substance classified
 34 in schedule I, II, or III, except as provided in
 35 paragraph “d”.

36 Sec. ____ Section 124.401, subsection 1, paragraph
 37 d, Code 2011, is amended to read as follows:

38 d. (1) Violation of this subsection, with respect
 39 to any other controlled substances, counterfeit
 40 substances, or simulated controlled substances
 41 classified in schedule IV or V is an aggravated
 42 misdemeanor. ~~However,~~

43 (2) A violation of this subsection involving fifty
 44 any of the following is a class “D” felony:

45 (a) Fifty kilograms or less of marijuana or
 46 involving flunitrazepam is a class “D” felony.

47 (b) Flunitrazepam.

48 (c) A controlled substance, counterfeit substance,
 49 or simulated controlled substance classified in section
 50 124.204, subsection 4, paragraph “ai”.

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1 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being
 2 deemed of immediate importance, takes effect upon
 3 enactment.>

4 2. Title page, by striking lines 1 through 3 and
 5 inserting <An Act adding hallucinogenic substances to
 6 the list of schedule I controlled substances, providing
 7 penalties, and including effective date provisions.>

S-3245

HOUSE AMENDMENT TO SENATE FILE 482

1 Amend Senate File 482, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 6, after line 3 by inserting:

4 <DIVISION ____
 5 SIBLING VISITATION

6 Sec. ____ SUBSIDIZED GUARDIANSHIP PROGRAM —
 7 SIBLING VISITATION. The department of human services
 8 shall adapt the provisions of section 232.108 for
 9 application to the subsidized guardianship program in
 10 order to facilitate frequent visitation or ongoing
 11 interaction between children participating in the
 12 subsidized guardianship program for application to the
 13 subsidized guardianship program and the siblings of
 14 those children. However, the visitation or ongoing
 15 interaction shall not be facilitated if the department
 16 determines the visitation or ongoing interaction

17 would be detrimental to the child's well-being or is
 18 suspended or terminated by the court.
 19 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
 20 of this Act, being deemed of immediate importance,
 21 takes effect upon enactment.>

22 2. Page 6, after line 3 by inserting:

23 <DIVISION ____

24 REPRESENTATION BY COUNTY ATTORNEY IN JUVENILE
 25 PROCEEDINGS

26 Sec. ____ LEGAL REPRESENTATION OF THE DEPARTMENT
 27 OF HUMAN SERVICES — STUDY. The department of human
 28 services shall consult with representatives of county
 29 attorneys, the office of the attorney general, and
 30 other stakeholders in performing a review of the role
 31 of the county attorney in representing the department
 32 of human services in juvenile proceedings under chapter
 33 232. The review shall include the issues addressed
 34 in House File 608, introduced by the committee on
 35 judiciary of the house of representatives during
 36 the 2011 Session, and other issues identified by
 37 stakeholders. The department shall report the results
 38 of the review along with findings and recommendations
 39 to the chairpersons and ranking members of the
 40 joint appropriations subcommittee on health and
 41 human services and of the committees on judiciary
 42 of the senate and house of representatives, and the
 43 legislative services agency on or before December 15,
 44 2011.>

45 3. Page 6, after line 3 by inserting:

46 <DIVISION ____

47 INMATES OF PUBLIC INSTITUTIONS — MEDICAID ELIGIBILITY

48 Sec. ____ NEW SECTION. 249A.38 Inmates of public
 49 institutions — suspension or termination of medical
 50 assistance.

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1 1. The following conditions shall apply to an
 2 individual who is an inmate of a public institution as
 3 defined in 42 C.F.R. § 435.1010, who is enrolled in the
 4 medical assistance program at the time of commitment to
 5 the public institution, and who is eligible for medical
 6 assistance by reason of disability or being sixty-five
 7 years of age or older:

8 a. The department shall suspend the individual's
 9 eligibility for up to the initial twelve months of
 10 the period of commitment. The department shall delay
 11 the suspension of eligibility for a period of up to
 12 the first thirty days of commitment if such delay is
 13 approved by the centers for Medicare and Medicaid
 14 services of the United States department of health
 15 and human services. If such delay is not approved,

16 the department shall suspend eligibility during the
 17 entirety of the initial twelve months of the period
 18 of commitment. Claims submitted on behalf of the
 19 individual under the medical assistance program for
 20 covered services provided during the delay period shall
 21 only be reimbursed if federal financial participation
 22 is applicable to such claims.

23 b. The department shall terminate an individual's
 24 eligibility following a twelve-month period of
 25 suspension of the individual's eligibility under
 26 paragraph "a".

27 2. a. A public institution shall provide the
 28 department and the social security administration with
 29 a monthly report of the individuals who are committed
 30 to the public institution and of the individuals who
 31 are discharged from the public institution.

32 b. The department shall provide a public
 33 institution with the forms necessary to be used
 34 by the individual in expediting restoration of the
 35 individual's medical assistance benefits upon discharge
 36 from the public institution.

37 3. This section applies to individuals as specified
 38 in subsection 1 on or after January 1, 2012.

39 4. The department may adopt rules pursuant to
 40 chapter 17A to implement this section.

41 Sec. __. IMPLEMENTATION. The department of human
 42 services shall do all of the following:

43 1. Request any waiver or approval necessary from
 44 the centers for Medicare and Medicaid services of the
 45 United States department of health and human services
 46 to provide for the delay in suspension of eligibility
 47 as provided in this Act beginning January 1, 2012. The
 48 department shall implement the delay period to the
 49 maximum extent of the federal approval.

50 2. Develop a process for suspension of medical

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1 assistance eligibility for individuals as specified in
 2 this Act beginning January 1, 2012.

3 3. Incorporate provisions for suspension and
 4 termination of medical assistance eligibility for
 5 inmates of public institutions within any future
 6 redesign of the medical assistance program eligibility
 7 information management system.

8 Sec. __. EFFECTIVE UPON ENACTMENT. This division
 9 of this Act, being deemed of immediate importance,
 10 takes effect upon enactment.>

11 4. Title page, line 2, after <families> by
 12 inserting <and including effective date provisions>

13 5. By renumbering as necessary.

S-3246

HOUSE AMENDMENT TO
SENATE FILE 365

1 Amend Senate File 365, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, after line 28 by inserting:
4 <Sec. ____ Section 654.4B, subsection 2, paragraph
5 b, Code 2011, is amended to read as follows:
6 b. This subsection is repealed July 1, ~~2011~~ 2012.>
7 2. Page 3, after line 28 by inserting:
8 <Sec. ____ Section 902.1, Code 2011, is amended to
9 read as follows:
10 902.1 Class "A" felony.

11 1. Upon a plea of guilty, a verdict of guilty, or
12 a special verdict upon which a judgment of conviction
13 of a class "A" felony may be rendered, the court shall
14 enter a judgment of conviction and shall commit the
15 defendant into the custody of the director of the
16 Iowa department of corrections for the rest of the
17 defendant's life. Nothing in the Iowa corrections code
18 pertaining to deferred judgment, deferred sentence,
19 suspended sentence, or reconsideration of sentence
20 applies to a class "A" felony, and a person convicted
21 of a class "A" felony shall not be released on parole
22 unless the governor commutes the sentence to a term of
23 years.

24 2. a. Notwithstanding subsection 1, a person
25 convicted of a class "A" felony, and who was under the
26 age of eighteen at the time the offense was committed
27 shall be eligible for parole after serving a minimum
28 term of confinement of twenty-five years.

29 b. If a person is paroled pursuant to this
30 subsection the person shall be subject to the same set
31 of procedures set out in chapters 901B, 905, 906, and
32 chapter 908, and rules adopted under those chapters for
33 persons on parole.

34 c. A person convicted of murder in the first degree
35 in violation of section 707.2 shall not be eligible for
36 parole pursuant to this subsection.

37 d. A person convicted of murder in the second
38 degree in violation of section 707.3 and who was also
39 convicted of either kidnapping in the first degree
40 in violation of section 710.2 or sexual abuse in the
41 first degree in violation of section 709.2, which
42 conviction arose out of the same set of facts as the
43 murder-in-the-second-degree conviction, shall not be
44 eligible for parole pursuant to this subsection.>

45 3. Page 6, after line 1 by inserting:
46 <Sec. ____ Section 907.9, subsection 4, Code 2011,
47 is amended to read as follows:

48 4. At the expiration of the period of probation
 49 if the fees imposed under section 905.14 and court
 50 debt collected pursuant to section 602.8107 have been

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1 paid, the court shall order the discharge of the person
 2 from probation. If portions of the court debt remain
 3 unpaid, the person shall establish a payment plan with
 4 the clerk of the district court or the county attorney
 5 prior to the discharge. The court shall forward to the
 6 governor a recommendation for or against restoration
 7 of citizenship rights to that person upon discharge.
 8 A person who has been discharged from probation shall
 9 no longer be held to answer for the person's offense.
 10 Upon discharge from probation, if judgment has been
 11 deferred under section 907.3, the court's criminal
 12 record with reference to the deferred judgment and any
 13 counts dismissed by the court, which were contained in
 14 the indictment, information, or complaint that resulted
 15 in the deferred judgement, shall be expunged. The
 16 record maintained by the state court administrator
 17 as required by section 907.4 shall not be expunged.
 18 The court's record shall not be expunged in any other
 19 circumstances.>

20 4. Page 6, after line 1 by inserting:

21 <Sec. ____ EFFECTIVE UPON ENACTMENT. The section
 22 of this Act amending section 654.4B, being deemed of
 23 immediate importance, takes effect upon enactment.>

24 5. Title page, line 1, by striking <the placement
 25 of a juvenile> and inserting <juveniles convicted of
 26 class "A" felonies and the placement of juveniles>

27 6. Title page, line 2, by striking <in district
 28 court> and inserting <, expungement of records, and
 29 mediation in court proceedings, and including effective
 30 date provisions>

31 7. By renumbering as necessary.

S-3247

HOUSE AMENDMENT TO
 SENATE FILE 495

1 Amend Senate File 495, as passed by the Senate, as
 2 follows:

3 1. By striking page 5, line 35, through page 6,
 4 line 28, and inserting:

5 <p. Consider the views of area agencies on aging,
 6 older individuals, long-term care consumers, and
 7 providers of long-term care in planning and operating
 8 the programs under this subchapter.>

9 2. By striking page 7, line 33, through page 8,

- 10 line 14.
- 11 3. Page 8, line 15, by striking <4. 5.> and
 12 inserting <4.>
- 13 4. Page 9, line 3, by striking <~~5.~~ 6.> and
 14 inserting <5.>
- 15 5. Page 9, by striking lines 16 through 18 and
 16 inserting:
 17 <~~e. b. Communicate~~ Seek consent from and
 18 communicate privately and without restriction with
 19 any resident, ~~tenant,~~ legal representative, or other
 20 representative who consents to communication.>
- 21 6. Page 9, line 24, by striking <~~6.~~ 7.> and
 22 inserting <6.>
- 23 7. Page 10, line 33, by striking <~~7.~~ 8.> and
 24 inserting <7.>
- 25 8. Page 11, line 21, by striking <~~8.~~ 9.> and
 26 inserting <8.>
- 27 9. Page 11, line 29, by striking <~~9.~~ 10.> and
 28 inserting <9.>
- 29 10. Page 12, line 6, by striking <~~10.~~ 11.> and
 30 inserting <10.>
- 31 11. Page 12, line 12, by striking <~~11.~~ 12.> and
 32 inserting <11.>
- 33 12. Page 12, line 31, after <consent> by inserting
 34 <and the resident does not have a guardian or legal
 35 representative>
- 36 13. Page 12, line 33, by striking <~~12.~~ 13.> and
 37 inserting <12.>
- 38 14. By renumbering as necessary.

S-3248

- 1 Amend Senate File 520 as follows:
- 2 1. Page 1, by striking lines 9 through 14 and
 3 inserting:
 4 <___. a. The taxpayer claiming the tax credit on
 5 a commercial basis as provided in this section must
 6 construct, install, and place in service any of the
 7 following:
 8 (1) An electric vehicle facility which serves a
 9 motor vehicle that is designed by a manufacturer to
 10 operate using electricity.
 11 (2) A natural gas vehicle facility which serves a
 12 motor vehicle that is designed by a manufacturer to
 13 operate using compressed natural gas.
 14 b. The taxpayer claiming the tax credit on a
 15 residential basis as provided in this section must
 16 construct, install, and place in service an electric
 17 vehicle facility which serves a motor vehicle that
 18 is designed by a manufacturer to operate using
 19 electricity.
 20 ___. a. After verifying the eligibility for an

21 electric or natural gas vehicle facility tax credit as
 22 provided in this section, the department of revenue
 23 shall issue the taxpayer an electric or natural gas
 24 vehicle facility tax credit certificate which must be
 25 attached to the taxpayer's tax return. An electric or
 26 natural gas vehicle facility tax credit certificate
 27 shall include all of the following:

28 (1) The taxpayer's name, address, tax
 29 identification number, and any other information
 30 required by the department of revenue.

31 (2) A description of the infrastructure, equipment,
 32 or machinery being purchased and installed which
 33 is eligible for the tax credit to be claimed on the
 34 taxpayer's tax return.

35 (3) The amount of the tax credit being claimed.

36 b. The department shall adopt rules establishing
 37 criteria for the receipt of applications for electric
 38 or natural gas vehicle facility tax credit certificates
 39 and the issuance of those certificates. A tax credit
 40 certificate shall be issued in the taxpayer's name and
 41 shall expire on or after the last day of the taxable
 42 year for which the taxpayer is claiming the tax credit.
 43 A tax credit certificate is nontransferable.

44 c. The aggregate amount of electric or natural gas
 45 vehicle facility tax credit certificates that may be
 46 issued pursuant to this section shall not exceed five
 47 million dollars for all tax years that the tax credit
 48 is available under this section. The department shall
 49 issue the tax credit certificates on a first-come,
 50 first-served basis to qualified applicants.>

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1 2. Page 1, line 31, by striking <basis> and
 2 inserting <basis as follows:>

3 3. Page 2, by striking lines 10 through 12 and
 4 inserting:

5 <b. A person may claim the tax credit on a
 6 residential basis only for an electric vehicle facility
 7 that is for personal, family, household, or>

8 4. Page 2, line 14, by striking <or natural gas>

ROBERT M. HOGG

S-3249

1 Amend the amendment, S-3239, to House File 646,
 2 as amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 14, after line 25 by inserting:

5 <Sec. ____ NEW SECTION. 8A.319 Contract payments.

6 1. The department shall either make full or partial

7 payments as required under a contract or provide a
 8 written statement to the other party to the contract
 9 explaining the reason an invoice is in dispute within
 10 thirty days of one of the following dates, whichever
 11 is earliest:
 12 a. The date the department receives an invoice
 13 showing a payment is due and payable.
 14 b. The date a payment becomes due and payable under
 15 a contract.
 16 2. For purposes of this section, receipt of an
 17 invoice occurs at the time of actual physical or
 18 electronic delivery. In a dispute regarding the date
 19 of the receipt of an invoice, the burden of proof is
 20 on the department to establish by a preponderance of
 21 the evidence the date of receipt. An intake bates
 22 stamp using time and date and made with a tamper proof
 23 stamping mechanism shall be considered prima facie
 24 evidence of the date of receipt.>
 25 2. By renumbering as necessary.

MARK CHELGREN

S-3250

1 Amend Senate File 519 as follows:
 2 1. Page 1, line 18, after <services,> by inserting
 3 <the Iowa educators consortium,>

BRAD ZAUN

S-3251

1 Amend Senate File 519 as follows:
 2 1. Page 1, line 18, after <services,> by inserting
 3 <the Iowa association for educational purchasing,>

BRAD ZAUN

S-3252

1 Amend the amendment, S-3239, to House File 646,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 9, by striking lines 41 and 42 and
 5 inserting:
 6 <For additional health facility surveyors,
 7 compliance officers, and residential care facility
 8 surveyors:>

PAM JOCHUM

S-3253

1 Amend the amendment, S-3239, to House File 646,
2 as amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 9, line 34, by striking <ACCOUNT> and
5 inserting <FUND>
6 2. Page 9, line 36, by striking <account> and
7 inserting <fund>
8 3. Page 9, line 45, by striking <ACCOUNT> and
9 inserting <FUND>
10 4. Page 9, line 47, by striking <account> and
11 inserting <fund>
12 5. Page 10, line 16, by striking <ACCOUNT> and
13 inserting <FUND>
14 6. Page 10, line 17, by striking <account> and
15 inserting <fund>
16 7. Page 21, after line 43 by inserting:
17 <Sec. ____ Section 249A.7, Code 2011, is amended to
18 read as follows:
19 249A.7 Fraudulent practices — investigations and
20 audits — Medicaid fraud ~~account~~ fund.
21 1. A person who obtains assistance or payments for
22 medical assistance under this chapter by knowingly
23 making or causing to be made, a false statement or a
24 misrepresentation of a material fact or by knowingly
25 failing to disclose a material fact required of an
26 applicant for aid under the provisions of this chapter
27 and a person who knowingly makes or causes to be made,
28 a false statement or a misrepresentation of a material
29 fact or knowingly fails to disclose a material fact
30 concerning the applicant's eligibility for aid under
31 this chapter commits a fraudulent practice.
32 2. The department of inspections and appeals
33 shall conduct investigations and audits as deemed
34 necessary to ensure compliance with the medical
35 assistance program administered under this chapter.
36 The department of inspections and appeals shall
37 cooperate with the department of human services
38 on the development of procedures relating to such
39 investigations and audits to ensure compliance with
40 federal and state single state agency requirements.
41 3. A Medicaid fraud ~~account~~ fund is created ~~in the~~
42 ~~general fund of the state~~ under the authority of the
43 department of inspections and appeals. Moneys from
44 penalties and other amounts received as a result of
45 prosecutions involving the department of inspections
46 and appeals investigations and audits to ensure
47 compliance with the medical assistance program that
48 are not credited to the program may be credited to
49 the ~~account~~ fund. Notwithstanding sections 8.33 and
50 8.39, moneys credited to the ~~account~~ fund shall not

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1 revert to any other account or fund and are not subject
 2 to transfer except as specifically provided by law.
 3 Moneys in the fund shall be used for costs associated
 4 with the department of inspections and appeals'
 5 efforts to address medical assistance program fraud
 6 and abuse and for costs incurred by the department of
 7 inspections and appeals or other agencies in providing
 8 regulation, responding to allegations, or other
 9 activity involving chapter 135O. The department of
 10 inspections and appeals and other agencies receiving
 11 moneys from the ~~account fund~~ shall provide a joint
 12 annual report to the governor and general assembly
 13 detailing the expenditures from the ~~account fund~~ and
 14 activities performed relating to the expenditures.
 15 ~~This subsection is repealed on July 1, 2012. Any~~
 16 remaining balance of unencumbered or unallocated moneys
 17 in the Medicaid fraud account in existence prior to
 18 July 1, 2011, shall not revert but shall be deposited
 19 into the Medicaid fraud fund and used as provided in
 20 this section.>
 21 8. By renumbering as necessary.

PAM JOCHUM

S-3254

1 Amend the amendment, S-3239, to House File 646,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 20, after line 4 by inserting:
 5 <Sec. ____ Section 49.77, subsection 4, paragraph
 6 b, Code 2011, is amended to read as follows:
 7 b. If the voter informs the precinct election
 8 official that the voter resides in the precinct and is
 9 not registered to vote, the voter may register to vote
 10 pursuant to section 48A.7A and cast a ballot. ~~If such~~
 11 ~~a voter is unable to establish identity and residency~~
 12 ~~in the manner provided in section 48A.7A, subsection~~
 13 ~~1, paragraph "b" or "c", the voter shall be allowed to~~
 14 ~~cast a provisional~~ ballot in the manner prescribed by
 15 section 49.81.>
 16 2. By renumbering as necessary.

JAMES F. HAHN

S-3255

1 Amend Senate File 522 as follows:
 2 1. Page 2, by striking lines 2 through 16 and
 3 inserting <the fiscal year beginning July 1, 2013,

4 there is appropriated from the general fund of the
 5 state to the department to be credited to the fund,
 6 the sum of one hundred million dollars to be used
 7 for business property tax credits authorized in this
 8 chapter. For the fiscal year beginning July 1, 2014,
 9 there is appropriated from the general fund of the
 10 state to the department to be credited to the fund,
 11 the sum of one hundred fifty million dollars to be
 12 used for business property tax credits authorized in
 13 this chapter. For the fiscal year beginning July 1,
 14 2015, and for each fiscal year thereafter, there is
 15 appropriated from the general fund of the state to
 16 the department to be credited to the fund, the sum of
 17 two hundred million dollars to be used for business
 18 property tax credits authorized in this chapter.>

19 2. Page 5, line 12, by striking <total>

RANDY FEENSTRA

S-3256

1 Amend Senate File 520 as follows:
 2 1. Page 1, before line 1 by inserting:
 3 <Section 1. Section 422.7, Code 2011, is amended by
 4 adding the following new subsection:
 5 NEW SUBSECTION. 54. a. A taxpayer taking a
 6 depreciation allowance under section 168 of the
 7 Internal Revenue Code for property described in section
 8 422.11Y is not allowed to take the allowance to the
 9 extent that a tax credit is taken for the purchase of
 10 the property under section 422.11Y.
 11 b. A taxpayer taking an expensing allowance under
 12 section 179 of the Internal Revenue Code for property
 13 described in section 422.11Y is not allowed to take the
 14 allowance to the extent that a tax credit is taken for
 15 the purchase of such property under section 422.11Y.
 16 c. This subsection is repealed on January 1, 2019.>
 17 2. Page 1, after line 2 by inserting:
 18 <__. As used in this section, "motor vehicle"
 19 means the same as defined in section 322.2.>
 20 3. Page 1, by striking lines 9 through 14 and
 21 inserting:
 22 <__. a. The taxpayer claiming the tax credit on
 23 a commercial basis as provided in this section must
 24 construct, install, and place in service any of the
 25 following:
 26 (1) An electric vehicle facility which serves a
 27 motor vehicle that is designed by a manufacturer to
 28 operate using electricity.
 29 (2) A natural gas vehicle facility which serves a
 30 motor vehicle that is designed by a manufacturer to
 31 operate using compressed natural gas.

32 b. The taxpayer claiming the tax credit on a
33 residential basis as provided in this section must
34 construct, install, and place in service an electric
35 vehicle facility which serves a motor vehicle that
36 is designed by a manufacturer to operate using
37 electricity.

38 _____. a. After verifying the eligibility for an
39 electric or natural gas vehicle facility tax credit as
40 provided in this section, the department of revenue
41 shall issue the taxpayer an electric or natural gas
42 vehicle facility tax credit certificate which must be
43 attached to the taxpayer's tax return. An electric or
44 natural gas vehicle facility tax credit certificate
45 shall include all of the following:

46 (1) The taxpayer's name, address, tax
47 identification number, and any other information
48 required by the department of revenue.

49 (2) A description of the infrastructure, equipment,
50 or machinery being purchased and installed which

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1 is eligible for the tax credit to be claimed on the
2 taxpayer's tax return.

3 (3) The amount of the tax credit being claimed.

4 b. The department shall adopt rules establishing
5 criteria for the receipt of applications for electric
6 or natural gas vehicle facility tax credit certificates
7 and the issuance of those certificates. A tax credit
8 certificate shall be issued in the taxpayer's name and
9 shall expire on or after the last day of the taxable
10 year for which the taxpayer is claiming the tax credit.
11 A tax credit certificate is nontransferable.

12 c. The aggregate amount of electric or natural gas
13 vehicle facility tax credit certificates that may be
14 issued pursuant to this section shall not exceed five
15 million dollars for all tax years that the tax credit
16 is available under this section. The department shall
17 issue the tax credit certificates on a first-come,
18 first-served basis to qualified applicants.>

19 4. Page 1, line 31, by striking <basis> and
20 inserting <basis as follows:>

21 5. Page 2, by striking lines 10 through 12 and
22 inserting:

23 <b. A person may claim the tax credit on a
24 residential basis only for an electric vehicle facility
25 that is for personal, family, household, or>

26 6. Page 2, line 14, by striking <or natural gas>

27 7. Page 3, after line 18 by inserting:

28 <Sec. _____. Section 422.35, Code 2011, is amended by
29 adding the following new subsection:

30 NEW SUBSECTION. 15. a. A taxpayer taking a

31 depreciation allowance under section 168 of the
 32 Internal Revenue Code for property described in section
 33 422.33, subsection 11D, is not allowed to take the
 34 allowance to the extent that a tax credit is taken for
 35 the purchase of the property under section 422.33,
 36 subsection 11D.

37 b. A taxpayer taking an expensing allowance under
 38 section 179 of the Internal Revenue Code for property
 39 described in section 422.33, subsection 11D, is not
 40 allowed to take the allowance to the extent that a tax
 41 credit is taken for the purchase of such property under
 42 section 422.33, subsection 11D.

43 c. This subsection is repealed on January 1, 2019.>

44 8. By renumbering, redesignating, and correcting
 45 internal references as necessary.

ROBERT M. HOGG

S-3257

1 Amend the amendment, S-3239, to House File 646,
 2 as amended, passed, and reprinted by the House, as
 3 follows:

- 4 1. Page 3, by striking lines 13 through 19.
- 5 2. By renumbering as necessary.

MERLIN BARTZ

S-3258

HOUSE AMENDMENT TO SENATE FILE 236

1 Amend Senate File 236, as passed by the Senate, as
 2 follows:

3 1. Page 1, before line 1 by inserting:
 4 <Section 1. Section 80B.6, subsection 1, Code 2011,
 5 is amended to read as follows:

6 1. ~~There is created the An~~ Iowa law enforcement
 7 academy council ~~which shall consist~~ is created
 8 consisting of the following ~~seven~~ thirteen voting
 9 members appointed by the governor, subject to
 10 confirmation by the senate, to terms of four years
 11 commencing as provided in section 69.19:

12 a. Three residents of the state.

13 b. A sheriff of a county with a population of fifty
 14 thousand persons or more who is a member of the Iowa
 15 state sheriffs and deputies association.

16 c. A sheriff of a county with a population of less
 17 than fifty thousand persons who is a member of the Iowa
 18 state sheriffs and deputies association.

19 d. A deputy sheriff of a county who is a member of
 20 the Iowa state sheriffs and deputies association.

- 21 e. A member of the Iowa peace officers association.
 22 f. A member of the Iowa state police association.
 23 g. A member of the Iowa police chiefs association.
 24 ~~e. h.~~ A police officer who is a member of a police
 25 department of a city with a population ~~larger than~~ of
 26 fifty thousand persons or more.
 27 ~~d. i.~~ A police officer who is a member of a police
 28 department of a city with a population of less than
 29 fifty thousand persons.
 30 ~~e. j.~~ A member of the department of public safety.
 31 k. A member of the office of motor vehicle
 32 enforcement of the department of transportation.>
 33 2. Title page, lines 1 and 2, by striking <the
 34 practices and procedures of the department of public
 35 safety including> and inserting <public safety
 36 including the Iowa law enforcement academy council,>
 37 3. By renumbering as necessary.

S-3259

- 1 Amend House File 651, as passed by the House, as
 2 follows:
 3 1. Page 1, before line 1 by inserting:
 4 <DIVISION I
 5 CIVIL WAR SESQUICENTENNIAL PLATES>
 6 2. Page 1, after line 28 by inserting:
 7 <DIVISION ____
 8 MILITARY COMBAT PLATES
 9 Sec. ____ Section 35A.11, Code 2011, is amended by
 10 adding the following new subsection:
 11 NEW SUBSECTION. 8A. Combat infantryman badge,
 12 combat action badge, combat action ribbon, and combat
 13 medical badge plates issued pursuant to section 321.34,
 14 subsection 20C.
 15 Sec. ____ Section 321.34, Code 2011, is amended by
 16 adding the following new subsection:
 17 NEW SUBSECTION. 20C. Combat infantryman badge,
 18 combat action badge, combat action ribbon, and combat
 19 medical badge plates.
 20 a. An owner referred to in subsection 12 who was
 21 awarded a combat infantryman badge, combat action
 22 badge, combat action ribbon, or combat medical badge
 23 by the United States government may, upon written
 24 application to the department and presentation
 25 of satisfactory proof of the award, order special
 26 registration plates with a combat infantryman badge,
 27 combat action badge, combat action ribbon, or combat
 28 medical badge processed emblem. The emblems shall be
 29 designed by the department in consultation with the
 30 adjutant general. The special plate fees collected
 31 by the director under subsection 12, paragraphs “a”
 32 and “c”, from the issuance and annual validation of

33 letter-number designated and personalized combat
 34 infantryman badge, combat action badge, combat action
 35 ribbon, and combat medical badge plates shall be paid
 36 monthly to the treasurer of state and deposited in
 37 the road use tax fund. The treasurer of state shall
 38 transfer monthly from the statutory allocations fund
 39 created under section 321.145, subsection 2, to the
 40 veterans license fee fund created in section 35A.11 the
 41 amount of the special fees collected under subsection
 42 12, paragraph "a", in the previous month for combat
 43 infantryman badge, combat action badge, combat action
 44 ribbon, and combat medical badge plates.

45 b. The surviving spouse of a person who was issued
 46 special plates under this subsection may continue
 47 to use or apply for and use the special plates
 48 subject to registration of the special plates in
 49 the surviving spouse's name and upon payment of the
 50 annual five-dollar special plate fee and the regular

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1 annual registration fee for the vehicle. If the
 2 surviving spouse remarries, the surviving spouse shall
 3 return the special plates to the department and the
 4 department shall issue regular registration plates to
 5 the surviving spouse.

6 Sec. ____ Section 321.145, subsection 2, paragraph
 7 b, subparagraph (3), Code 2011, is amended to read as
 8 follows:

9 (3) The amounts required to be transferred pursuant
 10 to section 321.34 from revenues available under
 11 this subsection shall be transferred and credited as
 12 provided in section 321.34, subsections 7, 10, 10A, 11,
 13 11A, 11B, 13, 16, 17, 18, 19, 20, 20A, 20B, 20C, 21,
 14 22, 23, and 24 for the various purposes specified in
 15 those subsections.

16 Sec. ____ EFFECTIVE DATE. This division of this
 17 Act takes effect January 1, 2012.>

18 3. Title page, line 2 and 3, by striking <plate,
 19 establishing fees, and making an appropriation> and
 20 inserting <plate and special military combat plates,
 21 establishing fees, making an appropriation, and
 22 including effective date provisions>

23 4. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
 ROBERT E. DVORSKY, Chair

S-3260

- 1 Amend Senate File 522 as follows:
 2 1. Page 1, before line 1 by inserting:
 3 <Section 1. NEW SECTION. 331.422A Property tax

4 dollars — maximums.

5 1. a. The maximum amount in property tax dollars
6 which may be certified by a county for taxes shall not
7 exceed the amount of property tax dollars determined
8 under subsection 3.

9 b. This section shall not be construed as removing
10 or otherwise affecting the property tax limitations
11 otherwise provided by law for any tax levy of the
12 county, except that, upon an appeal from the county,
13 the state appeal board may approve a tax levy
14 consistent with the provisions of section 24.48 or
15 331.426.

16 2. For purposes of this section:

17 a. "Boundary adjustment" means annexation,
18 severance, incorporation, or discontinuance as those
19 terms are defined in section 368.1.

20 b. "Budget year" is the fiscal year beginning
21 during the calendar year in which a budget is
22 certified.

23 c. "Current fiscal year" is the fiscal year
24 ending during the calendar year in which a budget is
25 certified.

26 d. "Inflation rate" means the average of the
27 preceding twelve-month percentage change, which shall
28 be computed on a monthly basis, in the consumer price
29 index for all urban consumers, not seasonally adjusted,
30 published by the United States department of labor,
31 bureau of labor statistics, calculated for the calendar
32 year ending six months after the beginning of the
33 current fiscal year.

34 e. "Net new valuation taxes" means the amount
35 of property tax dollars equal to the sum of all the
36 current fiscal year's levy rates certified by the
37 county multiplied by the increase from the current
38 fiscal year to the budget year in taxable valuation due
39 to the following:

40 (1) New construction.

41 (2) Additions or improvements to existing
42 structures.

43 (3) Remodeling of existing structures for which a
44 building permit is required.

45 (4) Net boundary adjustment.

46 (5) A municipality no longer dividing tax revenues
47 in an urban renewal area as provided in section
48 403.19, to the extent that the incremental valuation
49 released is due to new construction or revaluation of
50 property newly constructed, additions or improvements

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1 to existing property, net boundary adjustment, or
2 expiration of tax abatements or exemptions, all

3 occurring after the division of revenue begins.

4 (6) That portion of taxable property located in an
5 urban revitalization area on which an exemption was
6 allowed and such exemption has expired.

7 3. For the budget year beginning July 1, 2012, and
8 subsequent budget years, the maximum amount of property
9 tax dollars which may be certified for levy by a county
10 shall be an amount equal to the sum of the following:

11 a. The current fiscal year's total property tax
12 dollars certified by the county.

13 b. The amount of net new valuation taxes in the
14 county.

15 c. Any additional amount of property tax dollars
16 certified by the board under subsection 5.

17 4. Property taxes certified for deposit in the debt
18 service fund in section 331.430 or any other property
19 taxes resulting from a property tax levy approved at
20 election are not included in the maximum amount of
21 property tax dollars that may be certified for a budget
22 year under subsection 3.

23 5. The board may certify and levy an additional
24 amount of property tax dollars to finance existing
25 programs which would provide substantial benefit to the
26 county in an amount not to exceed the current fiscal
27 year's total property tax dollars multiplied by the
28 inflation rate.

29 6. The department of management, in consultation
30 with the county finance committee, shall adopt rules
31 to administer this section.

32 Sec. __. NEW SECTION. 331.422B Authority to levy
33 beyond maximum property tax dollars.

34 1. The board may certify additions to the maximum
35 amount of property tax dollars under section 331.422A
36 to be levied for a period of time not to exceed three
37 years unless, at any time before the date fixed for
38 certifying the budget, a petition signed by eligible
39 electors residing within the county in a number equal
40 to at least two percent of the registered voters of the
41 county, ask that the question of certifying additions
42 to the maximum amount of property tax dollars be
43 submitted to the registered voters. Upon receipt of
44 such a petition, the board of supervisors shall direct
45 the county commissioner of elections to call a special
46 election upon the question of certifying additions to
47 the maximum amount of property tax dollars.

48 2. The proposition of certifying additions to
49 the maximum amount of property tax dollars under this
50 subsection is approved if the vote in favor of the

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1 proposition is a simple majority of the total votes
2 cast on the proposition.
3 3. The special election is subject to the
4 following:
5 a. The board must give at least thirty-two days'
6 notice to the county commissioner of elections that the
7 special election is to be held.
8 b. The special election shall be held on the
9 first Tuesday in March and be conducted by the county
10 commissioner of elections in accordance with law.
11 c. The proposition to be submitted shall be
12 substantially in the following form:
13 Vote "yes" or "no" on the following: Shall the
14 county of _____ levy for an additional \$_____ each
15 year for ___ years beginning July 1, _____, in excess
16 of the statutory maximum amount of property tax dollar
17 limits otherwise applicable under Iowa Code section
18 331.422A?
19 d. The canvass shall be held beginning at 1:00 p.m.
20 on the second day which is not a holiday following the
21 special election.
22 e. Notice of the special election shall be
23 published at least once in a newspaper as specified
24 in section 331.305 prior to the date of the special
25 election. The notice shall appear as early as
26 practicable after the board has directed the county
27 commissioner of elections to submit the proposition to
28 the voters.
29 4. The amount of additional property tax dollars
30 certified under this section shall not be included in
31 the computation of the maximum amount of property tax
32 dollars which may be certified and levied under section
33 331.422A.>
34 2. Page 1, after line 8 by inserting:
35 <Sec. __. NEW SECTION. 384.1A Property tax
36 dollars — maximums.
37 1. a. The maximum amount in property tax dollars
38 which may be certified by a city for taxes shall not
39 exceed the amount of property tax dollars determined
40 under subsection 3.
41 b. This section shall not be construed as removing
42 or otherwise affecting the property tax limitations
43 otherwise provided by law for any tax levy of the city,
44 except that, upon an appeal from the city, the state
45 appeal board may approve a tax levy consistent with the
46 provisions of section 24.48.
47 2. For purposes of this section:
48 a. "Boundary adjustment" means annexation,
49 severance, incorporation, or discontinuance as those
50 terms are defined in section 368.1.

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- 1 b. "Budget year" is the fiscal year beginning
2 during the calendar year in which a budget is
3 certified.
- 4 c. "Current fiscal year" is the fiscal year
5 ending during the calendar year in which a budget is
6 certified.
- 7 d. "Inflation rate" means the average of the
8 preceding twelve-month percentage change, which shall
9 be computed on a monthly basis, in the consumer price
10 index for all urban consumers, not seasonally adjusted,
11 published by the United States department of labor,
12 bureau of labor statistics, calculated for the calendar
13 year ending six months after the beginning of the
14 current fiscal year.
- 15 e. "Net new valuation taxes" means the amount
16 of property tax dollars equal to the sum of all the
17 current fiscal year's levy rates certified by the city
18 multiplied by the increase from the current fiscal year
19 to the budget year in taxable valuation due to the
20 following:
- 21 (1) New construction.
22 (2) Additions or improvements to existing
23 structures.
24 (3) Remodeling of existing structures for which a
25 building permit is required.
26 (4) Net boundary adjustment.
27 (5) A municipality no longer dividing tax revenues
28 in an urban renewal area as provided in section
29 403.19, to the extent that the incremental valuation
30 released is due to new construction or revaluation of
31 property newly constructed, additions or improvements
32 to existing property, net boundary adjustment, or
33 expiration of tax abatements or exemptions, all
34 occurring after the division of revenue begins.
- 35 (6) That portion of taxable property located in an
36 urban revitalization area on which an exemption was
37 allowed and such exemption has expired.
- 38 3. For the budget year beginning July 1, 2012, and
39 subsequent budget years, the maximum amount of property
40 tax dollars which may be certified for levy by a city
41 shall be an amount equal to the sum of the following:
- 42 a. The current fiscal year's total property tax
43 dollars certified by the city.
44 b. The amount of net new valuation taxes in the
45 city.
46 c. Any additional amount of property tax dollars
47 certified by the city under subsection 5.
- 48 4. Property taxes certified for deposit in the debt
49 service fund in section 384.4 or any other property
50 taxes resulting from a property tax levy approved at

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1 election are not included in the maximum amount of
2 property tax dollars that may be certified for a budget
3 year under subsection 3.

4 5. The city may certify an additional amount of
5 property tax dollars to be levied to finance existing
6 programs which would provide substantial benefit to
7 the city in an amount not to exceed the current fiscal
8 year's property tax dollars multiplied by the inflation
9 rate.

10 6. The department of management, in consultation
11 with the city finance committee, shall adopt rules to
12 administer this section.

13 Sec. ____ NEW SECTION. 384.1B Authority to levy
14 beyond maximum property tax dollars.

15 1. The city council may certify additions to the
16 maximum amount of property tax dollars under section
17 384.1A to be levied for a period of time not to exceed
18 three years unless, at any time before the date
19 fixed for certifying the budget, a petition signed
20 by eligible electors residing within the city in a
21 number equal to at least two percent of the registered
22 voters of the city, ask that the question of certifying
23 additions to the maximum amount of property tax dollars
24 be submitted to the registered voters. Upon receipt
25 of such a petition, the city council shall direct the
26 county commissioner of elections to call a special
27 election upon the question of certifying additions to
28 the maximum amount of property tax dollars.

29 2. The proposition of certifying additions to
30 the maximum amount of property tax dollars under this
31 subsection is approved if the vote in favor of the
32 proposition is a simple majority of the total votes
33 cast on the proposition.

34 3. The special election is subject to the
35 following:

36 a. The city council must give at least thirty-two
37 days' notice to the county commissioner of elections
38 that the special election is to be held.

39 b. The special election shall be held on the
40 first Tuesday in March and be conducted by the county
41 commissioner of elections in accordance with law.

42 c. The proposition to be submitted shall be
43 substantially in the following form:
44 Vote "yes" or "no" on the following: Shall the city
45 of _____ levy for an additional \$ _____ each year
46 for ___ years beginning July 1, _____, in excess of the
47 statutory maximum amount of property tax dollar limits
48 otherwise applicable under Iowa Code section 384.1A?

49 d. The canvass shall be held beginning at 1:00 p.m.
50 on the second day which is not a holiday following the

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1 special election.

2 e. Notice of the special election shall be
3 published at least once in a newspaper as specified
4 in section 362.3 prior to the date of the special
5 election. The notice shall appear as early as
6 practicable after the city council has directed
7 the county commissioner of elections to submit the
8 proposition to the voters.

9 4. The amount of additional property tax dollars
10 certified under this section shall not be included in
11 the computation of the maximum amount of property tax
12 dollars which may be certified and levied under section
13 384.1A.>

14 3. Page 1, by striking lines 12 through 28 and
15 inserting:

16 <1. "Department" means the department of revenue.

17 2. "Fund" means the business property tax credit
18 fund created in section 426C.2.

19 3. "Parcel" means as defined in section 445.1.

20 4. "Property taxes due and payable" means property
21 taxes including any special assessments, but exclusive
22 of delinquent property taxes, interest, and charges for
23 services, due on a parcel in this state.>

24 4. By striking page 1, line 33, through page 2,
25 line 16, and inserting <fiscal year beginning July 1,
26 2012, and for each fiscal year thereafter, there is
27 appropriated from the general fund of the state to
28 the department to be credited to the fund, an amount
29 sufficient to provide fifty percent of the total amount
30 of the business property tax credits authorized in this
31 chapter.>

32 5. By striking page 2, line 23, through page 5,
33 line 34, and inserting:

34 <Sec. ____ NEW SECTION. 426C.3 Eligibility for
35 credit.

36 1. Each parcel classified and taxed as commercial
37 property, industrial property, or railway property
38 under chapter 434, and improved with permanent
39 construction, is eligible for a credit under this
40 chapter.

41 2. The county auditor shall in each year certify
42 to the department on or before June 30 the parcels
43 located in the county that are eligible for the credit
44 and the amount of property taxes due and payable on
45 such parcels in the fiscal year for which the credit
46 is applicable that are attributable to permanent
47 improvements to the parcel.

48 Sec. ____ NEW SECTION. 426C.4 Amount of credit.

49 The amount of the credit for each eligible parcel
50 certified by the county auditor under section 426C.3,

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1 subsection 2, shall be determined as follows:

2 1. For property taxes due and payable in the fiscal
3 year beginning July 1, 2012, the amount of the credit
4 shall be an amount equal to six percent of the total
5 amount of property taxes due and payable on the parcel
6 as certified to the department under section 426C.3,
7 subsection 2.

8 2. For property taxes due and payable in the fiscal
9 year beginning July 1, 2013, the amount of the credit
10 shall be an amount equal to twelve percent of the total
11 amount of property taxes due and payable on the parcel
12 as certified to the department under section 426C.3,
13 subsection 2.

14 3. For property taxes due and payable in the
15 fiscal year beginning July 1, 2014, the amount of the
16 credit shall be an amount equal to eighteen percent
17 of the total amount of property taxes due and payable
18 as certified to the department under section 426C.3,
19 subsection 2.

20 4. For property taxes due and payable in the
21 fiscal year beginning July 1, 2015, and each fiscal
22 year thereafter, the amount of the credit shall be
23 an amount equal to twenty-four percent of the total
24 amount of property taxes due and payable on the parcel
25 as certified to the department under section 426C.3,
26 subsection 2.>

27 6. Page 6, line 3, by striking <allowed> and
28 inserting <authorized>

29 7. Page 6, line 5, by striking <or property unit>

30 8. Page 6, by striking line 8 and inserting
31 <authorized and funded by the state on each eligible
32 parcel in such taxing>

33 9. Page 6, line 10, by striking <or property unit>

34 10. Page 6, line 11, by striking <or property unit>

35 11. Page 6, line 12, by striking <in such taxing
36 district> and inserting <upon the parcel>

37 12. Page 6, line 17, after <fund.> by inserting
38 <Those portions of the credit not funded by the state
39 shall be allocated to the several taxing districts
40 in the proportion that the levy made by such taxing
41 district upon the parcel bears to the total levy upon
42 the parcel by all taxing districts imposing a property
43 tax on the parcel.>

44 13. By striking page 6, line 27, through page 7,
45 line 9, and inserting:

46 <1. Any person whose property is eligible but is
47 denied a credit under the provisions of this chapter
48 may appeal such denial to the district court of the
49 county in which the parcel is located by giving written
50 notice of such appeal to the county auditor.

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- 1 2. If a denial of credit is subsequently reversed
 2 on appeal, the credit shall be authorized on the
 3 applicable parcel and the director of revenue, the
 4 county>
 5 14. Page 7, line 21, by striking <allowable> and
 6 inserting <authorized>
 7 15. Page 7, line 25, by striking <filed> and
 8 inserting <authorized>
 9 16. Page 7, line 31, by striking <or property unit>
 10 17. Page 7, line 31, by striking <allowed> and
 11 inserting <authorized>
 12 18. Page 7, line 32, by striking <or property unit>
 13 19. Page 7, line 33, by striking <allowed> and
 14 inserting <authorized>
 15 20. Page 8, by striking lines 9 through 17.
 16 21. Page 8, by striking lines 22 through 26.
 17 22. Page 8, after line 26 by inserting:
 18 <Sec. ____ IMPLEMENTATION OF ACT. The provisions
 19 in section 25B.7, relating to the obligation of the
 20 state to reimburse local jurisdictions for property tax
 21 credits and exemptions, do not apply to this Act to the
 22 extent of fifty percent of the amount of the credits
 23 authorized under chapter 426C.>
 24 23. Page 8, line 29, after <2012> by inserting <,
 25 and to budget years beginning on or after July 1, 2012>
 26 24. Title page, line 1, after <Act> by inserting
 27 <relating to property taxation by establishing a
 28 property tax limitation for cities and counties, by>
 29 25. Title page, lines 2 and 3, by striking
 30 <providing penalties,>
 31 26. By renumbering, redesignating, and correcting
 32 internal references as necessary.

BILL ANDERSON
 ROBERT BACON
 MERLIN BARTZ
 JERRY BEHN
 RICK BERTRAND
 NANCY J. BOETTGER
 MARK CHELGREN
 BILL DIX
 JONI ERNST
 RANDY FEENSTRA
 SANDRA GREINER
 JAMES F. HAHN
 SHAWN HAMERLINCK
 HUBERT HOUSER
 DAVID JOHNSON
 TIM L. KAPUCIAN
 STEVE KETTERING

PAUL McKINLEY
JAMES A. SEYMOUR
ROBY SMITH
KENT SORENSON
PAT WARD
JACK WHITVER
BRAD ZAUN

S-3261

- 1 Amend the amendment, S-3259, to House File 651, as
2 passed by the House, as follows:
3 1. Page 1, line 12, after <ribbon,> by inserting
4 <air force combat action medal,>
5 2. Page 1, line 18, after <ribbon,> by inserting
6 <air force combat action medal,>
7 3. Page 1, line 22, after <ribbon,> by inserting
8 <air force combat action medal,>
9 4. Page 1, line 27, after <ribbon,> by inserting
10 <air force combat action medal,>
11 5. Page 1, line 35, after <ribbon,> by inserting
12 <air force combat action medal,>
13 6. Page 1, line 44, after <ribbon,> by inserting
14 <air force combat action medal,>

JERRY BEHN

S-3262

- 1 Amend the amendment, S-3259, to House File 651, as
2 passed by the House, as follows:
3 1. Page 1, line 5, after <SESQUICENTENNIAL> by
4 inserting <AND FALLEN PEACE OFFICERS>
5 2. Page 1, after line 5 by inserting:
6 <__. Page 1, line 2, by striking <subsection> and
7 inserting <subsections>
8 __. Page 1, after line 20 by inserting:
9 <NEW SUBSECTION. 26. Fallen peace officers plates.
10 a. Upon application and payment of the proper fees,
11 the director may issue fallen peace officers plates to
12 an owner of a motor vehicle referred to in subsection
13 12.
14 b. Fallen peace officers plates shall be designed
15 by the department in consultation with the department
16 of public safety and concerns of police survivors, inc.
17 c. The special fee for letter-number designated
18 fallen peace officers plates is thirty-five dollars.
19 The fee for personalized fallen peace officers
20 plates is twenty-five dollars, which shall be paid
21 in addition to the special fallen peace officers
22 fee of thirty-five dollars. The fees collected by
23 the director under this subsection shall be paid

24 monthly to the treasurer of state and deposited in
 25 the road use tax fund. The treasurer of state shall
 26 transfer monthly from the statutory allocations fund
 27 created under section 321.145, subsection 2, to the
 28 department of public safety the amount of the special
 29 fees collected in the previous month for the fallen
 30 peace officers plates and such funds are appropriated
 31 to the department of public safety. The department
 32 of public safety shall distribute one hundred percent
 33 of the funds received monthly in the form of grants
 34 to nonprofit organizations that provide resources to
 35 assist in the rebuilding of the lives of surviving
 36 families and affected coworkers of law enforcement
 37 officers killed in the line of duty. In the awarding
 38 of grants, the department of public safety shall give
 39 first consideration to concerns of police survivors,
 40 inc., and similar nonprofit organizations providing
 41 such resources. Notwithstanding section 8.33, moneys
 42 transferred under this subsection shall not revert to
 43 the general fund of the state.

44 d. Upon receipt of the special registration plates,
 45 the applicant shall surrender the current registration
 46 plates to the county treasurer. The county treasurer
 47 shall validate the special registration plates in
 48 the same manner as regular registration plates are
 49 validated under this section. The annual special
 50 fallen peace officers fee for letter-number designated

Page 2

1 plates is ten dollars, which shall be paid in addition
 2 to the regular annual registration fee. The annual
 3 special fee for personalized fallen peace officers
 4 plates is five dollars, which shall be paid in addition
 5 to the annual special fallen peace officers fee and
 6 the regular annual registration fee. The annual
 7 special fallen peace officers fee shall be credited and
 8 transferred as provided under paragraph "c".>

9 _____. Page 1, line 27, by striking <and 25> and
 10 inserting <25, and 26>>

11 3. Page 2, line 20, by striking <and special
 12 military combat plates,> and inserting <special fallen
 13 peace officers plates, and special military combat
 14 plates,>

15 4. Page 2, line 21, by striking <an appropriation>
 16 and inserting <appropriations>

17 5. By renumbering as necessary.

S-3263

- 1 Amend House File 328, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, after line 31 by inserting:
4 <Sec. ____ NEW SECTION. 524.826 Prohibition on
5 games of chance.
6 A state bank shall not utilize or promote raffles,
7 drawings, sweepstakes, or any similar game of chance
8 as part of its marketing or other outreach efforts to
9 existing or potential customers.>
10 2. By renumbering as necessary.

WILLIAM A. DOTZLER, JR.

S-3264

- 1 Amend House File 618, as passed by the House, as
2 follows:
3 1. Page 1, after line 28 by inserting:
4 <Sec. ____ Section 103.2, subsection 2, paragraph
5 c, Code 2011, is amended to read as follows:
6 c. One member shall be ~~an electrical inspector~~
7 actively engaged in farming.
8 Sec. ____ Section 103.2, subsection 3, Code 2011,
9 is amended to read as follows:
10 3. a. The governor shall appoint an electrical
11 inspector to serve in an ex officio, nonvoting
12 capacity.
13 b. The public members of the board shall be
14 allowed to participate in administrative, clerical, or
15 ministerial functions incident to giving a licensure
16 examination, but shall not determine the content of
17 the examination or determine the correctness of the
18 answers.
19 c. Professional associations or societies composed
20 of licensed electricians may recommend to the
21 governor the names of potential board members whose
22 profession is representative of that association
23 or society. However, the governor is not bound by
24 the recommendations. A board member shall not be
25 required to be a member of any professional electrician
26 association or society.>
27 2. Page 2, by striking lines 9 through 19 and
28 inserting:
29 <NEW SUBSECTION. 15. Apply to a farmer performing
30 an installation on a farm which does not exceed thirty
31 amperes capacity. Such installations shall not require
32 a license or be subject to inspection. Installations
33 on a farm performed by a farmer exceeding thirty
34 amperes capacity shall be subject to inspection and
35 associated inspection fees as otherwise applicable

36 pursuant to this chapter.

37 Sec. ____ Section 103.31, Code 2011, is amended by
38 adding the following new subsection:

39 NEW SUBSECTION. 7. An inspector performing an
40 inspection pursuant to this section or section 103.29
41 who enters on private farm property must comply with
42 all biosecurity and restricted-access protocols
43 established by the owner or manager of the farm.

44 Sec. ____ Section 103.32, Code 2011, is amended by
45 adding the following new subsection:

46 NEW SUBSECTION. 2A. Notwithstanding subsection 2,
47 or any other provision to the contrary, an inspection
48 fee shall be imposed for an installation on a farm
49 subject to inspection pursuant to this chapter in
50 the amount of thirty dollars for installations of up

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1 to two hundred amperes capacity. An inspection fee
2 shall be imposed for an installation exceeding two
3 hundred amperes capacity in the amount of two hundred
4 seventy-five dollars.>

5 3. By renumbering as necessary.

STEVEN J. SODDERS

S-3265

1 Amend House File 405, as passed by the House, as
2 follows:

3 1. Page 1, after line 33 by inserting:

4 <Sec. ____ NEW SECTION. 524.802A Savings promotion
5 drawings.

6 1. A state bank is authorized, in addition to the
7 powers granted in sections 524.801 and 524.802, and
8 any other powers granted by this chapter, to conduct a
9 savings promotion drawing.

10 2. For the purposes of this section, unless the
11 context otherwise requires:

12 a. "Participant" means a person who is at least
13 eighteen years of age and who has opened a savings
14 promotion drawing account at a state bank.

15 b. "Savings promotion drawing" means a drawing
16 conducted by a state bank, or a group of state banks,
17 in which a designated prize or prizes may be won by the
18 deposit of a specified amount of money in a savings
19 account, time deposit, or other savings program offered
20 through that state bank group of state banks.

21 3. A savings promotion drawing may lawfully be
22 conducted by a state bank or group of state banks if
23 all of the following conditions are met:

24 a. The savings promotion drawing conducted includes

25 the distribution of the state bank's savings promotion
26 drawing rules to all participants in the savings
27 promotion drawing.

28 b. The savings promotion drawing is open to all
29 participants as provided in the rules established
30 for the savings promotion drawing by the state bank
31 conducting the savings promotion drawing. Savings
32 promotion drawings shall not be open to members of the
33 public who are not participants pursuant to the savings
34 promotion drawing rules of the state bank.

35 c. The state bank offering the savings promotion
36 drawing maintains records regarding its savings
37 promotion drawing and the number of participants.

38 d. The savings promotion drawing is conducted in
39 a fair and honest manner. The state bank shall not
40 conduct a savings promotion drawing in a manner that
41 jeopardizes the state bank's safety and financial
42 soundness or misleads its participants.

43 e. The state bank offering the savings promotion
44 drawing account does not reduce any interest rate or
45 charge participants any additional fees as a means of
46 funding such promotion when compared to other similar
47 savings accounts, time deposits, or other savings
48 programs offered by the state bank.

49 f. The state bank offering the savings promotion
50 drawing account provides all participants with a clear

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1 and conspicuous disclosure when opening a savings
2 promotion drawing account. This disclosure shall
3 provide all participants with clear information on the
4 chances or odds of winning any prize offered pursuant
5 to the savings promotion drawing account.

6 4. A state bank shall provide an annual report to
7 the division for each year in which a savings promotion
8 drawing was held. This report shall include the number
9 of savings promotion drawings held during the year,
10 when the savings promotion drawings were held, the
11 description and value of the prize or prizes offered,
12 the names and addresses of participants who won prizes,
13 a copy of the savings promotion drawing rules, and the
14 names and addresses of two witnesses to the drawing.
15 If multiple state banks combine efforts for one or
16 more collective savings promotion drawings between
17 participants, they may file a joint annual report.

18 5. Prizes awarded in a savings promotion drawing
19 may be in cash or any other form of property and,
20 subject to the other provisions of this section, shall
21 not be subject to limits on quantity. A state bank
22 may not award a single prize in a savings promotion
23 drawing that is more than twenty-five thousand dollars

24 in value. However, if four or more state banks combine
25 efforts for a joint savings promotion drawing, then the
26 value of any single prize awarded through the joint
27 drawing shall not exceed one hundred thousand dollars.

28 6. A state bank or group of state banks may
29 compensate employees of the state bank, or may hire a
30 third-party operator, to conduct a savings promotion
31 drawing.

32 Sec. ____ NEW SECTION. 533.301A Savings promotion
33 drawings.

34 1. A state credit union is authorized, in addition
35 to the powers granted in section 533.301, and any other
36 powers granted by this chapter, to conduct a savings
37 promotion drawing.

38 2. For the purposes of this section, unless the
39 context otherwise requires:

40 a. "Participant" means a person who is at least
41 eighteen years of age and who has opened a savings
42 promotion drawing account at a state credit union.

43 b. "Savings promotion drawing" means a drawing
44 conducted by a state credit union, or a group of state
45 credit unions, in which a designated prize or prizes
46 may be won by the deposit of a specified amount of
47 money in a savings account, time deposit, or other
48 savings program offered through that state credit union
49 or group of state credit unions.

50 3. A savings promotion drawing may lawfully be

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1 conducted by a state credit union or group of state
2 credit unions if all of the following conditions are
3 met:

4 a. The savings promotion drawing conducted includes
5 the distribution of the state credit union's savings
6 promotion drawing rules to all participants in the
7 savings promotion drawing.

8 b. The savings promotion drawing is open to all
9 participants as provided in the rules established for
10 the savings promotion drawing by the state credit union
11 conducting the savings promotion drawing. Savings
12 promotion drawings shall not be open to members of the
13 public who are not participants pursuant to the savings
14 promotion drawing rules of the state credit union.

15 c. The state credit union offering the savings
16 promotion drawing maintains records regarding
17 its savings promotion drawing and the number of
18 participants.

19 d. The savings promotion drawing is conducted in a
20 fair and honest manner. The state credit union shall
21 not conduct a savings promotion drawing in a manner
22 that jeopardizes the state credit union's safety and

23 financial soundness or misleads its participants.
24 e. The state credit union offering the savings
25 promotion drawing account does not reduce any interest
26 rate or charge participants any additional fees as a
27 means of funding such promotion when compared to other
28 similar savings accounts, time deposits, or other
29 savings programs offered by the state credit union.
30 f. The state credit union offering the savings
31 promotion drawing account provides all participants
32 with a clear and conspicuous disclosure when opening
33 a savings promotion drawing account. This disclosure
34 shall provide all participants with clear information
35 on the chances or odds of winning any prize offered
36 pursuant to the savings promotion drawing account.
37 4. A state credit union shall provide an annual
38 report to the division for each year in which a savings
39 promotion drawing was held. This report shall include
40 the number of savings promotion drawings held during
41 the year, when the savings promotion drawings were
42 held, the description and value of the prize or prizes
43 offered, the names and addresses of participants who
44 won prizes, a copy of the savings promotion drawing
45 rules, and the names and addresses of two witnesses to
46 the drawing. If multiple state credit unions combine
47 efforts for one or more collective savings promotion
48 drawings between participants, they may file a joint
49 annual report.
50 5. Prizes awarded in a savings promotion drawing

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1 may be in cash or any other form of property and,
2 subject to the other provisions of this section,
3 shall not be subject to limits on quantity. A state
4 credit union may not award a single prize in a savings
5 promotion drawing that is more than twenty-five
6 thousand dollars in value. However, if four or more
7 state credit unions combine efforts for a joint savings
8 promotion drawing, then the value of any single prize
9 awarded through the joint drawing shall not exceed one
10 hundred thousand dollars.
11 6. A state credit union or group of state credit
12 unions may compensate employees of the state credit
13 union, or may hire a third-party operator, to conduct a
14 savings promotion drawing.>
15 2. Title page, by striking lines 1 through 3
16 and inserting <An Act relating to requirements and
17 authorization applicable to state banks and state
18 credit unions.>

JEFF DANIELSON
KENT SORENSON

S-3266

1 Amend Senate File 525 as follows:
 2 1. Page 4, after line 17 by inserting:
 3 <f. Identifying new approaches for addressing the
 4 needs for publicly funded services for persons with
 5 brain injury.
 6 g. With the department of public health, providing
 7 approaches for addressing the needs of consumers
 8 with co-occurring substance abuse and mental health
 9 disorders in a manner that is seamless to the
 10 consumers.
 11 h. Designating measures for the redesigned
 12 system to address the needs of children with mental,
 13 behavioral, or emotional disorders.>
 14 2. Page 6, line 6, by striking <2011> and inserting
 15 <2010>
 16 3. Page 6, line 7, by striking <2012> and inserting
 17 <2011>
 18 4. Page 6, after line 11 by inserting
 19 <Notwithstanding section 8.33, moneys appropriated in
 20 this section that remain unencumbered or unobligated
 21 at the close of the fiscal year shall not revert but
 22 shall remain available for expenditure for the purposes
 23 designated until the close of the succeeding fiscal
 24 year.>

JACK HATCH

S-3267

1 Amend Senate File 524 as follows:
 2 1. By striking everything after the enacting clause
 3 and inserting:
 4 <Section 1. Section 476B.5, subsection 4, Code
 5 2011, is amended to read as follows:
 6 4. The maximum amount of nameplate generating
 7 capacity of all qualified facilities the board may
 8 find eligible under this chapter shall not exceed
 9 ~~one hundred fifty~~ ~~twenty-six~~ megawatts of nameplate
 10 generating capacity.
 11 Sec. 2. Section 476C.1, subsection 6, paragraph d,
 12 Code 2011, is amended to read as follows:
 13 d. Was initially placed into service on or after
 14 July 1, 2005, and before January 1, ~~2012~~ 2015.
 15 Sec. 3. Section 476C.1, subsection 6, Code 2011, is
 16 amended by adding the following new paragraphs:
 17 NEW PARAGRAPH. e. For applications filed on or
 18 after July 1, 2011, is a facility of not less than
 19 three-fourths megawatts of nameplate generating
 20 capacity or the energy production capacity equivalent
 21 if all or a portion of the renewable energy produced is

22 for on-site consumption by the producer.

23 NEW PARAGRAPH. f. For applications filed on or
24 after July 1, 2011, except for wind energy conversion
25 facilities, is a facility of no greater than five
26 megawatts of nameplate generating capacity or the
27 energy production capacity equivalent.

28 Sec. 4. Section 476C.1, subsection 8, Code 2011, is
29 amended to read as follows:

30 8. "Heat for a commercial purpose" means the heat in
31 British thermal unit equivalents from refuse-derived
32 fuel, methane, or other biogas produced in this state
33 either for commercial use by a producer for on-site
34 consumption or sold to a purchaser of renewable energy
35 for use for a commercial purpose in this state or for
36 use by an institution in this state.

37 Sec. 5. Section 476C.2, subsection 1, Code 2011, is
38 amended to read as follows:

39 1. A producer or purchaser of renewable energy
40 may receive renewable energy tax credits under this
41 chapter in an amount equal to one and one-half cents
42 per kilowatt-hour of electricity, or four dollars and
43 fifty cents per million British thermal units of heat
44 for a commercial purpose, or four dollars and fifty
45 cents per million British thermal units of methane gas
46 or other biogas used to generate electricity, or one
47 dollar and forty-four cents per one thousand standard
48 cubic feet of hydrogen fuel generated by and purchased
49 from an eligible renewable energy facility or used for
50 on-site consumption by the producer.

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1 Sec. 6. Section 476C.3, subsection 1, paragraph e,
2 Code 2011, is amended to read as follows:

3 e. A Except when the renewable energy is produced
4 for on-site consumption by the producer, a copy of the
5 power purchase agreement or other agreement to purchase
6 electricity, hydrogen fuel, methane or other biogas,
7 or heat for a commercial purpose which shall designate
8 either the producer or purchaser of renewable energy as
9 eligible to apply for the renewable energy tax credit.

10 Sec. 7. Section 476C.3, subsection 3, Code 2011, is
11 amended to read as follows:

12 3. a. A facility that is not operational within
13 thirty months after issuance of an approval for the
14 facility by the board shall cease to be an eligible
15 renewable energy facility. However, a wind energy
16 conversion facility that is approved as eligible under
17 this section but is not operational within eighteen
18 months due to the unavailability of necessary equipment
19 shall be granted an additional twenty-four months to
20 become operational.

21 b. A facility which notifies the board prior to the
 22 expiration of the time periods specified in paragraph
 23 “a” that the facility intends to become operational and
 24 wishes to preserve its eligibility shall be granted a
 25 twelve-month extension. An extension may be renewed
 26 for succeeding twelve-month periods if the board is
 27 notified prior to the expiration of the extension of
 28 the continued intention to become operational during
 29 the succeeding period of extension.

30 c. If the owner of a facility discontinues efforts
 31 to achieve operational status, the owner shall notify
 32 the board within thirty days of such discontinuance
 33 that the owner no longer seeks a tax credit pursuant
 34 to this chapter. Upon receipt of such notification,
 35 the board shall no longer consider the facility as an
 36 eligible renewable energy facility under this chapter.

37 d. A facility that is granted and thereafter
 38 loses approval may reapply to the board for a new
 39 determination.

40 Sec. 8. Section 476C.3, subsection 4, Code 2011, is
 41 amended to read as follows:

42 4. a. The maximum amount of nameplate generating
 43 capacity of all wind energy conversion facilities the
 44 board may find eligible under this chapter shall not
 45 exceed three hundred ~~thirty~~ sixty-three megawatts of
 46 nameplate generating capacity.

47 b. The maximum amount of energy production capacity
 48 equivalent of all other facilities the board may find
 49 eligible under this chapter shall not exceed a combined
 50 output of ~~twenty~~ sixty-nine megawatts of nameplate

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1 generating capacity and one hundred sixty-seven
 2 billion British thermal units of heat for a commercial
 3 purpose. Of the maximum amount of energy production
 4 capacity equivalent of all other facilities found
 5 eligible under this chapter, fifty-five billion British
 6 thermal units of heat for a commercial purpose shall
 7 be reserved for an eligible facility that is a refuse
 8 conversion facility for processed, engineered fuel from
 9 a multicounty solid waste management planning area.
 10 The maximum amount of energy production capacity the
 11 board may find eligible for a single refuse conversion
 12 facility is fifty-five billion British thermal units of
 13 heat for a commercial purpose. Of the maximum amount
 14 of energy production capacity equivalent of all other
 15 facilities found eligible under this chapter, an amount
 16 equivalent to sixteen megawatts of nameplate generating
 17 capacity shall be reserved for eligible renewable
 18 energy facilities incorporated within or associated
 19 with an ethanol cogeneration plant, provided such a

20 facility becomes operational on or before July 1, 2016.
21 Notwithstanding subsection 3, in the event such a
22 facility does not become operational on or before July
23 1, 2016, the sixteen megawatts of nameplate generating
24 capacity reserved for such facilities shall cease to
25 be reserved.

26 Sec. 9. Section 476C.4, subsections 1 and 2, Code
27 2011, are amended to read as follows:

28 1. A producer or purchaser of renewable energy may
29 apply to the board for the renewable energy tax credit
30 by submitting to the board all of the following:

31 a. A completed application in a form prescribed by
32 the board.

33 b. A copy of the determination granting approval of
34 the facility as an eligible renewable energy facility
35 by the board.

36 c. A copy of a signed power purchase agreement
37 or other agreement to purchase electricity, hydrogen
38 fuel, methane or other biogas, or heat for a commercial
39 purpose from an eligible renewable energy facility
40 which shall designate either the producer or purchaser
41 of renewable energy as eligible to apply for the
42 renewable energy tax credit.

43 d. Sufficient documentation that the electricity,
44 heat for a commercial purpose, methane gas or other
45 biogas, or hydrogen fuel has been generated by the
46 eligible renewable energy facility and sold to the
47 purchaser of renewable energy.

48 e. To the extent the produced electricity,
49 hydrogen fuel, methane or other biogas, or heat for
50 a commercial purpose is used for on-site consumption,

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1 the requirements of paragraphs “c” and “d” shall not
2 be applicable. For such renewable energy production,
3 the owner must submit a certification under penalty
4 of perjury that the claimed amount of electricity,
5 hydrogen fuel, methane or other biogas, or heat for
6 a commercial purpose was produced by the eligible
7 facility and consumed by the owner.

8 ~~e. f.~~ Any other information the board deems
9 necessary.

10 2. The board shall notify the department of the
11 amount of kilowatt-hours, British thermal units of
12 heat for a commercial purpose, British thermal units
13 of methane gas or other biogas used to generate
14 electricity, or standard cubic feet of hydrogen fuel
15 generated and purchased from an eligible renewable
16 energy facility or generated and used by the producer
17 for on-site consumption. The department shall
18 calculate the amount of the tax credit for which the

19 applicant is eligible and shall issue the tax credit
 20 certificate for that amount or notify the applicant
 21 in writing of its refusal to do so. An applicant
 22 whose application is denied may file an appeal with
 23 the department within sixty days from the date of the
 24 denial pursuant to the provisions of chapter 17A.

25 Sec. 10. Section 476C.4, subsection 5, Code 2011,
 26 is amended to read as follows:

27 5. The department shall not issue a tax credit
 28 certificate if the facility approved by the board as an
 29 eligible renewable energy facility is not operational
 30 within eighteen months after the approval is issued,
 31 subject to the extension provisions of section 476C.3,
 32 subsection 3.

33 Sec. 11. Section 476C.5, Code 2011, is amended to
 34 read as follows:

35 476C.5 Certificate issuance period.

36 A producer or purchaser of renewable energy may
 37 receive renewable energy tax credit certificates for
 38 a ten-year period for each eligible renewable energy
 39 facility under this chapter. The ten-year period for
 40 issuance of the tax credit certificates begins with the
 41 date the purchaser of renewable energy first purchases
 42 electricity, hydrogen fuel, methane gas or other biogas
 43 used to generate electricity, or heat for commercial
 44 purposes from the eligible renewable energy facility
 45 for which a tax credit is issued under this chapter,
 46 or the date the producer of the renewable energy first
 47 uses the energy produced by the eligible renewable
 48 energy facility for on-site consumption. Renewable
 49 energy tax credit certificates shall not be issued for
 50 renewable energy purchased or produced for on-site

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1 consumption after December 31, ~~2021~~ 2024.>

ROBERT M. HOGG

S-3268

1 Amend the amendment, S-3264, to House File 618, as
 2 passed by the House, as follows:

- 3 1. Page 1, line 30, by striking <thirty> and
 4 inserting <one hundred>
- 5 2. Page 1, line 33, by striking <thirty> and
 6 inserting <one hundred>

JOE M. SENG
 DENNIS H. BLACK

S-3269HOUSE AMENDMENT TO
SENATE FILE 410

- 1 Amend Senate File 410, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 5, after line 10 by inserting:
- 4 <NEW PARAGRAPH. m. Allow a public library that
5 receives state assistance under section 256.57, or
6 financial support from a city or county pursuant
7 to section 256.69, to dispose of, through sale,
8 conveyance, or exchange, any library materials that may
9 be obsolete or worn out or that may no longer be needed
10 or appropriate to the mission of the public library.
11 These materials may be sold by the public library
12 directly or the governing body of the public library
13 may sell the materials by consignment to a public
14 agency or to a private agency organized to raise funds
15 solely for support of the public library. Proceeds
16 from the sale of the library materials may be remitted
17 to the public library and may be used by the public
18 library for the purchase of books and other library
19 materials or equipment, or for the provision of library
20 services.>
- 21 2. Page 7, line 6, after <librarian.> by inserting
22 <In the event that the remaining assets and liabilities
23 cannot be transferred to the state librarian, the board
24 of directors of a library service area shall liquidate
25 all assets, settle existing liabilities, and transfer
26 remaining moneys to the general fund of the state. In
27 addition, all fund balances from appropriations of
28 state funds allocated to the library service areas
29 remaining unobligated and unencumbered on the date of
30 the transfer shall be transferred to the general fund
31 of the state.>
- 32 3. Page 8, line 12, after <office.> by inserting
33 <The number of district offices established to provide
34 services pursuant to this section shall be six.>
- 35 4. Page 11, after line 29 by inserting:
36 <Sec. ____ EFFECTIVE UPON ENACTMENT. This Act,
37 being deemed of immediate importance, takes effect upon
38 enactment.>
- 39 5. Title page, line 3, after <areas> by inserting
40 <, and including effective date provisions>
- 41 6. By renumbering as necessary.

S-3270HOUSE AMENDMENT TO
SENATE CONCURRENT RESOLUTION 7

- 1 Amend Senate Concurrent Resolution 7, as passed by

2 the Senate, as follows:

- 3 1. Page 2, by striking lines 11 through 19 and
 4 inserting:
 5 <1. All lobbyists shall register with the chief
 6 clerk of the house and secretary of the senate on or
 7 before the day their lobbying activity begins. In>
 8 2. Page 2, line 23, after <interested,> by
 9 inserting <and a declaration of>
 10 3. By striking page 2, line 30, through page 3,
 11 line 5, and inserting:
 12 <2. A declaration on a bill, resolution, or study
 13 bill shall be filed prior to the lobbyist advocating
 14 for or against the bill, resolution, or study bill
 15 or stating that the lobbyist's client is undecided.
 16 If such a prior declaration is impracticable, a
 17 declaration shall be made within one working day
 18 of the commencement of advocating for or against
 19 the bill, resolution, or study bill or stating that
 20 the lobbyist's client is undecided. A change to a
 21 declaration for a bill, resolution, or study bill shall
 22 be filed within one working day of when the change
 23 becomes effective.>

S-3271

- 1 Amend House File 672, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking everything after the enacting clause
 4 and inserting:
 5 <Section 1. Section 476B.1, subsection 4, paragraph
 6 c, Code 2011, is amended to read as follows:
 7 c. Was originally placed in service on or after
 8 July 1, 2005, but before July 1, ~~2012~~ 2011.
 9 Sec. 2. Section 476B.5, subsection 4, Code 2011, is
 10 amended to read as follows:
 11 4. The maximum amount of nameplate generating
 12 capacity of all qualified facilities the board may
 13 find eligible under this chapter shall not exceed
 14 ~~one hundred fifty megawatts of nameplate generating~~
 15 capacity the amount of capacity, as determined by the
 16 department, for which tax credits have been issued as
 17 of June 30, 2011.
 18 Sec. 3. **NEW SECTION.** 476B.11 Future repeal.
 19 This chapter is repealed June 30, 2021.>
 20 2. Title page, by striking lines 1 and 2 and
 21 inserting <An Act relating to and specifying
 22 limitations with regard to the wind energy production
 23 tax credit.>

S-3272

- 1 Amend the amendment, S-3239, to House File 646,
2 as amended, passed, and reprinted by the House, as
3 follows:
- 4 1. Page 10, after line 25 by inserting:
5 <Sec. ____ DEPARTMENT OF INSPECTIONS AND APPEALS
6 — FOOD ESTABLISHMENT INSPECTIONS. Notwithstanding
7 any contrary provisions of section 137F.3A or other
8 applicable law, if within 90 calendar days of the
9 effective date of this section of this Act a city
10 with a population of not less than 58,900 or more
11 than 59,000 as of the 2010 decennial federal census
12 operating pursuant to a chapter 28E agreement with
13 the department of inspections and appeals to enforce
14 chapters 137C, 137D, and 137F, elects to continue
15 the agreement and the department has determined
16 that the quality of service provided by the contract
17 holder has been acceptable or better, the department
18 shall enter into an agreement with the city for the
19 city to continue such enforcement activity for the
20 food establishments, home food establishments, food
21 processing plants, and hotels located within the city.>
22 2. By striking page 21, lines 23 through 43.
 - 23 3. Page 24, after line 5 by inserting:
24 <____. The section of this Act relating to the
25 continuance of a chapter 28E agreement to conduct
26 inspections between a city with a specified population
27 and the department of inspections and appeals, being
28 deemed of immediate importance, takes effect upon
29 enactment.>
 - 30 4. By renumbering as necessary.

HERMAN C. QUIRMBACH

S-3273

- 1 Amend Senate File 526 as follows:
- 2 1. Page 11, line 32, after <99F> by inserting <,
3 with tribes that have entered into an agreement or
4 compact with the state of Iowa as described in section
5 10A.104, subsection 10>
 - 6 2. By renumbering as necessary.

JEFF DANIELSON
BILL DIX

S-3274

- 1 Amend Senate File 527 as follows:
- 2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. IOWA FINANCE AUTHORITY.
5 1. There is appropriated from the general fund
6 of the state to the Iowa finance authority for the
7 fiscal year beginning July 1, 2011, and ending June 30,
8 2012, the following amount, or so much thereof as is
9 necessary, to be used to provide reimbursement for rent
10 expenses to eligible persons under the rent subsidy
11 program:
12 \$ 658,000
13 2. Participation in the rent subsidy program
14 shall be limited to only those persons who meet the
15 requirements for the nursing facility level of care for
16 home and community-based services waiver services as in
17 effect on July 1, 2011, and to those individuals who
18 are eligible for the federal money follows the person
19 grant program under the medical assistance program. Of
20 the moneys appropriated in this section, not more than
21 \$35,000 may be used for administrative costs.
22 Sec. 2. IOWA FINANCE AUTHORITY.
23 1. There is appropriated from the general fund
24 of the state to the Iowa finance authority for the
25 fiscal year beginning July 1, 2012, and ending June 30,
26 2013, the following amount, or so much thereof as is
27 necessary, to be used to provide reimbursement for rent
28 expenses to eligible persons under the rent subsidy
29 program:
30 \$ 658,000
31 2. Participation in the rent subsidy program
32 shall be limited to only those persons who meet the
33 requirements for the nursing facility level of care for
34 home and community-based services waiver services as in
35 effect on July 1, 2012, and to those individuals who
36 are eligible for the federal money follows the person
37 grant program under the medical assistance program. Of
38 the moneys appropriated in this section, not more than
39 \$35,000 may be used for administrative costs.
40 Sec. 3. IOWA FINANCE AUTHORITY AUDIT. The
41 auditor of state is requested to review the audit of
42 the Iowa finance authority performed by the auditor
43 hired by the authority.
44 Sec. 4. Section 16.41, subsection 1, Code 2011,
45 is amended to read as follows:
46 1. A shelter assistance fund is created as a
47 revolving fund in the state treasury under the control
48 of the authority consisting of any moneys appropriated
49 by the general assembly and received under section
50 428A.8 for purposes of the rehabilitation, expansion,

1 or costs of operations of group home shelters for the
2 homeless and domestic violence shelters, evaluation

- 3 of services for the homeless, and match moneys for
 4 federal funds for the homeless management information
 5 system. Each fiscal year, moneys in the fund, in an
 6 amount equal to not more than two percent of the total
 7 moneys distributed as grants from the fund during the
 8 fiscal year, may be used for purposes of administering
 9 the fund.>
 10 2. By renumbering as necessary.

NANCY J. BOETTGER

S-3275

- 1 Amend Senate File 526 as follows:
 2 1. Page 11, line 32, after <99F> by inserting <
 3 with tribes that have entered into an agreement or
 4 compact with the state of Iowa as described in section
 5 10A.104, subsection 10>
 6 2. By renumbering as necessary.

JEFF DANIELSON
 MERLIN BARTZ

S-3276

- 1 Amend Senate File 527 as follows:
 2 1. Page 1, before line 34 by inserting:
 3 <Sec. ____ NEW SECTION. 16.185 Community housing
 4 for persons with disabilities revolving loan program
 5 fund.
 6 1. A community housing for persons with
 7 disabilities loan program fund is created within the
 8 authority to further the availability of affordable
 9 housing for Medicaid waiver-eligible individuals
 10 with behaviors that provide significant barriers
 11 to accessing traditional rental opportunities. The
 12 moneys in the fund are annually appropriated to the
 13 authority to be used for the development and operation
 14 of a revolving loan program to provide financing to
 15 construct affordable permanent supportive housing,
 16 including through new construction, acquisition and
 17 rehabilitation of existing housing, or conversion or
 18 adaptive reuse.
 19 2. Moneys transferred by the authority for deposit
 20 in the community housing for persons with disabilities
 21 revolving loan program fund, moneys appropriated to
 22 the community housing for persons with disabilities
 23 revolving loan program, and any other moneys available
 24 to and obtained or accepted by the authority for
 25 placement in the fund shall be credited to the fund.
 26 Additionally, payment of interest, recaptures of
 27 awards, and other repayments to the community housing

28 for persons with disabilities revolving loan program
29 fund shall be credited to the fund. Notwithstanding
30 section 12C.7, subsection 2, interest or earnings
31 on moneys in the community housing for persons with
32 disabilities revolving loan program fund shall be
33 credited to the fund. Notwithstanding section 8.33,
34 moneys credited to the fund that remain unencumbered or
35 unobligated at the close of the fiscal year shall not
36 revert to any other fund.

37 3. The authority shall annually allocate moneys
38 available in the community housing for persons with
39 disabilities revolving loan program fund for the
40 development of permanent supportive housing for
41 Medicaid waiver-eligible individuals. The authority
42 shall develop a joint application process for
43 the allocation of United States housing and urban
44 development HOME investment partnerships program
45 funding and the funds available under this section.
46 Moneys allocated to such projects may be in the form
47 of loans, forgivable loans, or a combination of loans
48 and forgivable loans.

49 4. a. A project shall demonstrate written approval
50 of the project by the department of human services to

Page 2

1 the authority prior to application for funding under
2 this section.

3 b. In order to be approved by the department of
4 human services for application for funding under this
5 section, a project shall include all of the following
6 components:

7 (1) Provision of services to any of the following
8 Medicaid waiver-eligible individuals:

9 (a) Individuals who are currently underserved
10 in community placements, including individuals who
11 are physically aggressive or have behaviors that are
12 difficult to manage.

13 (b) Individuals who are currently residing in
14 out-of-state facilities.

15 (c) Individuals who are currently receiving care in
16 a licensed health care facility.

17 (2) A plan to provide each individual with crisis
18 stabilization services to ensure that the individual's
19 behavioral issues are appropriately addressed by the
20 provider.

21 (3) Policies and procedures that prohibit discharge
22 of the individual from the waiver services provided by
23 the project provider unless an alternative placement
24 that is acceptable to the client or client's guardian
25 is identified.

26 c. Housing provided through a project under this

27 section is exempt from the requirements of chapter
 28 1350.
 29 5. The authority, in collaboration with the
 30 department of human services, shall adopt rules
 31 pursuant to chapter 17 to administer this section.
 32 Sec. ____ 2009 Iowa Acts, chapter 182, section 14,
 33 subsection 5, is amended by adding the following new
 34 unnumbered paragraph:
 35 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
 36 232.188, subsection 5, moneys from the allocations
 37 made in this subsection or made from any other
 38 source for the decategorization of child welfare and
 39 juvenile justice funding initiative under section
 40 232.188 for the fiscal year beginning July 1, 2009,
 41 that are designated as carryover funding that remain
 42 unencumbered or unobligated at the close of the fiscal
 43 year beginning July 1, 2010, shall not revert but shall
 44 be transferred to the community housing for persons
 45 with disabilities revolving loan program fund created
 46 in section 16.185, as enacted by this Act.
 47 Sec. ____ EFFECTIVE UPON ENACTMENT. This Act,
 48 being deemed of immediate importance, takes effect upon
 49 enactment.>
 50 2. Title page, line 2, after <appropriations> by

Page 3

- 1 inserting <and including effective date provisions>
- 2 3. By renumbering as necessary.

WILLIAM A. DOTZLER, JR.

S-3277

- 1 Amend the amendment, S-3239, to House File 646,
- 2 as amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, after line 4 by inserting:
- 5 <DIVISION I
- 6 FY 2011-2012>
- 7 2. Page 3, by striking lines 13 through 19 and
- 8 inserting:
- 9 <3. The auditor of state shall allocate sufficient
- 10 resources from the appropriation in this section for
- 11 the completion of the audit of the comprehensive annual
- 12 financial report to the extent that it ensures that
- 13 sufficient audit procedures were followed for the
- 14 entire fiscal year to satisfy the auditor that revenues
- 15 and expenditures were recorded properly.>
- 16 3. Page 9, line 34, by striking <ACCOUNT> and
- 17 inserting <FUND>
- 18 4. Page 9, line 36, by striking <account> and

19 inserting <fund>
 20 5. Page 9, by striking lines 41 and 42 and
 21 inserting:
 22 <For additional health facility surveyors,
 23 compliance officers, and residential care facility
 24 surveyors:>
 25 6. Page 9, line 45, by striking <ACCOUNT> and
 26 inserting <FUND>
 27 7. Page 9, line 47, by striking <account> and
 28 inserting <fund>
 29 8. Page 10, line 16, by striking <ACCOUNT> and
 30 inserting <FUND>
 31 9. Page 10, line 17, by striking <account> and
 32 inserting <fund>
 33 10. Page 21, after line 43 by inserting:
 34 <Sec. ____ Section 249A.7, Code 2011, is amended to
 35 read as follows:
 36 249A.7 Fraudulent practices — investigations and
 37 audits — Medicaid fraud ~~account~~ fund.
 38 1. A person who obtains assistance or payments for
 39 medical assistance under this chapter by knowingly
 40 making or causing to be made, a false statement or a
 41 misrepresentation of a material fact or by knowingly
 42 failing to disclose a material fact required of an
 43 applicant for aid under the provisions of this chapter
 44 and a person who knowingly makes or causes to be made,
 45 a false statement or a misrepresentation of a material
 46 fact or knowingly fails to disclose a material fact
 47 concerning the applicant's eligibility for aid under
 48 this chapter commits a fraudulent practice.
 49 2. The department of inspections and appeals
 50 shall conduct investigations and audits as deemed

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1 necessary to ensure compliance with the medical
 2 assistance program administered under this chapter.
 3 The department of inspections and appeals shall
 4 cooperate with the department of human services
 5 on the development of procedures relating to such
 6 investigations and audits to ensure compliance with
 7 federal and state single state agency requirements.
 8 3. A Medicaid fraud ~~account~~ fund is created ~~in the~~
 9 ~~general fund of the state~~ under the authority of the
 10 department of inspections and appeals. Moneys from
 11 penalties and other amounts received as a result of
 12 prosecutions involving the department of inspections
 13 and appeals investigations and audits to ensure
 14 compliance with the medical assistance program that
 15 are not credited to the program may be credited to
 16 the ~~account~~ fund. Notwithstanding sections 8.33 and
 17 8.39, moneys credited to the ~~account~~ fund shall not

18 revert to any other account or fund and are not subject
 19 to transfer except as specifically provided by law.
 20 Moneys in the fund shall be used for costs associated
 21 with the department of inspections and appeals’
 22 efforts to address medical assistance program fraud
 23 and abuse and for costs incurred by the department of
 24 inspections and appeals or other agencies in providing
 25 regulation, responding to allegations, or other
 26 activity involving chapter 135O. The department of
 27 inspections and appeals and other agencies receiving
 28 moneys from the ~~account fund~~ shall provide a joint
 29 annual report to the governor and general assembly
 30 detailing the expenditures from the ~~account fund~~ and
 31 activities performed relating to the expenditures.
 32 ~~This subsection is repealed on July 1, 2012. Any~~
 33 ~~remaining balance of unencumbered or unallocated moneys~~
 34 ~~in the Medicaid fraud account in existence prior to~~
 35 ~~July 1, 2011, shall not revert but shall be deposited~~
 36 ~~into the Medicaid fraud fund and used as provided in~~
 37 ~~this section.~~>

- 38 11. Page 23, by striking lines 3 through 34.
- 39 12. Page 23, line 41, after <this> by inserting
 40 <division of this>
- 41 13. Page 23, line 46, after <this> by inserting
 42 <division of this>
- 43 14. Page 24, by striking lines 1 through 5.
- 44 15. Page 24, after line 5 by inserting:
 45 <DIVISION II
 46 FY 2012–2013
 47 Sec. ____ DEPARTMENT OF ADMINISTRATIVE SERVICES.
 48 1. There is appropriated from the general fund of
 49 the state to the department of administrative services
 50 for the fiscal year beginning July 1, 2012, and ending

Page 3

1 June 30, 2013, the following amounts, or so much
 2 thereof as is necessary, to be used for the purposes
 3 designated, and for not more than the following
 4 full-time equivalent positions:

- 5 a. For salaries, support, maintenance, and
 6 miscellaneous purposes:
- 7 \$ 2,105,160
- 8 FTEs 84.18
- 9 b. For the payment of utility costs:
- 10 \$ 1,369,730
- 11 FTEs 1.00

12 Notwithstanding section 8.33, any excess funds
 13 appropriated for utility costs in this lettered
 14 paragraph shall not revert to the general fund of the
 15 state at the end of the fiscal year but shall remain
 16 available for expenditure for the purposes of this

17	lettered paragraph during the succeeding fiscal year.		
18	c. For Terrace Hill operations:		
19	.....	\$	202,957
20	.....	FTEs	6.88
21	d. For the I3 distribution account:		
22	.....	\$	1,664,000
23	e. For operations and maintenance of the Iowa		
24	building:		
25	.....	\$	509,093
26	.....	FTEs	4.00

27 2. Members of the general assembly serving as
 28 members of the deferred compensation advisory board
 29 shall be entitled to receive per diem and necessary
 30 travel and actual expenses pursuant to section 2.10,
 31 subsection 5, while carrying out their official duties
 32 as members of the board.

33 3. Any funds and premiums collected by the
 34 department for workers' compensation shall be
 35 segregated into a separate workers' compensation
 36 fund in the state treasury to be used for payment of
 37 state employees' workers' compensation claims and
 38 administrative costs. Notwithstanding section 8.33,
 39 unencumbered or unobligated moneys remaining in this
 40 workers' compensation fund at the end of the fiscal
 41 year shall not revert but shall be available for
 42 expenditure for purposes of the fund for subsequent
 43 fiscal years.

44 Sec. ____ REVOLVING FUNDS. There is appropriated
 45 to the department of administrative services for the
 46 fiscal year beginning July 1, 2012, and ending June
 47 30, 2013, from the revolving funds designated in
 48 chapter 8A and from internal service funds created
 49 by the department such amounts as the department
 50 deems necessary for the operation of the department

Page 4

1 consistent with the requirements of chapter 8A.
 2 Sec. ____ FUNDING FOR IOWACCESS.
 3 1. Notwithstanding section 321A.3, subsection
 4 1, for the fiscal year beginning July 1, 2012, and
 5 ending June 30, 2013, the first \$750,000 collected
 6 and transferred by the department of transportation
 7 to the treasurer of state with respect to the fees
 8 for transactions involving the furnishing of a
 9 certified abstract of a vehicle operating record under
 10 section 321A.3, subsection 1, shall be transferred
 11 to the IowAccess revolving fund for the purposes of
 12 developing, implementing, maintaining, and expanding
 13 electronic access to government records as provided by
 14 law.
 15 2. All fees collected with respect to transactions

16 involving IowAccess shall be deposited in the IowAccess
 17 revolving fund and shall be used only for the support
 18 of IowAccess projects.

19 Sec. ____ STATE EMPLOYEE HEALTH INSURANCE
 20 ADMINISTRATION CHARGE. For the fiscal year beginning
 21 July 1, 2012, and ending June 30, 2013, the monthly per
 22 contract administrative charge which may be assessed by
 23 the department of administrative services shall be \$2
 24 per contract on all health insurance plans administered
 25 by the department.

26 Sec. ____ AUDITOR OF STATE.

27 1. There is appropriated from the general fund of
 28 the state to the office of the auditor of state for the
 29 fiscal year beginning July 1, 2012, and ending June
 30 30, 2013, subject to subsection 3 of this section, the
 31 following amount, or so much thereof as is necessary,
 32 to be used for the purposes designated, and for not
 33 more than the following full-time equivalent positions:

34 For salaries, support, maintenance, and		
35 miscellaneous purposes:		
36	\$	407,461
37	FTEs	103.00

38 2. The auditor of state may retain additional
 39 full-time equivalent positions as is reasonable and
 40 necessary to perform governmental subdivision audits
 41 which are reimbursable pursuant to section 11.20
 42 or 11.21, to perform audits which are requested by
 43 and reimbursable from the federal government, and
 44 to perform work requested by and reimbursable from
 45 departments or agencies pursuant to section 11.5A
 46 or 11.5B. The auditor of state shall notify the
 47 department of management, the legislative fiscal
 48 committee, and the legislative services agency of the
 49 additional full-time equivalent positions retained.

50 Sec. 6. IOWA ETHICS AND CAMPAIGN DISCLOSURE

Page 5

1 BOARD. There is appropriated from the general fund of
 2 the state to the Iowa ethics and campaign disclosure
 3 board for the fiscal year beginning July 1, 2012, and
 4 ending June 30, 2013, the following amount, or so much
 5 thereof as is necessary, for the purposes designated:

6 For salaries, support, maintenance, and		
7 miscellaneous purposes, and for not more than the		
8 following full-time equivalent positions:		
9	\$	262,500
10	FTEs	5.00

11 Sec. 7. DEPARTMENT OF COMMERCE.

12 1. There is appropriated from the general fund
 13 of the state to the department of commerce for the
 14 fiscal year beginning July 1, 2012, and ending June 30,

15 2013, the following amounts, or so much thereof as is
16 necessary, for the purposes designated:

17 a. ALCOHOLIC BEVERAGES DIVISION

18 (1) For salaries, support, maintenance, and
19 miscellaneous purposes, and for not more than the
20 following full-time equivalent positions:

21	\$	685,196
22	FTEs	23.00

23 (2) Two of the full-time equivalent positions
24 authorized pursuant to subparagraph (1) shall
25 be allocated for purposes associated with the
26 implementation of 2011 Iowa Acts, House File 617.

27 b. PROFESSIONAL LICENSING AND REGULATION BUREAU

28 For salaries, support, maintenance, and
29 miscellaneous purposes, and for not more than the
30 following full-time equivalent positions:

31	\$	304,677
32	FTEs	12.00

33 2. There is appropriated from the department of
34 commerce revolving fund created in section 546.12
35 to the department of commerce for the fiscal year
36 beginning July 1, 2012, and ending June 30, 2013, the
37 following amounts, or so much thereof as is necessary,
38 for the purposes designated:

39 a. BANKING DIVISION

40 For salaries, support, maintenance, and
41 miscellaneous purposes, and for not more than the
42 following full-time equivalent positions:

43	\$	4,425,835
44	FTEs	80.00

45 b. CREDIT UNION DIVISION

46 For salaries, support, maintenance, and
47 miscellaneous purposes, and for not more than the
48 following full-time equivalent positions:

49	\$	863,998
50	FTEs	19.00

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1 c. INSURANCE DIVISION

2 (1) For salaries, support, maintenance, and
3 miscellaneous purposes, and for not more than the
4 following full-time equivalent positions:

5	\$	2,491,622
6	FTEs	106.50

7 (2) The insurance division may reallocate
8 authorized full-time equivalent positions as necessary
9 to respond to accreditation recommendations or
10 requirements. The insurance division expenditures
11 for examination purposes may exceed the projected
12 receipts, refunds, and reimbursements, estimated
13 pursuant to section 505.7, subsection 7, including the

14 expenditures for retention of additional personnel,
15 if the expenditures are fully reimbursable and the
16 division first does both of the following:

17 (a) Notifies the department of management, the
18 legislative services agency, and the legislative fiscal
19 committee of the need for the expenditures.

20 (b) Files with each of the entities named in
21 subparagraph division (a) the legislative and
22 regulatory justification for the expenditures, along
23 with an estimate of the expenditures.

24 d. UTILITIES DIVISION

25 (1) For salaries, support, maintenance, and
26 miscellaneous purposes, and for not more than the
27 following full-time equivalent positions:

28	\$	4,086,535
29	FTEs	79.00

30 (2) The utilities division may expend additional
31 funds, including funds for additional personnel, if
32 those additional expenditures are actual expenses which
33 exceed the funds budgeted for utility regulation and
34 the expenditures are fully reimbursable. Before the
35 division expends or encumbers an amount in excess of
36 the funds budgeted for regulation, the division shall
37 first do both of the following:

38 (a) Notify the department of management, the
39 legislative services agency, and the legislative fiscal
40 committee of the need for the expenditures.

41 (b) File with each of the entities named in
42 subparagraph division (a) the legislative and
43 regulatory justification for the expenditures, along
44 with an estimate of the expenditures.

45 (3) Notwithstanding sections 8.33 and 476.10 or
46 any other provisions to the contrary, any unencumbered
47 or unobligated balance of the appropriation made in
48 this paragraph for the utilities division or any other
49 operational appropriation made for the fiscal year
50 beginning July 1, 2012, and ending June 30, 2013,

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1 that remains unused, unencumbered, or unobligated
2 at the close of the fiscal year shall not revert but
3 shall remain available to be used for purposes of the
4 energy-efficient building project authorized under
5 section 476.10B, or for relocation costs in succeeding
6 fiscal years.

7 3. CHARGES. Each division and the office of
8 consumer advocate shall include in its charges
9 assessed or revenues generated an amount sufficient
10 to cover the amount stated in its appropriation and
11 any state-assessed indirect costs determined by the
12 department of administrative services.

13 Sec. ____ DEPARTMENT OF COMMERCE — PROFESSIONAL
14 LICENSING AND REGULATION BUREAU. There is appropriated
15 from the housing trust fund of the Iowa finance
16 authority created in section 16.181, to the bureau of
17 professional licensing and regulation of the banking
18 division of the department of commerce for the fiscal
19 year beginning July 1, 2012, and ending June 30,
20 2013, the following amount, or so much thereof as is
21 necessary, to be used for the purposes designated:
22 For salaries, support, maintenance, and
23 miscellaneous purposes:
24 \$ 31,159
25 Sec. ____ GOVERNOR AND LIEUTENANT GOVERNOR. There
26 is appropriated from the general fund of the state to
27 the offices of the governor and the lieutenant governor
28 for the fiscal year beginning July 1, 2012, and ending
29 June 30, 2013, the following amounts, or so much
30 thereof as is necessary, to be used for the purposes
31 designated:
32 1. GENERAL OFFICE
33 For salaries, support, maintenance, and
34 miscellaneous purposes for the general office of the
35 governor and the general office of the lieutenant
36 governor, and for not more than the following full-time
37 equivalent positions:
38 \$ 1,081,746
39 FTEs 21.00
40 2. TERRACE HILL QUARTERS
41 For salaries, support, maintenance, and
42 miscellaneous purposes for the governor’s quarters
43 at Terrace Hill, and for not more than the following
44 full-time equivalent positions:
45 \$ 34,767
46 FTEs 0.88
47 Sec. ____ GOVERNOR’S OFFICE OF DRUG CONTROL
48 POLICY. There is appropriated from the general fund
49 of the state to the governor’s office of drug control
50 policy for the fiscal year beginning July 1, 2012, and

Page 8

1 ending June 30, 2013, the following amount, or so much
2 thereof as is necessary, to be used for the purposes
3 designated:
4 For salaries, support, maintenance, and
5 miscellaneous purposes, including statewide
6 coordination of the drug abuse resistance education
7 (D.A.R.E.) programs or similar programs, and for not
8 more than the following full-time equivalent positions:
9 \$ 163,022
10 FTEs 8.00
11 Sec. ____ DEPARTMENT OF HUMAN RIGHTS. There is

12 appropriated from the general fund of the state to
 13 the department of human rights for the fiscal year
 14 beginning July 1, 2012, and ending June 30, 2013, the
 15 following amounts, or so much thereof as is necessary,
 16 to be used for the purposes designated:

17 1. CENTRAL ADMINISTRATION DIVISION

18 For salaries, support, maintenance, and
 19 miscellaneous purposes, and for not more than the
 20 following full-time equivalent positions:

21	\$	103,052
22	FTEs	7.00

23 2. COMMUNITY ADVOCACY AND SERVICES DIVISION

24 For salaries, support, maintenance, and
 25 miscellaneous purposes, and for not more than the
 26 following full-time equivalent positions:

27	\$	528,396
28	FTEs	17.00

29 3. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION

30 For salaries, support, maintenance, and
 31 miscellaneous purposes, and for not more than the
 32 following full-time equivalent positions:

33	\$	536,946
34	FTEs	10.00

35 The criminal and juvenile justice planning advisory
 36 council and the juvenile justice advisory council
 37 shall coordinate their efforts in carrying out their
 38 respective duties relative to juvenile justice.

39 Sec. ____ DEPARTMENT OF INSPECTIONS AND
 40 APPEALS. There is appropriated from the general fund
 41 of the state to the department of inspections and
 42 appeals for the fiscal year beginning July 1, 2012, and
 43 ending June 30, 2013, the following amounts, or so much
 44 thereof as is necessary, for the purposes designated:

45 1. ADMINISTRATION DIVISION

46 For salaries, support, maintenance, and
 47 miscellaneous purposes, and for not more than the
 48 following full-time equivalent positions:

49	\$	805,531
50	FTEs	37.40

1 2. ADMINISTRATIVE HEARINGS DIVISION

2 For salaries, support, maintenance, and
 3 miscellaneous purposes, and for not more than the
 4 following full-time equivalent positions:

5	\$	276,987
6	FTEs	23.00

7 3. INVESTIGATIONS DIVISION

8 a. For salaries, support, maintenance, and
 9 miscellaneous purposes, and for not more than the
 10 following full-time equivalent positions:

11 \$ 584,320
 12 FTEs 58.50
 13 b. The department, in coordination with the
 14 investigations division, shall provide a report to
 15 the general assembly by January 10, 2013, concerning
 16 the fiscal impact of additional full-time equivalent
 17 positions on the department's efforts relative to the
 18 Medicaid divestiture program under chapter 249F.
 19 4. HEALTH FACILITIES DIVISION
 20 a. For salaries, support, maintenance, and
 21 miscellaneous purposes, and for not more than the
 22 following full-time equivalent positions:
 23 \$ 1,781,370
 24 FTEs 134.75
 25 b. The department shall, in coordination with
 26 the health facilities division, make the following
 27 information available to the public in a timely
 28 manner, to include providing the information on the
 29 department's internet website, during the fiscal year
 30 beginning July 1, 2012, and ending June 30, 2013:
 31 (1) The number of inspections conducted by the
 32 division annually by type of service provider and type
 33 of inspection.
 34 (2) The total annual operations budget for the
 35 division, including general fund appropriations and
 36 federal contract dollars received by type of service
 37 provider inspected.
 38 (3) The total number of full-time equivalent
 39 positions in the division, to include the number of
 40 full-time equivalent positions serving in a supervisory
 41 capacity, and serving as surveyors, inspectors, or
 42 monitors in the field by type of service provider
 43 inspected.
 44 (4) Identification of state and federal survey
 45 trends, cited regulations, the scope and severity of
 46 deficiencies identified, and federal and state fines
 47 assessed and collected concerning nursing and assisted
 48 living facilities and programs.
 49 c. It is the intent of the general assembly that
 50 the department and division continuously solicit input

Page 10

1 from facilities regulated by the division to assess and
 2 improve the division's level of collaboration and to
 3 identify new opportunities for cooperation.
 4 5. EMPLOYMENT APPEAL BOARD
 5 a. For salaries, support, maintenance, and
 6 miscellaneous purposes, and for not more than the
 7 following full-time equivalent positions:
 8 \$ 21,108
 9 FTEs 14.00

10 b. The employment appeal board shall be reimbursed
 11 by the labor services division of the department
 12 of workforce development for all costs associated
 13 with hearings conducted under chapter 91C, related
 14 to contractor registration. The board may expend,
 15 in addition to the amount appropriated under this
 16 subsection, additional amounts as are directly billable
 17 to the labor services division under this subsection
 18 and to retain the additional full-time equivalent
 19 positions as needed to conduct hearings required
 20 pursuant to chapter 91C.

21 6. CHILD ADVOCACY BOARD

22 a. For foster care review and the court appointed
 23 special advocate program, including salaries, support,
 24 maintenance, and miscellaneous purposes, and for not
 25 more than the following full-time equivalent positions:

26	\$	1,397,237
27	FTEs	40.80

28 b. The department of human services, in
 29 coordination with the child advocacy board and the
 30 department of inspections and appeals, shall submit an
 31 application for funding available pursuant to Tit. IV-E
 32 of the federal Social Security Act for claims for child
 33 advocacy board administrative review costs.

34 c. The court appointed special advocate program
 35 shall investigate and develop opportunities for
 36 expanding fund-raising for the program.

37 d. Administrative costs charged by the department
 38 of inspections and appeals for items funded under this
 39 subsection shall not exceed 4 percent of the amount
 40 appropriated in this subsection.

41 Sec. ____ DEPARTMENT OF INSPECTIONS AND APPEALS
 42 — MUNICIPAL CORPORATION FOOD INSPECTIONS. For the
 43 fiscal year beginning July 1, 2012, and ending June 30,
 44 2013, the department of inspections and appeals shall
 45 retain any license fees generated during the fiscal
 46 year as a result of actions under section 137F.3A
 47 occurring during the period beginning July 1, 2009, and
 48 ending June 30, 2011, for the purpose of enforcing the
 49 provisions of chapters 137C, 137D, and 137F.

50 Sec. ____ DEPARTMENT OF INSPECTIONS AND APPEALS —

1 HEALTH CARE FACILITIES INSPECTIONS. Notwithstanding
 2 any provision of section 135C.16 to the contrary,
 3 inspections of health care facilities that are only
 4 state-licensed and not certified under the Medicare
 5 or Medicaid programs shall not be inspected by the
 6 department of inspections and appeals every thirty
 7 months, but only as provided pursuant to sections
 8 135C.9 and 135C.38.

9 Sec. ____ DEPARTMENT OF INSPECTIONS AND
 10 APPEALS — GENERAL SUPPORT — MEDICAID FRAUD FUND
 11 APPROPRIATION. There is appropriated from the Medicaid
 12 fraud fund created in section 249A.7 to the department
 13 of inspections and appeals for the fiscal year
 14 beginning July 1, 2012, and ending June 30, 2013, the
 15 following amount, or so much thereof as is necessary,
 16 to be used for the purposes designated:

17 For additional health facility surveyors, compliance
 18 officers, and residential care facility surveyors:
 19 \$ 325,000

20 Sec. ____ DEPARTMENT OF INSPECTIONS AND APPEALS
 21 — STATE MATCH REQUIREMENTS — MEDICAID FRAUD FUND
 22 APPROPRIATION. There is appropriated from the Medicaid
 23 fraud fund created in section 249A.7 to the department
 24 of inspections and appeals for the fiscal year
 25 beginning July 1, 2012, and ending June 30, 2013, the
 26 amounts necessary for the purposes designated:

27 1. To cover the cost of any state match to draw
 28 down matching federal funds through the department of
 29 human services for additional full-time equivalent
 30 positions for conducting investigations of alleged
 31 fraud and overpayments of food assistance benefits
 32 through electronic benefits transfer.

33 2. For the state financial match requirement
 34 for meeting the federal mandates connected with the
 35 department's Medicaid fraud and abuse activities, and
 36 the amount necessary to cover costs incurred by the
 37 department or other agencies in providing regulation,
 38 responding to allegations, or other activity involving
 39 chapter 135O.

40 Sec. ____ DEPARTMENT OF INSPECTIONS AND APPEALS
 41 — LEGISLATIVE IMPLEMENTATION — MEDICAID FRAUD FUND
 42 APPROPRIATION. There is appropriated from the Medicaid
 43 fraud fund created in section 249A.7 to the department
 44 of inspections and appeals for the fiscal year
 45 beginning July 1, 2012, and ending June 30, 2013, the
 46 following amount, or so much thereof as is necessary,
 47 to be used for the purposes designated:

48 For salaries, support, maintenance, miscellaneous
 49 purposes, administration, and other costs associated
 50 with implementation of 2010 Iowa Acts, chapter 1177:

1 \$ 125,000

2 Sec. 18. RACING AND GAMING COMMISSION.

3 1. RACETRACK REGULATION

4 There is appropriated from the gaming regulatory
 5 revolving fund established in section 99F.20 to the
 6 racing and gaming commission of the department of
 7 inspections and appeals for the fiscal year beginning

8 July 1, 2012, and ending June 30, 2013, the following
 9 amount, or so much thereof as is necessary, to be used
 10 for the purposes designated:

11 For salaries, support, maintenance, and
 12 miscellaneous purposes for the regulation of
 13 pari-mutuel racetracks, and for not more than the
 14 following full-time equivalent positions:
 15 \$ 1,255,720
 16 FTEs 28.53

17 2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION

18 There is appropriated from the gaming regulatory
 19 revolving fund established in section 99F.20 to the
 20 racing and gaming commission of the department of
 21 inspections and appeals for the fiscal year beginning
 22 July 1, 2012, and ending June 30, 2013, the following
 23 amount, or so much thereof as is necessary, to be used
 24 for the purposes designated:

25 For salaries, support, maintenance, and
 26 miscellaneous purposes for administration and
 27 enforcement of the excursion boat gambling and gambling
 28 structure laws, and for not more than the following
 29 full-time equivalent positions:
 30 \$ 1,539,050
 31 FTEs 44.22

32 Sec. ____ ROAD USE TAX FUND APPROPRIATION —

33 DEPARTMENT OF INSPECTIONS AND APPEALS. There is

34 appropriated from the road use tax fund created in
 35 section 312.1 to the administrative hearings division
 36 of the department of inspections and appeals for the
 37 fiscal year beginning July 1, 2012, and ending June 30,
 38 2013, the following amount, or so much thereof as is
 39 necessary, for the purposes designated:

40 For salaries, support, maintenance, and
 41 miscellaneous purposes:
 42 \$ 811,949

43 Sec. ____ DEPARTMENT OF MANAGEMENT.

44 1. There is appropriated from the general fund
 45 of the state to the department of management for the
 46 fiscal year beginning July 1, 2012, and ending June 30,
 47 2013, the following amounts, or so much thereof as is
 48 necessary, to be used for the purposes designated:

49 For salaries, support, maintenance, and
 50 miscellaneous purposes, and for not more than the

1 following full-time equivalent positions:
 2 \$ 1,081,999
 3 FTEs 25.00

4 2. Of the moneys appropriated in this section, the
 5 department shall use a portion for enterprise resource
 6 planning, providing for a salary model administrator,

7 conducting performance audits, and for the department’s
8 LEAN process.

9 Sec. ____ ROAD USE TAX APPROPRIATION — DEPARTMENT
10 OF MANAGEMENT. There is appropriated from the road use
11 tax fund created in section 312.1 to the department
12 of management for the fiscal year beginning July 1,
13 2012, and ending June 30, 2013, the following amount,
14 or so much thereof as is necessary, to be used for the
15 purposes designated:

16 For salaries, support, maintenance, and
17 miscellaneous purposes:
18 \$ 28,000

19 Sec. ____ DEPARTMENT OF REVENUE.

20 1. There is appropriated from the general fund
21 of the state to the department of revenue for the
22 fiscal year beginning July 1, 2012, and ending June 30,
23 2013, the following amounts, or so much thereof as is
24 necessary, to be used for the purposes designated:

25 For salaries, support, maintenance, and
26 miscellaneous purposes, and for not more than the
27 following full-time equivalent positions:
28 \$ 8,902,730
29 FTEs 303.48

30 2. Of the funds appropriated pursuant to this
31 section, \$400,000 shall be used to pay the direct
32 costs of compliance related to the collection and
33 distribution of local sales and services taxes imposed
34 pursuant to chapters 423B and 423E.

35 3. The director of revenue shall prepare and issue
36 a state appraisal manual and the revisions to the
37 state appraisal manual as provided in section 421.17,
38 subsection 17, without cost to a city or county.

39 Sec. ____ MOTOR VEHICLE FUEL TAX

40 APPROPRIATION. There is appropriated from the motor
41 fuel tax fund created by section 452A.77 to the
42 department of revenue for the fiscal year beginning
43 July 1, 2012, and ending June 30, 2013, the following
44 amount, or so much thereof as is necessary, to be used
45 for the purposes designated:

46 For salaries, support, maintenance, miscellaneous
47 purposes, and for administration and enforcement of the
48 provisions of chapter 452A and the motor vehicle use
49 tax program:
50 \$ 652,888

1 Sec. ____ SECRETARY OF STATE.

2 1. There is appropriated from the general fund of
3 the state to the office of the secretary of state for
4 the fiscal year beginning July 1, 2012, and ending June
5 30, 2013, the following amounts, or so much thereof as

6 is necessary, to be used for the purposes designated:
 7 For salaries, support, maintenance, and miscellaneous
 8 purposes, and for not more than the following full-time
 9 equivalent positions:
 10 \$ 1,447,793
 11 FTEs 45.00

12 2. The state department or state agency which
 13 provides data processing services to support voter
 14 registration file maintenance and storage shall provide
 15 those services without charge.

16 Sec. __. SECRETARY OF STATE FILING FEES REFUND.

17 Notwithstanding the obligation to collect fees pursuant
 18 to the provisions of section 490.122, subsection 1,
 19 paragraphs “a” and “s”, and section 504.113, subsection
 20 1, paragraphs “a”, “c”, “d”, “j”, “k”, “l”, and
 21 “m”, for the fiscal year beginning July 1, 2012, the
 22 secretary of state may refund these fees to the filer
 23 pursuant to rules established by the secretary of
 24 state. The decision of the secretary of state not to
 25 issue a refund under rules established by the secretary
 26 of state is final and not subject to review pursuant
 27 to chapter 17A.

28 Sec. __. TREASURER.

29 1. There is appropriated from the general fund of
 30 the state to the office of treasurer of state for the
 31 fiscal year beginning July 1, 2012, and ending June 30,
 32 2013, the following amount, or so much thereof as is
 33 necessary, to be used for the purposes designated:

34 For salaries, support, maintenance, and
 35 miscellaneous purposes, and for not more than the
 36 following full-time equivalent positions:
 37 \$ 427,145
 38 FTEs 28.80

39 2. The office of treasurer of state shall supply
 40 clerical and secretarial support for the executive
 41 council.

42 Sec. __. ROAD USE TAX APPROPRIATION — OFFICE

43 OF TREASURER OF STATE. There is appropriated from
 44 the road use tax fund created in section 312.1 to
 45 the office of treasurer of state for the fiscal year
 46 beginning July 1, 2012, and ending June 30, 2013, the
 47 following amount, or so much thereof as is necessary,
 48 to be used for the purposes designated:

49 For enterprise resource management costs related to
 50 the distribution of road use tax funds:

1 \$ 46,574
 2 Sec. __. IPERS — GENERAL OFFICE. There is
 3 appropriated from the Iowa public employees’ retirement
 4 system fund to the Iowa public employees’ retirement

5 system for the fiscal year beginning July 1, 2012, and
6 ending June 30, 2013, the following amount, or so much
7 thereof as is necessary, to be used for the purposes
8 designated:

9 For salaries, support, maintenance, and other
10 operational purposes to pay the costs of the Iowa
11 public employees' retirement system, and for not more
12 than the following full-time equivalent positions:

13	\$	8,843,484
14	FTEs	90.13>

15 16. By renumbering as necessary.

PAM JOCHUM

S-3278

1 Amend Senate File 526 as follows:

2 1. Page 1, line 2, after <RACING> by inserting <AND
3 DOG RACING>

4 2. Page 3, after line 21 by inserting:

5 <Sec. ____ NEW SECTION. 99D.9A Dog racetrack
6 licensure — televising races — annual fee.

7 1. A licensee authorized to operate a pari-mutuel
8 dog racetrack and to conduct gambling games pursuant to
9 section 99F.6 as of January 1, 2011, may, upon written
10 notification to the commission and agreement to pay the
11 annual dog racetrack licensure fee to the commission
12 as provided in this section, discontinue scheduling
13 performances of live dog races at the racetrack and
14 maintain a license under this chapter for purposes
15 of permitting pari-mutuel wagering on simultaneously
16 telecast horse and dog races.

17 2. For purposes of this section, the annual dog
18 racetrack licensure fee shall be determined and paid
19 as follows:

20 a. For the pari-mutuel dog racetrack located in
21 Dubuque county, the payment of two million five hundred
22 thousand dollars each January for seven consecutive
23 calendar years commencing January 2012.

24 b. For the pari-mutuel dog racetrack located in
25 Pottawattamie county, the payment of seven million
26 five hundred thousand dollars each January for seven
27 consecutive calendar years commencing January 2012.

28 3. The annual dog racetrack licensure fee collected
29 under this section shall be paid to the commission for
30 deposit in the general fund of the state.

31 Sec. ____ NEW SECTION. 99D.9B Iowa greyhound
32 retirement fund.

33 1. A greyhound retirement fund is created in
34 the state treasury under the control of the gaming
35 commission.

36 2. The fund shall consist of all of the following:

37 a. Moneys in the dog racing promotion fund created
38 in section 99D.12 and the Iowa horse and dog breeders
39 fund created in section 99D.22, that were deposited
40 in those funds from a dog racetrack licensee that
41 discontinues scheduling performances of live dog races
42 pursuant to section 99D.9A.
43 b. Any unearned dog purse supplements obligated
44 by a dog racetrack licensee, pursuant to agreements
45 approved by the commission, for the calendar year in
46 which performances of live dog races are discontinued.
47 c. Moneys in the escrow funds maintained by the
48 commission for the purpose of supplementing dog purses.
49 3. Moneys in the fund shall be disbursed by the
50 commission to registered Iowa greyhound owners,

Page 2

1 licensed Iowa greyhound commercial breeder farms, and
2 no-kill adoption agencies approved by the commission in
3 an expeditious and equitable manner as determined by
4 the commission.
5 4. Section 8.33 does not apply to any moneys in the
6 fund. Notwithstanding section 12C.7, subsection 2,
7 interest or earnings on moneys deposited in the fund
8 shall be credited to the fund.>
9 3. Page 4, after line 6 by inserting:
10 <Sec. ____ Section 99D.11, subsection 6, paragraph
11 b, Code 2011, is amended to read as follows:
12 b. (1) The commission may authorize the licensee
13 to simultaneously telecast within the racetrack
14 enclosure, for the purpose of pari-mutuel wagering,
15 a horse or dog race licensed by the racing authority
16 of another state. It is the responsibility of each
17 licensee to obtain the consent of appropriate racing
18 officials in other states as required by the federal
19 Interstate Horseracing Act of 1978, 15 U.S.C. § 3001 –
20 3007, to televise races for the purpose of conducting
21 pari-mutuel wagering.
22 (2) A licensee may also obtain the permission
23 of a person licensed by the commission to conduct
24 horse or dog races in this state to televise races
25 conducted by that person for the purpose of conducting
26 pari-mutuel ~~racing~~ wagering. However, arrangements
27 made by a licensee to televise any race for the purpose
28 of conducting pari-mutuel wagering are subject to
29 the approval of the commission, and the commission
30 shall select the races to be televised. The races
31 selected by the commission shall be the same for all
32 licensees approved by the commission to televise races
33 for the purpose of conducting pari-mutuel wagering.
34 The commission shall not authorize the simultaneous
35 telecast or televising of and a licensee shall not

36 simultaneously telecast or televise any horse or dog
37 race for the purpose of conducting pari-mutuel wagering
38 unless the simultaneous telecast or televising is done
39 at the racetrack of a licensee that schedules no less
40 than sixty performances of nine live races each day
41 of the season or that is not obligated to schedule
42 performances of live races pursuant to section 99D.9A.
43 (3) For purposes of the taxes imposed under this
44 chapter, races televised by a licensee for purposes
45 of pari-mutuel wagering shall be treated as if the
46 races were held at the racetrack of the licensee.
47 Notwithstanding any contrary provision in this chapter,
48 the commission may allow a licensee to adopt the same
49 deductions as those of the pari-mutuel racetrack from
50 which the races are being simultaneously telecast.>

Page 3

1 4. Page 8, after line 10 by inserting:
2 <Sec. ____ Section 99F.6, subsection 4, paragraph
3 b, Code 2011, is amended to read as follows:
4 b. The commission shall authorize the licensees
5 of pari-mutuel dog racetracks located in Dubuque
6 county and Black Hawk county to conduct gambling
7 games as provided in section 99F.4A if the licensees
8 schedule at least one hundred thirty performances
9 of twelve live races each day during a season of
10 twenty-five weeks. For the pari-mutuel dog racetrack
11 located in Pottawattamie county, the commission shall
12 authorize the licensee to conduct gambling games as
13 provided in section 99F.4A if the licensee schedules
14 at least two hundred ninety performances of twelve
15 live races each day during a season of fifty weeks.
16 The commission shall approve an annual contract to be
17 negotiated between the annual recipient of the dog
18 racing promotion fund and each dog racetrack licensee
19 to specify the percentage or amount of gambling game
20 proceeds which shall be dedicated to supplement the
21 purses of live dog races. The parties shall agree
22 to a negotiation timetable to insure no interruption
23 of business activity. If the parties fail to agree,
24 the commission shall impose a timetable. If the
25 two parties cannot reach agreement, each party shall
26 select a representative and the two representatives
27 shall select a third person to assist in negotiating
28 an agreement. The two representatives may select the
29 commission or one of its members to serve as the third
30 party. Alternately, each party shall submit the name
31 of the proposed third person to the commission who
32 shall then select one of the two persons to serve as
33 the third party. All parties to the negotiations,
34 including the commission, shall consider that the dog

35 racetracks were built to facilitate the development
 36 and promotion of Iowa greyhound racing dogs in this
 37 state and shall negotiate and decide accordingly.
 38 However, the requirement to schedule performances of
 39 live races for purposes of conducting gambling games
 40 under this chapter shall not apply to a licensee who is
 41 not obligated to schedule performances of live races
 42 pursuant to section 99D.9A.

43 Sec. ____ EFFECTIVE UPON ENACTMENT. The sections
 44 of this division of this Act enacting sections 99D.9A
 45 and 99D.9B and amending section 99D.11, subsection
 46 6, paragraph “b”, and section 99F.6, subsection 4,
 47 paragraph “b”, being deemed of immediate importance,
 48 take effect upon enactment.>

49 5. Title page, line 1, after <horse> by inserting
 50 <and dog>

Page 4

1 6. By renumbering as necessary.

BRAD ZAUN

S-3279

1 Amend Senate File 526 as follows:

2 1. Page 11, after line 12 by inserting:

3 <Sec. ____ Section 142D.4, subsection 10, Code
 4 2011, is amended by striking the subsection.>

5 2. Page 11, line 13, by striking <This> and
 6 inserting <Except for the section of this division of
 7 this Act amending section 142D.4, this>

8 3. Page 11, line 16, by striking <This> and
 9 inserting <Except for the section of this division of
 10 this Act amending section 142D.4, this>

11 4. By renumbering as necessary.

RANDY FEENSTRA

S-3280

1 Amend the amendment, S-3276, to Senate File 527 as
 2 follows:

3 1. Page 2, before line 32 by inserting:

4 <Sec. ____ Section 427.1, subsection 21, Code 2011,
 5 is amended to read as follows:

6 21. Low-rent housing. The property owned and
 7 operated or controlled by a nonprofit organization, as
 8 recognized by the internal revenue service, providing
 9 low-rent housing for persons who are elderly and
 10 persons with physical and mental disabilities. The
 11 controlling nonprofit entity may serve as a general

12 partner or managing member of a limited liability
 13 company or limited liability partnership which owns
 14 the property for the purposes of this subsection.
 15 The exemption granted under the provisions of this
 16 subsection shall apply only until the final payment
 17 due date of the borrower's original low-rent housing
 18 development mortgage or until the borrower's original
 19 low-rent housing development mortgage is paid in
 20 full or expires, whichever is sooner, subject to
 21 the provisions of subsection 14. However, if the
 22 borrower's original low-rent housing development
 23 mortgage is refinanced, the exemption shall apply
 24 only until the date that would have been the final
 25 payment due date under the terms of the borrower's
 26 original low-rent housing development mortgage or until
 27 the refinanced mortgage is paid in full or expires,
 28 whichever is sooner, subject to the provisions of
 29 subsection 14.>
 30 2. By striking page 2, line 50, through page 3,
 31 line 1, and inserting:
 32 <__. Title page, by striking lines 1 and 2 and
 33 inserting <An Act relating to housing by making changes
 34 to the administration of the Iowa finance authority
 35 and by providing for the control of certain business
 36 entities by nonprofit corporations owning low-rent
 37 housing, making appropriations, and including effective
 38 date provisions.>>

WILLIAM A. DOTZLER, JR.

S-3281

1 Amend Senate File 526 as follows:
 2 1. Page 12, after line 2 by inserting:
 3 <Sec. ____. The director of human services shall
 4 prepare a report for delivery to the general assembly
 5 no later than October 1, 2011, regarding the societal
 6 impacts of internet poker in Iowa. The director
 7 shall not be required within the report to make
 8 specific recommendations regarding the legalization of
 9 intrastate internet poker in Iowa.>
 10 2. By renumbering as necessary.

RANDY FEENSTRA

S-3282

1 Amend Senate File 526 as follows:
 2 1. By striking page 8, line 12, through page 11,
 3 line 19.
 4 2. Title page, by striking lines 2 through 5 and
 5 inserting <horse racing and pari-mutuel wagering, and

- 6 requiring a report on intrastate internet poker.>
7 3. By renumbering as necessary.

JERRY BEHN

S-3283

- 1 Amend Senate File 526 as follows:
2 1. Page 12, line 2, after <Iowa.> by inserting
3 <The director of public health shall prepare a report
4 for delivery to the administrator of the state racing
5 and gaming commission no later than October 1, 2011,
6 regarding the societal impacts of internet poker in
7 Iowa for inclusion in the administrator's report. The
8 director shall not be required within the director's
9 report to make specific recommendations regarding the
10 legalization of intrastate internet poker in Iowa.>

RANDY FEENSTRA
HERMAN C. QUIRMBACH

S-3284

- 1 Amend the House amendment, S-3220, to Senate File
2 511, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 2, by striking lines 4 through 9 and
5 inserting:
6 <__. It is the intent of the general assembly that
7 the offices of the clerks of the district court operate
8 in all 99 counties and be accessible to the public as
9 much as is reasonably possible in order to address the
10 relative needs of the citizens of each county.>
11 2. Page 4, line 22, by striking <157,311,822> and
12 inserting <77,055,911>
13 3. Page 4, line 28, by striking <2,300,000> and
14 inserting <1,150,000>
15 4. By striking page 4, line 49, through page 5,
16 line 4, and inserting:
17 <__. It is the intent of the general assembly that
18 the offices of the clerks of the district court operate
19 in all 99 counties and be accessible to the public as
20 much as is reasonably possible in order to address the
21 relative needs of the citizens of each county.>
22 5. By renumbering as necessary.

ROBERT M. HOGG

S-3285

HOUSE AMENDMENT TO
SENATE FILE 517

- 1 Amend Senate File 517, as amended, passed, and

2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <DIVISION I
6 FY 2011–2012

7 Section 1. DEPARTMENT OF CULTURAL AFFAIRS. There
8 is appropriated from the general fund of the state to
9 the department of cultural affairs for the fiscal year
10 beginning July 1, 2011, and ending June 30, 2012, the
11 following amounts, or so much thereof as is necessary,
12 to be used for the purposes designated:

13 1. ADMINISTRATION

14 a. For salaries, support, maintenance,
15 miscellaneous purposes, and for not more than the
16 following full-time equivalent positions for the
17 department:

18	\$	171,813
19	FTEs	69.87

20 b. The department of cultural affairs shall
21 coordinate activities with the tourism office of
22 the department of economic development to promote
23 attendance at the state historical building and at this
24 state’s historic sites.

25 c. Full-time equivalent positions authorized under
26 this subsection shall be funded, in full or in part,
27 using moneys appropriated under this subsection and
28 subsections 2, 3, 4, 5, 6, and 8.

29 2. HISTORICAL DIVISION

30 For the support of the historical division:
31

	\$	2,267,701
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32 3. HISTORIC SITES

33 For the administration and support of historic
34 sites:
35

	\$	426,398
--	----	---------

36 4. ARTS DIVISION

37 For the support of the arts division:
38

	\$	933,764
--	----	---------

39 5. GREAT PLACES

40 For the great places program:
41

	\$	150,000
--	----	---------

42 6. ARCHIVE IOWA GOVERNORS’ RECORDS

43 For archiving the records of Iowa governors:
44

	\$	5,000
--	----	-------

45 7. RECORDS CENTER RENT

46 For payment of rent for the state records center:
47

	\$	227,243
--	----	---------

48 8. BATTLE FLAGS

49 For continuation of the project recommended by the
50 Iowa battle flag advisory committee to stabilize the

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1 condition of the battle flag collection:

2 \$ 5,000

3 Sec. 2. GOALS AND ACCOUNTABILITY — ECONOMIC
4 DEVELOPMENT.

5 1. For the fiscal year beginning July 1, 2011, the
6 goals for the department of economic development shall
7 be to expand and stimulate the state economy, increase
8 the wealth of Iowans, and increase the population of
9 the state.

10 2. To achieve the goals in subsection 1, the
11 department of economic development shall do all of the
12 following for the fiscal year beginning July 1, 2011:

13 a. Concentrate its efforts on programs and
14 activities that result in commercially viable products
15 and services.

16 b. Adopt practices and services consistent with
17 free market, private sector philosophies.

18 c. Ensure economic growth and development
19 throughout the state.

20 d. Work with businesses and communities to
21 continually improve the economic development climate
22 along with the economic well-being and quality of life
23 for Iowans.

24 e. Coordinate with other state agencies to
25 ensure that they are attentive to the needs of an
26 entrepreneurial culture.

27 f. Establish a strong and aggressive marketing
28 image to showcase Iowa’s workforce, existing industry,
29 and potential. A priority shall be placed on
30 recruiting new businesses, business expansion, and
31 retaining existing Iowa businesses. Emphasis shall be
32 placed on entrepreneurial development through helping
33 entrepreneurs secure capital, and developing networks
34 and a business climate conducive to entrepreneurs and
35 small businesses.

36 g. Encourage the development of communities and
37 quality of life to foster economic growth.

38 h. Prepare communities for future growth and
39 development through development, expansion, and
40 modernization of infrastructure.

41 i. Develop public-private partnerships with
42 Iowa businesses in the tourism industry, Iowa tour
43 groups, Iowa tourism organizations, and political
44 subdivisions in this state to assist in the development
45 of advertising efforts.

46 j. Develop, to the fullest extent possible,
47 cooperative efforts for advertising with contributions
48 from other sources.

49 Sec. 3. DEPARTMENT OF ECONOMIC DEVELOPMENT.

50 1. APPROPRIATION

1 There is appropriated from the general fund of the
 2 state to the department of economic development for the
 3 fiscal year beginning July 1, 2011, and ending June
 4 30, 2012, the following amounts, or so much thereof as
 5 is necessary, to be used for the purposes designated
 6 in subsection 2, and for not more than the following
 7 full-time equivalent positions:

8	\$	9,928,058
9	FTEs	149.00

10 2. DESIGNATED PURPOSES

11 a. For salaries, support, miscellaneous purposes,
 12 programs, and the maintenance of an administration
 13 division, a business development division, and a
 14 community development division.

15 b. The full-time equivalent positions authorized
 16 under this section shall be funded, in whole or in
 17 part, by the moneys appropriated under subsection 1 or
 18 by other moneys received by the department, including
 19 certain federal moneys.

20 c. For transfer to the Iowa state commission grant
 21 program.

22 d. For business development operations and
 23 programs, the film office, international trade, export
 24 assistance, workforce recruitment, and the partner
 25 state program.

26 e. For transfer to the strategic investment fund.
 27 f. For community economic development programs,
 28 tourism operations, community assistance, plans
 29 for Iowa green corps and summer youth programs,
 30 the mainstreet and rural mainstreet programs, the
 31 school-to-career program, the community development
 32 block grant, and housing and shelter-related programs.

33 g. For achieving the goals and accountability,
 34 fulfilling the requirements, and doing all other things
 35 required under this Act.

36 3. NONREVERSION

37 Notwithstanding section 8.33, moneys appropriated in
 38 subsection 1 that remain unencumbered or unobligated
 39 at the close of the fiscal year shall not revert but
 40 shall remain available for expenditure for the purposes
 41 designated in subsection 2 until the close of the
 42 succeeding fiscal year.

43 4. FINANCIAL ASSISTANCE RESTRICTIONS

44 a. A business creating jobs with economic
 45 development assistance through moneys appropriated in
 46 this section shall be subject to contract provisions
 47 stating that new and retained jobs shall be filled
 48 by individuals who are citizens of the United States
 49 who reside within the United States or any person
 50 authorized to work in the United States pursuant to

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1 federal law, including legal resident aliens in the
2 United States.

3 b. Any vendor who receives such public moneys shall
4 adhere to such contract provisions and provide periodic
5 assurances as the state shall require that the jobs
6 are filled solely by citizens of the United States
7 who reside within the United States or any person
8 authorized to work in the United States pursuant to
9 federal law, including legal resident aliens in the
10 United States.

11 c. A business that receives financial assistance
12 from the department from moneys appropriated in this
13 Act shall only employ individuals legally authorized
14 to work in this state. In addition to all other
15 applicable penalties provided by current law, all or
16 a portion of the assistance received by a business
17 which is found to knowingly employ individuals not
18 legally authorized to work in this state is subject to
19 recapture by the department.

20 5. USES OF APPROPRIATIONS

21 a. From the moneys appropriated in this section,
22 the department may provide financial assistance in the
23 form of a grant to a community economic development
24 entity for conducting a local workforce recruitment
25 effort designed to recruit former citizens of the state
26 and former students at colleges and universities in the
27 state to meet the needs of local employers.

28 b. From the moneys appropriated in this section,
29 the department may provide financial assistance to
30 early stage industry companies being established by
31 women entrepreneurs.

32 c. From the moneys appropriated in this section,
33 the department may provide financial assistance in the
34 form of grants, loans, or forgivable loans for advanced
35 research and commercialization projects involving
36 value-added agriculture, advanced technology, or
37 biotechnology.

38 d. The department shall not use any moneys
39 appropriated in this section for purposes of providing
40 financial assistance for the Iowa green streets pilot
41 project or for any other program or project that
42 involves the installation of geothermal systems for
43 melting snow and ice from streets or sidewalks.

44 6. WORLD FOOD PRIZE AWARD

45 a. Notwithstanding the standing limited
46 appropriation provided under section 15.368, subsection
47 1, an appropriation from the general fund of the state
48 to the department of economic development for the
49 fiscal year beginning July 1, 2011, and ending June 30,
50 2012, shall not be made for purposes of the world food

1 prize.

2 b. It is the intent of the general assembly to
3 reconsider in a future fiscal year the allocation of
4 moneys for the support of the world food prize award.

5 Sec. 4. VISION IOWA PROGRAM — FTE
6 AUTHORIZATION. For purposes of administrative duties
7 associated with the vision Iowa program, the department
8 of economic development is authorized an additional
9 2.25 FTEs above those otherwise authorized in this Act.

10 Sec. 5. INSURANCE ECONOMIC DEVELOPMENT. From
11 the moneys collected by the division of insurance in
12 excess of the anticipated gross revenues under section
13 505.7, subsection 3, during the fiscal year beginning
14 July 1, 2011, \$100,000 shall be transferred to the
15 department of economic development for insurance
16 economic development and international insurance
17 economic development.

18 Sec. 6. COMMUNITY DEVELOPMENT LOAN
19 FUND. Notwithstanding section 15E.120, subsection
20 5, there is appropriated from the Iowa community
21 development loan fund all moneys available during the
22 fiscal year beginning July 1, 2011, and ending June 30,
23 2012, to the department of economic development for
24 purposes of the community development program.

25 Sec. 7. WORKFORCE DEVELOPMENT FUND. There is
26 appropriated from the workforce development fund
27 account created in section 15.342A to the workforce
28 development fund created in section 15.343 for the
29 fiscal year beginning July 1, 2011, and ending June
30 30, 2012, the following amount, for purposes of the
31 workforce development fund, and for not more than the
32 following full-time equivalent positions:

33	\$	4,000,000
34	FTEs	4.00

35 Sec. 8. WORKFORCE DEVELOPMENT ADMINISTRATION. From
36 moneys appropriated or transferred to or receipts
37 credited to the workforce development fund created in
38 section 15.343, up to \$400,000 for the fiscal year
39 beginning July 1, 2011, and ending June 30, 2012, are
40 appropriated to the department of economic development
41 for the administration of workforce development
42 activities including salaries, support, maintenance,
43 and miscellaneous purposes, and for not more than the
44 following full-time equivalent positions:

45	FTEs	4.00
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46 Sec. 9. JOB TRAINING FUND. Notwithstanding section
47 15.251, all moneys in the job training fund on July 1,
48 2011, and any moneys appropriated or credited to the
49 fund during the fiscal year beginning July 1, 2011,
50 shall be transferred to the workforce development fund

1 established pursuant to section 15.343.
 2 Sec. 10. GREEN INITIATIVES EXPENDITURE REPORT. By
 3 January 1, 2012, the department of economic development
 4 shall compile a report on all expenditures made
 5 during the previous fiscal year for purposes of green
 6 initiatives, sustainability programs, and all such
 7 similar efforts. The report shall identify such
 8 expenditures with a level of specificity sufficient
 9 to allow the general assembly to evaluate and assess
 10 the propriety of such expenditures under the spending
 11 authority given to the department for such purposes.
 12 Sec. 11. IOWA STATE UNIVERSITY.

13 1. There is appropriated from the general fund
 14 of the state to Iowa state university of science
 15 and technology for the fiscal year beginning July
 16 1, 2011, and ending June 30, 2012, the following
 17 amount, or so much thereof as is necessary, to be used
 18 for small business development centers, the science
 19 and technology research park, and the institute for
 20 physical research and technology, and for not more than
 21 the following full-time equivalent positions:
 22 \$ 935,233
 23 FTEs 56.63

24 2. Of the moneys appropriated in subsection 1,
 25 Iowa state university of science and technology shall
 26 allocate at least \$935,233 for purposes of funding
 27 small business development centers.

28 3. Iowa state university of science and technology
 29 shall do all of the following:

- 30 a. Direct expenditures for research toward projects
- 31 that will provide economic stimulus for Iowa.
- 32 b. Provide emphasis to providing services to
- 33 Iowa-based companies.

34 4. a. It is the intent of the general assembly
 35 that the industrial incentive program focus on Iowa
 36 industrial sectors and seek contributions and in-kind
 37 donations from businesses, industrial foundations, and
 38 trade associations, and that moneys for the institute
 39 for physical research and technology industrial
 40 incentive program shall be allocated only for projects
 41 which are matched by private sector moneys for directed
 42 contract research or for nondirected research. The
 43 match required of small businesses as defined in
 44 section 15.102, subsection 6, for directed contract
 45 research or for nondirected research shall be \$1 for
 46 each \$3 of state funds. The match required for other
 47 businesses for directed contract research or for
 48 nondirected research shall be \$1 for each \$1 of state
 49 funds. The match required of industrial foundations
 50 or trade associations shall be \$1 for each \$1 of state

1 funds.

2 b. Iowa state university of science and technology
3 shall report annually to the joint appropriations
4 subcommittee on economic development and the
5 legislative services agency the total amount of
6 private contributions, the proportion of contributions
7 from small businesses and other businesses, and
8 the proportion for directed contract research and
9 nondirected research of benefit to Iowa businesses and
10 industrial sectors.

11 5. Notwithstanding section 8.33, moneys
12 appropriated in this section that remain unencumbered
13 or unobligated at the close of the fiscal year shall
14 not revert but shall remain available for expenditure
15 for the purposes designated until the close of the
16 succeeding fiscal year.

17 Sec. 12. UNIVERSITY OF NORTHERN IOWA.

18 1. There is appropriated from the general fund of
19 the state to the university of northern Iowa for the
20 fiscal year beginning July 1, 2011, and ending June
21 30, 2012, the following amount, or so much thereof as
22 is necessary, to be used for the MyEntreNet internet
23 application, including salaries, support, maintenance,
24 miscellaneous purposes, and for not more than the
25 following full-time equivalent positions:

26	\$	273,064
27	FTEs	3.06

28 2. The university of northern Iowa shall do all of
29 the following:

30 a. Direct expenditures for research toward projects
31 that will provide economic stimulus for Iowa.

32 b. Provide emphasis to providing services to
33 Iowa-based companies.

34 3. Notwithstanding section 8.33, moneys
35 appropriated in this section that remain unencumbered
36 or unobligated at the close of the fiscal year shall
37 not revert but shall remain available for expenditure
38 for the purposes designated until the close of the
39 succeeding fiscal year.

40 Sec. 13. BOARD OF REGENTS REPORT. By January
41 15, 2012, the state board of regents shall submit a
42 report on the progress of regents institutions in
43 meeting the strategic plan for technology transfer and
44 economic development to the secretary of the senate,
45 the chief clerk of the house of representatives, and
46 the legislative services agency.

47 Sec. 14. DEPARTMENT OF WORKFORCE
48 DEVELOPMENT. There is appropriated from the general
49 fund of the state to the department of workforce
50 development for the fiscal year beginning July 1, 2011,

Page 8

1 and ending June 30, 2012, the following amounts, or
 2 so much thereof as is necessary, for the purposes
 3 designated:

4 1. DIVISION OF LABOR SERVICES

5 a. For the division of labor services, including
 6 salaries, support, maintenance, miscellaneous
 7 purposes, and for not more than the following full-time
 8 equivalent positions:

9	\$	3,495,440
10	FTEs	62.75

11 b. From the contractor registration fees, the
 12 division of labor services shall reimburse the
 13 department of inspections and appeals for all costs
 14 associated with hearings under chapter 91C, relating
 15 to contractor registration.

16 2. DIVISION OF WORKERS' COMPENSATION

17 a. For the division of workers' compensation,
 18 including salaries, support, maintenance, miscellaneous
 19 purposes, and for not more than the following full-time
 20 equivalent positions:

21	\$	2,267,788
22	FTEs	29.00

23 b. The division of workers' compensation shall
 24 charge a \$100 filing fee for workers' compensation
 25 cases. The filing fee shall be paid by the petitioner
 26 of a claim. However, the fee can be taxed as a cost
 27 and paid by the losing party, except in cases where
 28 it would impose an undue hardship or be unjust under
 29 the circumstances. The moneys generated by the filing
 30 fee allowed under this subsection are appropriated to
 31 the department of workforce development to be used for
 32 purposes of administering the division of workers'
 33 compensation.

34 3. WORKFORCE DEVELOPMENT OPERATIONS

35 a. For the operation of field offices, the
 36 workforce development board, and for not more than the
 37 following full-time equivalent positions:

38	\$	9,707,042
39	FTEs	130.00

40 b. The department shall not reduce the number of
 41 field offices being operated as of January 1, 2009.

42 4. OFFENDER REENTRY PROGRAM

43 a. For the development and administration of an
 44 offender reentry program to provide offenders with
 45 employment skills, and for not more than the following
 46 full-time equivalent positions:

47	\$	284,464
48	FTEs	3.00

49 b. The department shall partner with the department
 50 of corrections to provide staff within the correctional

1 facilities to improve offenders' abilities to find and
 2 retain productive employment.
 3 5. Notwithstanding section 8.33, moneys
 4 appropriated in this section that remain unencumbered
 5 or unobligated at the close of the fiscal year shall
 6 not revert but shall remain available for expenditure
 7 for the purposes designated until the close of the
 8 succeeding fiscal year.

9 Sec. 15. ACCOUNTABILITY — AUDIT. The auditor of
 10 state shall annually conduct an audit of the department
 11 of workforce development and shall report the findings
 12 of such annual audit, including the accountability
 13 of programs of the department, to the chairpersons
 14 and ranking members of the joint appropriations
 15 subcommittee on economic development. The department
 16 shall pay for the costs associated with the audit.

17 Sec. 16. EMPLOYMENT SECURITY CONTINGENCY FUND —
 18 DIVISION OF WORKERS' COMPENSATION.

19 1. There is appropriated from the special
 20 employment security contingency fund to the department
 21 of workforce development for the fiscal year beginning
 22 July 1, 2011, and ending June 30, 2012, the following
 23 amount, or so much thereof as is necessary, for the
 24 division of workers' compensation, salaries, support,
 25 maintenance, and miscellaneous purposes:

26 \$ 471,000

27 2. Any remaining additional penalty and interest
 28 revenue is appropriated to the department of
 29 workforce development to accomplish the mission of the
 30 department.

31 Sec. 17. SPECIAL EMPLOYMENT SECURITY CONTINGENCY
 32 FUND — FIELD OFFICES. There is appropriated from the

33 special employment security contingency fund to the
 34 department of workforce development for the fiscal year
 35 beginning July 1, 2011, and ending June 30, 2012, the
 36 following amount, or so much thereof as is necessary,
 37 to be used for field offices:

38 \$ 662,427

39 Sec. 18. UNEMPLOYMENT COMPENSATION RESERVE FUND
 40 — FIELD OFFICES. Notwithstanding section 96.9,

41 subsection 8, paragraph "e", there is appropriated
 42 from interest earned on the unemployment compensation
 43 reserve fund to the department of workforce development
 44 for the fiscal year beginning July 1, 2011, and ending
 45 June 30, 2012, the following amount or so much thereof
 46 as is necessary, for the operation of field offices:

47 \$ 4,238,260

48 Sec. 19. GENERAL FUND — EMPLOYEE MISCLASSIFICATION
 49 PROGRAM. There is appropriated from the general fund
 50 of the state to the department of workforce development

1 for the fiscal year beginning July 1, 2011, and ending
2 June 30, 2012, the following amount, or so much thereof
3 as is necessary, to be used for enhancing efforts to
4 investigate employers that misclassify workers and
5 for not more than the following full-time equivalent
6 positions:
7 \$ 451,458
8 FTEs 8.10

9 Sec. 20. APPROPRIATIONS RESTRICTED. The department
10 of workforce development shall not use any of the
11 moneys appropriated pursuant to this Act for purposes
12 of the national career readiness certificate program.

13 Sec. 21. PUBLIC EMPLOYMENT RELATIONS BOARD.
14 1. There is appropriated from the general fund
15 of the state to the public employment relations board
16 for the fiscal year beginning July 1, 2011, and ending
17 June 30, 2012, the following amount, or so much thereof
18 as is necessary, for salaries, support, maintenance,
19 miscellaneous purposes, and for not more than the
20 following full-time equivalent positions:
21 \$ 1,057,871
22 FTEs 9.00

23 2. Of the moneys appropriated in this section,
24 the board shall allocate \$15,000 for maintaining a
25 website that allows searchable access to a database of
26 collective bargaining information.

27 Sec. 22. UNEMPLOYMENT COMPENSATION PROGRAM. Notwithstanding
28 section 96.9, subsection 4, paragraph "a", moneys
29 credited to the state by the secretary of the treasury
30 of the United States pursuant to section 903 of
31 the Social Security Act are appropriated to the
32 department of workforce development and shall be
33 used by the department for the administration of
34 the unemployment compensation program only. This
35 appropriation shall not apply to any fiscal year
36 beginning after December 31, 2011.

37 DIVISION II
38 FY 2012-2013

39 Sec. 23. DEPARTMENT OF CULTURAL AFFAIRS. There
40 is appropriated from the general fund of the state to
41 the department of cultural affairs for the fiscal year
42 beginning July 1, 2012, and ending June 30, 2013, the
43 following amounts, or so much thereof as is necessary,
44 to be used for the purposes designated:
45 1. ADMINISTRATION
46 a. For salaries, support, maintenance,
47 miscellaneous purposes, and for not more than the
48 following full-time equivalent positions for the
49 department:
50 \$ 171,813

1	.....	FTEs	69.87
2	b. The department of cultural affairs shall		
3	coordinate activities with the tourism office of		
4	the department of economic development to promote		
5	attendance at the state historical building and at this		
6	state's historic sites.		
7	c. Full-time equivalent positions authorized under		
8	this subsection shall be funded, in full or in part,		
9	using moneys appropriated under this subsection and		
10	subsections 2, 3, 4, 5, 6, and 8.		
11	2. HISTORICAL DIVISION		
12	For the support of the historical division:		
13	.....	\$	1,767,701
14	3. HISTORIC SITES		
15	For the administration and support of historic		
16	sites:		
17	.....	\$	426,398
18	4. ARTS DIVISION		
19	For the support of the arts division:		
20	.....	\$	993,366
21	5. GREAT PLACES		
22	For the great places program:		
23	.....	\$	193,823
24	6. ARCHIVE IOWA GOVERNORS' RECORDS		
25	For archiving the records of Iowa governors:		
26	.....	\$	5,000
27	7. RECORDS CENTER RENT		
28	For payment of rent for the state records center:		
29	.....	\$	227,243
30	8. BATTLE FLAGS		
31	For continuation of the project recommended by the		
32	Iowa battle flag advisory committee to stabilize the		
33	condition of the battle flag collection:		
34	.....	\$	5,000
35	Sec. 24. GOALS AND ACCOUNTABILITY — ECONOMIC		
36	DEVELOPMENT.		
37	1. For the fiscal year beginning July 1, 2012, the		
38	goals for the department of economic development shall		
39	be to expand and stimulate the state economy, increase		
40	the wealth of Iowans, and increase the population of		
41	the state.		
42	2. To achieve the goals in subsection 1, the		
43	department of economic development shall do all of the		
44	following for the fiscal year beginning July 1, 2012:		
45	a. Concentrate its efforts on programs and		
46	activities that result in commercially viable products		
47	and services.		
48	b. Adopt practices and services consistent with		
49	free market, private sector philosophies.		
50	c. Ensure economic growth and development		

1 throughout the state.

2 d. Work with businesses and communities to
3 continually improve the economic development climate
4 along with the economic well-being and quality of life
5 for Iowans.

6 e. Coordinate with other state agencies to
7 ensure that they are attentive to the needs of an
8 entrepreneurial culture.

9 f. Establish a strong and aggressive marketing
10 image to showcase Iowa's workforce, existing industry,
11 and potential. A priority shall be placed on
12 recruiting new businesses, business expansion, and
13 retaining existing Iowa businesses. Emphasis shall be
14 placed on entrepreneurial development through helping
15 entrepreneurs secure capital, and developing networks
16 and a business climate conducive to entrepreneurs and
17 small businesses.

18 g. Encourage the development of communities and
19 quality of life to foster economic growth.

20 h. Prepare communities for future growth and
21 development through development, expansion, and
22 modernization of infrastructure.

23 i. Develop public-private partnerships with
24 Iowa businesses in the tourism industry, Iowa tour
25 groups, Iowa tourism organizations, and political
26 subdivisions in this state to assist in the development
27 of advertising efforts.

28 j. Develop, to the fullest extent possible,
29 cooperative efforts for advertising with contributions
30 from other sources.

31 Sec. 25. DEPARTMENT OF ECONOMIC DEVELOPMENT.

32 1. APPROPRIATION

33 There is appropriated from the general fund of the
34 state to the department of economic development for the
35 fiscal year beginning July 1, 2012, and ending June
36 30, 2013, the following amounts, or so much thereof as
37 is necessary, to be used for the purposes designated
38 in subsection 2, and for not more than the following
39 full-time equivalent positions:

40	\$	9,928,058
41	FTEs	149.00

42 2. DESIGNATED PURPOSES

43 a. For salaries, support, miscellaneous purposes,
44 programs, and the maintenance of an administration
45 division, a business development division, and a
46 community development division.

47 b. The full-time equivalent positions authorized
48 under this section shall be funded, in whole or in
49 part, by the moneys appropriated under subsection 1 or
50 by other moneys received by the department, including

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1 certain federal moneys.
2 c. For transfer to the Iowa state commission grant
3 program.
4 d. For business development operations and
5 programs, the film office, international trade, export
6 assistance, workforce recruitment, and the partner
7 state program.
8 e. For transfer to the strategic investment fund.
9 f. For community economic development programs,
10 tourism operations, community assistance, plans
11 for Iowa green corps and summer youth programs,
12 the mainstreet and rural mainstreet programs, the
13 school-to-career program, the community development
14 block grant, and housing and shelter-related programs.
15 g. For achieving the goals and accountability,
16 fulfilling the requirements, and doing all other things
17 required under this Act.
18 3. NONREVERSION
19 Notwithstanding section 8.33, moneys appropriated in
20 subsection 1 that remain unencumbered or unobligated
21 at the close of the fiscal year shall not revert but
22 shall remain available for expenditure for the purposes
23 designated in subsection 2 until the close of the
24 succeeding fiscal year.
25 4. FINANCIAL ASSISTANCE RESTRICTIONS
26 a. A business creating jobs with economic
27 development assistance through moneys appropriated in
28 this section shall be subject to contract provisions
29 stating that new and retained jobs shall be filled
30 by individuals who are citizens of the United States
31 who reside within the United States or any person
32 authorized to work in the United States pursuant to
33 federal law, including legal resident aliens in the
34 United States.
35 b. Any vendor who receives such public moneys shall
36 adhere to such contract provisions and provide periodic
37 assurances as the state shall require that the jobs
38 are filled solely by citizens of the United States
39 who reside within the United States or any person
40 authorized to work in the United States pursuant to
41 federal law, including legal resident aliens in the
42 United States.
43 c. A business that receives financial assistance
44 from the department from moneys appropriated in this
45 Act shall only employ individuals legally authorized
46 to work in this state. In addition to all other
47 applicable penalties provided by current law, all or
48 a portion of the assistance received by a business
49 which is found to knowingly employ individuals not
50 legally authorized to work in this state is subject to

1 recapture by the department.

2 5. USES OF APPROPRIATIONS

3 a. From the moneys appropriated in this section,
4 the department may provide financial assistance in the
5 form of a grant to a community economic development
6 entity for conducting a local workforce recruitment
7 effort designed to recruit former citizens of the state
8 and former students at colleges and universities in the
9 state to meet the needs of local employers.

10 b. From the moneys appropriated in this section,
11 the department may provide financial assistance to
12 early stage industry companies being established by
13 women entrepreneurs.

14 c. From the moneys appropriated in this section,
15 the department may provide financial assistance in the
16 form of grants, loans, or forgivable loans for advanced
17 research and commercialization projects involving
18 value-added agriculture, advanced technology, or
19 biotechnology.

20 d. The department shall not use any moneys
21 appropriated in this section for purposes of providing
22 financial assistance for the Iowa green streets pilot
23 project or for any other program or project that
24 involves the installation of geothermal systems for
25 melting snow and ice from streets or sidewalks.

26 6. WORLD FOOD PRIZE

27 For allocating moneys for the world food prize and
28 notwithstanding the standing appropriation in section
29 15.368, subsection 1:

30 \$ 150,000

31 Sec. 26. VISION IOWA PROGRAM — FTE

32 AUTHORIZATION. For purposes of administrative duties
33 associated with the vision Iowa program, the department
34 of economic development is authorized an additional
35 2.25 FTEs above those otherwise authorized in this Act.

36 Sec. 27. INSURANCE ECONOMIC DEVELOPMENT. From
37 the moneys collected by the division of insurance in
38 excess of the anticipated gross revenues under section
39 505.7, subsection 3, during the fiscal year beginning
40 July 1, 2012, \$100,000 shall be transferred to the
41 department of economic development for insurance
42 economic development and international insurance
43 economic development.

44 Sec. 28. COMMUNITY DEVELOPMENT LOAN

45 FUND. Notwithstanding section 15E.120, subsection
46 5, there is appropriated from the Iowa community
47 development loan fund all moneys available during the
48 fiscal year beginning July 1, 2012, and ending June 30,
49 2013, to the department of economic development for
50 purposes of the community development program.

1 Sec. 29. WORKFORCE DEVELOPMENT FUND. There is
 2 appropriated from the workforce development fund
 3 account created in section 15.342A to the workforce
 4 development fund created in section 15.343 for the
 5 fiscal year beginning July 1, 2012, and ending June
 6 30, 2013, the following amount, for purposes of the
 7 workforce development fund, and for not more than the
 8 following full-time equivalent positions:

9	\$	4,000,000
10	FTEs	4.00

11 Sec. 30. WORKFORCE DEVELOPMENT

12 ADMINISTRATION. From moneys appropriated or
 13 transferred to or receipts credited to the workforce
 14 development fund created in section 15.343, up to
 15 \$400,000 for the fiscal year beginning July 1,
 16 2012, and ending June 30, 2013, are appropriated
 17 to the department of economic development for the
 18 administration of workforce development activities
 19 including salaries, support, maintenance, and
 20 miscellaneous purposes, and for not more than the
 21 following full-time equivalent positions:

22	FTEs	4.00
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23 Sec. 31. JOB TRAINING FUND. Notwithstanding
 24 section 15.251, all moneys in the job training fund on
 25 July 1, 2012, and any moneys appropriated or credited
 26 to the fund during the fiscal year beginning July 1,
 27 2012, shall be transferred to the workforce development
 28 fund established pursuant to section 15.343.

29 Sec. 32. IOWA STATE UNIVERSITY.

30 1. There is appropriated from the general fund
 31 of the state to Iowa state university of science
 32 and technology for the fiscal year beginning July
 33 1, 2012, and ending June 30, 2013, the following
 34 amount, or so much thereof as is necessary, to be used
 35 for small business development centers, the science
 36 and technology research park, and the institute for
 37 physical research and technology, and for not more than
 38 the following full-time equivalent positions:

39	\$	935,233
40	FTEs	56.63

41 2. Of the moneys appropriated in subsection 1,
 42 Iowa state university of science and technology shall
 43 allocate at least \$935,233 for purposes of funding
 44 small business development centers.

45 3. Iowa state university of science and technology
 46 shall do all of the following:

- 47 a. Direct expenditures for research toward projects
- 48 that will provide economic stimulus for Iowa.
- 49 b. Provide emphasis to providing services to
- 50 Iowa-based companies.

1 4. a. It is the intent of the general assembly
 2 that the industrial incentive program focus on Iowa
 3 industrial sectors and seek contributions and in-kind
 4 donations from businesses, industrial foundations, and
 5 trade associations, and that moneys for the institute
 6 for physical research and technology industrial
 7 incentive program shall be allocated only for projects
 8 which are matched by private sector moneys for directed
 9 contract research or for nondirected research. The
 10 match required of small businesses as defined in
 11 section 15.102, subsection 6, for directed contract
 12 research or for nondirected research shall be \$1 for
 13 each \$3 of state funds. The match required for other
 14 businesses for directed contract research or for
 15 nondirected research shall be \$1 for each \$1 of state
 16 funds. The match required of industrial foundations
 17 or trade associations shall be \$1 for each \$1 of state
 18 funds.

19 b. Iowa state university of science and technology
 20 shall report annually to the joint appropriations
 21 subcommittee on economic development and the
 22 legislative services agency the total amount of
 23 private contributions, the proportion of contributions
 24 from small businesses and other businesses, and
 25 the proportion for directed contract research and
 26 nondirected research of benefit to Iowa businesses and
 27 industrial sectors.

28 5. Notwithstanding section 8.33, moneys
 29 appropriated in this section that remain unencumbered
 30 or unobligated at the close of the fiscal year shall
 31 not revert but shall remain available for expenditure
 32 for the purposes designated until the close of the
 33 succeeding fiscal year.

34 Sec. 33. UNIVERSITY OF NORTHERN IOWA.

35 1. There is appropriated from the general fund of
 36 the state to the university of northern Iowa for the
 37 fiscal year beginning July 1, 2012, and ending June
 38 30, 2013, the following amount, or so much thereof as
 39 is necessary, to be used for the MyEntreNet internet
 40 application, including salaries, support, maintenance,
 41 miscellaneous purposes, and for not more than the
 42 following full-time equivalent positions:

43	\$	273,064
44	FTEs	3.06

45 2. The university of northern Iowa shall do all of
 46 the following:

47 a. Direct expenditures for research toward projects
 48 that will provide economic stimulus for Iowa.

49 b. Provide emphasis to providing services to
 50 Iowa-based companies.

1 3. Notwithstanding section 8.33, moneys
 2 appropriated in this section that remain unencumbered
 3 or unobligated at the close of the fiscal year shall
 4 not revert but shall remain available for expenditure
 5 for the purposes designated until the close of the
 6 succeeding fiscal year.

7 Sec. 34. BOARD OF REGENTS REPORT. By January
 8 15, 2013, the state board of regents shall submit a
 9 report on the progress of regents institutions in
 10 meeting the strategic plan for technology transfer and
 11 economic development to the secretary of the senate,
 12 the chief clerk of the house of representatives, and
 13 the legislative services agency.

14 Sec. 35. DEPARTMENT OF WORKFORCE
 15 DEVELOPMENT. There is appropriated from the general
 16 fund of the state to the department of workforce
 17 development for the fiscal year beginning July 1, 2012,
 18 and ending June 30, 2013, the following amounts, or
 19 so much thereof as is necessary, for the purposes
 20 designated:

21 1. DIVISION OF LABOR SERVICES
 22 a. For the division of labor services, including
 23 salaries, support, maintenance, miscellaneous
 24 purposes, and for not more than the following full-time
 25 equivalent positions:
 26 \$ 3,495,440
 27 FTEs 62.75

28 b. From the contractor registration fees, the
 29 division of labor services shall reimburse the
 30 department of inspections and appeals for all costs
 31 associated with hearings under chapter 91C, relating
 32 to contractor registration.

33 2. DIVISION OF WORKERS' COMPENSATION
 34 a. For the division of workers' compensation,
 35 including salaries, support, maintenance, miscellaneous
 36 purposes, and for not more than the following full-time
 37 equivalent positions:
 38 \$ 2,718,540
 39 FTEs 29.00

40 b. The division of workers' compensation shall
 41 charge a \$100 filing fee for workers' compensation
 42 cases. The filing fee shall be paid by the petitioner
 43 of a claim. However, the fee can be taxed as a cost
 44 and paid by the losing party, except in cases where
 45 it would impose an undue hardship or be unjust under
 46 the circumstances. The moneys generated by the filing
 47 fee allowed under this subsection are appropriated to
 48 the department of workforce development to be used for
 49 purposes of administering the division of workers'
 50 compensation.

1 3. WORKFORCE DEVELOPMENT OPERATIONS

2 a. For the operation of field offices, the
3 workforce development board, and for not more than the
4 following full-time equivalent positions:

5	\$	10,207,042
6	FTEs	130.00

7 b. The department shall not reduce the number of
8 field offices being operated as of January 1, 2009.

9 4. OFFENDER REENTRY PROGRAM

10 a. For the development and administration of an
11 offender reentry program to provide offenders with
12 employment skills, and for not more than the following
13 full-time equivalent positions:

14	\$	284,464
15	FTEs	3.00

16 b. The department shall partner with the department
17 of corrections to provide staff within the correctional
18 facilities to improve offenders' abilities to find and
19 retain productive employment.

20 5. Notwithstanding section 8.33, moneys
21 appropriated in this section that remain unencumbered
22 or unobligated at the close of the fiscal year shall
23 not revert but shall remain available for expenditure
24 for the purposes designated until the close of the
25 succeeding fiscal year.

26 Sec. 36. ACCOUNTABILITY — AUDIT. The auditor of
27 state shall annually conduct an audit of the department
28 of workforce development and shall report the findings
29 of such annual audit, including the accountability
30 of programs of the department, to the chairpersons
31 and ranking members of the joint appropriations
32 subcommittee on economic development. The department
33 shall pay for the costs associated with the audit.

34 Sec. 37. EMPLOYMENT SECURITY CONTINGENCY FUND —
35 DIVISION OF WORKERS' COMPENSATION.

36 1. There is appropriated from the special
37 employment security contingency fund to the department
38 of workforce development for the fiscal year beginning
39 July 1, 2012, and ending June 30, 2013, the following
40 amount, or so much thereof as is necessary, for the
41 division of workers' compensation, salaries, support,
42 maintenance, and miscellaneous purposes:

43	\$	471,000
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44 2. Any remaining additional penalty and interest
45 revenue is appropriated to the department of
46 workforce development to accomplish the mission of the
47 department.

48 Sec. 38. SPECIAL EMPLOYMENT SECURITY CONTINGENCY
49 FUND — FIELD OFFICES. There is appropriated from the
50 special employment security contingency fund to the

1 department of workforce development for the fiscal year
2 beginning July 1, 2012, and ending June 30, 2013, the
3 following amount, or so much thereof as is necessary,
4 to be used for field offices:
5 \$ 662,427
6 Sec. 39. UNEMPLOYMENT COMPENSATION RESERVE FUND
7 — FIELD OFFICES. Notwithstanding section 96.9,
8 subsection 8, paragraph “e”, there is appropriated
9 from interest earned on the unemployment compensation
10 reserve fund to the department of workforce development
11 for the fiscal year beginning July 1, 2012, and ending
12 June 30, 2013, the following amount or so much thereof
13 as is necessary, for the operation of field offices:
14 \$ 1,200,000
15 Sec. 40. GENERAL FUND — EMPLOYEE MISCLASSIFICATION
16 PROGRAM. There is appropriated from the general fund
17 of the state to the department of workforce development
18 for the fiscal year beginning July 1, 2012, and ending
19 June 30, 2013, the following amount, or so much thereof
20 as is necessary, to be used for enhancing efforts to
21 investigate employers that misclassify workers and
22 for not more than the following full-time equivalent
23 positions:
24 \$ 521,458
25 FTEs 9.10
26 Sec. 41. APPROPRIATIONS RESTRICTED. The department
27 of workforce development shall not use any of the
28 moneys appropriated pursuant to this Act for purposes
29 of the national career readiness certificate program.
30 Sec. 42. PUBLIC EMPLOYMENT RELATIONS BOARD.
31 1. There is appropriated from the general fund
32 of the state to the public employment relations board
33 for the fiscal year beginning July 1, 2012, and ending
34 June 30, 2013, the following amount, or so much thereof
35 as is necessary, for salaries, support, maintenance,
36 miscellaneous purposes, and for not more than the
37 following full-time equivalent positions:
38 \$ 1,210,871
39 FTEs 10.00
40 2. Of the moneys appropriated in this section,
41 the board shall allocate \$15,000 for maintaining a
42 website that allows searchable access to a database of
43 collective bargaining information.
44 Sec. 43. UNEMPLOYMENT COMPENSATION PROGRAM. Notwithstanding
45 section 96.9, subsection 4, paragraph “a”, moneys
46 credited to the state by the secretary of the treasury
47 of the United States pursuant to section 903 of
48 the Social Security Act are appropriated to the
49 department of workforce development and shall be
50 used by the department for the administration of

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1 the unemployment compensation program only. This
2 appropriation shall not apply to any fiscal year
3 beginning after December 31, 2012.>

4 DIVISION III

5 AGENCY APPEARANCES BEFORE APPROPRIATIONS SUBCOMMITTEE

6 Sec. 44. AGENCY APPEARANCES BEFORE APPROPRIATIONS

7 SUBCOMMITTEE. The directors, or the directors'

8 designees, of the Iowa finance authority and the
9 department of economic development, and any successor

10 entities, shall annually appear before the members
11 of the joint subcommittee on economic development
12 appropriations and present a proposed budget. The
13 proposed budget shall include a detailed accounting of
14 all moneys received, from any source, and all moneys
15 expended, for any purpose, during the current fiscal
16 year and the prior fiscal year. The proposed budget
17 shall also include a detailed expenditure plan for such
18 moneys during the next fiscal year.

19 2. By renumbering as necessary.

S-3286

1 Amend House File 589, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. Section 716.7, Code 2011, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION 2A. a. As used in this

8 subsection, unless the context otherwise requires:

9 (1) "Agricultural employee" means a person who
10 works on agricultural premises by performing labor or
11 furnishing services on a full-time or part-time basis.

12 (2) "Agricultural operation" means a person,
13 including but not limited to an individual or business
14 association as defined in section 202B.102, who holds a
15 legal interest in an agricultural premises.

16 (3) "Agricultural premises" means real property
17 where agricultural production occurs.

18 (4) "Agricultural production" means to do any of the
19 following:

20 (a) Keep and provide for the care and feeding of
21 any agricultural animal as defined in section 717A.1,
22 including but not limited to any activity relating
23 to confining, handling, breeding, transporting, or
24 exhibiting the agricultural animal.

25 (b) Keep and preserve any crop as defined in
26 section 717A.1, by planting, nurturing, harvesting, and
27 storing the crop, or by storing, planting, or nurturing
28 the crop's seed.

29 (5) "Agricultural property" means an agricultural
30 premises, or personal property located on an
31 agricultural premises.

32 (6) "Constructive notice" includes but is not
33 limited to a sign posted on the boundary of an
34 agricultural premises which is reasonably likely to
35 come to the attention of a person entering onto the
36 agricultural premises.

37 (7) "Recording device" means an instrument capable
38 of placing or storing a visual or audio reproduction in
39 a tangible medium that can be accessed in a perceivable
40 form.

41 b. The term "trespass" shall mean doing any of the
42 following:

43 (1) Entering onto an agricultural premises, if the
44 person so entering has actual or constructive notice
45 that the agricultural operation prohibits the person
46 from entering onto the agricultural premises without
47 the agricultural operation's express, oral or written
48 permission.

49 (2) Remaining on an agricultural premises, if the
50 person so remaining has actual or constructive notice

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1 that the agricultural operation prohibits the person
2 from remaining on the agricultural premises without
3 the agricultural operation's express, oral or written
4 permission.

5 (3) Entering onto an agricultural premises with
6 a recording device if the person so entering has
7 actual or constructive notice that the agricultural
8 operation prohibits such entry without the agricultural
9 operation's express, oral or written permission.

10 c. Trespass occurs under paragraph "b" regardless
11 of whether the person entering onto or remaining on
12 the agricultural premises is or is not an agricultural
13 employee.

14 Sec. 2. Section 716.8, Code 2011, is amended by
15 adding the following new subsection:

16 NEW SUBSECTION. 6. a. A person who commits
17 trespass by entering onto an agricultural premises
18 of another, remaining on an agricultural premises of
19 another, or entering onto an agricultural premises of
20 another with a recording device, as provided in section
21 716.7, subsection 2A, commits the following:

22 (1) For the first conviction, an aggravated
23 misdemeanor.

24 (2) For a second or subsequent conviction, a class
25 "D" felony.

26 b. (1) A person who conspires to commit trespass
27 under paragraph "a" is subject to the provisions of

28 chapter 706. A person who aids and abets in the
29 commission of trespass under paragraph "a" is subject
30 to the provisions of chapter 703. When two or more
31 persons, acting in concert, knowingly participate in
32 committing trespass under paragraph "a", each person
33 is responsible for the acts of the other person as
34 provided in section 703.2.

35 (2) A trial information or an indictment need not
36 contain allegations of vicarious liability as provided
37 in chapter 703.

38 c. It shall be an affirmative defense to a
39 prosecution under this subsection that a defendant
40 acted as a whistle-blower. In order to assert the
41 affirmative defense of acting as a whistle-blower, all
42 of the following must apply:

43 (1) Prior to committing the trespass, the defendant
44 had reasonable cause to believe that a criminal offense
45 affecting livestock production was being committed on
46 the agricultural premises, regardless of whether a
47 criminal offense was actually committed.

48 (2) The defendant could not have witnessed the
49 criminal offense described in subparagraph (1) without
50 committing the trespass.

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1 (3) The defendant was not involved in the
2 commission of any criminal offense described in
3 subparagraph (1) other than the trespass after entering
4 onto the agricultural premises.

5 (4) The defendant reported the commission of
6 the criminal offense described in subparagraph (1),
7 other than the defendant's own trespass, occurring
8 on the agricultural premises to a state agency or
9 local governmental entity which had jurisdiction to
10 investigate or enforce state law affecting agricultural
11 production, including but not limited to the attorney
12 general, the department of agriculture and land
13 stewardship, an appropriate county attorney, or
14 an appropriate county sheriff. The defendant must
15 have reported the commission of the criminal offense
16 described in subparagraph (1) within seventy-two hours
17 from the time that the defendant first witnessed the
18 criminal offense.

19 (5) The defendant provided the state agency or
20 local governmental entity described in subparagraph (4)
21 with the original and any copies of the visual or audio
22 recordings made by the defendant which may be used
23 as evidence in a prosecution of the criminal offense
24 described in subparagraph (1). The defendant must have
25 provided the original and any copies of the visual or
26 audio recordings when reporting the commission of the

27 criminal offense described in subparagraph (1).
 28 d. This subsection does not prohibit a person from
 29 entering onto or remaining on an agricultural premises
 30 if the person is any of the following:
 31 (1) A person who holds a legal interest in the
 32 agricultural premises or personal property kept on the
 33 agricultural premises, which is superior to the legal
 34 interest of the agricultural operation.
 35 (2) A governmental agency or officer who is taking
 36 lawful action involving an agricultural operation or
 37 agricultural property.
 38 (3) A licensed veterinarian practicing veterinary
 39 medicine as provided in chapter 169 according to
 40 customary standards of care.
 41 (4) An insurance company representative or
 42 qualified expert retained by an insurance company
 43 for the purpose of investigating a claim, who is
 44 taking lawful action in inspecting or examining the
 45 agricultural property.>
 46 2. Title page, by striking lines 1 and 2 and
 47 inserting <An Act relating to conduct occurring on
 48 agricultural premises, and providing penalties.>

TOM RIELLY
 TIM L. KAPUCIAN
 DAVID JOHNSON
 JOHN P. KIBBIE
 JOE M. SENG

S-3287

1 Amend House File 645, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking everything after the enacting clause
 4 and inserting:

5 <DIVISION I
 6 FY 2011-2012 APPROPRIATIONS
 7 DEPARTMENT FOR THE BLIND

8 Section 1. ADMINISTRATION. There is appropriated
 9 from the general fund of the state to the department
 10 for the blind for the fiscal year beginning July 1,
 11 2011, and ending June 30, 2012, the following amount,
 12 or so much thereof as is necessary, to be used for the
 13 purposes designated:

14 1. For salaries, support, maintenance,
 15 miscellaneous purposes, and for not more than the
 16 following full-time equivalent positions:
 17 \$ 1,758,156
 18 FTEs 88.00

19 2. For costs associated with universal access to
 20 audio information over the phone on demand for blind
 21 and print handicapped Iowans:

22	.....	\$	50,000
23	COLLEGE STUDENT AID COMMISSION		
24	Sec. 2. There is appropriated from the general fund		
25	of the state to the college student aid commission for		
26	the fiscal year beginning July 1, 2011, and ending June		
27	30, 2012, the following amounts, or so much thereof		
28	as may be necessary, to be used for the purposes		
29	designated:		
30	1. GENERAL ADMINISTRATION		
31	For salaries, support, maintenance, miscellaneous		
32	purposes, and for not more than the following full-time		
33	equivalent positions:		
34	.....	\$	242,077
35	.....	FTEs	3.95
36	2. STUDENT AID PROGRAMS		
37	For payments to students for the Iowa grant program		
38	established in section 261.93:		
39	.....	\$	822,201
40	3. DES MOINES UNIVERSITY — HEALTH CARE		
41	PROFESSIONAL RECRUITMENT PROGRAM		
42	For forgivable loans to Iowa students attending Des		
43	Moines university — osteopathic medical center under		
44	the forgivable loan program pursuant to section 261.19:		
45	.....	\$	338,756
46	4. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM		
47	For purposes of providing national guard educational		
48	assistance under the program established in section		
49	261.86:		
50	\$	3,186,233

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1	5. TEACHER SHORTAGE LOAN FORGIVENESS PROGRAM		
2	For the teacher shortage loan forgiveness program		
3	established in section 261.112:		
4	.....	\$	407,841
5	6. ALL IOWA OPPORTUNITY FOSTER CARE GRANT PROGRAM		
6	For purposes of the all Iowa opportunity foster care		
7	grant program established pursuant to section 261.6:		
8	.....	\$	575,783
9	7. ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM		
10	a. For purposes of the all Iowa opportunity		
11	scholarship program established pursuant to section		
12	261.87:		
13	.....	\$	2,328,724
14	b. If the moneys appropriated by the general		
15	assembly to the college student aid commission for		
16	fiscal year 2011–2012 for purposes of the all Iowa		
17	opportunity scholarship program exceed \$500,000,		
18	“eligible institution” as defined in section 261.87,		
19	shall, during fiscal year 2011–2012, include accredited		
20	private institutions as defined in section 261.9,		

21 subsection 1.

22 8. REGISTERED NURSE AND NURSE EDUCATOR LOAN
23 FORGIVENESS PROGRAM

24 a. For purposes of the registered nurse and nurse
25 educator loan forgiveness program established pursuant
26 to section 261.23:

27 \$ 84,022

28 b. It is the intent of the general assembly that
29 the commission continue to consider moneys allocated
30 pursuant to this subsection as moneys that meet the
31 state matching funds requirements of the federal
32 leveraging educational assistance program and the
33 federal supplemental leveraging educational assistance
34 program established under the Higher Education Act of
35 1965, as amended.

36 9. BARBER AND COSMETOLOGY ARTS AND SCIENCES TUITION
37 GRANT PROGRAM

38 For purposes of the barber and cosmetology arts and
39 sciences tuition grant program established pursuant to
40 section 261.18:

41 \$ 38,386

42 Sec. 3. CHIROPRACTIC LOAN FUNDS. Notwithstanding
43 section 261.72, the moneys deposited in the
44 chiropractic loan revolving fund created pursuant
45 to section 261.72 may be used for purposes of the
46 chiropractic loan forgiveness program established in
47 section 261.73.

48 Sec. 4. WORK-STUDY APPROPRIATION FOR FY
49 2011–2012.

50 Notwithstanding section 261.85, for the fiscal year

Page 3

1 beginning July 1, 2011, and ending June 30, 2012,
2 the amount appropriated from the general fund of the
3 state to the college student aid commission for the
4 work-study program under section 261.85 shall be zero.

5 DEPARTMENT OF EDUCATION

6 Sec. 5. There is appropriated from the general fund
7 of the state to the department of education for the
8 fiscal year beginning July 1, 2011, and ending June 30,
9 2012, the following amounts, or so much thereof as may
10 be necessary, to be used for the purposes designated:

11 1. GENERAL ADMINISTRATION

12 For salaries, support, maintenance, miscellaneous
13 purposes, and for not more than the following full-time
14 equivalent positions:

15 \$ 6,202,865

16 FTEs 81.67

17 2. VOCATIONAL EDUCATION ADMINISTRATION

18 For salaries, support, maintenance, miscellaneous
19 purposes, and for not more than the following full-time

20	equivalent positions:		
21	.....	\$	449,276
22	.....	FTEs	11.50
23	3. VOCATIONAL REHABILITATION SERVICES DIVISION		
24	a. For salaries, support, maintenance,		
25	miscellaneous purposes, and for not more than the		
26	following full-time equivalent positions:		
27	.....	\$	4,963,168
28	.....	FTEs	255.00
29	b. For matching funds for programs to enable		
30	persons with severe physical or mental disabilities to		
31	function more independently, including salaries and		
32	support, and for not more than the following full-time		
33	equivalent position:		
34	.....	\$	40,662
35	.....	FTEs	1.00
36	c. For the entrepreneurs with disabilities program		
37	established pursuant to section 259.4, subsection 9:		
38	.....	\$	151,242
39	d. For costs associated with centers for		
40	independent living:		
41	.....	\$	41,874
42	4. STATE LIBRARY		
43	a. For salaries, support, maintenance,		
44	miscellaneous purposes, and for not more than the		
45	following full-time equivalent positions:		
46	.....	\$	1,257,051
47	.....	FTEs	17.00
48	b. For the enrich Iowa program established under		
49	section 256.57:		
50	\$	1,739,878

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1	5. LIBRARY SERVICE AREA SYSTEM		
2	For state aid:		
3	\$	1,044,870
4	6. PUBLIC BROADCASTING DIVISION		
5	For salaries, support, maintenance, capital		
6	expenditures, miscellaneous purposes, and for not more		
7	than the following full-time equivalent positions:		
8	.....	\$	6,914,943
9	.....	FTEs	82.00
10	7. REGIONAL TELECOMMUNICATIONS COUNCILS		
11	For state aid:		
12	.....	\$	1,031,848
13	The regional telecommunications councils established		
14	in section 8D.5 shall use the moneys appropriated in		
15	this subsection to provide technical assistance for		
16	network classrooms, planning and troubleshooting for		
17	local area networks, scheduling of video sites, and		
18	other related support activities.		

19 8. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS

20 For reimbursement for vocational education
21 expenditures made by secondary schools:

22 \$ 2,590,675

23 Moneys appropriated in this subsection shall be used
24 to reimburse school districts for vocational education
25 expenditures made by secondary schools to meet the
26 standards set in sections 256.11, 258.4, and 260C.14.

27 9. SCHOOL FOOD SERVICE

28 For use as state matching funds for federal
29 programs that shall be disbursed according to federal
30 regulations, including salaries, support, maintenance,
31 miscellaneous purposes, and for not more than the
32 following full-time equivalent positions:

33 \$ 2,121,058

34 FTEs 20.58

35 10. EARLY CHILDHOOD IOWA FUND — GENERAL AID

36 For deposit in the school ready children grants
37 account of the early childhood Iowa fund created in
38 section 256I.11:

39 \$ 5,550,606

40 a. From the moneys deposited in the school ready
41 children grants account for the fiscal year beginning
42 July 1, 2011, and ending June 30, 2012, not more than
43 \$265,950 is allocated for the early childhood Iowa
44 office and other technical assistance activities. The
45 early childhood Iowa state board shall direct staff to
46 work with the early childhood stakeholders alliance
47 created in section 256I.12 to inventory technical
48 assistance needs. Moneys allocated under this lettered
49 paragraph may be used by the early childhood Iowa state
50 board for the purpose of skills development and support

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1 for ongoing training of staff. However, except as
2 otherwise provided in this subsection, moneys shall not
3 be used for additional staff or for the reimbursement
4 of staff.

5 b. As a condition of receiving moneys appropriated
6 in this subsection, each early childhood Iowa area
7 board shall report to the early childhood Iowa state
8 board progress on each of the local indicators approved
9 by the area board. Each early childhood Iowa area
10 board must also submit an annual budget for the area's
11 comprehensive school ready children grant developed for
12 providing services for children from birth through five
13 years of age, and provide other information specified
14 by the early childhood Iowa state board, including
15 budget amendments as needed. The early childhood Iowa
16 state board shall establish a submission deadline for
17 the annual budget and any budget amendments that allow

18 a reasonable period of time for preparation by the
19 early childhood Iowa area boards and for review and
20 approval or request for modification of the materials
21 by the early childhood Iowa state board. In addition,
22 each early childhood Iowa area board must continue to
23 comply with reporting provisions and other requirements
24 adopted by the early childhood Iowa state board in
25 implementing section 256I.9.

26 c. Of the amount appropriated in this subsection
27 for deposit in the school ready children grants account
28 of the early childhood Iowa fund, \$2,318,018 shall
29 be used for efforts to improve the quality of early
30 care, health, and education programs. Moneys allocated
31 pursuant to this paragraph may be used for additional
32 staff and for the reimbursement of staff. The early
33 childhood Iowa state board may reserve a portion of the
34 allocation, not to exceed \$88,650, for the technical
35 assistance expenses of the early childhood Iowa state
36 office, including the reimbursement of staff, and
37 shall distribute the remainder to early childhood Iowa
38 areas for local quality improvement efforts through
39 a methodology identified by the early childhood Iowa
40 state board to make the most productive use of the
41 funding, which may include use of the distribution
42 formula, grants, or other means.

43 d. Of the amount appropriated in this subsection
44 for deposit in the school ready children grants account
45 of the early childhood Iowa fund, \$825,030 shall
46 be used for support of professional development and
47 training activities for persons working in early care,
48 health, and education by the early childhood Iowa
49 state board in collaboration with the professional
50 development component group of the early childhood

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1 Iowa stakeholders alliance maintained pursuant to
2 section 256I.12, subsection 7, paragraph “b”, and the
3 early childhood Iowa area boards. Expenditures shall
4 be limited to professional development and training
5 activities agreed upon by the parties participating in
6 the collaboration.

7 **11. EARLY CHILDHOOD IOWA FUND — PRESCHOOL TUITION**
8 **ASSISTANCE**

9 a. For deposit in the school ready children grants
10 account of the early childhood Iowa fund created in
11 section 256I.11:

12 \$ 7,346,595

13 b. The amount appropriated in this subsection shall
14 be used for early care, health, and education programs
15 to assist low-income parents with tuition for preschool
16 and other supportive services for children ages three,

17 four, and five who are not attending kindergarten in
 18 order to increase the basic family income eligibility
 19 requirement to not more than 200 percent of the federal
 20 poverty level. In addition, if sufficient funding is
 21 available after addressing the needs of those who meet
 22 the basic income eligibility requirement, an early
 23 childhood Iowa area board may provide for eligibility
 24 for those with a family income in excess of the basic
 25 income eligibility requirement through use of a sliding
 26 scale or other copayment provisions.

27 12. EARLY CHILDHOOD IOWA FUND — FAMILY SUPPORT AND
 28 PARENT EDUCATION

29 a. For deposit in the school ready children grants
 30 account of the early childhood Iowa fund created in
 31 section 256I.11:

32 \$ 12,742,046

33 b. The amount appropriated in this subsection
 34 shall be used for family support services and parent
 35 education programs targeted to families expecting a
 36 child or with newborn and infant children through age
 37 five and shall be distributed using the distribution
 38 formula approved by the early childhood Iowa state
 39 board and shall be used by an early childhood Iowa
 40 area board only for family support services and parent
 41 education programs targeted to families expecting a
 42 child or with newborn and infant children through age
 43 five.

44 13. BIRTH TO AGE THREE SERVICES

45 For expansion of the federal Individuals with
 46 Disabilities Education Improvement Act of 2004, Pub.
 47 L. No. 108-446, as amended to January 1, 2011, birth
 48 through age three services due to increased numbers of
 49 children qualifying for those services:

50 \$ 1,721,400

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1 From the moneys appropriated in this subsection,
 2 \$383,769 shall be allocated to the child health
 3 specialty clinic at the state university of Iowa to
 4 provide additional support for infants and toddlers
 5 who are born prematurely, drug-exposed, or medically
 6 fragile.

7 14. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

8 To provide moneys for costs of providing textbooks
 9 to each resident pupil who attends a nonpublic school
 10 as authorized by section 301.1:

11 \$ 582,181

12 Funding under this subsection is limited to \$20 per
 13 pupil and shall not exceed the comparable services
 14 offered to resident public school pupils.

15 15. BEGINNING ADMINISTRATOR MENTORING AND INDUCTION

16	PROGRAM		
17	For purposes of administering the beginning		
18	administrator mentoring and induction program		
19	established pursuant to chapter 284A:		
20	.....	\$	189,050
21	16. CORE CURRICULUM AND CAREER INFORMATION AND		
22	DECISION-MAKING SYSTEM		
23	For purposes of implementing the statewide core		
24	curriculum for school districts and accredited		
25	nonpublic schools and a state-designated career		
26	information and decision-making system:		
27	.....	\$	1,842,052
28	17. STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM		
29	For purposes of the student achievement and teacher		
30	quality program established pursuant to chapter		
31	284, and for not more than the following full-time		
32	equivalent positions:		
33	.....	\$	6,576,638
34	.....	FTEs	2.00
35	18. COMMUNITY COLLEGES		
36	a. For general state financial aid to merged		
37	areas as defined in section 260C.2 in accordance with		
38	chapters 258 and 260C:		
39	.....	\$	168,774,647
40	Notwithstanding the allocation formula in section		
41	260C.18C, the funds appropriated in this subsection		
42	shall be allocated as follows:		
43	(1) Merged Area I.....	\$	8,380,170
44	(2) Merged Area II.....	\$	8,811,966
45	(3) Merged Area III.....	\$	8,104,003
46	(4) Merged Area IV.....	\$	3,983,587
47	(5) Merged Area V.....	\$	9,385,889
48	(6) Merged Area VI.....	\$	7,762,119
49	(7) Merged Area VII.....	\$	11,639,931
50	(8) Merged Area IX.....	\$	14,528,717

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1	(9) Merged Area X.....	\$	26,045,064
2	(10) Merged Area XI.....	\$	26,668,472
3	(11) Merged Area XII.....	\$	9,502,706
4	(12) Merged Area XIII.....	\$	9,902,968
5	(13) Merged Area XIV.....	\$	4,049,886
6	(14) Merged Area XV.....	\$	12,688,722
7	(15) Merged Area XVI.....	\$	7,320,447
8	b. For distribution to community colleges to		
9	supplement faculty salaries:		
10	.....	\$	825,012
11	c. For purposes of creating a school leadership		
12	system that may include the establishment of leadership		
13	standards and criteria, training for school leaders,		
14	systemic conditions for school leaders, measures to		

15 increase public support for school leadership, and
 16 strategies to assess, document, and share school
 17 leadership progress:
 18 \$ 200,000
 19 d. COMMUNITY COLLEGE WORKFORCE TRAINING AND
 20 ECONOMIC DEVELOPMENT FUNDS
 21 For deposit in the workforce training and economic
 22 development funds created pursuant to section 260C.18A:
 23 \$ 10,000,000
 24 Sec. 6. BOARD OF EDUCATIONAL EXAMINERS LICENSING
 25 FEES. Notwithstanding section 272.10, subsection
 26 2, in addition to the percentage of licensing fees
 27 required to be deposited with the treasurer of state
 28 and credited to the general fund of the state pursuant
 29 to section 272.10, subsection 2, the executive director
 30 of the board of educational examiners shall, at the
 31 close of the fiscal year beginning July 1, 2010,
 32 transfer the amount of \$523,098 to the department
 33 of education for allocation to school districts to
 34 provide direct services to the most at-risk senior high
 35 school students enrolled in school districts through
 36 direct intervention by a jobs for America's graduates
 37 specialist.
 38 Sec. 7. DEPARTMENT OF EDUCATION TRANSFERS. There
 39 is transferred between the following designated
 40 appropriations made to the department of education for
 41 the fiscal year beginning July 1, 2010, and ending June
 42 30, 2011, not more than the following amounts:
 43 From the appropriation made for purposes of the
 44 student achievement and teacher quality program in 2010
 45 Iowa Acts, chapter 1183, section 6, subsection 18, as
 46 follows:
 47 1. To the appropriation made for purposes of
 48 vocational education administration in 2010 Iowa Acts,
 49 chapter 1183, section 6, subsection 2:
 50 \$ 110,521

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1 2. To the appropriation made for purposes of
 2 vocational education to secondary schools in 2010 Iowa
 3 Acts, chapter 1183, section 6, subsection 8:
 4 \$ 39,458
 5 3. To the appropriation made for purposes of school
 6 food service in 2010 Iowa Acts, chapter 1183, section
 7 6, subsection 9:
 8 \$ 55,739

STATE BOARD OF REGENTS

10 Sec. 8. There is appropriated from the general fund
 11 of the state to the state board of regents for the
 12 fiscal year beginning July 1, 2011, and ending June 30,
 13 2012, the following amounts, or so much thereof as may

14 be necessary, to be used for the purposes designated:

15 1. OFFICE OF STATE BOARD OF REGENTS

16 a. For salaries, support, maintenance,
17 miscellaneous purposes, and for not more than the
18 following full-time equivalent positions:

19	\$	1,105,123
20	FTEs	15.00

21 (1) The state board of regents shall submit a
22 monthly financial report in a format agreed upon by
23 the state board of regents office and the legislative
24 services agency.

25 (2) The state board of regents may transfer funding
26 received under paragraphs "b", "c", and "d" to any
27 of the centers specified in paragraph "b", "c", or
28 "d" if the board notifies the general assembly in
29 writing, including both the legislative council and the
30 legislative services agency, of the amount, the date,
31 and the purpose of the transfer.

32 b. For moneys to be allocated to the southwest Iowa
33 graduate studies center:

34	\$	90,766
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35 c. For moneys to be allocated to the siouxland
36 interstate metropolitan planning council for the
37 tristate graduate center under section 262.9,
38 subsection 22:

39	\$	69,110
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40 d. For moneys to be allocated to the quad-cities
41 graduate studies center:

42	\$	134,665
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43 e. For moneys to be distributed to Iowa public
44 radio for public radio operations:

45	\$	406,318
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46 2. STATE UNIVERSITY OF IOWA

47 a. General university, including lakeside
48 laboratory

49 For salaries, support, maintenance, equipment,
50 miscellaneous purposes, and for not more than the

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1 following full-time equivalent positions:

2	\$	217,638,034
3	FTEs	5,058.55

4 b. Oakdale campus

5 For salaries, support, maintenance, miscellaneous
6 purposes, and for not more than the following full-time
7 equivalent positions:

8	\$	2,268,925
9	FTEs	38.25

10 c. State hygienic laboratory

11 For salaries, support, maintenance, miscellaneous
12 purposes, and for not more than the following full-time

13	equivalent positions:		
14	.....	\$	3,669,943
15	.....	FTEs	102.50
16	d. Family practice program		
17	For allocation by the dean of the college of		
18	medicine, with approval of the advisory board, to		
19	qualified participants to carry out the provisions		
20	of chapter 148D for the family practice program,		
21	including salaries and support, and for not more than		
22	the following full-time equivalent positions:		
23	.....	\$	1,855,628
24	.....	FTEs	190.40
25	e. Child health care services		
26	For specialized child health care services,		
27	including childhood cancer diagnostic and treatment		
28	network programs, rural comprehensive care for		
29	hemophilia patients, and the Iowa high-risk infant		
30	follow-up program, including salaries and support, and		
31	for not more than the following full-time equivalent		
32	positions:		
33	.....	\$	684,297
34	.....	FTEs	57.97
35	f. Statewide cancer registry		
36	For the statewide cancer registry, and for not more		
37	than the following full-time equivalent positions:		
38	.....	\$	154,666
39	.....	FTEs	2.10
40	g. Substance abuse consortium		
41	For moneys to be allocated to the Iowa consortium		
42	for substance abuse research and evaluation, and		
43	for not more than the following full-time equivalent		
44	position:		
45	.....	\$	57,621
46	.....	FTEs	1.00
47	h. Center for biocatalysis		
48	For the center for biocatalysis, and for not more		
49	than the following full-time equivalent positions:		
50	\$	750,990

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1	FTEs	6.28
2	i. Primary health care initiative		
3	For the primary health care initiative in the		
4	college of medicine, and for not more than the		
5	following full-time equivalent positions:		
6	.....	\$	673,375
7	.....	FTEs	5.89
8	From the moneys appropriated in this lettered		
9	paragraph, \$254,889 shall be allocated to the		
10	department of family practice at the state university		
11	of Iowa college of medicine for family practice faculty		

12	and support staff.		
13	j. Birth defects registry		
14	For the birth defects registry, and for not more		
15	than the following full-time equivalent position:		
16	.....	\$	39,730
17	.....	FTEs	1.00
18	k. Larned A. Waterman Iowa nonprofit resource		
19	center		
20	For the Larned A. Waterman Iowa nonprofit resource		
21	center, and for not more than the following full-time		
22	equivalent positions:		
23	.....	\$	168,662
24	.....	FTEs	2.75
25	l. Iowa online advance placement academy science,		
26	technology, engineering, and mathematics initiative		
27	For the establishment of the Iowa online advance		
28	placement academy science, technology, engineering, and		
29	mathematics initiative:		
30	.....	\$	500,000
31	3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY		
32	a. General university		
33	For salaries, support, maintenance, equipment,		
34	miscellaneous purposes, and for not more than the		
35	following full-time equivalent positions:		
36	.....	\$	170,536,017
37	.....	FTEs	3,647.42
38	b. Agricultural experiment station		
39	For the agricultural experiment station salaries,		
40	support, maintenance, miscellaneous purposes, and		
41	for not more than the following full-time equivalent		
42	positions:		
43	.....	\$	29,170,840
44	.....	FTEs	546.98
45	c. Cooperative extension service in agriculture and		
46	home economics		
47	For the cooperative extension service in agriculture		
48	and home economics salaries, support, maintenance,		
49	miscellaneous purposes, and for not more than the		
50	following full-time equivalent positions:		

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1	\$	18,612,391
2	FTEs	383.34
3	d. Leopold center		
4	For agricultural research grants at Iowa state		
5	university of science and technology under section		
6	266.39B, and for not more than the following full-time		
7	equivalent positions:		
8	.....	\$	412,388
9	.....	FTEs	11.25
10	e. Livestock disease research		

11	For deposit in and the use of the livestock disease		
12	research fund under section 267.8:		
13	.....	\$	179,356
14	4. UNIVERSITY OF NORTHERN IOWA		
15	a. General university		
16	For salaries, support, maintenance, equipment,		
17	miscellaneous purposes, and for not more than the		
18	following full-time equivalent positions:		
19	.....	\$	77,549,809
20	.....	FTEs	1,447.50
21	b. Recycling and reuse center		
22	For purposes of the recycling and reuse center, and		
23	for not more than the following full-time equivalent		
24	positions:		
25	.....	\$	181,858
26	.....	FTEs	3.00
27	c. Science, technology, engineering, and		
28	mathematics (STEM) collaborative initiative		
29	For purposes of establishing a science, technology,		
30	engineering, and mathematics (STEM) collaborative		
31	initiative, and for not more than the following		
32	full-time equivalent positions:		
33	.....	\$	1,800,000
34	.....	FTEs	6.20
35	(1) From the moneys appropriated in this lettered		
36	paragraph, up to \$282,000 shall be allocated for		
37	salaries, staffing, and institutional support. The		
38	remainder of the moneys appropriated in this lettered		
39	paragraph shall be expended only to support activities		
40	directly related to recruitment of kindergarten		
41	through grade 12 mathematics and science teachers and		
42	for ongoing mathematics and science programming for		
43	students enrolled in kindergarten through grade 12.		
44	(2) The university of northern Iowa shall work with		
45	the community colleges to develop STEM professional		
46	development programs for community college instructors		
47	and STEM curriculum development.		
48	d. Real estate education program		
49	For purposes of the real estate education program,		
50	and for not more than the following full-time		

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1	equivalent position:		
2	\$	130,022
3	FTEs	1.00
4	5. STATE SCHOOL FOR THE DEAF		
5	For salaries, support, maintenance, miscellaneous		
6	purposes, and for not more than the following full-time		
7	equivalent positions:		
8	.....	\$	8,679,964
9	.....	FTEs	126.60

10 6. IOWA BRAILLE AND SIGHT SAVING SCHOOL

11 For salaries, support, maintenance, miscellaneous
12 purposes, and for not more than the following full-time
13 equivalent positions:

14	\$	3,622,320
15	FTEs	62.87

16 7. TUITION AND TRANSPORTATION COSTS

17 For payment to local school boards for the tuition
18 and transportation costs of students residing in the
19 Iowa braille and sight saving school and the state
20 school for the deaf pursuant to section 262.43 and
21 for payment of certain clothing, prescription, and
22 transportation costs for students at these schools
23 pursuant to section 270.5:

24	\$	12,206
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25 8. LICENSED CLASSROOM TEACHERS

26 For distribution at the Iowa braille and sight
27 saving school and the Iowa school for the deaf based
28 upon the average yearly enrollment at each school as
29 determined by the state board of regents:

30	\$	85,140
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31 Sec. 9. ENERGY COST-SAVINGS PROJECTS —
32 FINANCING. For the fiscal year beginning July 1,
33 2011, and ending June 30, 2012, the state board of
34 regents may use notes, bonds, or other evidences of
35 indebtedness issued under section 262.48 to finance
36 projects that will result in energy cost savings in an
37 amount that will cause the state board to recover the
38 cost of the projects within an average of six years.

39 Sec. 10. PRESCRIPTION DRUG COSTS. Notwithstanding
40 section 270.7, the department of administrative
41 services shall pay the state school for the deaf and
42 the Iowa braille and sight saving school the moneys
43 collected from the counties during the fiscal year
44 beginning July 1, 2011, for expenses relating to
45 prescription drug costs for students attending the
46 state school for the deaf and the Iowa braille and
47 sight saving school.

48 Sec. 11. Section 256I.9, subsection 2, Code 2011,
49 is amended to read as follows:

50 2. The state board shall provide maximum

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1 flexibility to grantees for the use of the grant
2 moneys included in a school ready children grant,
3 including but not limited to authorizing an area board
4 to use grant moneys to pay for regular audits required
5 pursuant to section 256I.5, subsection 1, if moneys
6 distributed to an area board for administrative costs
7 are insufficient to pay for the required audits.

8 Sec. 12. Section 256I.9, subsection 3, paragraph

9 b, Code 2011, is amended by adding the following new
 10 unnumbered paragraph:
 11 NEW UNNUMBERED PARAGRAPH. It is the intent
 12 of the general assembly that priority for home
 13 visitation program funding be given to programs using
 14 evidence-based or promising models for home visitation.

15 Sec. 13. Section 257.11, subsection 5, Code 2011,
 16 is amended by striking the subsection.

17 Sec. 14. Section 260C.14, Code 2011, is amended by
 18 adding the following new subsection:

19 NEW SUBSECTION. 23. Adopt rules to waive tuition
 20 and mandatory fee charges for any student in good
 21 standing who is a resident of Iowa; is under the age of
 22 twenty-six, or under the age of thirty if the student
 23 is a qualified veteran as defined in subsection 14; is
 24 not a convicted felon as defined in section 910.15; and
 25 meets the following criteria:

26 a. Is the child of a peace officer, as defined in
 27 section 97A.1, who receives benefits under section
 28 97A.6, subsection 5, or was killed in the line of duty
 29 as determined by the board of trustees of the Iowa
 30 department of public safety peace officers' retirement,
 31 accident, and disability system in accordance with
 32 section 97A.6, subsection 16.

33 b. Is the child of a police officer or a fire
 34 fighter, as defined in section 411.1, who receives
 35 benefits under section 411.6, subsection 5, or
 36 was killed in the line of duty as determined by
 37 the statewide fire and police retirement system in
 38 accordance with section 411.6, subsection 15.

39 Sec. 15. Section 261.19, Code 2011, is amended to
 40 read as follows:

41 ~~261.19 Osteopathic physician~~ Health care
 42 professional recruitment program.

43 1. A ~~physician health care professional~~ recruitment
 44 program is established, to be administered by the
 45 college student aid commission, for Des Moines
 46 university — ~~osteopathic medical center.~~ The
 47 program shall consist of a ~~forgivable loan program~~
 48 ~~and a tuition scholarship program for students and~~
 49 ~~a loan repayment program for~~ physicians health care
 50 professionals. The commission shall regularly adjust

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1 the ~~physician~~ service requirement under each aspect
 2 of the program to provide, to the extent possible,
 3 an equal financial benefit for each period of service
 4 required.

5 2. ~~a. Notwithstanding the administration~~
 6 ~~provisions of subsection 1, the forgivable loan~~
 7 ~~program established pursuant to subsection 1 shall be~~

8 administered by the commission in conjunction with Des
9 Moines university—osteopathic medical center. Des
10 Moines university—osteopathic medical center shall
11 match on an equal basis state aid appropriated for
12 purposes of the forgivable loan program.

13 b. Des Moines university—osteopathic medical
14 center shall provide recommendations to the commission
15 for students who meet the eligibility requirements of
16 the forgivable loan program. A forgivable loan may
17 be awarded to a resident of Iowa who is enrolled at
18 Des Moines university—osteopathic medical center
19 if the student agrees to practice in this state for
20 a period of time to be determined by the commission
21 at the time the loan is awarded. Forgivable loans to
22 eligible students shall not become due until after the
23 student completes a residency program. Interest on
24 the loans shall begin to accrue the day following the
25 student's graduation date. If the student completes
26 the period of practice established by the commission
27 and agreed to by the student, the loan amount shall
28 be forgiven. The loan amount shall not be forgiven
29 if the osteopathic physician fails to complete the
30 required time period of practice in this state or fails
31 to satisfactorily continue in the university's program
32 of medical education.

33 3. A student enrolled at Des Moines university
34 —osteopathic medical center shall be eligible for
35 a tuition scholarship for the student's study at the
36 university. The scholarship shall be for an amount
37 not to exceed the annual tuition at the university. A
38 student who receives a tuition scholarship shall not
39 be eligible for the loan repayment program provided
40 for by this section. A student who receives a tuition
41 scholarship shall agree to practice in an eligible
42 rural community in this state for a period of time
43 to be determined by the commission at the time the
44 scholarship is awarded. The student shall repay the
45 scholarship to the commission if the student fails to
46 practice in a medically underserved rural community in
47 this state for the required period of time.

48 4. A physician health care professional shall be
49 eligible for the physician loan repayment program
50 if the physician health care professional agrees

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1 to practice in an eligible rural community in this
2 state. Des Moines university—osteopathic medical
3 center shall recruit and place physicians health
4 care professionals in rural communities which have
5 agreed to provide additional funds for the physician's
6 recipient's loan repayment. The contract for the

7 loan repayment shall stipulate the time period the
 8 ~~physician recipient~~ shall practice in an eligible rural
 9 community in this state. In addition, the contract
 10 shall stipulate that the physician recipient repay any
 11 funds paid on the physician's recipient's loan by the
 12 commission if the physician recipient fails to practice
 13 in an eligible rural community in this state for the
 14 required period of time.

15 3. A health care professional recruitment revolving
 16 fund is created in the state treasury as a separate
 17 fund under the control of the commission. The
 18 commission shall deposit payments made by health care
 19 professional recruitment program recipients and the
 20 proceeds from the sale of osteopathic loans awarded
 21 pursuant to section 261.19, subsection 2, paragraph
 22 "b", Code 2011, into the health care professional
 23 recruitment revolving fund. Moneys credited to the
 24 fund shall be used to supplement moneys appropriated
 25 for the health care professional recruitment program,
 26 for loan repayment in accordance with this section,
 27 and to pay for loan or interest repayment defaults by
 28 program recipients. Notwithstanding section 8.33, any
 29 balance in the fund on June 30 of any fiscal year shall
 30 not revert to the general fund of the state.

31 4. For purposes of this subsection, "eligible
 32 section:

33 a. "Eligible rural community" means a medically
 34 underserved rural community which agrees to match
 35 state funds provided on at least a dollar-for-dollar
 36 basis for the loan repayment of a ~~physician health care~~
 37 professional who practices in the community.

38 b. "Health care professional" means a physician,
 39 physician assistant, podiatrist, or physical therapist.

40 5. The commission shall adopt rules pursuant to
 41 chapter 17A to administer this section.

42 Sec. 16. Section 261.25, subsections 2 and 3, Code
 43 2011, are amended to read as follows:

44 2. There is appropriated from the general fund
 45 of the state to the commission for each fiscal year
 46 the sum of four million six hundred fifty thousand
 47 four hundred eighty-seven dollars for tuition grants
 48 for students attending for-profit accredited private
 49 institutions located in Iowa. A for-profit institution
 50 which, effective March 9, 2005, or effective January

1 8, 2010, purchased an accredited private institution
 2 that was exempt from taxation under section 501(c)
 3 of the Internal Revenue Code, shall be an eligible
 4 institution under the tuition grant program. For
 5 purposes of the tuition grant program, "for-profit

6 accredited private institution” means an accredited
7 private institution which is not exempt from taxation
8 under section 501(c)(3) of the Internal Revenue Code
9 but which otherwise meets the requirements of section
10 261.9, subsection 1, paragraph “b”, and whose students
11 were eligible to receive tuition grants in the fiscal
12 year beginning July 1, 2003.

13 3. There is appropriated from the general fund
14 of the state to the commission for each fiscal year
15 the sum of two million ~~four three~~ hundred ~~thirteen~~
16 thirty-eight thousand ~~nine four~~ hundred ~~fifty-nine~~
17 twenty-one dollars for vocational-technical tuition
18 grants.

19 Sec. 17. Section 261E.3, subsection 1, paragraph e,
20 Code 2011, is amended to read as follows:

21 e. The student shall have demonstrated proficiency
22 in reading, mathematics, and science as evidenced by
23 achievement scores on the latest administration of
24 the state assessment for which scores are available
25 and as defined by the department. However, a student
26 receiving competent private instruction under chapter
27 299A may demonstrate proficiency as evidenced by a
28 selection index, which is the sum of the critical
29 reading, mathematics, and writing skills assessments,
30 of at least one hundred forty-one on the preliminary
31 scholastic aptitude test administered by the college
32 board; a composite score of at least twenty-one on
33 the college readiness assessment administered by ACT,
34 inc.; or a sum of the critical reading and mathematics
35 scores of at least nine hundred ninety on the college
36 readiness assessment administered by the college board.

37 If a student is not proficient in one or more of the
38 content areas listed in this paragraph, has not taken
39 the college readiness assessments identified in this
40 paragraph, or has not achieved the scores specified
41 in this paragraph, the school board may establish
42 alternative but equivalent qualifying performance
43 measures including but not limited to additional
44 administrations of the state assessment, portfolios
45 of student work, student performance rubric, or
46 end-of-course assessments.

47 Sec. 18. Section 261E.9, subsections 1 through 3,
48 Code 2011, are amended to read as follows:

49 1. a. A regional academy is a program established
50 by a school district to which multiple school districts

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1 send students in grades ~~nine seven~~ through twelve,
2 ~~and which may include internet based coursework~~
3 ~~and courses delivered via the Iowa communications~~
4 ~~network. A regional academy shall include in its~~

5 ~~curriculum advanced level courses and may include~~
6 ~~in its curriculum career and technical courses. A~~
7 ~~school district establishing a regional academy may~~
8 ~~collaborate and partner with, enter into an agreement~~
9 ~~pursuant to chapter 28E with, or enter into a contract~~
10 ~~with, one or more school districts, area education~~
11 ~~agencies, community colleges, accredited public~~
12 ~~and private postsecondary institutions, accredited~~
13 ~~nonpublic schools, businesses, and private agencies~~
14 ~~located within or outside of the state.~~

15 ~~b. The purpose of a regional academy established~~
16 ~~pursuant to this section shall be to build a culture~~
17 ~~of innovation for students and community, to diversify~~
18 ~~educational and economic opportunities by engaging in~~
19 ~~learning experiences that involve students in complex,~~
20 ~~real-world projects, and to develop regional or global~~
21 ~~innovation networks.~~

22 ~~c. If a school district establishing a regional~~
23 ~~academy in accordance with this section submits a plan~~
24 ~~to the department for approval that demonstrates how~~
25 ~~the regional academy will increase and assess student~~
26 ~~achievement or increase and assess competency-based~~
27 ~~learning opportunities for students, the department may~~
28 ~~waive or modify any statutory or regulatory provision~~
29 ~~applicable to school districts except the department~~
30 ~~shall not waive or modify any statutory or regulatory~~
31 ~~provision relating to requirements applicable to school~~
32 ~~districts under chapters 11, 21, 22, 216, 216A, 256B,~~
33 ~~279, 284, and 285; or relating to contracts with and~~
34 ~~discharge of teachers and administrators under chapters~~
35 ~~20 and 279; or relating to audit requirements under~~
36 ~~section 256.9, subsection 20, and section 279.29.~~

37 ~~2. a. A regional academy course shall not qualify~~
38 ~~as a concurrent enrollment course include in its~~
39 ~~curriculum advanced level courses.~~

40 ~~b. A regional academy may include in its curriculum~~
41 ~~virtual or internet-based coursework and courses~~
42 ~~delivered via the Iowa communications network, career~~
43 ~~and technical courses, core curriculum coursework,~~
44 ~~courses required pursuant to section 256.7, subsection~~
45 ~~26, or section 256.11, subsections 4 and 5, and~~
46 ~~asynchronous learning networks.~~

47 ~~3. School districts participating in regional~~
48 ~~academies are eligible for supplementary weighting as~~
49 ~~provided in section 257.11, subsection 2. The school~~
50 ~~districts participating in the regional academy shall~~

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1 ~~enter into an agreement on how the funding generated~~
2 ~~by the supplementary weighting received shall be used~~
3 ~~and shall submit the agreement to the department for~~

4 approval.

5 Sec. 19. Section 262.9, Code 2011, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 36. Adopt rules that require the
8 institutions of higher education under its control
9 to waive tuition and mandatory fee charges for any
10 undergraduate student in good standing who is a
11 resident of Iowa; is under the age of twenty-six, or
12 under the age of thirty if the student is a qualified
13 veteran as defined in subsection 17; is not a convicted
14 felon as defined in section 910.15; and meets the
15 following criteria:

16 a. Is the child of a peace officer, as defined in
17 section 97A.1, who receives benefits under section
18 97A.6, subsection 5, or was killed in the line of duty
19 as determined by the board of trustees of the Iowa
20 department of public safety peace officers' retirement,
21 accident, and disability system in accordance with
22 section 97A.6, subsection 16.

23 b. Is the child of a police officer or a fire
24 fighter, as defined in section 411.1, who receives
25 benefits under section 411.6, subsection 5, or
26 was killed in the line of duty as determined by
27 the statewide fire and police retirement system in
28 accordance with section 411.6, subsection 15.

29 Sec. 20. Section 262.13, Code 2011, is amended to
30 read as follows:

31 262.13 ~~Security~~ Peace officers at institutions as
32 ~~peace officers.~~

33 The board may authorize any institution under its
34 control to commission one or more of its employees
35 as ~~special security peace~~ officers. ~~Special security~~
36 ~~officers~~ Such officers shall have the same powers,
37 duties, privileges, and immunities of as conferred on
38 regular peace officers ~~when acting in the interests~~
39 ~~of the institution by which they are employed.~~ The
40 board shall provide as rapidly as practicable for the
41 adequate training and certification of such ~~special~~
42 ~~security peace~~ officers at the Iowa law enforcement
43 academy or ~~in an equivalent~~ at a law enforcement
44 ~~training program~~ school approved by the academy, unless
45 ~~they have the~~ peace officers are already received such
46 ~~training certified by the Iowa law enforcement academy~~
47 or by an approved law enforcement training school.

48 Sec. 21. Section 263.8A, Code 2011, is amended to
49 read as follows:

50 263.8A International center for talented and gifted

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1 education — Iowa online advanced placement academy
2 science, technology, engineering, and mathematics

3 initiative.

4 1. a. The state board of regents shall establish
5 and maintain at Iowa City as an integral part of the
6 state university of Iowa the international center for
7 talented and gifted education. The international
8 center shall provide programs to assist classroom
9 teachers to teach gifted and talented students in
10 regular classrooms, provide programs to enhance the
11 learning experiences of gifted and talented students,
12 serve as a center for national and international
13 symposiums and policy forums for enhancing the teaching
14 of gifted and talented students, and undertake other
15 appropriate activities to enhance the programs of the
16 center, including, but not limited to, coordinating and
17 working with the world council for gifted and talented
18 children, incorporated.

19 b. An international center endowment fund is
20 established at the state university of Iowa and gifts
21 and grants to the international center and investment
22 earnings and returns on the endowment fund shall be
23 deposited in the fund and may be expended by the state
24 university of Iowa for the purposes for which the
25 international center was established.

26 2. The Iowa online advanced placement academy
27 science, technology, engineering, and mathematics
28 initiative is established within the international
29 center for talented and gifted education at the state
30 university of Iowa to deliver, with an emphasis on
31 science, technology, engineering, and mathematics
32 coursework, preadvanced placement and advanced
33 placement courses to high school students throughout
34 the state, provide training opportunities for teachers
35 to learn how to teach advanced placement courses in
36 Iowa's high schools, and provide preparation for middle
37 school students to ensure success in high school.

38 Sec. 22. Section 273.7A, unnumbered paragraph 1,
39 Code 2011, is amended to read as follows:

40 The board of an area education agency may provide
41 services to school districts located in the area
42 education agency under contract with the school
43 districts. These services may include, but are not
44 limited to, superintendency services, personnel
45 services, business management services, purchasing
46 services, specialized maintenance services, and
47 transportation services. In addition, the board of
48 the area education agency may provide for furnishing
49 expensive and specialized equipment for school
50 districts. School districts shall pay to area

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1 education agencies the cost of providing the services.

2 Sec. 23. Section 284.13, subsection 1, paragraphs a
3 through d, Code 2011, are amended to read as follows:

4 a. For the fiscal year beginning July 1, ~~2010~~ 2011
5 and ending June 30, ~~2011~~ 2012, to the department of
6 education, the amount of ~~nine six hundred sixty-four~~
7 eighty-five thousand dollars for the issuance of
8 national board certification awards in accordance
9 with section 256.44. Of the amount allocated under
10 this paragraph, not less than ~~seventy six eighty-five~~
11 thousand ~~five hundred~~ dollars shall be used to
12 administer the ambassador to education position in
13 accordance with section 256.45.

14 b. For the fiscal year beginning July 1, ~~2010~~
15 2011, and ~~succeeding fiscal years and ending June 30,~~
16 2012, an amount up to ~~four three million one five~~
17 hundred ~~seven sixty-three~~ thousand ~~two hundred forty~~
18 six hundred thirty-eight dollars for first-year and
19 second-year beginning teachers, to the department of
20 education for distribution to school districts and
21 area education agencies for purposes of the beginning
22 teacher mentoring and induction programs. A school
23 district or area education agency shall receive
24 one thousand three hundred dollars per beginning
25 teacher participating in the program. If the funds
26 appropriated for the program are insufficient to pay
27 mentors, school districts, and area education agencies
28 as provided in this paragraph, the department shall
29 prorate the amount distributed to school districts
30 and area education agencies based upon the amount
31 appropriated. Moneys received by a school district
32 or area education agency pursuant to this paragraph
33 shall be expended to provide each mentor with an award
34 of five hundred dollars per semester, at a minimum,
35 for participation in the school district's or area
36 education agency's beginning teacher mentoring and
37 induction program; to implement the plan; and to
38 pay any applicable costs of the employer's share of
39 contributions to federal social security and the Iowa
40 public employees' retirement system or a pension and
41 annuity retirement system established under chapter
42 294, for such amounts paid by the district or area
43 education agency.

44 c. For the fiscal year beginning July 1, ~~2010~~
45 2011, and ending June 30, ~~2011~~ 2012, up to six
46 hundred ~~thirteen ninety-five~~ thousand ~~eight hundred~~
47 seventy-eight dollars to the department for purposes
48 of implementing the professional development program
49 requirements of section 284.6, assistance in developing
50 model evidence for teacher quality committees

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1 established pursuant to section 284.4, subsection 1,
 2 paragraph "c", and the evaluator training program in
 3 section 284.10. A portion of the funds allocated to
 4 the department for purposes of this paragraph may be
 5 used by the department for administrative purposes and
 6 for not more than four full-time equivalent positions.

7 d. For ~~each the~~ fiscal year ~~in which funds are~~
 8 ~~appropriated for purposes of this chapter beginning~~
 9 ~~July 1, 2011, and ending June 30, 2012~~, an amount up
 10 to one million six hundred ~~twenty-nine~~ ~~thirty-three~~
 11 thousand ~~six~~ ~~two~~ hundred ~~forty-seven~~ ~~thirty~~ dollars
 12 to the department for the establishment of teacher
 13 development academies in accordance with section 284.6,
 14 subsection 10. A portion of the funds allocated to the
 15 department for purposes of this paragraph may be used
 16 for administrative purposes.

17 Sec. 24. Section 298.3, subsection 1, paragraph c,
 18 Code 2011, is amended to read as follows:

19 c. The purchase, lease, or lease-purchase of ~~a~~
 20 ~~single unit of~~ equipment or technology exceeding five
 21 hundred dollars in value per ~~unit~~ ~~purchase, lease,~~
 22 ~~or lease-purchase transaction. Each transaction may~~
 23 ~~include multiple equipment or technology units.~~

24 Sec. 25. Section 298.3, subsection 1, Code 2011, is
 25 amended by adding the following new paragraph:

26 NEW PARAGRAPH. n. The purchase, lease, or
 27 lease-purchase of desks, furniture, or fixtures
 28 exceeding five hundred dollars in value per purchase,
 29 lease, or lease-purchase transaction. Each transaction
 30 may include multiple desk, furniture, or fixture units.

31 Sec. 26. Section 299A.2, Code 2011, is amended to
 32 read as follows:

33 299A.2 Competent private instruction by licensed
 34 practitioner.

35 If a licensed practitioner provides competent
 36 instruction to a ~~school-age~~ ~~child of compulsory~~
 37 ~~attendance age~~, the practitioner shall possess a
 38 valid license or certificate which has been issued
 39 by the state board of educational examiners under
 40 chapter 272 and which is appropriate to the ages and
 41 grade levels of the children to be taught. Competent
 42 private instruction may include, but is not limited
 43 to, a home school assistance program which provides
 44 instruction or instructional supervision offered
 45 through an accredited nonpublic school or public
 46 school district by a teacher, who is employed by the
 47 accredited nonpublic school or public school district,
 48 who assists and supervises a parent, guardian, or legal
 49 custodian in providing instruction to a child. If
 50 competent private instruction is provided through a

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1 public school district, the child shall be enrolled and
2 included in the basic enrollment of the school district
3 as provided in section 257.6. Sections 299A.3 through
4 299A.7 do not apply to competent private instruction
5 provided by a licensed practitioner under this section.
6 However, the reporting requirement contained in section
7 299A.3, subsection 1, shall apply to competent private
8 instruction provided by licensed practitioners that is
9 not part of a home school assistance program offered
10 through an accredited nonpublic school or public school
11 district.

12 Sec. 27. Section 299A.8, Code 2011, is amended to
13 read as follows:

14 299A.8 Dual enrollment.

15 If a parent, guardian, or legal custodian of a
16 school-age child who is receiving competent private
17 instruction under this chapter ~~or a child over~~
18 ~~compulsory age who is receiving private instruction~~
19 submits a request, the child shall also be registered
20 in a public school for dual enrollment purposes. If
21 the child is enrolled in a public school district for
22 dual enrollment purposes, the child shall be permitted
23 to participate in any academic activities in the
24 district and shall also be permitted to participate
25 on the same basis as public school children in any
26 extracurricular activities available to children in
27 the child's grade or group, and the parent, guardian,
28 or legal custodian shall not be required to pay the
29 costs of any annual evaluation under this chapter. If
30 the child is enrolled for dual enrollment purposes,
31 the child shall be included in the public school's
32 basic enrollment under section 257.6. A pupil who is
33 participating only in extracurricular activities shall
34 be counted under section 257.6, subsection 1, paragraph
35 "a", subparagraph (6). A pupil enrolled in grades nine
36 through twelve under this section shall be counted in
37 the same manner as a shared-time pupil under section
38 257.6, subsection 1, paragraph "a", subparagraph (3).

39 Sec. 28. Section 299A.12, subsection 1, Code 2011,
40 is amended to read as follows:

41 1. The board of directors of a school district ~~may~~
42 shall expend moneys received pursuant to section 257.6,
43 subsection 1, paragraph "a", subparagraph (5), for
44 purposes of providing a home school assistance program.

45 Sec. 29. Section 299A.12, subsection 2, paragraphs
46 a and b, Code 2011, are amended to read as follows:

47 a. ~~Assisting~~ Instruction for students and assisting
48 parents with instruction.

49 b. ~~Student~~ Support services for students and
50 ~~teaching parent support services~~ teaching parents and

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1 staff support services.
2 Sec. 30. Section 299A.12, subsection 2, paragraph
3 g, unnumbered paragraph 1, Code 2011, is amended to
4 read as follows:
5 Resources, materials, computer software and
6 hardware, ~~and~~ supplies, and purchased services that
7 meet the following criteria:
8 Sec. 31. Section 299A.12, subsection 3, paragraphs
9 b, c, e, and f, Code 2011, are amended to read as
10 follows:
11 b. Operational or maintenance costs ~~in addition~~
12 ~~to the cost of maintaining school district facilities~~
13 other than those necessary to operate and maintain the
14 program.
15 c. Capital expenditures other than equipment or
16 facility acquisition, including the lease or rental of
17 space to supplement existing schoolhouse facilities.
18 e. Administrative costs other than the costs
19 necessary to administer the program.
20 f. Concurrent and dual enrollment ~~program~~ costs and
21 postsecondary enrollment options program costs.
22 Sec. 32. Section 321.89, subsection 1, paragraph c,
23 Code 2011, is amended to read as follows:
24 c. "Police authority" means the state patrol, any
25 law enforcement agency of a county or city, or any
26 ~~special security peace~~ officer employed by the state
27 board of regents under section 262.13.
28 Sec. 33. Section 801.4, subsection 11, paragraph f,
29 Code 2011, is amended to read as follows:
30 f. ~~Special security Peace~~ officers employed by
31 board of regents institutions as set forth in section
32 262.13.
33 Sec. 34. REPEAL. Section 261.19B, Code 2011, is
34 repealed.
35 Sec. 35. EFFECTIVE UPON ENACTMENT. The section
36 of this division of this Act transferring moneys
37 appropriated pursuant to 2010 Iowa Acts, chapter 1183,
38 section 6, subsection 18, being deemed of immediate
39 importance, takes effect upon enactment.
40 Sec. 36. EFFECTIVE DATE AND APPLICABILITY. The
41 section of this division of this Act striking section
42 257.11, subsection 5, and the section of this division
43 of this Act amending section 261E.9, subsections 1
44 through 3, take effect July 1, 2012, and are applicable
45 to school years beginning on or after July 1, 2012.
46 Sec. 37. EFFECTIVE UPON ENACTMENT AND
47 APPLICABILITY. The sections of this Act enacting
48 section 206C.14, subsection 23, and section 262.9,
49 subsection 36, being deemed of immediate importance,
50 take effect upon enactment and apply to tuition and

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1 mandatory fees in effect on or after that date.

2 Sec. 38. APPLICABILITY. The sections of this
3 division of this Act that amend section 298.3 apply to
4 school budget years beginning on or after July 1, 2011.

5 Sec. 39. RETROACTIVE APPLICABILITY. The sections
6 of this division of this Act amending sections 299A.2
7 and 299A.8 apply retroactively to the base year
8 beginning July 1, 2009.

9 DIVISION II

10 LIBRARY PROVISIONS

11 Sec. 40. Section 8A.454, subsection 2, Code 2011,
12 is amended to read as follows:

13 2. A monthly per contract administrative charge
14 shall be assessed by the department on all health
15 insurance plans administered by the department in which
16 the contract holder has a state employer to pay the
17 charge. The amount of the administrative charge shall
18 be established by the general assembly. The department
19 shall collect the administrative charge from each
20 department utilizing the centralized payroll system and
21 shall deposit the proceeds in the fund. In addition,
22 the state board of regents, ~~all library service~~
23 ~~areas~~, the state fair board, the state department of
24 transportation, and each judicial district department
25 of correctional services shall remit the administrative
26 charge on a monthly basis to the department and shall
27 submit a report to the department containing the number
28 and type of health insurance contracts held by each of
29 its employees whose health insurance is administered by
30 the department.

31 Sec. 41. Section 8D.2, subsection 5, paragraph a,
32 Code 2011, is amended to read as follows:

33 a. "Public agency" means a state agency, an
34 institution under the control of the board of regents,
35 the judicial branch as provided in section 8D.13,
36 subsection 16, a school corporation, a city library,
37 ~~a library service area as provided in chapter 256,~~
38 a county library as provided in chapter 336, or a
39 judicial district department of correctional services
40 established in section 905.2, to the extent provided in
41 section 8D.13, subsection 14, an agency of the federal
42 government, or a United States post office which
43 receives a federal grant for pilot and demonstration
44 projects.

45 Sec. 42. Section 8D.9, subsection 1, Code 2011, is
46 amended to read as follows:

47 1. A private or public agency, other than a state
48 agency, local school district or nonpublic school, city
49 library, ~~library service area~~, county library, judicial
50 branch, judicial district department of correctional

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1 services, agency of the federal government, a hospital
2 or physician clinic, or a post office authorized to be
3 offered access pursuant to this chapter as of May 18,
4 1994, shall certify to the commission no later than
5 July 1, 1994, that the agency is a part of or intends
6 to become a part of the network. Upon receiving such
7 certification from an agency not a part of the network
8 on May 18, 1994, the commission shall provide for the
9 connection of such agency as soon as practical. An
10 agency which does not certify to the commission that
11 the agency is a part of or intends to become a part of
12 the network as required by this subsection shall be
13 prohibited from using the network.

14 Sec. 43. Section 8D.11, subsection 4, Code 2011, is
15 amended to read as follows:

16 4. A political subdivision receiving communications
17 services from the state as of April 1, 1986, may
18 continue to do so but communications services shall
19 not be provided or resold to additional political
20 subdivisions other than a school corporation, a city
21 library, ~~a library service area as provided in chapter~~
22 ~~256~~, and a county library as provided in chapter 336.
23 The rates charged to the political subdivision shall be
24 the same as the rates charged to state agencies.

25 Sec. 44. Section 12C.1, subsection 1, Code 2011, is
26 amended to read as follows:

27 1. All funds held by the following officers
28 or institutions shall be deposited in one or more
29 depositories first approved by the appropriate
30 governing body as indicated: for the treasurer of
31 state, by the executive council; for judicial officers
32 and court employees, by the supreme court; for the
33 county treasurer, recorder, auditor, and sheriff, by
34 the board of supervisors; for the city treasurer or
35 other designated financial officer of a city, by the
36 city council; for the county public hospital or merged
37 area hospital, by the board of hospital trustees;
38 for a memorial hospital, by the memorial hospital
39 commission; for a school corporation, by the board
40 of school directors; for a city utility or combined
41 utility system established under chapter 388, by the
42 utility board; ~~for a library service area established~~
43 ~~under chapter 256, by the library service area board of~~
44 ~~trustees~~; and for an electric power agency as defined
45 in section 28F.2 or 390.9, by the governing body of the
46 electric power agency. However, the treasurer of state
47 and the treasurer of each political subdivision or the
48 designated financial officer of a city shall invest
49 all funds not needed for current operating expenses in
50 time certificates of deposit in approved depositories

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1 pursuant to this chapter or in investments permitted by
2 section 12B.10. The list of public depositories and
3 the amounts severally deposited in the depositories
4 are matters of public record. This subsection does
5 not limit the definition of “public funds” contained
6 in subsection 2. Notwithstanding provisions of this
7 section to the contrary, public funds of a state
8 government deferred compensation plan established
9 by the executive council may also be invested in the
10 investment products authorized under section 509A.12.

11 Sec. 45. Section 218.22, Code 2011, is amended to
12 read as follows:

13 218.22 Record privileged.

14 Except with the consent of the administrator in
15 charge of an institution, or on an order of a court of
16 record, the record provided in section 218.21 shall be
17 accessible only to the administrator of the division
18 of the department of human services in control of
19 such institution, the director of the department of
20 human services and to assistants and proper clerks
21 authorized by such administrator or the administrator’s
22 director. The administrator of the division of such
23 institution is authorized to permit the division of
24 ~~libraries and information~~ library services of the
25 department of education and the historical division of
26 the department of cultural affairs to copy or reproduce
27 by any photographic, photostatic, microfilm, microcard
28 or other process which accurately reproduces a durable
29 medium for reproducing the original and to destroy in
30 the manner described by law such records of residents
31 designated in section 218.21.

32 Sec. 46. Section 256.7, unnumbered paragraph 1,
33 Code 2011, is amended to read as follows:

34 Except for the college student aid commission,
35 the commission of libraries and division of library
36 services, and the public broadcasting board and
37 division, the state board shall:

38 Sec. 47. Section 256.7, subsection 17, Code 2011,
39 is amended to read as follows:

40 17. Receive and review the budget and unified plan
41 of service submitted by the division of ~~libraries and~~
42 information library services.

43 Sec. 48. Section 256.9, unnumbered paragraph 1,
44 Code 2011, is amended to read as follows:

45 Except for the college student aid commission,
46 the commission of libraries and division of library
47 services, and the public broadcasting board and
48 division, the director shall:

49 Sec. 49. Section 256.50, subsection 2, Code 2011,
50 is amended to read as follows:

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1 2. "Division" means the division of ~~libraries and~~
2 ~~information library~~ services of the department of
3 education.

4 Sec. 50. Section 256.51, subsection 1, unnumbered
5 paragraph 1, Code 2011, is amended to read as follows:

6 The division of ~~libraries and information library~~
7 services is ~~established within~~ attached to the
8 department of education for administrative purposes.
9 The state librarian shall be responsible for the
10 division's budgeting and related management functions
11 in accordance section 256.52, subsection 3. The
12 division shall do all of the following:

13 Sec. 51. Section 256.51, subsection 1, Code 2011,
14 is amended by adding the following new paragraph:

15 NEW PARAGRAPH. 0a. Provide support services to
16 libraries, including but not limited to consulting,
17 continuing education, interlibrary loan services, and
18 references services to assure consistency of service
19 statewide and to encourage local financial support for
20 library services.

21 Sec. 52. Section 256.51, subsection 1, paragraph d,
22 Code 2011, is amended to read as follows:

23 d. Develop, in consultation with the ~~library~~
24 ~~service areas and the~~ area education agency media
25 centers, a biennial unified plan of service and service
26 delivery for the division of ~~libraries and information~~
27 library services.

28 Sec. 53. Section 256.51, subsection 1, paragraph j,
29 Code 2011, is amended to read as follows:

30 j. Establish and administer standards for state
31 agency libraries, ~~the library service areas,~~ and public
32 libraries.

33 Sec. 54. Section 256.51, subsection 1, paragraph k,
34 Code 2011, is amended by striking the paragraph.

35 Sec. 55. Section 256.51, subsection 2, paragraph c,
36 Code 2011, is amended to read as follows:

37 c. Accept gifts, contributions, bequests,
38 endowments, or other moneys, including but not limited
39 to the Westgate endowment fund, for any or all purposes
40 of the division. Interest earned on moneys accepted
41 under this paragraph shall be credited to the fund
42 or funds to which the gifts, contributions, bequests,
43 endowments, or other moneys have been deposited, and
44 is available for any or all purposes of the division.
45 The division shall report annually to the ~~director~~
46 commission and the general assembly regarding the
47 gifts, contributions, bequests, endowments, or other
48 moneys accepted pursuant to this paragraph and the
49 interest earned on them.

50 Sec. 56. Section 256.52, subsection 1, Code 2011,

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1 is amended to read as follows:

2 1. a. The state commission of libraries consists
3 of one member appointed by the supreme court, the
4 director of the department of education, or the
5 director's designee, and ~~six~~ the following seven
6 members who shall be appointed by the governor to serve
7 four-year terms beginning and ending as provided in
8 section 69.19. ~~The governor's appointees shall~~

9 (1) Two members shall be employed in the state as
10 public librarians.

11 (2) One member shall be a public library trustee.

12 (3) One member shall be employed in this state as
13 an academic librarian.

14 (4) One member shall be employed as a librarian by
15 a school district or area education agency.

16 (5) Two members shall be selected at large.

17 b. The members shall be reimbursed for their actual
18 expenditures necessitated by their official duties.
19 Members may also be eligible for compensation as
20 provided in section 7E.6.

21 Sec. 57. Section 256.52, subsection 3, paragraph
22 b, subparagraphs (1) and (4), Code 2011, are amended
23 to read as follows:

24 ~~Direct and organize the activities of~~ Organize,
25 ~~staff and administer the division so as to render the~~
26 greatest benefit to libraries in the state.

27 (4) Appoint and approve the technical,
28 professional, ~~excepting the law librarian,~~ secretarial,
29 and clerical staff necessary to accomplish the purposes
30 of the division subject to chapter 8A, subchapter IV.

31 Sec. 58. Section 256.52, subsection 3, paragraph
32 b, Code 2011, is amended by adding the following new
33 subparagraph:

34 NEW SUBPARAGRAPH. (4A) (a) Assume all of the
35 outstanding obligations of the library service
36 areas and be liable for and recognize, assume, and
37 carry out all valid contracts and obligations of the
38 library service areas that are consolidated under the
39 commission and administered by the division effective
40 beginning July 1, 2011. Each library service area
41 shall transfer, prior to July 1, 2011, its state-funded
42 assets and title to any state-funded real estate owned
43 by the library service area to the state librarian.

44 (b) This subparagraph is repealed July 1, 2015.

45 Sec. 59. Section 256.52, subsection 5, Code 2011,
46 is amended to read as follows:

47 5. The commission shall receive and approve the
48 budget and unified plan of service submitted by the
49 division ~~of libraries and information services.~~

50 Sec. 60. Section 256.54, subsection 1, Code 2011,

Page 30

1 is amended to read as follows:

2 1. The state library includes but is not limited
3 to ~~a law library~~ the library support network, the
4 specialized library services unit, and the state data
5 center. The law library shall be under the direction
6 of the specialized library services unit.

7 Sec. 61. Section 256.54, subsection 2, unnumbered
8 paragraph 1, Code 2011, is amended to read as follows:

9 The law library shall be administered by a law
10 librarian appointed by the ~~director~~ state librarian
11 subject to chapter 8A, subchapter IV, who shall do all
12 of the following:

13 Sec. 62. Section 256.55, unnumbered paragraph 1,
14 Code 2011, is amended to read as follows:

15 A state data center is established in the ~~department~~
16 ~~of education~~ division. The state data center shall be
17 administered by the state data center coordinator, who
18 shall do all of the following:

19 Sec. 63. NEW SECTION. 256.58 Library support
20 network.

21 1. A library support network is established in the
22 division to offer services and programs for libraries,
23 including but not limited to individualized, locally
24 delivered consulting and training, and to facilitate
25 resource sharing and innovation through the use of
26 technology, administer enrich Iowa programs, advocate
27 for libraries, promote excellence and innovation in
28 library services, encourage governmental subdivisions
29 to provide local financial support for local libraries,
30 and ensure the consistent availability of quality
31 service to all libraries throughout the state,
32 regardless of location or size.

33 2. The organizational structure to deliver library
34 support network services shall include district
35 offices. The district offices shall serve as a basis
36 for providing field services to local libraries in the
37 counties comprising the district. The division shall
38 determine which counties are served by each district
39 office.

40 Sec. 64. NEW SECTION. 256.59 Specialized library
41 services.

42 The specialized library services unit is established
43 in the division to provide information services to the
44 three branches of state government and to offer focused
45 information services to the general public in the areas
46 of Iowa law, Iowa state documents, and Iowa history and
47 culture.

48 Sec. 65. NEW SECTION. 256.62 Library services
49 advisory panel.

50 1. The state librarian shall convene a library

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1 services advisory panel to advise and recommend to
2 the commission and the division evidence-based best
3 practices, to assist the commission and division to
4 determine service priorities and launch programs,
5 articulate the needs and interests of Iowa librarians,
6 and share research and professional development
7 information.

8 2. The library services advisory panel shall
9 consist of no fewer than eleven members representing
10 libraries of all sizes and types, and various
11 population levels and geographic regions of the
12 state. A simple majority of the members appointed
13 shall be appointed by the executive board of the Iowa
14 library association and the remaining members shall be
15 appointed by the state librarian. Terms of members
16 shall begin and end as provided in section 69.19. Any
17 vacancy shall be filled in the same manner as regular
18 appointments are made for the unexpired portion of the
19 regular term. Members shall serve four-year terms
20 which are staggered at the discretion of the state
21 librarian. A member is eligible for reappointment for
22 three successive terms. The members shall elect a
23 chairperson annually.

24 3. The library services advisory panel shall
25 meet at least twice annually and shall submit its
26 recommendations in a report to the commission and the
27 state librarian at least once annually. The report
28 shall be timely submitted to allow for consideration
29 of the recommendations prior to program planning and
30 budgeting for the following fiscal year.

31 4. Members of the library services advisory panel
32 shall receive actual and necessary expenses incurred
33 in the performance of their duties. Expenses shall
34 be paid from funds appropriated to the department for
35 purposes of the division.

36 Sec. 66. Section 256.70, unnumbered paragraph 1,
37 Code 2011, is amended to read as follows:

38 The division of ~~libraries and information~~ library
39 services of the department of education is hereby
40 authorized to enter into interstate library compacts on
41 behalf of the state of Iowa with any state bordering on
42 Iowa which legally joins therein in substantially the
43 following form and the contracting states agree that:

44 Sec. 67. Section 256.71, Code 2011, is amended to
45 read as follows:

46 256.71 Administrator.

47 The administrator of the division of ~~libraries and~~
48 ~~information~~ library services shall be the compact
49 administrator. The compact administrator shall
50 receive copies of all agreements entered into by the

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1 state or its political subdivisions and other states
2 or political subdivisions; consult with, advise and
3 aid such governmental units in the formulation of
4 such agreements; make such recommendations to the
5 governor, legislature, governmental agencies and units
6 as the administrator deems desirable to effectuate the
7 purposes of this compact and consult and ~~co-operate~~
8 cooperate with the compact administrators of other
9 party states.

10 Sec. 68. Section 273.2, subsection 4, Code 2011, is
11 amended to read as follows:

12 4. The area education agency board shall provide
13 for special education services and media services
14 for the local school districts in the area and shall
15 encourage and assist school districts in the area to
16 establish programs for gifted and talented children.
17 The board shall assist in facilitating interlibrary
18 loans of materials between school districts and other
19 libraries. ~~Each area education agency shall include~~
20 ~~as a member of its media center advisory committee a~~
21 ~~library service area trustee or library service area~~
22 ~~staff member, who is appointed to the committee by the~~
23 ~~commission of libraries.~~

24 Sec. 69. Section 669.2, subsection 5, Code 2011, is
25 amended to read as follows:

26 5. "State agency" includes all executive
27 departments, agencies, boards, bureaus, and commissions
28 of the state of Iowa, and corporations whose
29 primary function is to act as, and while acting as,
30 instrumentalities or agencies of the state of Iowa,
31 whether or not authorized to sue and be sued in
32 their own names. This definition does not include a
33 contractor with the state of Iowa. Soil and water
34 conservation districts as defined in section 161A.3,
35 subsection 6, and judicial district departments
36 of correctional services as established in section
37 905.2, ~~and library service area boards of trustees~~
38 ~~as established in chapter 256~~ are state agencies for
39 purposes of this chapter.

40 Sec. 70. Section 904.601, unnumbered paragraph 1,
41 Code 2011, is amended to read as follows:

42 The director shall keep the following record of
43 every person committed to any of the department's
44 institutions: Name, residence, sex, age, place of
45 birth, occupation, civil condition, date of entrance
46 or commitment, date of discharge, whether a discharge
47 is final, condition of the person when discharged,
48 the name of the institutions from which and to which
49 the person has been transferred, and if the person
50 is dead, the date and cause of death. The director

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1 may permit the division of ~~libraries and information~~
2 library services of the department of education and
3 the historical division of the department of cultural
4 affairs to copy or reproduce by any photographic,
5 photostatic, microfilm, microcard, or other process
6 which accurately reproduces in a durable medium and to
7 destroy in the manner described by law the records of
8 inmates required by this paragraph.

9 Sec. 71. REPEAL. Sections 256.60, 256.61, 256.66
10 through 256.68, Code 2011, are repealed.

11 Sec. 72. TRANSITION PROVISION. A governor's
12 appointee serving on the state commission of libraries
13 on the effective date of this Act shall continue
14 to serve as a member of the commission until the
15 appointee's term expires.

16 Sec. 73. LIBRARY SERVICE AREA EMPLOYEES — LENGTH
17 OF SERVICE — TRANSFER OF PERSONNEL RECORDS.

18 1. The length of service of a permanent employee
19 of a library service area who is employed by a library
20 service area on June 30, 2011, and who is hired by the
21 division of library services on or after July 1, 2011,
22 shall be prorated and credited as state employment
23 service for purposes of vacation and sick leave
24 accrual.

25 2. The area administrator of each library service
26 area shall submit to the division of library services
27 the personnel records of each permanent full-time
28 employee of the library service area by July 1, 2011.

29 DIVISION III

30 PATHWAYS FOR ACADEMIC CAREER AND EMPLOYMENT PROGRAM

31 Sec. 74. Section 260C.18A, subsection 2, Code 2011,
32 is amended by adding the following new paragraphs:

33 NEW PARAGRAPH. g. Development and implementation
34 of pathways for academic career and employment programs
35 under chapter 260H.

36 NEW PARAGRAPH. h. Development and implementation
37 of programs for the gap tuition assistance program
38 under chapter 260I.

39 NEW PARAGRAPH. i. Entrepreneurial education, small
40 business assistance, and business incubators.

41 Sec. 75. NEW SECTION. 260H.1 Title.

42 This chapter shall be known and may be cited as the
43 "Pathways for Academic Career and Employment Act".

44 Sec. 76. NEW SECTION. 260H.2 Pathways for academic
45 career and employment program.

46 A pathways for academic career and employment
47 program is established to provide funding to
48 community colleges for the development of projects
49 in coordination with the department of economic
50 development, the department of education, Iowa

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1 workforce development, regional advisory boards
2 established pursuant to section 84A.4, and community
3 partners to implement a simplified, streamlined, and
4 comprehensive process, along with customized support
5 services, to enable eligible participants to acquire
6 effective academic and employment training to secure
7 gainful, quality, in-state employment.

8 Sec. 77. NEW SECTION. 260H.3 Eligibility criteria.

9 1. Projects eligible for funding for the pathways
10 for academic career and employment program shall be
11 projects that further the ability of members of target
12 populations to secure gainful, quality employment.
13 For the purposes of this chapter, "target population"
14 includes:

15 a. Persons deemed low skilled for the purposes of
16 attaining gainful, quality, in-state employment.

17 b. Persons earning incomes at or below two hundred
18 percent of the federal poverty level as defined by
19 the most recently revised poverty income guidelines
20 published by the United States department of health and
21 human services.

22 c. Unemployed persons.

23 d. Underemployed persons.

24 e. Dislocated workers, including workers eligible
25 for services and benefits under the federal Trade
26 Adjustment Act of 2002, Pub. L. No. 107-210, as
27 determined by the department of workforce development
28 and the federal internal revenue service.

29 2. Projects eligible for funding for the pathways
30 for academic career and employment program shall
31 be projects that further partnerships that link
32 the community colleges to industry and nonprofit
33 organizations and projects that further program
34 outcomes as provided in section 260H.4.

35 Sec. 78. NEW SECTION. 260H.4 Program outcomes.

36 Projects eligible for funding for the pathways
37 for academic career and employment program shall be
38 programs which further the following program outcomes:

39 1. Enabling the target populations to:

40 a. Acquire and demonstrate competency in basic
41 skills.

42 b. Acquire and demonstrate competency in a
43 specified technical field.

44 c. Complete a specified level of postsecondary
45 education.

46 d. Earn a national career readiness certificate.

47 e. Obtain employer-validated credentials.

48 f. Secure gainful employment in high-quality, local
49 jobs.

50 2. Satisfaction of economic and employment goals

Page 35

1 including but not limited to:

2 a. Economic and workforce development requirements
3 in each region served by the community colleges
4 as defined by regional advisory boards established
5 pursuant to section 84A.4.

6 b. Needs of industry partners in areas including
7 but not limited to:

8 (1) Information technology.

9 (2) Health care.

10 (3) Advanced manufacturing.

11 (4) Transportation and logistics.

12 c. Any other industry designated as in-demand by a
13 regional advisory board established pursuant to section
14 84A.4.

15 Sec. 79. NEW SECTION. 260H.5 Program component
16 requirements.

17 Program components of a pathways for academic career
18 and employment project implemented at a community
19 college shall:

20 1. Include measurable and effective recruitment,
21 assessment, and referral activities designed for the
22 target populations.

23 2. Integrate basics skills and work-readiness
24 training with occupational skills training.

25 3. Combine customized supportive and case
26 management services with training services to help
27 participants overcome barriers to employment.

28 4. Provide training services at times, locations,
29 and through multiple, flexible modalities that are
30 easily understood and readily accessible to the
31 target populations. Such modalities shall support
32 timeless entry, individualized learning, and flexible
33 scheduling, and may include online remediation,
34 learning lab and cohort learning communities, tutoring,
35 and modularization.

36 Sec. 80. NEW SECTION. 260H.6 Pipeline program.

37 Each community college receiving funding for the
38 pathways for academic career and employment program
39 shall develop a pipeline program in order to better
40 serve the academic, training, and employment needs of
41 the target populations. A pipeline program shall have
42 the following goals:

43 1. To strengthen partnerships with community-based
44 organizations and industry representatives.

45 2. To improve and simplify the identification,
46 recruitment, and assessment of qualified participants.

47 3. To conduct and manage an outreach, recruitment,
48 and intake process, along with accompanying support
49 services, reflecting sensitivity to the time and
50 financial constraints and remediation needs of the

Page 36

1 target populations.
2 4. To conduct orientations for qualified
3 participants to describe regional labor market
4 opportunities, employer partners, and program
5 requirements and expectations.
6 5. To describe the concepts of the project
7 implemented with funds from the pathways for academic
8 career and employment program and the embedded
9 educational and support resources available through
10 such project.
11 6. To outline the basic skills participants will
12 learn and describe the credentials participants will
13 earn.
14 7. To describe success milestones and ways in which
15 temporal and instructional barriers have been minimized
16 or eliminated.
17 8. To review how individualized and customized
18 service strategies for participants will be developed
19 and provided.
20 Sec. 81. NEW SECTION. 260H.7 Career pathways and
21 bridge curriculum development program.
22 Each community college receiving funding for the
23 pathways for academic career and employment program
24 shall develop a career pathways and bridge curriculum
25 development program in order to better serve the
26 academic, training, and employment needs of the target
27 populations. A career pathways and bridge curriculum
28 development program shall have the following goals:
29 1. The articulation of courses and modules, the
30 mapping of programs within career pathways, and
31 establishment of bridges between credit and noncredit
32 programs.
33 2. The integration and contextualization of
34 basic skills education and skills training. This
35 process shall provide for seamless progressions
36 between adult basic education and general education
37 development programs and continuing education and
38 credit certificate, diploma, and degree programs.
39 3. The development of career pathways that support
40 the attainment of industry-recognized credentials,
41 diplomas, and degrees through stackable, modularized
42 program delivery.
43 Sec. 82. NEW SECTION. 260H.8 Rules.
44 The department of economic development, in
45 consultation with the community colleges, the
46 department of education, and Iowa workforce
47 development, shall adopt rules pursuant to chapter 17A
48 and this chapter to implement the provisions of this
49 chapter. Regional advisory boards established pursuant
50 to section 84A.4 shall be consulted in the development

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1 and implementation of rules to be adopted pursuant to
2 this chapter.

3 Sec. 83. NEW SECTION. 260I.1 Title.

4 This chapter shall be known and may be cited as the
5 “Gap Tuition Assistance Act”.

6 Sec. 84. NEW SECTION. 260I.2 Gap tuition
7 assistance program.

8 A gap tuition assistance program is established to
9 provide funding to community colleges for need-based
10 tuition assistance to applicants to enable completion
11 of continuing education certificate training programs
12 for in-demand occupations.

13 Sec. 85. NEW SECTION. 260I.3 Applicants for
14 tuition assistance — eligibility criteria.

15 1. The department of economic development,
16 in consultation with the department of education
17 shall adopt rules pursuant to this chapter defining
18 eligibility criteria for persons applying to receive
19 tuition assistance under this chapter.

20 2. Eligibility for tuition assistance under this
21 chapter shall be based on financial need. Criteria to
22 be assessed in determining financial need shall include
23 but is not limited to:

24 a. The applicant’s family income for the twelve
25 months prior to the date of application.

26 b. The applicant’s family size.

27 c. The applicant’s county of residence.

28 3. a. An applicant for tuition assistance under
29 this chapter must have a demonstrated capacity to
30 achieve the following outcomes:

31 (1) The ability to complete an eligible certificate
32 program.

33 (2) The ability to enter a postsecondary
34 certificate, diploma, or degree program for credit.

35 (3) The ability to gain full-time employment.

36 (4) The ability to maintain full-time employment
37 over time.

38 b. The community college receiving the application
39 shall only approve an applicant for tuition assistance
40 under this chapter if the community college determines
41 the applicant has a strong likelihood of achieving the
42 outcomes described in paragraph “a” after considering
43 factors including but not limited to:

44 (1) Barriers that may prevent an applicant from
45 completing the certificate program.

46 (2) Barriers that may prevent an applicant from
47 gaining employment in an in-demand occupation.

48 4. Applicants may be found eligible for partial or
49 total tuition assistance.

50 5. Tuition assistance shall not be approved when

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1 the community college receiving the application
2 determines that funding for an applicant's
3 participation in an eligible certificate program is
4 available from any other public or private funding
5 source.

6 Sec. 86. NEW SECTION. 260I.4 Applicants for
7 tuition assistance — additional provisions.

8 1. An applicant for tuition assistance under
9 this chapter shall provide to the community college
10 receiving the application documentation of all sources
11 of income.

12 2. Only an applicant eligible to work in the United
13 States shall be approved for tuition assistance under
14 this chapter.

15 3. An application shall be valid for six months
16 from the date of signature on the application.

17 4. A person shall not be approved for tuition
18 assistance under this chapter for more than one
19 eligible certificate program.

20 5. Eligibility for tuition assistance under this
21 chapter shall not be construed to guarantee enrollment
22 in any community college certificate program.

23 6. Eligibility for tuition assistance under this
24 chapter shall be limited to persons earning incomes at
25 or below two hundred percent of the federal poverty
26 level as defined by the most recently revised poverty
27 income guidelines published by the United States
28 department of health and human services.

29 Sec. 87. NEW SECTION. 260I.5 Eligible costs.

30 Costs of a certificate program eligible for coverage
31 by tuition assistance shall include but are not limited
32 to:

33 1. Tuition.

34 2. Direct training costs.

35 3. Required books and equipment.

36 4. Fees including but not limited to fees for
37 industry testing services and background check testing
38 services.

39 Sec. 88. NEW SECTION. 260I.6 Eligible certificate
40 programs.

41 For the purposes of this chapter, "eligible
42 certificate program" means a program meeting all of the
43 following criteria:

44 1. The program is not offered for credit, but is
45 aligned with a certificate, diploma, or degree for
46 credit, and does any of the following:

47 a. Offers a state, national, or locally recognized
48 certificate.

49 b. Offers preparation for a professional
50 examination or licensure.

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- 1 c. Provides endorsement for an existing credential
- 2 or license.
- 3 d. Represents recognized skill standards defined by
- 4 an industrial sector.
- 5 e. Offers a similar credential or training.
- 6 2. The program offers training or a credential in
- 7 an in-demand occupation. For the purposes of this
- 8 chapter, "in-demand occupation" includes occupations in
- 9 the following industries:
- 10 a. Information technology.
- 11 b. Health care.
- 12 c. Advanced manufacturing.
- 13 d. Transportation and logistics.
- 14 e. Any other industry designated as in-demand by a
- 15 regional advisory board established pursuant to section
- 16 84A.4.
- 17 Sec. 89. NEW SECTION. 260I.7 Initial assessment.
- 18 An applicant for tuition assistance under this
- 19 chapter shall complete an initial assessment
- 20 administered by the community college receiving the
- 21 application to determine the applicant's readiness
- 22 to complete an eligible certificate program. The
- 23 assessment shall include assessments for completion of
- 24 a national career readiness certificate, including the
- 25 areas of reading for information, applied mathematics,
- 26 and locating information. An applicant must achieve a
- 27 bronze-level certificate or the minimum score required
- 28 for an eligible certificate program, whichever is
- 29 higher, in order to be approved for tuition assistance.
- 30 An applicant shall complete any additional assessments
- 31 and occupational research required by an eligible
- 32 certificate program.
- 33 Sec. 90. NEW SECTION. 260I.8 Program interview.
- 34 An applicant for tuition assistance under this
- 35 chapter shall meet with a member of the staff for
- 36 an eligible certificate program offered by the
- 37 community college receiving the application. The
- 38 staff member shall discuss the relevant industry, any
- 39 applicable occupational research, and any applicable
- 40 training relating to the eligible certificate program.
- 41 The discussion shall include an evaluation of the
- 42 applicant's capabilities, needs, family situation,
- 43 work history, educational background, attitude and
- 44 motivation, employment skills, vocational potential,
- 45 and employment barriers. The discussion shall also
- 46 include potential start dates, support needs, and other
- 47 requirements for an eligible certificate program.
- 48 Sec. 91. NEW SECTION. 260I.9 Participation
- 49 requirements.
- 50 1. A participant in an eligible certificate program

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1 who receives tuition assistance pursuant to this
 2 chapter shall do all of the following:
 3 a. Maintain regular contact with staff members for
 4 the certificate program to document the applicant's
 5 progress in the program.
 6 b. Sign a release form to provide relevant
 7 information to community college faculty or case
 8 managers.
 9 c. Discuss with staff members for the certificate
 10 program any issues that may impact the participant's
 11 ability to complete the certificate program, obtain
 12 employment, and maintain employment over time.
 13 d. Attend all required courses regularly.
 14 e. Meet with staff members for the certificate
 15 program to develop a job search plan.
 16 2. A community college may terminate tuition
 17 assistance for a participant who fails to meet the
 18 requirements of this section.
 19 Sec. 92. NEW SECTION. 260I.10 Oversight.
 20 1. The department of economic development, in
 21 coordination with the community colleges, shall
 22 establish a steering committee. The steering committee
 23 shall determine if the performance measures of the gap
 24 tuition assistance program are being met and shall
 25 take necessary steps to correct any deficiencies. The
 26 steering committee shall meet at least quarterly to
 27 evaluate and monitor the performance of the gap tuition
 28 assistance program.
 29 2. The department of economic development, in
 30 coordination with the community colleges, shall
 31 develop a common intake tracking system that shall
 32 be implemented consistently by each participating
 33 community college.
 34 3. The department of education shall coordinate
 35 statewide oversight, evaluation, and reporting efforts
 36 for the gap tuition assistance program.
 37 Sec. 93. NEW SECTION. 260I.11 Rules.
 38 The department of economic development, in
 39 consultation with the department of education and
 40 the community colleges, shall adopt rules pursuant
 41 to chapter 17A and this chapter to implement the
 42 provisions of this chapter.>
 43 2. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
 ROBERT E. DVORSKY, Chair

S-3288

1 Amend Senate File 524 as follows:
 2 1. Page 1, line 18, by striking <fifty> and

30 shall be deposited in the monument maintenance account
 31 and, notwithstanding section 8.33, shall not revert but
 32 shall remain available indefinitely in the account and
 33 be available for the uses identified in this paragraph.
 34 b. Of the amount appropriated in this subsection,
 35 \$1,200,000 shall be allocated for exterior repairs and
 36 related improvements to the state historical building.
 37 c. The department may use any remaining amounts
 38 appropriated in this subsection for routine maintenance
 39 as necessary, notwithstanding section 8.57, subsection
 40 6, paragraph “c”.

41 2. DEPARTMENT FOR THE BLIND

42 For replacement of air handlers and related
 43 improvements:
 44 FY 2011–2012 \$ 1,065,674

45 3. DEPARTMENT OF CORRECTIONS

46 a. For the construction project and one-time
 47 furniture, fixture, and equipment costs at Fort
 48 Madison:
 49 FY 2011–2012 \$ 5,155,077
 50 FY 2012–2013 \$ 18,269,124

Page 2

1 FY 2013–2014 \$ 3,000,000
 2 b. For the construction project and one-time
 3 equipment costs at the Iowa correctional facility for
 4 women at Mitchellville:
 5 FY 2011–2012 \$ 3,361,556
 6 FY 2012–2013 \$ 5,391,062
 7 FY 2013–2014 \$ 26,769,040

8 4. DEPARTMENT OF CULTURAL AFFAIRS

9 a. For deposit into the Iowa great places program
 10 fund created in section 303.3D for Iowa great places
 11 program projects that meet the definition of the term
 12 “vertical infrastructure” in section 8.57, subsection
 13 6, paragraph “c”:
 14 FY 2011–2012 \$ 1,000,000

15 b. For the construction of a public art project to
 16 honor the founders of the Iowa national bar association
 17 to be located on a riverwalk in a central Iowa city
 18 with a population between one hundred ninety-five
 19 thousand and two hundred five thousand as determined by
 20 the 2010 federal decennial census:
 21 FY 2011–2012 \$ 300,000

22 c. For grants for a cultural community grant
 23 program, notwithstanding section 8.57, subsection 6,
 24 paragraph “c”:
 25 FY 2012–2013 \$ 150,000

26 The department shall establish a cultural community
 27 grant program to provide grants for a cultural and
 28 educational center to showcase an immigrant community

29 from Laos and Vietnam and their cultures. The
 30 department shall distribute the grants on a competitive
 31 basis to communities with an approved plan for the
 32 establishment of the cultural center. Applications
 33 must be submitted to the department no later than July
 34 15, 2012.

35 5. DEPARTMENT OF ECONOMIC DEVELOPMENT

36 a. For accelerated career education program capital
 37 projects at community colleges that are authorized
 38 under chapter 260G and that meet the definition of
 39 vertical infrastructure in section 8.57, subsection 6,
 40 paragraph “c”:

41 FY 2011–2012 \$ 5,000,000

42 b. For equal distribution to regional sports
 43 authority districts certified by the department
 44 pursuant to section 15E.321, notwithstanding section
 45 8.57, subsection 6, paragraph “c”:

46 FY 2011–2012 \$ 500,000

47 c. For costs associated with the renovation,
 48 expansion, and improvements of exhibits as part of a
 49 zoo capital campaign located in a central Iowa city
 50 with a population between one hundred ninety-five

Page 3

1 thousand and two hundred five thousand as determined by
 2 the 2010 federal decennial census:

3 FY 2011–2012 \$ 500,000

4 d. For the development of a master plan, including
 5 administration and support staff costs, for a street
 6 revitalization improvement project for the Ingersoll
 7 corridor in a central Iowa city with a population
 8 between one hundred ninety-five thousand and two
 9 hundred five thousand as determined by the 2010 federal
 10 decennial census, notwithstanding section 8.57,
 11 subsection 6, paragraph “c”:

12 FY 2011–2012 \$ 100,000

13 e. For interior and exterior renovations and
 14 repairs, including improved energy efficiencies and
 15 compliance with the federal Americans with Disabilities
 16 Act, for cabins at a year-round camp for persons with
 17 disabilities in a central Iowa city with a population
 18 between one hundred ninety-five thousand and two
 19 hundred five thousand as determined by the 2010 federal
 20 decennial census:

21 FY 2011–2012 \$ 250,000

22 f. For administration and support of the world
 23 food prize including the Borlaug/Ruan scholar program,
 24 notwithstanding section 8.57, subsection 6, paragraph
 25 “c”:

26 FY 2011–2012 \$ 100,000

27 6. DEPARTMENT OF EDUCATION

28	a. To the public broadcasting division for the		
29	purchase of a building in a city with a population		
30	between seventeen thousand two hundred and seventeen		
31	thousand three hundred as determined by the 2010		
32	federal decennial census:		
33	FY 2011–2012	\$	1,255,550
34	b. For major renovation and major repair needs,		
35	including health, life, and fire safety needs and for		
36	compliance with the federal Americans with Disabilities		
37	Act, for state buildings and facilities under the		
38	purview of the community colleges:		
39	FY 2011–2012	\$	1,000,000
40	7. DEPARTMENT OF HUMAN SERVICES		
41	For the renovation and construction of certain		
42	nursing facilities, consistent with the provisions of		
43	chapter 249K:		
44	FY 2011–2012	\$	285,000
45	8. DEPARTMENT OF NATURAL RESOURCES		
46	a. For floodplain management and dam safety,		
47	notwithstanding section 8.57, subsection 6,		
48	paragraph “c”:		
49	FY 2011–2012	\$	2,000,000
50	Of the amounts appropriated in this lettered		

Page 4

1	paragraph, up to \$400,000 is authorized for stream		
2	gages to be used for tracking and predicting flood		
3	events and for compiling necessary data relating to		
4	flood frequency analysis.		
5	b. For implementation of lake projects that		
6	have established watershed improvement initiatives		
7	and community support in accordance with the		
8	department’s annual lake restoration plan and report,		
9	notwithstanding section 8.57, subsection 6, paragraph		
10	“c”:		
11	FY 2011–2012	\$	5,000,000
12	Of the amount appropriated in this lettered		
13	paragraph, \$350,000 shall be allocated for a lake with		
14	public access that has the support of a benefited		
15	lake district located in a county with a population		
16	between seventeen thousand seven hundred and seventeen		
17	thousand eight hundred as determined by the 2010		
18	federal decennial census. The allocated moneys shall		
19	be used for purposes of completing a preconstruction		
20	dam restoration study that would include a geotechnical		
21	evaluation, hydrological studies, restoration		
22	alternatives, and construction specifications.		
23	c. For the administration of a water trails and		
24	low head dam public hazard statewide plan, including		
25	salaries, support, maintenance, and miscellaneous		
26	purposes, notwithstanding section 8.57, subsection 6,		

27	paragraph “c”:		
28	FY 2011–2012	\$	75,000
29	d. For costs associated with the hiring and		
30	employment of an asset manager at Honey creek resort		
31	state park, notwithstanding section 8.57, subsection		
32	6, paragraph “c”:		
33	FY 2011–2012	\$	100,000
34	9. DEPARTMENT OF PUBLIC DEFENSE		
35	a. For major maintenance projects at national guard		
36	armories and facilities:		
37	FY 2011–2012	\$	1,500,000
38	b. For renovation and facility improvements at the		
39	Muscatine readiness center:		
40	FY 2011–2012	\$	100,000
41	c. For construction improvement projects at		
42	statewide readiness centers:		
43	FY 2011–2012	\$	1,800,000
44	d. For construction upgrades at Camp Dodge		
45	including sanitary system and sewer system		
46	improvements:		
47	FY 2011–2012	\$	1,000,000
48	e. For renovation, repair, and related improvements		
49	at the joint forces headquarters building:		
50	FY 2011–2012	\$	1,000,000

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1	10. DEPARTMENT OF PUBLIC HEALTH		
2	For a grant to a national affiliated volunteer		
3	eye organization that has an established program for		
4	children and adults and that is solely dedicated to		
5	preserving sight and preventing blindness through		
6	education, nationally certified vision screening and		
7	training, and community and patient service programs,		
8	notwithstanding section 8.57, subsection 6, paragraph		
9	“c”:		
10	FY 2011–2012	\$	100,000
11	11. DEPARTMENT OF PUBLIC SAFETY		
12	To develop a public-private partnership for the		
13	provision of a statewide public safety radio network		
14	and the purchase of compatible radio communications		
15	equipment with the goal of achieving compliance with		
16	the federal communications commission’s narrowbanding		
17	mandate deadline, and “interoperability” as defined in		
18	section 80.28,notwithstanding section 8.57, paragraph		
19	“c”:		
20	FY 2011–2012	\$	2,500,000
21	FY 2012–2013	\$	2,500,000
22	FY 2013–2014	\$	2,500,000
23	On or before January 13, 2012, the department of		
24	public safety shall provide a report to the legislative		
25	services agency and the department of management.		

26 The report shall include the estimated needs of the
 27 departments of public safety, corrections, and natural
 28 resources to achieve interoperability and meet the
 29 federal narrowbanding mandate, any changes in estimated
 30 costs to meet those needs, and the status of requests
 31 for proposals to develop a public-private partnership.

32 12. BOARD OF REGENTS

33 a. For allocation by the state board of regents to
 34 the state university of Iowa, the Iowa state university
 35 of science and technology, and the university of
 36 northern Iowa to reimburse the institutions for
 37 deficiencies in the operating funds resulting from
 38 the pledging of tuition, student fees and charges,
 39 and institutional income to finance the cost of
 40 providing academic and administrative buildings and
 41 facilities and utility services at the institutions,
 42 notwithstanding section 8.57, subsection 6, paragraph
 43 "c":

44 FY 2011–2012	\$	24,305,412
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45 b. For the Iowa flood center at the state
 46 university of Iowa for use by the university's
 47 college of engineering, pursuant to section 466C.1,
 48 notwithstanding section 8.57, subsection 6, paragraph
 49 "c":

50 FY 2011–2012	\$	1,300,000
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Page 6

1 c. For construction, renovation, and related
 2 improvements for phase II of the agricultural and
 3 biosystems engineering complex, including classrooms,
 4 laboratories, and offices at Iowa state university of
 5 science and technology:

6 FY 2011–2012	\$	2,000,000
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7 FY 2012–2013	\$	19,800,000
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8 FY 2013–2014	\$	20,000,000
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9 FY 2014–2015	\$	18,600,000
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10 d. For the renovation and related improvements to
 11 the dental science building at the state university
 12 of Iowa including but not limited to renovation of
 13 clinical spaces and development of a multidisciplinary
 14 clinical area:

15 FY 2011–2012	\$	2,000,000
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16 FY 2012–2013	\$	11,000,000
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17 FY 2013–2014	\$	8,000,000
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18 FY 2014–2015	\$	8,000,000
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19 e. For renovation and related improvements for
 20 Bartlett hall at the university of northern Iowa
 21 including providing faculty offices, seminar rooms,
 22 and laboratories in the building and the associated
 23 demolition of Baker hall:

24 FY 2011–2012	\$	2,000,000
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25	FY 2012–2013	\$	7,286,000
26	FY 2013–2014	\$	9,767,000
27	FY 2014–2015	\$	1,947,000
28	13. DEPARTMENT OF TRANSPORTATION		
29	a. For acquiring, constructing, and improving		
30	recreational trails within the state:		
31	FY 2011–2012	\$	2,500,000
32	Of the amount appropriated in this lettered		
33	paragraph “a”, \$500,000 shall be allocated for the		
34	development of a connecting trail and for bicycle		
35	boulevard improvements in a central Iowa city with a		
36	population between one hundred ninety-five thousand and		
37	two hundred five thousand as determined by the 2010		
38	federal decennial census.		
39	Of the amount appropriated in this lettered		
40	paragraph “a”, \$112,000 shall be allocated for the		
41	planning and development of the Iowa portion of the		
42	Mississippi river trail located in a county with a		
43	population between forty-two thousand and forty-three		
44	thousand in the latest preceding certified federal		
45	census and a county with a population between one		
46	hundred sixty thousand and one hundred seventy-five		
47	thousand in the latest preceding certified federal		
48	census.		
49	b. For deposit into the public transit		
50	infrastructure grant fund created in section 324A.6A,		

Page 7

1	for projects that meet the definition of “vertical		
2	infrastructure” in section 8.57, subsection 6,		
3	paragraph “c”:		
4	FY 2011–2012	\$	1,500,000
5	c. For infrastructure improvements at the		
6	commercial service airports within the state:		
7	FY 2011–2012	\$	1,500,000
8	d. For infrastructure improvements at general		
9	aviation airports within the state:		
10	FY 2011–2012	\$	750,000
11	e. For a quiet zone study in a central Iowa city		
12	with a population between one hundred ninety-five		
13	thousand and two hundred five thousand as determined		
14	by the 2010 federal decennial census, notwithstanding		
15	section 8.57, subsection 6, paragraph “c”:		
16	FY 2011–2012	\$	100,000
17	Upon completion of the study, the city shall submit		
18	a report to the legislative services agency detailing		
19	the results of the study as well as plans to implement		
20	the study.		
21	14. TREASURER OF STATE		
22	For distribution in accordance with chapter 174 to		
23	qualified fairs which belong to the association of Iowa		

24 fairs for county fair infrastructure improvements:
 25 FY 2011–2012 \$ 1,060,000
 26 15. DEPARTMENT OF VETERANS AFFAIRS
 27 a. For transfer to the Iowa finance authority for
 28 the continuation of the home ownership assistance
 29 program for persons who are or were eligible members
 30 of the armed forces of the United States, pursuant to
 31 section 16.54, notwithstanding section 8.57, subsection
 32 6, paragraph “c”:
 33 FY 2011–2012 \$ 1,000,000
 34 b. For the Iowa veterans home to upgrade generator
 35 emissions controls to meet required stack emissions for
 36 four generators and related improvements:
 37 FY 2011–2012 \$ 750,000
 38 Sec. 2. REVERSION. For purposes of section 8.33,
 39 unless specifically provided otherwise, unencumbered
 40 or unobligated moneys made from an appropriation in
 41 this division of this Act shall not revert but shall
 42 remain available for expenditure for the purposes
 43 designated until the close of the fiscal year that ends
 44 three years after the end of the fiscal year for which
 45 the appropriation is made. However, if the project
 46 or projects for which such appropriation was made are
 47 completed in an earlier fiscal year, unencumbered or
 48 unobligated moneys shall revert at the close of that
 49 same fiscal year.

DIVISION II

Page 8

TECHNOLOGY REINVESTMENT FUND

2 Sec. 3. There is appropriated from the technology
 3 reinvestment fund created in section 8.57C to the
 4 following departments and agencies for the following
 5 fiscal years, the following amounts, or so much
 6 thereof as is necessary, to be used for the purposes
 7 designated:
 8 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
 9 For technology improvement projects:
 10 FY 2011–2012 \$ 1,557,904
 11 2. DEPARTMENT OF CORRECTIONS
 12 For costs associated with the Iowa corrections
 13 offender network data system:
 14 FY 2011–2012 \$ 500,000
 15 3. DEPARTMENT OF EDUCATION
 16 a. For maintenance and lease costs associated with
 17 connections for part III of the Iowa communications
 18 network:
 19 FY 2011–2012 \$ 2,727,000
 20 b. For the implementation of an educational data
 21 warehouse that will be utilized by teachers, parents,
 22 school district administrators, area education agency

23	staff, department of education staff, and policymakers:		
24	FY 2011–2012	\$	600,000
25	The department may use a portion of the moneys		
26	appropriated in this lettered paragraph for an		
27	e-transcript data system capable of tracking students		
28	throughout their education via interconnectivity with		
29	multiple schools.		
30	4. DEPARTMENT OF HUMAN RIGHTS		
31	For the cost of equipment and computer software		
32	for the implementation of Iowa’s criminal justice		
33	information system:		
34	FY 2011–2012	\$	1,689,307
35	5. DEPARTMENT OF HUMAN SERVICES		
36	For the purchase of software and for training costs		
37	associated with the purchase of the software for a		
38	community-based, nonprofit, nonresidential program		
39	serving persons with disabilities, notwithstanding		
40	section 8.57C, subsection 2:		
41	FY 2011–2012	\$	11,000
42	6. IOWA TELECOMMUNICATIONS AND TECHNOLOGY		
43	COMMISSION		
44	For replacement of equipment for the Iowa		
45	communications network:		
46	FY 2011–2012	\$	2,237,653
47	The commission may continue to enter into contracts		
48	pursuant to section 8D.13 for the replacement of		
49	equipment and for operation and maintenance costs of		
50	the network.		

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1	In addition to funds appropriated in this		
2	subsection, the commission may use a financing		
3	agreement entered into by the treasurer of state in		
4	accordance with section 12.28 for the replacement		
5	of equipment for the network. For purposes of this		
6	subsection, the treasurer of state is not subject to		
7	the maximum principal limitation contained in section		
8	12.28, subsection 6. Repayment of any amounts financed		
9	shall be made from receipts associated with fees		
10	charged for use of the network.		
11	7. DEPARTMENT OF MANAGEMENT		
12	To develop a searchable database that can be placed		
13	on the internet for budget and financial information:		
14	FY 2011–2012	\$	580,000
15	8. DEPARTMENT OF PUBLIC SAFETY		
16	a. For transfer to a firefighter association in a		
17	county with a population between ninety thousand and		
18	ninety-five thousand as determined by the 2010 federal		
19	decennial census for a driving simulator to enhance the		
20	association’s emergency vehicle operations course:		
21	FY 2011–2012	\$	80,000

22 b. For the purchase of an emergency diesel
 23 generator for radio communications for a county with
 24 a population between seventeen thousand and seventeen
 25 thousand one hundred fifty as determined by the 2010
 26 federal decennial census:
 27 FY 2011–2012 \$ 20,000

28 Sec. 4. REVERSION. For purposes of section 8.33,
 29 unless specifically provided otherwise, unencumbered
 30 or unobligated moneys made from an appropriation in
 31 this division of this Act shall not revert but shall
 32 remain available for expenditure for the purposes
 33 designated until the close of the fiscal year that ends
 34 three years after the end of the fiscal year for which
 35 the appropriation is made. However, if the project
 36 or projects for which such appropriation was made are
 37 completed in an earlier fiscal year, unencumbered or
 38 unobligated moneys shall revert at the close of that
 39 same fiscal year.

40 DIVISION III
 41 REVENUE BONDS CAPITALS
 42 FUND — APPROPRIATIONS

43 Sec. 5. There is appropriated from the revenue
 44 bonds capitals fund created in section 12.88, to the
 45 department of corrections for the fiscal year beginning
 46 July 1, 2011, and ending June 30, 2012, the following
 47 amount, or so much thereof as is necessary, to be used
 48 for the purposes designated:

49 For the construction project and one-time equipment
 50 costs at the Iowa correctional facility for women at

Page 10

1 Mitchellville:
 2 \$ 4,130,952

3 For purposes of section 8.33, unless specifically
 4 provided otherwise, unencumbered or unobligated moneys
 5 made from an appropriation in this section shall not
 6 revert but shall remain available for expenditure for
 7 the purposes designated until the close of the fiscal
 8 year that ends three years after the end of the fiscal
 9 year for which the appropriation was made. However, if
 10 the project or projects for which such appropriation
 11 was made are completed in an earlier fiscal year,
 12 unencumbered or unobligated moneys shall revert at the
 13 close of that same fiscal year.

14 DIVISION IV
 15 GROW IOWA VALUES FUND

16 Sec. 6. In lieu of the appropriation pursuant to
 17 section 15G.110, subsection 2, for the fiscal year
 18 beginning July 1, 2011, and ending June 30, 2012, there
 19 is appropriated from the rebuild Iowa infrastructure
 20 fund to the department of economic development for

21	deposit in the grow Iowa values fund, the following		
22	amount, notwithstanding section 8.57, subsection 6,		
23	paragraph "c":		
24	.....	\$	10,620,000
25	Sec. 7. GROW IOWA VALUES FUND APPROPRIATION		
26	REDUCTION. In lieu of the appropriation pursuant to		
27	section 15G.111, subsection 3, for the fiscal year		
28	beginning July 1, 2011, and ending June 30, 2012, there		
29	is appropriated from the grow Iowa values fund to		
30	the department of economic development the following		
31	amount, for the purposes of making expenditures		
32	pursuant to chapter 15G:		
33	.....	\$	10,620,000
34	Sec. 8. GROW IOWA VALUES FUND ALLOCATIONS. In lieu		
35	of the amounts allocated pursuant to section 15G.111,		
36	subsections 4 through 11, for the fiscal year beginning		
37	July 1, 2011, and ending June 30, 2012, of the moneys		
38	appropriated to the department of economic development		
39	pursuant to this division of this Act for the fiscal		
40	year beginning July 1, 2011, and ending June 30, 2012,		
41	the department shall allocate the following amounts for		
42	the following purposes described in section 15G.111,		
43	subsections 4 through 11:		
44	1. For the state board of regents institutions:		
45	.....	\$	2,500,000
46	2. For state parks:		
47	.....	\$	500,000
48	3. For deposit in the Iowa cultural trust fund:		
49	.....	\$	500,000
50	4. For community colleges for deposit in the		

Page 11

1	workforce training and economic development funds		
2	pursuant to section 260C.18A:		
3	.....	\$	4,000,000
4	5. For regional financial assistance:		
5	.....	\$	500,000
6	From the moneys allocated pursuant to this		
7	subsection and in lieu of the moneys transferred		
8	under section 15G.111, subsection 9, paragraph "a", to		
9	Iowa state university of science and technology, the		
10	department shall transfer the following amounts for		
11	the following fiscal years to Iowa state university		
12	of science and technology, for purposes of providing		
13	financial assistance to establish small business		
14	development centers:		
15	.....	\$	175,000
16	6. For innovation and commercialization services:		
17	.....	\$	2,062,000
18	7. For targeted small businesses:		
19	.....	\$	557,500

DIVISION V

MISCELLANEOUS CODE CHANGES

20
21
22 Sec. 9. Section 8.57, subsection 6, paragraph f,
23 Code 2011, is amended to read as follows:

24 f. There is appropriated from the rebuild Iowa
25 infrastructure fund to the secure an advanced vision
26 for education fund created in section 423F.2, for each
27 fiscal year of the fiscal period beginning July 1,
28 2008, and ending June 30, 2010, ~~and for each fiscal~~
29 ~~year of the fiscal period beginning July 1, 2011,~~
30 ~~and ending June 30, 2014,~~ the amount of the moneys
31 in excess of the first forty-seven million dollars
32 credited to the rebuild Iowa infrastructure fund during
33 the fiscal year, not to exceed ten million dollars.

34 Sec. 10. Section 8.57A, subsection 4, Code 2011, is
35 amended to read as follows:

36 4. a. There is appropriated from the rebuild
37 Iowa infrastructure fund for the fiscal ~~years year~~
38 beginning July 1, 2008, July 1, 2009, and July 1, 2011
39 2012, and for each fiscal year thereafter, the sum
40 of forty-two million dollars to the environment first
41 fund, notwithstanding section 8.57, subsection 6,
42 paragraph "c".

43 b. There is appropriated from the rebuild Iowa
44 infrastructure fund ~~each fiscal year~~ for the ~~fiscal~~
45 ~~year period~~ beginning July 1, 2010, and ending June 30,
46 2011 2012, the sum of thirty-three million dollars to
47 the environment first fund, notwithstanding section
48 8.57, subsection 6, paragraph "c".

49 Sec. 11. Section 8.57C, subsection 3, paragraphs a
50 and c, Code 2011, are amended to read as follows:

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1 a. There is appropriated from the general fund of
2 the state for the fiscal ~~years year~~ beginning July 1,
3 2006, July 1, 2007, July 1, 2011 2012, and for each
4 subsequent fiscal year thereafter, the sum of seventeen
5 million five hundred thousand dollars to the technology
6 reinvestment fund.

7 c. There is appropriated from the rebuild Iowa
8 infrastructure fund for ~~the each~~ fiscal year ~~of the~~
9 ~~period~~ beginning July 1, 2010, and ending June 30,
10 2012, the sum of ten million dollars to the technology
11 reinvestment fund, notwithstanding section 8.57,
12 subsection 6, paragraph "c".

13 Sec. 12. Section 8A.321, subsection 6, Code 2011,
14 is amended by adding the following new paragraph:

15 NEW PARAGRAPH. d. The department shall issue a
16 request for proposals for leasing privately owned
17 office space for state employees in the downtown
18 area of the city of Des Moines prior to replacing or

19 renovating publicly owned buildings or relocating
20 any state agencies to any space in publicly owned
21 buildings. The department shall locate state employees
22 in office space in the most cost-efficient manner
23 possible. In determining cost efficiency, the
24 department shall consider all costs of the publicly
25 owned space, the costs of the original acquisition
26 of the publicly owned space, the costs of tenant
27 improvements to the publicly owned space, and the
28 anticipated economic and useful life of the publicly
29 owned building.

30 Sec. 13. Section 12.82, subsection 1, Code 2011, is
31 amended to read as follows:

32 1. A school infrastructure fund is created and
33 established as a separate and distinct fund in the
34 state treasury under the control of the department of
35 education. The Notwithstanding any other provision
36 of this chapter, the fund shall be used for purposes
37 of the school infrastructure program established in
38 section 292.2.

39 Sec. 14. Section 12.82, Code 2011, is amended by
40 adding the following new subsection:

41 NEW SUBSECTION. 3A. Any amounts remaining in the
42 school infrastructure fund at the end of the fiscal
43 year beginning July 1, 2010, and for each fiscal year
44 thereafter, which are determined by the treasurer of
45 state to be unencumbered and unobligated and otherwise
46 unnecessary to make the payments for such fiscal year,
47 shall be transferred to the rebuild Iowa infrastructure
48 fund.

49 Sec. 15. Section 15F.204, subsection 8, paragraph
50 b, Code 2011, is amended by striking the paragraph.

Page 13

1 Sec. 16. Section 16.193, subsection 2, Code 2011,
2 is amended to read as follows:

3 2. ~~During the term of the Iowa jobs program~~
4 ~~established in section 16.194 and the Iowa jobs II~~
5 ~~program established in section 16.194A~~ For the period
6 beginning July 1, 2009, and ending June 30, 2011, two
7 hundred thousand dollars of the moneys deposited in the
8 rebuild Iowa infrastructure fund shall be allocated
9 each fiscal year to the Iowa finance authority for
10 purposes of administering the Iowa jobs program,
11 notwithstanding section 8.57, subsection 6, paragraph
12 "c".

13 Sec. 17. EFFECTIVE UPON ENACTMENT. The section of
14 this division amending section 12.82, being deemed of
15 immediate importance, takes effect upon enactment.

16 DIVISION VI
17 CHANGES TO PRIOR APPROPRIATIONS

18 Sec. 18. 2004 Iowa Acts, chapter 1175, section 288,
19 subsection 7, paragraph d, as amended by 2010 Iowa
20 Acts, chapter 1184, section 51, is amended to read as
21 follows:

22 d. For allocation to the public broadcasting
23 division for costs of installation of digital
24 and analog television for Iowa public television
25 facilities, notwithstanding section 8.57, subsection
26 5, paragraph "c":

27 FY 2004–2005	\$	8,000,000
28 FY 2005–2006	\$	8,000,000
29 FY 2006–2007	\$	2,300,000

30 Of the amounts appropriated in this lettered
31 paragraph, up to \$1,000,000 may be used for operational
32 costs of the division for the fiscal years beginning
33 July 1, 2011, and July 1, 2012.

34 Notwithstanding section 8.33, 2004 Iowa Acts,
35 chapter 1175, section 290, or any other provision of
36 law, moneys allocated in this lettered paragraph that
37 remain unencumbered or unobligated at the close of a
38 fiscal year shall not revert but shall remain available
39 for expenditure for the purposes designated until the
40 close of the fiscal year that begins July 1, 2012.

41 ~~However, if the projects for which the moneys are~~
42 ~~appropriated are completed in an earlier fiscal year,~~
43 ~~unencumbered or unobligated moneys shall revert at the~~
44 ~~close of that fiscal year.~~

45 Sec. 19. 2006 Iowa Acts, chapter 1179, section 18,
46 is amended by adding the following new subsection:
47 NEW SUBSECTION. 5. Except for the allocation to
48 Des Moines area community college and notwithstanding
49 section 8.33, moneys appropriated from the endowment
50 for Iowa’s health restricted capitals fund for the

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1 fiscal year beginning July 1, 2006, and ending June 30,
2 2007, in this division of this Act to the department of
3 public safety for allocation to the division of fire
4 protection that remain unencumbered or unobligated
5 at the close of the fiscal year shall not revert
6 but shall remain available for expenditure for the
7 purposes designated until the close of the fiscal year
8 beginning July 1, 2011, or until the project for which
9 appropriated is completed, whichever is earlier. This
10 subsection shall apply in lieu of subsection 1 of this
11 section.

12 Sec. 20. 2007 Iowa Acts, chapter 219, section 2, is
13 amended to read as follows:

14 SEC. 2. REVERSION.

15 1. Notwithstanding Except as provided in subsection
16 2 and notwithstanding section 8.33, moneys appropriated

17 for the fiscal year beginning July 1, 2007, in this
 18 division of this Act that remain unencumbered or
 19 unobligated at the close of the fiscal year shall not
 20 revert but shall remain available for the purposes
 21 designated until the close of the fiscal year that
 22 begins July 1, 2010, or until the project for which
 23 the appropriation was made is completed, whichever is
 24 earlier.

25 2. a. Notwithstanding section 8.33, moneys
 26 appropriated in section 1, subsection 1, paragraphs
 27 “a” and “f” of this division of this Act that remain
 28 unencumbered or unobligated at the close of the fiscal
 29 year for which they were appropriated shall not revert
 30 but shall remain available for the purposes designated
 31 until the close of the fiscal year that begins July 1,
 32 2011, or until the project for which the appropriation
 33 was made is completed, whichever is earlier.

34 b. The department of administrative services
 35 is authorized to provide for the disposition and
 36 relocation of structures located at 707 east locust
 37 and 709 east locust, Des Moines, Iowa, in a manner as
 38 deemed appropriate by the department. The disposition
 39 of the structures, if possible, shall be completed in
 40 a manner that reduces or eliminates the costs of the
 41 state associated with the removal of the structures
 42 from their current locations. Any amount received from
 43 the disposition of the structures as permitted under
 44 this section shall be retained by the department to pay
 45 for improvement costs associated with the restoration
 46 of the west capitol terrace. The department, if unable
 47 to otherwise dispose of the structures, is authorized
 48 to demolish the structure using other appropriate
 49 funding available to the department.

50 Sec. 21. 2008 Iowa Acts, chapter 1179, section 7,

Page 15

1 as amended by 2009 Iowa Acts, chapter 173, section
 2 21, and 2010 Iowa Acts, chapter 1184, section 58, is
 3 amended to read as follows:
 4 SEC. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT. There
 5 is appropriated from the rebuild Iowa infrastructure
 6 fund to the department of economic development for
 7 the designated fiscal years the following amounts, or
 8 so much thereof as is necessary, to be used for the
 9 purposes designated:

10 For deposit into the river enhancement community
 11 attraction and tourism fund created in 2008 Iowa Acts,
 12 Senate File 2430, if enacted:

13 FY 2009–2010	\$	0
14 FY 2010–2011	\$	0
15 FY 2011–2012	\$	10,000,000

16 3,000,000

17 FY 2012–2013 \$ 10,000,000

18 Notwithstanding section 8.33, moneys appropriated

19 in this section for the fiscal year beginning July

20 1, 2011, and ending June 30, 2012, shall not revert

21 at the close of the fiscal year for which they are

22 appropriated but shall remain available for the purpose

23 designated until the close of the fiscal year that

24 begins July 1, 2014, or until the project for which

25 the appropriation was made is completed, whichever is

26 earlier.

27 Notwithstanding section 8.33, moneys appropriated

28 in this section for the fiscal year beginning July

29 1, 2012, and ending June 30, 2013, shall not revert

30 at the close of the fiscal year for which they are

31 appropriated but shall remain available for the purpose

32 designated until the close of the fiscal year that

33 begins July 1, 2015, or until the project for which

34 the appropriation was made is completed, whichever is

35 earlier.

36 Sec. 22. 2010 Iowa Acts, chapter 1184, section 2,

37 subsection 3, is amended to read as follows:

38 3. DEPARTMENT OF TRANSPORTATION

39 For deposit into the passenger rail service

40 revolving fund created in section 327J.2 for matching

41 federal funding available through the federal Passenger

42 Rail Investment and Improvement Act of 2008 for

43 passenger rail service, notwithstanding section 8.57,

44 subsection 6, paragraph “c”:

45 FY 2011–2012 \$ 6,500,000

46 0

47 FY 2012–2013 \$ 6,500,000

48 It is the intent of the general assembly to fund

49 up to \$20 million over a four-year period to fully

50 fund the state commitment for matching federal funding

Page 16

1 available through the federal Passenger Rail Investment

2 and Improvement Act of 2008.

3 Sec. 23. 2010 Iowa Acts, chapter 1184, section 10,

4 subsection 8, is amended to read as follows:

5 8. TREASURER OF STATE

6 For transfer to the watershed improvement review

7 board created in section 466A.3 for grants associated

8 with ~~the construction and restoration of wetland~~

9 ~~easements and flood prevention watershed improvement~~

10 projects:

11 \$ 2,000,000

12 Notwithstanding section 466A.5, moneys from the

13 appropriation in this subsection shall not be used for

14 administrative purposes.

15 Sec. 24. 2010 Iowa Acts, chapter 1184, section 14,
 16 is amended to read as follows:
 17 SEC. 14. There is appropriated from the ~~FY 2009~~
 18 ~~prison bonding fund created pursuant to section 12.79~~
 19 rebuild Iowa infrastructure fund to the department
 20 of corrections for the fiscal year beginning July 1,
 21 2010, and ending June 30, 2011, the following amount,
 22 or so much thereof as is necessary, to be used for
 23 the purpose designated, notwithstanding section 8.57,
 24 subsection 6, paragraph "c":

25 ~~For costs associated with the building of a new~~
 26 ~~Iowa State penitentiary at Fort Madison project~~
 27 management costs at Fort Madison and Mitchellville
 28 prisons, associated with construction projects at the
 29 department:
 30 \$ 322,500

31 ~~The appropriation made in this section constitutes~~
 32 ~~approval by the general assembly for the issuance of~~
 33 ~~bonds by the treasurer of state pursuant to section~~
 34 ~~12.80.~~

35 Sec. 25. 2010 Iowa Acts, chapter 1184, section 37,
 36 is amended to read as follows:
 37 SEC. 37. SITE DEVELOPMENT CONSULTATIONS
 38 APPROPRIATION. There is appropriated from the school
 39 infrastructure fund created in section 12.82 to the
 40 department of economic development for the fiscal year
 41 beginning July 1, 2010, and ending June 30, 2011, the
 42 following amount, or so much thereof as is necessary,
 43 to be used for the purposes designated:

44 For providing site development consultations
 45 pursuant to section 15E.18, including salaries,
 46 support, maintenance, miscellaneous purposes, and
 47 for not more than the following full-time equivalent
 48 positions, notwithstanding section 12.82, subsection 1:
 49 \$ 175,000
 50 FTEs 1.00

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1 Of the moneys appropriated to the department
 2 pursuant to this section, the department may allocate
 3 up to \$75,000 for purposes of contracting with third
 4 parties to provide site development consultations.

5 Sec. 26. 2010 Iowa Acts, chapter 1184, section 39,
 6 is amended to read as follows:
 7 SEC. 39. BUSINESS ASSISTANCE INTERNET SITE
 8 APPROPRIATION. There is appropriated from the school
 9 infrastructure fund created in section 12.82 to the
 10 department of economic development for the fiscal year
 11 beginning July 1, 2010, and ending June 30, 2011, the
 12 following amount, or so much thereof as is necessary,
 13 to be used for the purposes designated:

14 For purposes of creating a business assistance
 15 internet site, notwithstanding section 12.82,
 16 subsection 1:
 17 \$ 20,000

18 Sec. 27. 2010 Iowa Acts, chapter 1184, section 43,
 19 is amended to read as follows:

20 SEC. 43. SAVE OUR SMALL BUSINESSES FUND
 21 APPROPRIATION. There is appropriated from the school
 22 infrastructure fund created in section 12.82 to the
 23 department of economic development for deposit in the
 24 save our small businesses fund for the fiscal year
 25 beginning July 1, 2010, and ending June 30, 2011, the
 26 following amount, or so much thereof as is necessary,
 27 to be used for the purposes designated, notwithstanding
 28 section 12.82, subsection 1:

29 For purposes of providing financial assistance under
 30 the save our small businesses program under section
 31 15.301:
 32 \$ 5,000,000

33 Of the moneys appropriated pursuant to this section,
 34 the department may allocate an amount not to exceed
 35 two percent of the moneys appropriated for purposes of
 36 retaining the services of an organization designated
 37 pursuant to section 15.301, subsection 2, paragraph
 38 "b".

39 Sec. 28. 2010 Iowa Acts, chapter 1193, section 6,
 40 is amended to read as follows:

41 SEC. 6. INSTRUCTIONAL SUPPORT STATE AID —
 42 APPROPRIATION. In lieu of the appropriation provided
 43 in section 257.20, there is appropriated from the
 44 school infrastructure fund created in section 12.82,
 45 subsection 1, to the department of education for the
 46 fiscal year beginning July 1, 2010, and ending June 30,
 47 2011, the following amount, or so much thereof as is
 48 necessary, to be used for the purposes designated:

49 For paying instructional support state aid for
 50 fiscal year 2010–2011, notwithstanding section 12.82,

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1 subsection 1:
 2 \$ 7,500,000

3 Notwithstanding section 257.20, subsection 3, the
 4 appropriation made in this lettered paragraph shall
 5 be allocated in the same manner as the allocation of
 6 the appropriation was made for the same purpose in the
 7 previous fiscal year.

8 Sec. 29. EFFECTIVE UPON ENACTMENT. This division
 9 of this Act, being deemed of immediate importance,
 10 takes effect upon enactment.

13 Sec. 30. WELCOME CENTER DESIGNATION.
 14 Notwithstanding any provision of section 15.272 to the
 15 contrary, the department of economic development shall
 16 by January 1, 2012, select a site in or near the city
 17 of Nashua for designation as a statewide welcome center
 18 under the statewide welcome center program.
 19 Sec. 31. IOWA BUILDING LEASES. The department
 20 of administrative services may utilize space in the
 21 Iowa building for purposes of entering into short
 22 term leases with persons associated with the media
 23 who request space for the purpose of providing media
 24 coverage of the 2012 Iowa presidential caucuses.
 25 Moneys received pursuant to any such lease agreements
 26 shall be retained by and are appropriated to the
 27 department for purposes of operational costs of the
 28 Iowa building.>
 29 2. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
 ROBERT E. DVORSKY, Chair

S-3290

1 Amend House File 672, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, before line 1 by inserting:
 4 <Section 1. NEW SECTION. 476.53A Wind and other
 5 renewable electric power generation.
 6 It is the intent of the general assembly to
 7 encourage the development of wind and other renewable
 8 electric power generation including but not limited
 9 to solar and biomass electric power generation. Wind
 10 electric power generation has a proven record of
 11 providing a safe and secure source of electricity
 12 in this state and the United States and offers the
 13 potential for significant additional job creation and
 14 other economic development benefits. It is also the
 15 intent of the general assembly to encourage the use of
 16 solar and wind power to meet local electric needs and
 17 the development of transmission capacity to export wind
 18 power generated in Iowa.>
 19 2. Page 1, line 5, by striking <~~fifty twenty-six~~>
 20 and inserting <fifty>
 21 3. Page 1, line 10, by striking <2015> and
 22 inserting <2021>
 23 4. Page 3, line 12, by striking <a.>
 24 5. Page 3, line 15, by striking <~~sixty-three~~> and
 25 inserting <~~seventy-five~~>
 26 6. Page 3, line 15, after <capacity.> by inserting
 27 <Beginning January 1, 2015, this maximum shall be
 28 <increased by twenty-five megawatts annually, with the
 29 <last increase occurring January 1, 2020.>
 30 7. Page 3, line 16, by striking <b.>

- 31 8. Page 3, line 19, by striking <sixty-nine> and
 32 inserting <fifty-three>
 33 9. By striking page 3, line 30, through page 4,
 34 line 6, and inserting <British thermal units of heat
 35 for a commercial purpose.>
 36 10. Page 6, line 2, by striking <2024> and
 37 inserting <2030>
 38 11. Page 6, after line 2 by inserting:
 39 <Sec. ____ EFFECTIVE UPON ENACTMENT. The section
 40 of this Act amending section 476B.5, subsection 4,
 41 being deemed of immediate importance, takes effect upon
 42 enactment.>
 43 12. Title page, line 2, after <production> by
 44 inserting <, and including effective date provisions>
 45 13. By renumbering as necessary.

ROBERT M. HOGG

S-3291

- 1 Amend the amendment, S-3290, to House File 672,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by striking lines 19 and 20.
 5 2. Page 1, by striking line 23.
 6 3. Page 1, by striking lines 30 through 35.
 7 4. By renumbering as necessary.

MERLIN BARTZ

S-3292

HOUSE AMENDMENT TO SENATE FILE 313

- 1 Amend Senate File 313, as passed by the Senate, as
 2 follows:
 3 1. Page 1, before line 1 by inserting:
 4 <DIVISION I
 5 MEDICAL ASSISTANCE — GENERAL PROVISIONS>
 6 2. Page 5, after line 10 by inserting:
 7 <Sec. ____ Section 249J.24A, subsection 1, Code
 8 2011, is amended to read as follows:
 9 1. A nonparticipating provider may be reimbursed
 10 for covered expansion population services provided to
 11 an expansion population member ~~by a nonparticipating~~
 12 ~~provider if the nonparticipating provider contacts the~~
 13 ~~appropriate participating provider prior to providing~~
 14 ~~covered services to verify consensus regarding one of~~
 15 ~~the following courses of action if any of the following~~
 16 ~~conditions is met:~~
 17 a. ~~If the nonparticipating provider and the~~
 18 ~~participating provider agree that the medical status~~

19 ~~of the expansion population member indicates it~~
 20 ~~is medically possible to postpone provision of~~
 21 ~~services, the nonparticipating provider shall direct~~
 22 ~~the expansion population member to the appropriate~~
 23 ~~participating provider for services.~~

24 ~~b. a.~~ If the nonparticipating provider ~~and the~~
 25 ~~participating provider agree~~ determines that the
 26 medical status of the expansion population member
 27 indicates it is not medically ~~possible~~ advisable to
 28 postpone provision of services, the nonparticipating
 29 provider shall provide medically necessary services.

30 ~~e. b.~~ If the nonparticipating provider and the
 31 participating provider agree that transfer of the
 32 expansion population member is not possible due to lack
 33 of available inpatient capacity, the nonparticipating
 34 provider shall provide medically necessary services.

35 ~~d. c.~~ If the medical status of the expansion
 36 population member indicates a medical emergency and the
 37 nonparticipating provider is not able to contact the
 38 appropriate participating provider prior to providing
 39 medically necessary services, the nonparticipating
 40 provider shall document the medical emergency
 41 and inform the appropriate participating provider
 42 immediately after the member has been stabilized of any
 43 covered services provided.

44 Sec. ____ Section 249J.24A, subsection 2, paragraph
 45 a, Code 2011, is amended to read as follows:

46 a. If the nonparticipating provider meets
 47 the requirements specified in subsection 1, the
 48 nonparticipating provider shall be reimbursed for
 49 covered expansion population services, limited to
 50 emergency and other inpatient hospital services

Page 2

1 provided to the expansion population member up to the
 2 point of transfer to another provider, discharge,
 3 or transfer to another level of care, through the
 4 nonparticipating provider reimbursement fund in
 5 accordance with rules adopted by the department of
 6 human services. However, any funds received from
 7 participating providers, appropriated to participating
 8 providers, or deposited in the IowaCare account
 9 pursuant to section 249J.24, shall not be transferred
 10 or appropriated to the nonparticipating provider
 11 reimbursement fund or otherwise used to reimburse
 12 nonparticipating providers.>

13 3. Page 5, after line 10 by inserting:

14 <Sec. ____ Section 514I.5, subsection 3, Code 2011,
 15 is amended to read as follows:

16 3. Members appointed by the governor shall
 17 serve two-year staggered terms as designated by the

18 governor, and legislative members of the board shall
 19 serve two-year terms. The filling of positions
 20 reserved for the public representatives, vacancies,
 21 membership terms, payment of compensation and expenses,
 22 and removal of the members are governed by chapter
 23 69. Members of the board are entitled to receive
 24 reimbursement of actual expenses incurred in the
 25 discharge of their duties. Public members of the
 26 board are also eligible to receive compensation as
 27 provided in section 7E.6. A majority of the voting
 28 members constitutes a quorum and the affirmative vote
 29 of a majority of the voting members is necessary for
 30 any substantive action to be taken by the board. The
 31 members shall select a chairperson on an annual basis
 32 from among the membership of the board.>

33 4. Page 5, after line 10 by inserting:

34 <DIVISION II

35 MEDICAID PRESCRIPTION DRUGS

36 Sec. ____ Section 249A.20A, subsection 4, Code
 37 2011, is amended to read as follows:

38 4. With the exception of drugs prescribed for the
 39 treatment of human immunodeficiency virus or acquired
 40 immune deficiency syndrome, transplantation, or cancer
 41 and drugs prescribed for mental illness with the
 42 exception of drugs and drug compounds that do not
 43 have a significant variation in a therapeutic profile
 44 or side effect profile within a therapeutic class,
 45 prescribing and dispensing of prescription drugs not
 46 included on the preferred drug list shall be subject to
 47 prior authorization.

48 Sec. ____ 2010 Iowa Acts, chapter 1031, section
 49 348, is amended to read as follows:

50 SEC. 348. MEDICAID NONPREFERRED DRUG LIST

Page 3

1 PRESCRIBING.

2 ~~4.~~ The department shall adopt rules pursuant
 3 to chapter 17A to restrict physicians and other
 4 prescribers to prescribing not more than a 72-hour
 5 or three-day supply of a prescription drug not
 6 included on the medical assistance preferred drug list
 7 while seeking approval to continue prescribing the
 8 medication.

9 ~~2. Notwithstanding subsection 1, the department~~
 10 ~~shall adopt rules pursuant to chapter 17A to restrict a~~
 11 ~~physician or other prescriber prescribing a chemically~~
 12 ~~unique mental health prescription drug to prescribing~~
 13 ~~not more than a seven-day supply of the prescription~~
 14 ~~drug while requesting approval to continue to prescribe~~
 15 ~~the medication. The rules shall provide that if~~
 16 ~~an approval or disapproval is not received by the~~

17 ~~physician or other prescriber within 48 hours of the~~
 18 ~~request, the request is deemed approved.~~

19 Sec. ____ REPEAL. 2010 Iowa Acts, chapter 1031,
 20 section 349, is repealed.

21 Sec. ____ RESCINDING AND ADOPTION OF RULES. The
 22 department of human services shall rescind the rules
 23 adopted pursuant to 2010 Iowa Acts, chapter 1031,
 24 section 347, chapter 1031, section 349, subsection
 25 2, and chapter 1031, section 349, and shall instead
 26 adopt emergency rules under section 17A.4, subsection
 27 3, and section 17A.5, subsection 2, paragraph “b”,
 28 to implement section 249A.20A, as amended in this
 29 division of this Act, and the rules shall be effective
 30 immediately upon filing and retroactively applicable to
 31 January 1, 2011, unless a later date is specified in
 32 the rules. Any rules adopted in accordance with this
 33 section shall also be published as a notice of intended
 34 action as provided in section 17A.4.

35 Sec. ____ EFFECTIVE UPON ENACTMENT AND RETROACTIVE
 36 APPLICABILITY. This division of this Act, being deemed
 37 of immediate importance, takes effect upon enactment
 38 and applies retroactively to January 1, 2011.>

39 5. Title page, line 2, after <provisions> by
 40 inserting <and providing effective date and retroactive
 41 applicability provisions>

42 6. By renumbering as necessary.

S-3293

1 Amend House File 649, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 1, line 19, by striking <9,852,577> and
 4 inserting <10,302,577>

5 2. Page 1, after line 29 by inserting:

6 <1A. The amount appropriated in this section
 7 includes additional funding of \$450,000 for delivery of
 8 long-term care services to seniors with low or moderate
 9 incomes.>

10 3. Page 2, line 35, by striking <20,703,190> and
 11 inserting <25,703,190>

12 4. Page 3, by striking lines 2 through 11 and
 13 inserting:

14 <a. (1) Of the funds appropriated in this
 15 subsection, \$5,453,830 shall be used for the tobacco
 16 use prevention and control initiative, including
 17 efforts at the state and local levels, as provided in
 18 chapter 142A.

19 (2) Of the funds allocated in this paragraph
 20 “a”, \$453,830 shall be transferred to the alcoholic
 21 beverages division of the department of commerce
 22 for enforcement of tobacco laws, regulations, and
 23 ordinances in accordance with 2011 Iowa Acts, House

- 24 File 467, as enacted.>
- 25 5. Page 6, line 16, by striking <2,601,905> and
- 26 inserting <2,549,270>
- 27 6. Page 6, line 17, by striking <10.00> and
- 28 inserting <11.00>
- 29 7. Page 6, line 25, by striking <287,520> and
- 30 inserting <329,885>
- 31 8. Page 6, line 30, after <children.> by inserting
- 32 <A portion of the funds allocated in this lettered
- 33 paragraph may be used for a full-time equivalent
- 34 position to coordinate the activities under this
- 35 paragraph.>
- 36 9. Page 7, by striking lines 8 through 14.
- 37 10. Page 7, line 19, by striking <3,262,256> and
- 38 inserting <3,369,156>
- 39 11. Page 7, line 20, by striking <4.00> and
- 40 inserting <5.00>
- 41 12. Page 7, line 21, by striking <136,808> and
- 42 inserting <160,582>
- 43 13. Page 7, line 25, by striking <383,600> and
- 44 inserting <483,600>
- 45 14. Page 8, line 6, by striking <755,791> and
- 46 inserting <788,303>
- 47 15. Page 8, line 8, by striking <711,052> and
- 48 inserting <547,065>
- 49 16. Page 8, line 12, by striking <363,987> and
- 50 inserting <200,000>

Page 2

- 1 17. Page 8, line 18, by striking <421,782> and
- 2 inserting <528,834>
- 3 18. Page 8, line 20, after <disorders.> by
- 4 inserting <A portion of the funds allocated in this
- 5 paragraph may be used for one full-time equivalent
- 6 position for administration of the center.>
- 7 19. Page 8, line 28, by striking <3,677,659> and
- 8 inserting <4,813,872>
- 9 20. Page 9, line 33, by striking <Iowa-Nebraska>
- 10 and inserting <Iowa>
- 11 21. Page 10, line 1, by striking <116,597> and
- 12 inserting <132,580>
- 13 22. Page 10, after line 1 by inserting:
- 14 <(1A) For distribution to the Iowa family planning
- 15 network agencies for necessary infrastructure,
- 16 statewide coordination, provider recruitment, service
- 17 delivery, and provision of assistance to patients in
- 18 determining an appropriate medical home:
- 19 \$ 74,517>
- 20 23. Page 10, line 5, by striking <68,332> and
- 21 inserting <74,517>
- 22 24. Page 10, line 9, by striking <68,332> and

23 inserting <74,517>
24 25. Page 10, line 14, by striking <113,754> and
25 inserting <124,050>
26 26. Page 10, line 19, by striking <101,264> and
27 inserting <110,430>
28 27. Page 10, line 23, by striking <238,420> and
29 inserting <260,000>
30 28. Page 10, line 27, by striking <247,590> and
31 inserting <270,000>
32 29. By striking page 10, line 32, through page 11,
33 line 5, and inserting:
34 <h. (1) Of the funds appropriated in this
35 subsection, \$149,000 shall be used for continued
36 implementation of the recommendations of the direct
37 care worker task force established pursuant to 2005
38 Iowa Acts, chapter 88, based upon the report submitted
39 to the governor and the general assembly in December
40 2006. The department may use a portion of the funds
41 allocated in this lettered paragraph for an additional
42 position to assist in the continued implementation.
43 (2) It is the intent of the general assembly that
44 a board of direct care workers shall be established
45 within the department of public health by July 1, 2014,
46 contingent upon the availability of funds to establish
47 and maintain the board.
48 (3) The direct care worker advisory council
49 shall submit a final report no later than March 1,
50 2012, to the governor and the general assembly, in

Page 3

1 accordance with 2010 Iowa Acts, chapter 1192, section
2 2, subsection 4, paragraph "h", subparagraph (3).
3 (4) The department of public health shall report to
4 the persons designated in this Act for submission of
5 reports regarding use of the funds allocated in this
6 lettered paragraph, on or before January 15, 2012.
7 i. (1) Of the funds appropriated in this
8 subsection, \$130,100 shall be used for allocation to an
9 independent statewide direct care worker association
10 for education, outreach, leadership development,
11 mentoring, and other initiatives intended to enhance
12 the recruitment and retention of direct care workers in
13 health care and long-term care settings.
14 (2) Of the funds appropriated in this subsection,
15 \$45,173 shall be used to provide scholarships or
16 other forms of subsidization for direct care worker
17 educational conferences, training, or outreach
18 activities.>
19 30. Page 11, after line 13 by inserting:
20 <k. Of the funds appropriated in this subsection,
21 \$50,000 shall be used for a matching dental education

22 loan repayment program to be allocated to a dental
 23 nonprofit health service corporation to develop the
 24 criteria and implement the loan repayment program.
 25 1. Of the funds appropriated in this subsection, up
 26 to \$134,214 shall be used to support the department's
 27 activities relating to health and long-term care access
 28 as specified pursuant to chapter 135, division XXIV.
 29 m. Of the funds appropriated in this subsection,
 30 \$363,987 shall be used as state matching funds for the
 31 health information network as enacted by this Act.
 32 n. Of the funds appropriated in this subsection,
 33 \$25,000 shall be used for a pilot program established
 34 as a collaborative effort between the department
 35 of public health and the department of education
 36 to provide vision screening to elementary school
 37 children in one urban and one rural school district
 38 in the state, on a voluntary basis, over a multiyear
 39 period. The departments shall develop protocol for
 40 participating schools including the grade level of the
 41 children to be screened, the training and certification
 42 necessary for individuals conducting the vision
 43 screening, vision screening equipment requirements, and
 44 documentation and tracking requirements. Following
 45 the conclusion of the pilot program, the participating
 46 schools shall report findings and recommendations
 47 for statewide implementation of the vision screening
 48 program to the departments.>
 49 31. Page 11, line 19, by striking <7,297,142> and
 50 inserting <7,336,142>

Page 4

1 32. Page 11, line 22, by striking <5,287,955> and
 2 inserting <5,326,955>
 3 33. Page 12, line 7, by striking <2,906,532> and
 4 inserting <2,778,688>
 5 34. Page 12, after line 24 by inserting:
 6 <d. Of the funds appropriated in this subsection,
 7 \$50,000 shall be used for education, testing, training,
 8 and other costs to conform the requirements for
 9 certification of emergency medical care providers with
 10 national standards.>
 11 35. Page 12, by striking lines 25 through 30.
 12 36. Page 23, line 27, by striking <897,237,190> and
 13 inserting <878,216,915>
 14 37. Page 23, by striking lines 28 through 34 and
 15 inserting:
 16 <1. Medically necessary abortions are those
 17 performed under any of the following conditions:
 18 a. The attending physician certifies that
 19 continuing the pregnancy would endanger the life of the
 20 pregnant woman.

21 b. The attending physician certifies that the
22 fetus is physically deformed, mentally deficient, or
23 afflicted with a congenital illness.
24 c. The pregnancy is the result of a rape which
25 is reported within 45 days of the incident to a law
26 enforcement agency or public or private health agency
27 which may include a family physician.
28 d. The pregnancy is the result of incest which
29 is reported within 150 days of the incident to a law
30 enforcement agency or public or private health agency
31 which may include a family physician.
32 e. Any spontaneous abortion, commonly known as a
33 miscarriage, if not all of the products of conception
34 are expelled.>

35 38. By striking page 28, line 17, through page 29,
36 line 8, and inserting:

37 <__. a. The department may implement cost
38 containment strategies recommended by the governor, and
39 may adopt emergency rules for such implementation.

40 b. The department shall not implement the cost
41 containment strategy to require a primary care referral
42 for the provision of chiropractic services.

43 c. The department may increase the amounts
44 allocated for salaries, support, maintenance, and
45 miscellaneous purposes associated with the medical
46 assistance program, as necessary, to implement the cost
47 containment strategies. The department shall report
48 any such increase to the legislative services agency
49 and the department of management.

50 d. If the savings to the medical assistance

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1 program exceed the cost, the department may transfer
2 any savings generated for the fiscal year due to
3 medical assistance program cost containment efforts
4 initiated pursuant to 2010 Iowa Acts, chapter 1031,
5 Executive Order No. 20, issued December 16, 2009, or
6 cost containment strategies initiated pursuant to
7 this subsection, to the appropriation made in this
8 division of this Act for medical contracts or general
9 administration to defray the increased contract costs
10 associated with implementing such efforts.

11 e. The department shall report the implementation
12 of any cost containment strategies under this
13 subsection to the individuals specified in this
14 division of this Act for submission of reports on a
15 quarterly basis.>

16 39. Page 29, after line 12 by inserting:

17 <__. Of the funds appropriated in this section,
18 \$6,100,000 shall be used to reduce the waiting lists
19 of the medical assistance home and community-based

20 services waivers, including the waiver for persons with
 21 intellectual disabilities for which the nonfederal
 22 share is paid as state case services and other support
 23 pursuant to section 331.440. The department shall
 24 distribute the funding allocated under this subsection
 25 proportionately among all home and community-based
 26 services waivers.

27 ____ a. The department may submit medical
 28 assistance program state plan amendments to the centers
 29 for Medicare and Medicaid services of the United
 30 States department of health and human services, and may
 31 adopt administrative rules pursuant to chapter 17A to
 32 implement any of the following if the respective state
 33 plan amendment is approved:

34 (1) Health homes pursuant to section 2703 of the
 35 federal Patient Protection and Affordable Care Act,
 36 Pub. L. No. 111-148. The department shall collaborate
 37 with the medical home system advisory council created
 38 pursuant to section 135.159 in developing such health
 39 homes.

40 (2) Accountable care organization pilot programs,
 41 if such programs are advantageous to the medical
 42 assistance program.

43 b. Any health home or accountable care organization
 44 pilot program implemented pursuant to this subsection
 45 shall demonstrate value to the state with a
 46 positive return on investment within two years of
 47 implementation, and may utilize care coordination fees,
 48 pay-for-performance fees, or shared saving strategies
 49 if approved as part of the state plan amendment.>

50 40. Page 29, line 19, by striking <5,773,844> and

Page 6

1 inserting <9,893,844>

2 41. Page 29, line 20, before <The> by inserting
 3 <1.>

4 42. Page 29, after line 24 by inserting:

5 <2. Of the funds appropriated in this section,
 6 \$150,000 shall be used for implementation of a
 7 uniform cost report to be used in the development
 8 of specified Medicaid reimbursement rates over a
 9 multiyear timeframe. The department of human services,
 10 in collaboration with affected providers, shall
 11 finalize a uniform cost report that includes provider
 12 type-specific cost schedules by December 15, 2011.
 13 The uniform cost report shall be applied to providers
 14 of home and community-based services waiver services,
 15 habilitation services, case management services
 16 and community mental health centers, residential
 17 care facilities, psychiatric medical institutions
 18 for children, and intermediate care facilities

19 for the mentally retarded in the development of
20 Medicaid reimbursement rates. The department shall
21 collaborate with affected Medicaid providers to test
22 the effectiveness of the cost report and determine
23 the fiscal impact of implementing the uniform cost
24 report during the fiscal year beginning July 1, 2012.
25 A report of the findings and fiscal impact shall be
26 submitted to the governor and the general assembly by
27 December 31, 2013. The rates paid in the fiscal year
28 beginning July 1, 2014, shall be established using
29 uniform cost reports submitted in the fiscal year
30 beginning July 1, 2012. Implementation of the uniform
31 cost report shall be limited to the extent of the
32 funding available.

33 3. a. Of the funds appropriated in this section,
34 \$100,000 shall be used for implementation of an
35 electronic medical record system, including system
36 purchase or development, for home and community-based
37 services providers and mental health services providers
38 that comply with the requirements of federal and state
39 laws and regulation by the fiscal year beginning July
40 1, 2013.

41 b. The department shall analyze the costs and
42 benefits of providing an electronic medical record and
43 billing system for home and community-based services
44 providers and mental health services providers that
45 comply with the requirements of federal and state laws
46 and regulation. The analysis shall include a review
47 of all of the following: including the capability for
48 an electronic medical record and billing system within
49 the procurement for the Medicaid management information
50 system, developing the system, and utilizing capacity

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1 within the health information network established by
2 the department of public health as enacted in this
3 Act. If the analysis demonstrates that a program
4 may be implemented in a cost-effective manner and
5 within available funds, the department may take steps
6 to implement such a system. The department shall
7 report the results of the analysis, activities, and
8 recommendations to the persons designated in this
9 division of this Act for submission of reports by
10 December 15, 2011.

11 c. Notwithstanding section 8.33, funds allocated in
12 this subsection that remain unencumbered or unobligated
13 at the close of the fiscal year shall not revert but
14 shall remain available in succeeding fiscal years to be
15 used for the purposes designated.

16 4. Of the amount appropriated in this section,
17 \$3,500,000 shall be used for technology upgrades

18 necessary to support Medicaid claims and other health
19 operations, worldwide federal Health Insurance
20 Portability and Accountability Act of 1996 (HIPAA)
21 claims, transactions, and coding requirements, and
22 the Iowa automated benefits calculation system.
23 Notwithstanding section 8.33, funds allocated in this
24 subsection that remain unencumbered or unobligated at
25 the close of the fiscal year shall not revert but shall
26 remain available in succeeding fiscal years to be used
27 for the purposes designated.

28 5. Of the funds appropriated in this section,
29 \$100,000 shall be used for an accountable care
30 organization pilot project as specified in the division
31 of this Act relating to prior appropriations and
32 related changes.

33 6. Of the funds appropriated in this section,
34 \$200,000 shall be used for the development of a
35 provider payment system plan to provide recommendations
36 to reform the health care provider payment system as an
37 effective way to promote coordination of care, lower
38 costs, and improve quality as specified in the division
39 of this Act relating to cost containment.

40 7. Of the funds appropriated in this section,
41 \$20,000 shall be used for the development of a plan
42 to establish an all-payer claims database to provide
43 for the collection and analysis of claims data from
44 multiple payers of health care as specified in the
45 division of this Act relating to cost containment.

46 8. The department shall amend the state Medicaid
47 health information technology plan to include costs
48 related to the one-time development costs of the health
49 information network as enacted in this Act.

50 9. Of the amount appropriated in this section, up

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1 to \$250,000 may be transferred to the appropriation for
2 general administration in this division of this Act to
3 be used for additional full-time equivalent positions
4 in the development of key health initiatives such as
5 cost containment, development and oversight of managed
6 care programs, and development of health strategies
7 targeted toward improved quality and reduced costs in
8 the Medicaid program.

9 10. Of the funds appropriated in this section,
10 \$50,000 shall be used for home and community-based
11 services waiver quality assurance programs, including
12 the review and streamlining of processes and policies
13 related to oversight and quality management to meet
14 state and federal requirements. The department shall
15 submit a report to the persons designated by this
16 division of this Act for submission of reports by

17 December 15, 2011, regarding the modifications to the
18 quality assurance programs.>
19 43. Page 30, line 22, by striking <There> and
20 inserting <1. There>
21 44. Page 30, line 32, by striking <32,927,152> and
22 inserting <33,056,102>
23 45. Page 30, after line 32 by inserting:
24 <2. Of the funds appropriated in this section,
25 \$128,950 is allocated for continuation of the contract
26 for advertising and outreach with the department of
27 public health.>
28 46. Page 31, line 4, by striking <51,237,662> and
29 inserting <55,265,509>
30 47. Page 31, line 5, by striking <49,868,235> and
31 inserting <51,896,082>
32 48. Page 31, by striking lines 25 through 30 and
33 inserting <system in accordance with section 237A.30.>
34 49. Page 33, after line 32 by inserting:
35 <4. For the fiscal year beginning July 1, 2011,
36 notwithstanding section 232.52, subsection 2, and
37 section 907.3A, subsection 1, the court shall not order
38 the placement of a child at the Iowa juvenile home
39 or the state training school under section 232.52, if
40 that placement is not in accordance with the population
41 guidelines for the respective juvenile institution
42 established pursuant to section 233A.1 or 233B.1.>
43 50. Page 34, line 5, by striking <82,020,163> and
44 inserting <83,420,163>
45 51. Page 35, line 29, by striking <7,170,116> and
46 inserting <7,670,116>
47 52. Page 37, line 32, by striking <4,522,602> and
48 inserting <6,022,602>
49 53. Page 39, after line 35 by inserting:
50 <__. Of the funds appropriated in this section,

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1 \$300,000 shall be used for continuation of the central
2 Iowa system of care program grant through June 30,
3 2012.>
4 54. Page 40, line 8, by striking <34,897,591> and
5 inserting <34,466,591>
6 55. Page 41, line 8, by striking <department of
7 human services> and inserting <division of criminal and
8 juvenile justice planning of the department of human
9 rights>
10 56. Page 41, by striking lines 14 and 15 and
11 inserting <submission of reports and to the department
12 of human services by>
13 57. Page 47, after line 35 by inserting:
14 <Notwithstanding section 8.33, moneys appropriated
15 in this section that remain unencumbered or unobligated

16 at the close of the fiscal year shall not revert but
17 shall remain available for expenditure for the purposes
18 designated until the close of the succeeding fiscal
19 year.>

20 58. Page 48, line 10, by striking <285.00> and
21 inserting <290.00>

22 59. Page 48, by striking lines 17 through 25 and
23 inserting:

24 <3. Of the funds appropriated in this section,
25 \$132,300 shall be used to contract with a statewide
26 association representing community providers of mental
27 health, mental retardation and brain injury services
28 programs to provide technical assistance, support, and
29 consultation to providers of habilitation services and
30 home and community-based waiver services for adults
31 with disabilities under the medical assistance program.
32 Notwithstanding section 8.47 or any other provision of
33 law to the contrary, the department may utilize a sole
34 source approach to contract with the association.

35 4. Of the funds appropriated in this section,
36 \$176,400 shall be used to contract with an appropriate
37 entity to expand the provision of nationally accredited
38 and recognized internet-based training to include
39 mental health and disability services providers.
40 Notwithstanding section 8.47 or any other provision of
41 law to the contrary, the department may utilize a sole
42 site source approach to enter into such contract.>

43 60. Page 48, before line 30 by inserting:

44 <__. Notwithstanding section 8.33, moneys
45 appropriated in this section that remain unencumbered
46 or unobligated at the close of the fiscal year shall
47 not revert but shall remain available for expenditure
48 for the purposes designated until the close of the
49 succeeding fiscal year.>

50 61. Page 49, line 7, by striking <225,502,551> and

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1 inserting <235,493,065>

2 62. Page 50, line 6, after <lower.> by inserting
3 <The reimbursement specified under this paragraph shall
4 be adjusted in accordance with chapter 249N, as enacted
5 in this Act.>

6 63. Page 50, line 19, after <2011> by inserting
7 <, except that the portion of the fund attributable
8 to graduate medical education shall be reduced in
9 an amount that reflects the elimination of graduate
10 medical education payments made to out-of-state
11 hospitals.>

12 64. Page 51, line 10, by striking <For> and
13 inserting <(1) For>

14 65. Page 51, by striking lines 14 through 16 and

15 inserting: <medical assistance.

16 (2) For nonstate-owned psychiatric medical
 17 institutions for children, reimbursement rates shall
 18 remain at the rates in effect on June 30, 2011, except
 19 that the reimbursement rates shall be adjusted to
 20 include all ancillary costs and any other changes
 21 required for federal compliance. To the extent
 22 possible, such adjustments shall be budget neutral
 23 to the institutions. The nonstate-owned psychiatric
 24 medical institutions for children shall contract with
 25 other health care providers as necessary to ensure
 26 that prescription drug and other ancillary medical
 27 services are provided to a child while residing
 28 in the institution. The department shall commence
 29 implementation activities for this subparagraph on
 30 the effective date of this subparagraph in order to
 31 facilitate implementation beginning July 1, 2011.>

32 66. Page 56, line 32, by striking <The> and
 33 inserting <1. The>

34 67. Page 57, after line 1 by inserting:

35 <2. The provision under the section of the division
 36 of this Act providing for reimbursement of medical
 37 assistance, state supplementary assistance, and social
 38 service providers by the department of human services
 39 relating to reimbursement of nonstate-owned psychiatric
 40 medical institutions for children.>

41 68. Page 57, line 4, after <ACCOUNT,> by inserting
 42 <NONPARTICIPATING PROVIDER REIMBURSEMENT FUND,>

43 69. Page 57, by striking line 7 and inserting:

44 <HOSPITAL HEALTH CARE ACCESS TRUST FUND, AND PHARMACY
 45 ASSESSMENT TRUST FUND>

46 70. By striking page 57, line 35, through page
 47 58, line 7, and inserting <necessary abortions. For
 48 the purpose of this subsection, an abortion is the
 49 purposeful interruption of pregnancy with the intention
 50 other than to produce a live-born infant or to remove a

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1 dead fetus, and a medically necessary abortion is one
 2 performed under one of the following conditions:

3 (1) The attending physician certifies that
 4 continuing the pregnancy would endanger the life of the
 5 pregnant woman.

6 (2) The attending physician certifies that the
 7 fetus is physically deformed, mentally deficient, or
 8 afflicted with a congenital illness.

9 (3) The pregnancy is the result of a rape which
 10 is reported within 45 days of the incident to a law
 11 enforcement agency or public or private health agency
 12 which may include a family physician.

13 (4) The pregnancy is the result of incest which

14 is reported within 150 days of the incident to a law
 15 enforcement agency or public or private health agency
 16 which may include a family physician.
 17 (5) The abortion is a spontaneous abortion,
 18 commonly known as a miscarriage, wherein not all of the
 19 products of conception are expelled.>
 20 71. Page 58, line 27, by striking <54,226,279> and
 21 inserting <44,226,279>
 22 72. Page 59, line 8, by striking <14,000,000> and
 23 inserting <16,277,753>
 24 73. Page 59, line 26, by striking <51,500,000> and
 25 inserting <65,000,000>
 26 74. Page 59, line 32, by striking <48,500,000> and
 27 inserting <60,000,000>
 28 75. Page 59, line 35, by striking <48,500,00> and
 29 inserting <60,000,000>
 30 76. Page 60, line 1, by striking <48,500,000> and
 31 inserting <60,000,000>
 32 77. Page 60, line 5, by striking <48,500,000> and
 33 inserting <60,000,000>
 34 78. Page 60, line 7, after <allocated.> by
 35 inserting <Pursuant to paragraph "b", of the amount
 36 appropriated in this subsection, not more than
 37 \$4,000,000 shall be distributed for prescription drugs
 38 and podiatry services.>
 39 79. Page 60, after line 7 by inserting:
 40 <b. Notwithstanding any provision of law to the
 41 contrary, the hospital identified in this subsection,
 42 shall be reimbursed for outpatient prescription drugs
 43 and podiatry services provided to members of the
 44 expansion population pursuant to all applicable medical
 45 assistance program rules, in an amount not to exceed
 46 \$4,000,000.>
 47 80. Page 60, line 8, by striking <b.> and inserting
 48 <c.>
 49 81. Page 60, line 9, by striking <6> and inserting
 50 <4>

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1 82. Page 60, line 26, after <subsection.> by
 2 inserting <Of the collections in excess of the
 3 \$19,000,000 received by the acute care teaching
 4 hospital under this subparagraph (1), \$2,000,000 shall
 5 be distributed by the acute care teaching hospital to
 6 the treasurer of state for deposit in the IowaCare
 7 account in the month of January 2012, following the
 8 July 1 through December 31, 2011, period.>
 9 83. Page 60, line 35, after <subsection.> by
 10 inserting <Of the collections in excess of the
 11 \$19,000,000 received by the acute care teaching
 12 hospital under this subparagraph (2), \$2,000,000 shall

13 be distributed by the acute care teaching hospital to
14 the treasurer of state for deposit in the IowaCare
15 account in the month of July 2012, following the
16 January 1 through June 30, 2012, period.>

17 84. Page 61, line 10, by striking <6,000,000> and
18 inserting <3,472,176>

19 85. Page 61, line 11, by striking <Notwithstanding>
20 and inserting <a. Notwithstanding>

21 86. Page 61, after line 17 by inserting:

22 <b. The department shall consult with providers
23 of primary care services in established regional
24 provider network areas to determine if the option
25 of establishing an alternative provider location is
26 feasible. The department may implement a pilot program
27 establishing an alternative provider location in an
28 established regional provider network area experiencing
29 capacity issues, if the department determines that this
30 option would most appropriately address such capacity
31 issues and provide better access to care for expansion
32 population members in the area. Any such pilot
33 program shall be implemented within funds available
34 under the existing appropriation and any alternative
35 provider location shall be subject to the requirements
36 applicable to an expansion population provider pursuant
37 to chapter 249J.>

38 87. Page 61, by striking lines 18 through 25 and
39 inserting:

40 <6. There is appropriated from the IowaCare account
41 created in section 249J.24 to the department of human
42 services for the fiscal year beginning July 1, 2011,
43 and ending June 30, 2012, the following amount, or
44 so much thereof as is necessary to be used for the
45 purposes designated:

46 For a care coordination pool to pay the expansion
47 population providers consisting of the university of
48 Iowa hospitals and clinics, the publicly owned acute
49 care teaching hospital as specified in section 249J.7,
50 and nonparticipating providers as specified in section

Page 13

1	249J.24A that are current medical assistance program	
2	providers, for services covered by the full benefit	
3	medical assistance program but not under the IowaCare	
4	program pursuant to section 249J.6, that are provided	
5	to expansion population members:	
6	.....	\$ 1,500,000
7	a. Notwithstanding section 249J.6, the amount	
8	appropriated in this subsection is intended to provide	
9	payment for medically necessary services provided	
10	to expansion population members for continuation of	
11	care provided by the university of Iowa hospitals and	

12 clinics or the publicly owned acute care teaching
13 hospital as specified in section 249J.7. Payment
14 may only be made for services that are not otherwise
15 covered under section 249J.6, and which are follow-up
16 services to covered services provided by the hospitals
17 specified in this paragraph "a".

18 b. The funds appropriated in this subsection are
19 intended to provide limited payment for continuity
20 of care services for an expansion population member,
21 and are intended to cover the costs of services
22 to expansion population members, regardless of
23 the member's county of residence or medical home
24 assignment, if the care is related to specialty or
25 hospital services provided by the hospitals specified
26 in paragraph "a".

27 c. The funds appropriated in this subsection are
28 not intended to provide for expanded coverage under
29 the IowaCare program, and shall not be used to cover
30 emergency transportation services.

31 d. The department shall adopt administrative
32 rules pursuant to chapter 17A to establish a prior
33 authorization process and to identify covered services
34 for reimbursement under this subsection. If the entire
35 amount appropriated under this subsection is expended,
36 the responsibility for coordinating noncovered care
37 needs of expansion population members shall revert to
38 the medical home to which the expansion population
39 member is assigned.

40 7. There is appropriated from the IowaCare account
41 created in section 249J.24 to the department of human
42 services for the fiscal year beginning July 1, 2011,
43 and ending June 30, 2012, the following amount or
44 so much thereof as is necessary to be used for the
45 purposes designated:

46 For a laboratory test and radiology pool for
47 services authorized by a federally qualified health
48 center designated by the department as part of the
49 IowaCare regional provider network that does not have
50 the capability to provide these services on site:

Page 14

<p>1 \$</p> <p>2 Notwithstanding sections 249J.6 and 249J.7, the</p> <p>3 amount appropriated in this subsection is intended</p> <p>4 to provide reimbursement for services provided to</p> <p>5 expansion population members that have previously</p> <p>6 been paid for through expenditure by designated</p> <p>7 regional provider network providers of their own</p> <p>8 funds, not to expand coverage under the IowaCare</p> <p>9 program or to expand the expansion population</p> <p>10 provider network. The department shall designate the</p>	<p>500,000</p>
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11 laboratory and radiology provider associated with
 12 each designated regional provider network provider
 13 that may receive reimbursement. The department shall
 14 adopt administrative rules pursuant to chapter 17A
 15 to establish a prior authorization process and to
 16 identify covered services for reimbursement under this
 17 subsection. All other medical assistance program
 18 payment policies and rules for laboratory and radiology
 19 services shall apply to services provided under this
 20 subsection. If the entire amount appropriated under
 21 this subsection is expended, laboratory tests and
 22 radiology services ordered by a designated regional
 23 provider network provider shall be the financial
 24 responsibility of the regional provider network
 25 provider. Any funds remaining at the end of the
 26 fiscal year shall be used to pay any unpaid claims by
 27 university of Iowa physicians, nurse practitioners, and
 28 physician assistants.>

29 88. Page 61, before line 26 by inserting:
 30 <Sec. __. APPROPRIATIONS FROM NONPARTICIPATING
 31 PROVIDER REIMBURSEMENT FUND — DEPARTMENT OF HUMAN
 32 SERVICES. Notwithstanding any provision to the
 33 contrary, and subject to the availability of funds,
 34 there is appropriated from the nonparticipating
 35 provider reimbursement fund created in section 249J.24A
 36 to the department of human services for the fiscal year
 37 beginning July 1, 2011, and ending June 30, 2012, the
 38 following amount or so much thereof as is necessary for
 39 the purposes designated:

40 To reimburse nonparticipating providers in
 41 accordance with section 249J.24A:
 42 \$ 2,000,000>

43 89. By striking page 61, line 34, through page 62,
 44 line 1.

45 90. Page 62, by striking lines 33 through 35 and
 46 inserting:

47 <10. For transfer to the department of public
 48 health to be used for the costs of medical home
 49 system advisory council established pursuant to
 50 section 135.159, including for the incorporation of

Page 15

1 the work and duties of the prevention and chronic
 2 care management advisory council pursuant to section
 3 135.161, as amended by this Act:
 4 \$ 233,357>

5 91. Page 64, line 3, by striking <To> and inserting
 6 <1. To>

7 92. Page 64, line 6, by striking <29,000,000> and
 8 inserting <60,496,712>

9 93. Page 64, after line 6 by inserting:

10 <2. To increase the monthly upper cost limit
 11 for services under the medical assistance home and
 12 community-based services waiver for the elderly:
 13 \$ 1,000,000>
 14 94. Page 64, after line 22 by inserting:
 15 <Sec. __. PHARMACY ASSESSMENT TRUST FUND —
 16 DEPARTMENT OF HUMAN SERVICES. Notwithstanding
 17 any provision to the contrary and subject to the
 18 availability of funds, there is appropriated from the
 19 pharmacy assessment trust fund created in section
 20 249N.4, as enacted in this Act, to the department of
 21 human services for the fiscal year beginning July 1,
 22 2011, and ending June 30, 2012, the following amounts,
 23 or so much thereof as is necessary, for the purposes
 24 designated:
 25 To supplement the appropriation made in this Act
 26 from the general fund of the state to the department of
 27 human services for medical assistance:
 28 \$ 17,377,252>
 29 95. Page 65, after line 2 by inserting:
 30 <Sec. __. CONTINUATION OF WORKGROUP BY JUDICIAL
 31 BRANCH AND DEPARTMENT OF HUMAN SERVICES. The judicial
 32 branch and department of human services shall continue
 33 the workgroup implemented pursuant to 2010 Iowa Acts,
 34 chapter 1192, section 24, subsection 2, to improve
 35 the processes for involuntary commitment for chronic
 36 substance abuse under chapter 125 and serious mental
 37 illness under chapter 229. The recommendations issued
 38 by the workgroup shall address alternatives and options
 39 to the current provision of transportation by the
 40 county sheriff; to the role, supervision, and funding
 41 of mental health patient advocates; and for civil
 42 commitment prescreening. Additional stakeholders
 43 shall be added as necessary to facilitate the workgroup
 44 efforts. The workgroup shall complete deliberations
 45 and submit a final report providing findings and
 46 recommendations on or before December 15, 2011.>
 47 96. By striking page 70, line 22, through page 72,
 48 line 17.
 49 97. Page 72, line 33, after <Grenada> by inserting
 50 <Lebanon.>

Page 16

1 98. Page 73, line 28, after <72,> by inserting
 2 <shall not revert but shall remain available in
 3 succeeding fiscal years to be used for the purposes
 4 designated until expended and any other>
 5 99. Page 74, by striking lines 19 through 27 and
 6 inserting:
 7 <Sec. __. 2009 Iowa Acts, chapter 183, section 62,
 8 subsection 4, is amended to read as follows:

- 9 4. The financial assistance shall be for any of the
10 following purposes:
- 11 a. For making temporary payments to qualifying
12 families whose members are recently unemployed and
13 seeking work to use in meeting immediate family needs.
- 14 b. For providing sliding scale subsidies for
15 qualifying families for child care provided to the
16 families' infants and toddlers by providers who
17 are accredited by the national association for the
18 education of young children or the national association
19 for family child care, or who have a rating at level 3
20 2 or higher under the child care quality rating system
21 implemented pursuant to section 237A.30.
- 22 c. For expanding training and other support for
23 infant care providers in the community and this state.
- 24 d. For ensuring child care environments are healthy
25 and safe.
- 26 e. For promoting positive relationships between
27 parents and providers in their mutual efforts to care
28 for very young children.
- 29 f. For ensuring that parents have the information
30 and resources needed to choose quality child care.>
- 31 100. By striking page 74, line 28, through page 75,
32 line 7.
- 33 101. Page 76, after line 31 by inserting:
34 <CHILD WELFARE TRAINING ACADEMY
35 Sec. _____. 2010 Iowa Acts, chapter 1192, section 19,
36 subsection 22, is amended to read as follows:
37 22. Of the funds appropriated in this section,
38 at least \$47,158 shall be used for the child welfare
39 training academy. Notwithstanding section 8.33, moneys
40 allocated in this subsection that remain unencumbered
41 or unobligated at the close of the fiscal year shall
42 not revert but shall remain available for expenditure
43 for the purposes designated until the close of the
44 succeeding fiscal year.>
- 45 102. Page 76, line 32, after <TRANSFER> by
46 inserting <AND NONREVERSION>
- 47 103. Page 76, line 34, by striking <subsection> and
48 inserting <subsections>
- 49 104. Page 77, after line 4 by inserting:
50 <NEW SUBSECTION. 5. Notwithstanding section

Page 17

- 1 8.33, moneys appropriated in this section that remain
2 unencumbered or unobligated at the close of the fiscal
3 year shall not revert but shall remain available for
4 expenditure for the purposes designated until the close
5 of the succeeding fiscal year.>
- 6 105. Page 77, after line 4 by inserting:
7 <DEPARTMENT OF HUMAN SERVICES — FIELD OPERATIONS

8 Sec. ____ 2010 Iowa Acts, chapter 1192, section
9 29, is amended by adding the following new unnumbered
10 paragraph:

11 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
12 8.33, moneys appropriated in this section that remain
13 unencumbered or unobligated at the close of the fiscal
14 year shall not revert but shall remain available for
15 expenditure for the purposes designated until the close
16 of the succeeding fiscal year.

17 DEPARTMENT OF HUMAN SERVICES — GENERAL ADMINISTRATION

18 Sec. ____ 2010 Iowa Acts, chapter 1192, section 30,
19 is amended by adding the following new subsection:

20 NEW SUBSECTION. 5. Notwithstanding section 8.33,
21 moneys appropriated in this section and the designated
22 allocations that remain unencumbered or unobligated
23 at the close of the fiscal year shall not revert but
24 shall remain available for expenditure for the purposes
25 designated until the close of the succeeding fiscal
26 year.>

27 106. Page 77, before line 30 by inserting:

28 <QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF HUMAN
29 SERVICES>

30 107. Page 79, after line 3 by inserting:

31 <STATE INSTITUTION — APPROPRIATION TRANSFERS
32 Sec. ____ DEPARTMENT OF HUMAN SERVICES. There

33 is transferred between the following designated
34 appropriations made to the department of human services
35 for the fiscal year beginning July 1, 2010, and ending
36 June 30, 2011, not more than the following amounts:

37 1. From the appropriation made for purposes of the
38 state resource center at Glenwood in 2010 Iowa Acts,
39 chapter 1192, section 25, subsection 1, paragraph “a”,
40 to the appropriation made for purposes of the Iowa
41 juvenile home at Toledo in 2010 Iowa Acts, chapter
42 1192, section 17, subsection 1:

43 \$ 400,000

44 2. From the appropriation made for purposes of the
45 state resource center at Woodward in 2010 Iowa Acts,
46 chapter 1192, section 25, subsection 1, paragraph “b”,
47 to the appropriation made for purposes of the state
48 mental health institute at Independence in 2010 Iowa
49 Acts, chapter 1192, section 24, subsection 1, paragraph
50 “c”:

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1 \$ 400,000>

2 108. Page 79, by striking lines 4 through 14.

3 109. Page 81, after line 2 by inserting:

4 <Sec. ____ RETROACTIVE APPLICABILITY. The section
5 of this division of this Act making transfers between
6 appropriations made to the department of human services

7 for state institutions in 2010 Iowa Acts, chapter 1192,
8 applies retroactively to January 1, 2011.>

9 110. Page 82, after line 3 by inserting:

10 <Sec. ____ Section 29C.20B, Code 2011, is amended
11 to read as follows:

12 29C.20B Disaster case management.

13 1. The ~~rebuild Iowa office~~ homeland security
14 and emergency management division shall work with
15 the department of human services and nonprofit,
16 voluntary, and faith-based organizations active
17 in disaster recovery and response in coordination
18 with ~~the homeland security and emergency management~~
19 ~~division~~ the department of human services to establish
20 a statewide system of disaster case management to be
21 activated following the governor's proclamation of
22 a disaster emergency or the declaration of a major
23 disaster by the president of the United States for
24 individual assistance purposes. Under the system, the
25 ~~department of human services~~ homeland security and
26 emergency management division shall coordinate case
27 management services locally through local committees
28 as established in each local emergency management
29 commission's emergency plan. ~~Beginning July 1,~~
30 ~~2011, the department of human services shall assume~~
31 ~~the duties of the rebuild Iowa office under this~~
32 ~~subsection.~~

33 2. The ~~department of human services~~ homeland
34 security and emergency management division, in
35 conjunction with the ~~rebuild Iowa office~~, ~~the homeland~~
36 ~~security and emergency management division~~ department
37 of human services, and an Iowa representative to
38 the national voluntary organizations active in
39 disaster, shall adopt rules pursuant to chapter 17A to
40 create coordination mechanisms and standards for the
41 establishment and implementation of a statewide system
42 of disaster case management which shall include at
43 least all of the following:

- 44 a. Disaster case management standards.
- 45 b. Disaster case management policies.
- 46 c. Reporting requirements.
- 47 d. Eligibility criteria.
- 48 e. Coordination mechanisms necessary to carry out
49 the services provided.
- 50 f. Develop formal working relationships with

Page 19

- 1 agencies and create interagency agreements for
- 2 those considered to provide disaster case management
- 3 services.
- 4 g. Coordination of all available services for
- 5 individuals from multiple agencies.>

6 111. Page 82, after line 3 by inserting:
7 <Sec. ____ Section 135.106, Code 2011, is amended
8 by adding the following new subsection:
9 NEW SUBSECTION. 4. It is the intent of the general
10 assembly that priority for home visitation funding be
11 given to approaches using evidence-based or promising
12 models for home visitation.>

13 112. Page 82, after line 3 by inserting:
14 <Sec. ____ Section 135H.6, subsection 8, Code 2011,
15 is amended to read as follows:

16 8. The department of human services may give
17 approval to conversion of beds approved under
18 subsection 6, to beds which are specialized to provide
19 substance abuse treatment. However, the total number
20 of beds approved under subsection 6 and this subsection
21 shall not exceed four hundred thirty. Conversion of
22 beds under this subsection shall not require a revision
23 of the certificate of need issued for the psychiatric
24 institution making the conversion. Beds for children
25 who do not reside in this state and whose service costs
26 are not paid by public funds in this state are not
27 subject to the limitations on the number of beds and
28 certificate of need requirements otherwise applicable
29 under this section.>

30 113. Page 82, after line 31 by inserting:
31 <Sec. ____ Section 154A.24, subsection 3, paragraph
32 s, Code 2011, is amended by striking the paragraph.>

33 114. Page 82, after line 31 by inserting:
34 <Sec. ____ NEW SECTION. 155A.43 Pharmaceutical
35 collection and disposal program — annual allocation.
36 Of the fees collected pursuant to sections 124.301
37 and 147.80 and chapter 155A by the board of pharmacy,
38 and retained by the board pursuant to section 147.82,
39 not more than one hundred twenty-five thousand
40 dollars, may be allocated annually by the board for
41 administering the pharmaceutical collection and
42 disposal program originally established pursuant to
43 2009 Iowa Acts, chapter 175, section 9. The program
44 shall provide for the management and disposal of
45 unused, excess, and expired pharmaceuticals. The
46 board of pharmacy may cooperate with the Iowa pharmacy
47 association and may consult with the department and
48 sanitary landfill operators in administering the
49 program.>

50 115. Page 83, after line 9 by inserting:

Page 20

1 <Sec. ____ Section 235B.19, Code 2011, is amended
2 by adding the following new subsection:
3 NEW SUBSECTION. 2A. a. The department shall
4 serve a copy of the petition and any order authorizing

5 protective services, if issued, on the dependent adult
6 and on persons who are competent adults and reasonably
7 ascertainable at the time the petition is filed in
8 accordance with the following priority:

9 (1) An attorney in fact named by the dependent
10 adult in a durable power of attorney for health care
11 pursuant to chapter 144B.

12 (2) The dependent adult's spouse.

13 (3) The dependent adult's children.

14 (4) The dependent adult's grandchildren.

15 (5) The dependent adult's siblings.

16 (6) The dependent adult's aunts and uncles.

17 (7) The dependent adult's nieces and nephews.

18 (8) The dependent adult's cousins.

19 b. When the department has served a person in one
20 of the categories specified in paragraph "a", the
21 department shall not be required to serve a person in
22 any other category.

23 c. The department shall serve the dependent adult's
24 copy of the petition and order personally upon the
25 dependent adult. Service of the petition and all other
26 orders and notices shall be in a sealed envelope with
27 the proper postage on the envelope, addressed to the
28 person being served at the person's last known post
29 office address, and deposited in a mail receptacle
30 provided by the United States postal service. The
31 department shall serve such copies of emergency orders
32 authorizing protective services and notices within
33 three days after filing the petition and receiving such
34 orders.

35 d. The department and all persons served by the
36 department with notices under this subsection shall
37 be prohibited from all of the following without prior
38 court approval after the department's petition has been
39 filed:

40 (1) Selling, removing, or otherwise disposing of
41 the dependent adult's personal property.

42 (2) Withdrawing funds from any bank, savings and
43 loan association, credit union, or other financial
44 institution, or from an account containing securities
45 in which the dependent adult has an interest.>

46 116. Page 83, after line 9 by inserting:

47 <Sec. ____ Section 237A.1, subsection 3, paragraph
48 n, Code 2011, is amended to read as follows:

49 n. A program offered to a child whose parent,
50 guardian, or custodian is engaged solely in a

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1 recreational or social activity, remains immediately
2 available and accessible on the physical premises on
3 which the child's care is provided, and does not engage

4 in employment while the care is provided. However,
 5 if the recreational or social activity is provided in
 6 a fitness center or on the premises of a nonprofit
 7 organization the parent, guardian, or custodian of the
 8 child may be employed to teach or lead the activity.>

9 117. Page 83, after line 9 by inserting:
 10 <Sec. ____ Section 249A.4B, subsection 2, paragraph
 11 a, subparagraph (18), Code 2011, is amended to read as
 12 follows:

13 (18) The ~~Iowa/Nebraska~~ Iowa primary care
 14 association.>

15 118. Page 83, by striking lines 10 through 19.

16 119. Page 83, after line 21 by inserting:

17 <DIVISION ____

18 IOWA FALSE CLAIMS ACT

19 Sec. ____ Section 685.1, subsection 11, Code 2011,
 20 is amended to read as follows:

21 11. "Original source" means an individual who ~~has~~
 22 ~~direct and independent~~ prior to a public disclosure
 23 under section 685.3, subsection 5, paragraph "c", has
 24 voluntarily disclosed to the state the information on
 25 which the allegations or transactions in a claim are
 26 based; or who has knowledge of the information on which
 27 the allegations are based that is independent of and
 28 materially adds to the publicly disclosed allegations
 29 or transactions, and has voluntarily provided the
 30 information to the state before filing an action under
 31 section 685.3 which is based on the information this
 32 chapter.

33 Sec. ____ Section 685.1, Code 2011, is amended by
 34 adding the following new subsection:

35 NEW SUBSECTION. 15. "State" means the state of
 36 Iowa.

37 Sec. ____ Section 685.2, subsection 1, unnumbered
 38 paragraph 1, Code 2011, is amended to read as follows:

39 A person who commits any of the following acts is
 40 jointly and severally liable to the state for a civil
 41 penalty of not less than ~~five thousand dollars~~ and
 42 not more than ~~ten thousand dollars~~ the civil penalty
 43 allowed under the federal False Claims Act, as codified
 44 in 31 U.S.C. § 3729 et seq., as may be adjusted in
 45 accordance with the inflation adjustment procedures
 46 prescribed in the federal Civil Penalties Inflation
 47 Adjustment Act of 1990, Pub. L. No. 101-410, for each
 48 false or fraudulent claim, plus three times the amount
 49 of damages which the state sustains because of the act
 50 of that person:

1 Sec. ____ Section 685.3, subsection 5, paragraph
 2 c, Code 2011, is amended by striking the paragraph and

3 inserting in lieu thereof the following:

4 c. A court shall dismiss an action or claim
5 under this section, unless opposed by the state, if
6 substantially the same allegations or transactions as
7 alleged in the action or claim were publicly disclosed
8 in a state criminal, civil, or administrative hearing
9 in which the state or an agent of the state is a
10 party; in a state legislative, state auditor, or other
11 state report, hearing, audit, or investigation; or
12 by the news media, unless the action is brought by
13 the attorney general or the qui tam plaintiff is an
14 original source of the information.

15 Sec. ____ Section 685.3, subsection 6, Code 2011,
16 is amended to read as follows:

17 6. a. Any employee, contractor, or agent ~~who~~
18 shall be entitled to all relief necessary to make
19 that employee, contractor, or agent whole, if that
20 employee, contractor, or agent is discharged, demoted,
21 suspended, threatened, harassed, or in any other manner
22 discriminated against in the terms and conditions of
23 employment because of lawful acts ~~performed done~~ by
24 the employee, contractor, or agent ~~on behalf of the~~
25 ~~employee, contractor, or agent~~ or associated others in
26 furtherance of an action under this section or other
27 efforts to stop a violation one or more violations of
28 this chapter, shall be entitled to all relief necessary
29 to make the employee, contractor, or agent whole. Such
30 relief

31 b. Relief under paragraph "a" shall include
32 reinstatement with the same seniority status ~~such~~
33 that employee, contractor, or agent would have had
34 but for the discrimination, two times the amount of
35 back pay, interest on the back pay, and compensation
36 for any special damages sustained as a result of
37 the discrimination, including litigation costs and
38 reasonable attorney fees. An ~~employee, contractor, or~~
39 ~~agent may bring an~~ action under this subsection may be
40 brought in the appropriate district court of the state
41 for the relief provided in this subsection.

42 c. A civil action under this subsection shall not
43 be brought more than three years after the date when
44 the retaliation occurred.

45 DIVISION ____

46 IOWACARE PROGRAM

47 Sec. ____ Section 249J.6, subsection 2, paragraph
48 b, Code 2011, is amended to read as follows:

49 b. Refusal of an expansion population member to
50 participate in a comprehensive medical examination

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1 or any health risk assessment implemented by the
2 department shall not be a basis for ineligibility
3 for or disenrollment from the expansion population.

4 Refusal of an expansion population member to
5 participate in a comprehensive medical examination or
6 other preventative health service shall not negatively
7 affect the calculation of performance payments for an
8 expansion population network provider medical home.

9 Sec. ____ Section 249J.6, subsection 3, Code 2011,
10 is amended to read as follows:

11 3. Expansion population members, including members
12 assigned to an expansion population network provider
13 medical home, shall be provided access to an IowaCare
14 nurse helpline, accessible twenty-four hours per day,
15 seven days per week, to assist expansion population
16 members in making appropriate choices about the use of
17 emergency room and other health care services.

18 Sec. ____ Section 249J.7, subsection 1, paragraph
19 c, Code 2011, is amended to read as follows:

20 c. (1) Tertiary care shall only be provided to
21 eligible expansion population members residing in any
22 county in the state at the university of Iowa hospitals
23 and clinics.

24 (2) Secondary care shall be provided by the
25 publicly owned acute care teaching hospital located
26 in a county with a population over three hundred
27 fifty thousand and the university of Iowa hospitals
28 and clinics, based on county of residence, only to
29 the extent specified in the phase-in of the regional
30 provider network designated by the department.

31 Sec. ____ Section 249J.24A, subsection 1, Code
32 2011, is amended to read as follows:

33 1. A nonparticipating provider may be reimbursed
34 for covered expansion population services provided to
35 an expansion population member ~~by a nonparticipating~~
36 ~~provider if the nonparticipating provider contacts the~~
37 ~~appropriate participating provider prior to providing~~
38 ~~covered services to verify consensus regarding one of~~
39 ~~the following courses of action if any of the following~~
40 ~~conditions is met:~~

41 ~~a. If the nonparticipating provider and the~~
42 ~~participating provider agree that the medical status~~
43 ~~of the expansion population member indicates it~~
44 ~~is medically possible to postpone provision of~~
45 ~~services, the nonparticipating provider shall direct~~
46 ~~the expansion population member to the appropriate~~
47 ~~participating provider for services.~~

48 ~~b. a. If the nonparticipating provider and the~~
49 ~~participating provider agree determines that the~~
50 medical status of the expansion population member

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1 indicates it is not medically ~~possible~~ advisable to
2 postpone provision of services, the nonparticipating
3 provider shall provide medically necessary services.

4 ~~e. b.~~ If the nonparticipating provider and the
5 participating provider agree that transfer of the
6 expansion population member is not possible due to lack
7 of available inpatient capacity, the nonparticipating
8 provider shall provide medically necessary services.

9 ~~d. c.~~ If the medical status of the expansion
10 population member indicates a medical emergency and the
11 nonparticipating provider is not able to contact the
12 appropriate participating provider prior to providing
13 medically necessary services, the nonparticipating
14 provider shall document the medical emergency
15 and inform the appropriate participating provider
16 immediately after the member has been stabilized of any
17 covered services provided.

18 Sec. __. Section 249J.24A, subsection 2, paragraph
19 a, Code 2011, is amended to read as follows:

20 a. If the nonparticipating provider meets
21 the requirements specified in subsection 1, the
22 nonparticipating provider shall be reimbursed for
23 covered expansion population services, limited to
24 emergency and other inpatient hospital services
25 provided to the expansion population member up to the
26 point of transfer to another provider, discharge,
27 or transfer to another level of care, through the
28 nonparticipating provider reimbursement fund in
29 accordance with rules adopted by the department of
30 human services. However, any funds received from
31 participating providers, appropriated to participating
32 providers, or deposited in the IowaCare account
33 pursuant to section 249J.24, shall not be transferred
34 or appropriated to the nonparticipating provider
35 reimbursement fund or otherwise used to reimburse
36 nonparticipating providers.

37 DIVISION __

38 VOLUNTEER HEALTH CARE PROVIDER PROGRAM

39 Sec. __. Section 135.24, subsection 2, paragraphs
40 b and c, Code 2011, are amended to read as follows:

41 b. Procedures for registration of hospitals, free
42 clinics, field dental clinics, and specialty health
43 care provider offices.

44 c. Criteria for and identification of hospitals,
45 clinics, free clinics, field dental clinics, specialty
46 health care provider offices, or other health care
47 facilities, health care referral programs, or
48 charitable organizations, eligible to participate in
49 the provision of free medical, dental, chiropractic,
50 pharmaceutical, nursing, optometric, psychological,

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1 social work, behavioral science, podiatric, physical
 2 therapy, occupational therapy, respiratory therapy, or
 3 emergency medical care services through the volunteer
 4 health care provider program. A hospital, a clinic, a
 5 free clinic, a field dental clinic, a specialty health
 6 care provider office, a health care facility, a health
 7 care referral program, a charitable organization, or
 8 a health care provider participating in the program
 9 shall not bill or charge a patient for any health care
 10 provider service provided under the volunteer health
 11 care provider program.

12 Sec. ____ Section 135.24, Code 2011, is amended by
 13 adding the following new subsection:

14 NEW SUBSECTION. 6A. A hospital providing free care
 15 under this section shall be considered a state agency
 16 solely for the purposes of this section and chapter 669
 17 and shall be afforded protection under chapter 669 as a
 18 state agency for all claims arising from the provision
 19 of free care by a health care provider registered under
 20 subsection 3 who is providing services at the hospital
 21 in accordance with this section, if the hospital has
 22 registered with the department pursuant to subsection
 23 1.

24 Sec. ____ Section 135.24, subsection 7, Code 2011,
 25 is amended by adding the following new paragraph:
 26 NEW PARAGRAPH. 0e. "Hospital" means hospital as
 27 defined in section 135B.1.

28 DIVISION ____

29 HEALTH CARE COST CONTAINMENT

30 Sec. ____ ALL-PAYER CLAIMS DATABASE PLAN. The
 31 department of human services shall develop a plan to
 32 establish an all-payer claims database to provide
 33 for the collection and analysis of claims data from
 34 multiple payers of health care. The plan shall
 35 establish the goals of the database which may include
 36 but are not limited to determining health care
 37 utilization patterns and rates; identifying gaps in
 38 prevention and health promotion services; evaluating
 39 access to care; assisting with benefit design and
 40 planning; analyzing statewide and local health care
 41 expenditures by provider, employer, and geography;
 42 informing the development of payment systems for
 43 providers; and establishing clinical guidelines related
 44 to quality, safety, and continuity of care. The plan
 45 shall identify a standard means of data collection,
 46 statutory changes necessary to the collection and
 47 use of the data, and the types of claims for which
 48 collection of data is required which may include
 49 but are not limited to eligibility data; provider
 50 information; medical data; private and public medical,

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1 pharmacy, and dental claims data; and other appropriate
 2 data. The plan shall also include an implementation
 3 and maintenance schedule including a proposed budget
 4 and funding plan and vision for the future.
 5 Sec. ____ PROVIDER PAYMENT SYSTEM PLAN — PILOT
 6 PROJECT. The department of human services shall
 7 develop a provider payment system plan to provide
 8 recommendations to reform the health care provider
 9 payment system as an effective way to promote
 10 coordination of care, lower costs, and improve quality.
 11 The plan shall provide analysis and recommendations
 12 regarding but not limited to accountable care
 13 organizations, a global payment system, or an episode
 14 of care payment system.

15 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
 16 of this Act, being deemed of immediate importance,
 17 takes effect upon enactment.>

18 120. Page 83, after line 21 by inserting:

19 <DIVISION ____
 20 NURSING FACILITY QUALITY ASSURANCE ASSESSMENT PROGRAM

21 Sec. ____ Section 249L.2, Code 2011, is amended by
 22 adding the following new subsection:

23 NEW SUBSECTION. 8A. “Patient service revenue” means
 24 the total Medicaid, Medicare, and private pay revenues
 25 as they correlate with the Medicaid cost reports.

26 Sec. ____ Section 249L.3, subsection 1, paragraph
 27 d, Code 2011, is amended to read as follows:

28 d. The aggregate quality assurance assessments
 29 imposed under this chapter shall not exceed the lower
 30 of ~~three~~ five percent of the aggregate ~~non-Medicare~~
 31 patient service revenues of a nursing facility or the
 32 maximum amount that may be assessed pursuant to the
 33 indirect guarantee threshold as established pursuant to
 34 42 C.F.R. § 433.68(f)(3)(i), and shall be stated on a
 35 per-patient-day basis.

36 Sec. ____ Section 249L.4, subsection 2, Code 2011,
 37 is amended to read as follows:

38 2. a. Moneys in the trust fund shall be used,
 39 subject to their appropriation by the general assembly,
 40 by the department only for reimbursement of services
 41 for which federal financial participation under the
 42 medical assistance program is available to match state
 43 funds.

44 b. Any moneys appropriated from the trust fund for
 45 reimbursement of nursing facilities, in addition to
 46 the quality assurance assessment pass-through and the
 47 quality assurance assessment rate add-on which shall be
 48 used as specified in subsection 5, paragraph “b”, shall
 49 be used in a manner such that no less than thirty-five
 50 percent of the amount received by a nursing facility

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1 is used for increases in compensation and costs
2 of employment for direct care workers, and no less
3 than sixty percent of the total is used to increase
4 compensation and costs of employment for all nursing
5 facility staff. For the purposes of use of such
6 funds, "direct care worker", "nursing facility staff",
7 "increases in compensation", and "costs of employment"
8 mean as defined or specified in this chapter.

9 c. One million dollars of the moneys in the trust
10 fund shall be used to increase the monthly upper cost
11 limit for services under the medical assistance home
12 and community-based services waiver for the elderly.

13 Sec. __. Section 249L.4, subsection 5, paragraph
14 a, subparagraph (2), Code 2011, is amended to read as
15 follows:

16 (2) A quality assurance assessment rate
17 add-on. This rate add-on shall be calculated on a
18 per-patient-day basis for medically indigent residents.
19 The amount paid to a nursing facility as a quality
20 assurance assessment rate add-on shall ~~be ten not~~
21 exceed fifteen dollars per patient day.

22 Sec. __. DIRECTIVE TO DEPARTMENT OF HUMAN
23 SERVICES. Upon enactment of this division of this Act,
24 the department of human services shall request any
25 medical assistance state plan amendment necessary to
26 implement the revisions to the nursing facility quality
27 assurance assessment program specified in this division
28 of this Act from the centers for Medicare and Medicaid
29 services of the United States department of health and
30 human services.

31 Sec. __. CONTINGENCY PROVISION. The revised
32 quality assurance assessment specified in this Act
33 shall accrue beginning July 1, 2011. However, accrued
34 quality assurance assessments shall not be collected
35 prior to completion of both of the following:

36 1. The approval of the medical assistance state
37 plan amendment necessary to implement the revisions
38 specified in this division of this Act by the centers
39 for Medicare and Medicaid services of the United States
40 department of health and human services.

41 2. An appropriation enacted by the general assembly
42 to implement the revised nursing facility provider
43 reimbursements as provided in this Act.

44 Sec. __. EFFECTIVE UPON ENACTMENT AND
45 APPLICABILITY. This division of this Act, being deemed
46 of immediate importance, takes effect upon enactment.
47 However, the department of human services shall only
48 implement this division of this Act if the department
49 receives approval of the state plan amendment necessary
50 to implement the revisions to the nursing facility

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1 quality assurance assessment program as specified in
2 this division of this Act.>
3 121. Page 83, after line 21 by inserting:
4 <DIVISION ____
5 PHARMACY ASSESSMENT
6 Sec. ____ NEW SECTION. 249N.1 Title.
7 This chapter shall be known and may be cited as the
8 "Pharmacy Assessment Program".
9 Sec. ____ NEW SECTION. 249N.2 Definitions.
10 As used in this chapter, unless the context
11 otherwise requires:
12 1. "Department" means the department of human
13 services.
14 2. "Pharmacy" means pharmacy as defined in section
15 155A.3.
16 Sec. ____ NEW SECTION. 249N.3 Pharmacy assessment
17 program.
18 1. Beginning July 1, 2011, or the implementation
19 date of the pharmacy assessment program as determined
20 by receipt of approval from the centers for Medicare
21 and Medicaid services of the United States department
22 of health and human services, whichever is later, a
23 pharmacy in this state shall be assessed a fee based
24 on a methodology determined by the department in
25 consultation with pharmacy representatives. Pharmacies
26 domiciled or headquartered outside the state that are
27 engaged in prescription drug sales that are delivered
28 directly to patients within the state via common
29 carrier, mail, or a carrier service are not subject to
30 the provisions of this chapter.
31 2. The aggregate assessment imposed under this
32 section shall not exceed the maximum amount that may be
33 assessed pursuant to the indirect guarantee threshold
34 as established pursuant to 42 C.F.R. § 433.68(f)(3)(i),
35 and shall be stated on a per prescription basis.
36 3. The assessment shall be paid by each pharmacy to
37 the department on a quarterly basis. The department
38 shall prepare and distribute a form upon which
39 pharmacies shall calculate and report the assessment.
40 A pharmacy shall submit the completed form with the
41 assessment amount no later than the last day of the
42 month following the end of each calendar quarter. The
43 department may deduct the monthly amount from medical
44 assistance payments to a pharmacy. The amount deducted
45 from the payments shall not exceed the total amount of
46 the assessment due.
47 4. A pharmacy shall retain and preserve for a
48 period of three years such books and records as may be
49 necessary to determine the amount of the assessment
50 for which the pharmacy is liable under this chapter.

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1 The department may inspect and copy the books and
2 records of a pharmacy for the purpose of auditing
3 the calculation of the assessment. All information
4 obtained by the department under this subsection is
5 confidential and does not constitute a public record.

6 5. The department shall collect the assessment
7 imposed and shall deposit all revenues collected in
8 the pharmacy assessment trust fund created in section
9 249N.4.

10 6. a. A pharmacy that fails to pay the assessment
11 within the time frame specified in this section
12 shall pay, in addition to the outstanding assessment,
13 a penalty of one and five-tenths percent of the
14 assessment amount owed for each month or portion of
15 each month that the payment is overdue.

16 b. If the assessment has not been received by the
17 department by seven days after the last day of the
18 month in which the payment is due, the department shall
19 withhold an amount equal to the assessment and penalty
20 owed from any payment due such pharmacy under the
21 medical assistance program.

22 c. The assessment imposed under this section
23 constitutes a debt due the state and may be collected
24 by civil action, including but not limited to the
25 filing of tax liens, and any other method provided for
26 by law.

27 d. Any penalty collected pursuant to this
28 subsection shall be credited to the pharmacy assessment
29 trust fund.

30 7. a. If pharmacies are not reimbursed at the
31 reimbursement rates established pursuant to this
32 chapter, the department shall terminate the imposition
33 of the assessment under this section no later than
34 ninety days from the date such reimbursement takes
35 effect.

36 b. If federal financial participation to match the
37 assessments made under this section becomes unavailable
38 under federal law, the department shall terminate the
39 imposition of the assessments beginning on the date the
40 federal statutory, regulatory, or interpretive change
41 takes effect.

42 Sec. __. **NEW SECTION.** 249N.4 Pharmacy assessment
43 trust fund.

44 1. A pharmacy assessment trust fund is created
45 in the state treasury under the authority of the
46 department. Moneys received through the collection of
47 the pharmacy assessment imposed under this chapter and
48 any other moneys specified for deposit in the trust
49 fund shall be deposited in the trust fund.

50 2. Moneys in the trust fund shall be used, subject

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1 to their appropriation by the general assembly, by
2 the department only for reimbursement of services for
3 which federal financial participation under the medical
4 assistance program is available to match state funds.
5 3. Beginning July 1, 2011, or the implementation
6 date of the pharmacy assessment program as determined
7 by receipt of approval from the centers for Medicare
8 and Medicaid services of the United States department
9 of health and human services, whichever is later,
10 moneys that are appropriated from the trust fund for
11 reimbursement to pharmacies shall be used to provide
12 the following pharmacy reimbursement adjustment
13 increases within the parameters specified:
14 a. Enhanced generic prescription drug dispensing
15 fee. The department shall reimburse pharmacy
16 dispensing fees using a rate of four dollars and
17 thirty-four cents per prescription plus the enhanced
18 generic prescription drug dispensing fee per generic
19 prescription.
20 b. Enhanced brand name prescription drug dispensing
21 fee. The department shall reimburse pharmacy
22 dispensing fees using a rate of four dollars and
23 thirty-four cents per prescription plus the enhanced
24 brand name prescription drug dispensing fee per brand
25 name prescription.
26 4. Appropriations from the trust fund shall be
27 based on the following:
28 a. For the fiscal year beginning July 1, 2011,
29 fifty-one percent of the moneys in the trust fund shall
30 be appropriated for reimbursement to pharmacies.
31 b. For the fiscal year beginning July 1, 2012,
32 seventy-five percent of the moneys in the trust fund
33 shall be appropriated for reimbursement to pharmacies.
34 5. Any payments made to pharmacies under this
35 section shall result in budget neutrality to the
36 general fund of the state.
37 6. The trust fund shall be separate from the
38 general fund of the state and shall not be considered
39 part of the general fund of the state. The moneys
40 in the trust fund shall not be considered revenue of
41 the state, but rather shall be funds of the pharmacy
42 assessment program. The moneys deposited in the
43 trust fund are not subject to section 8.33 and shall
44 not be transferred, used, obligated, appropriated,
45 or otherwise encumbered, except to provide for the
46 purposes of this chapter. Notwithstanding section
47 12C.7, subsection 2, interest or earnings on moneys
48 deposited in the trust fund shall be credited to the
49 trust fund.
50 7. The department shall adopt rules pursuant

1 to chapter 17A to administer the trust fund and
2 reimbursements made from the trust fund.

3 8. The department shall report annually to the
4 general assembly regarding the use of moneys deposited
5 in the trust fund and appropriated to the department.

6 Sec. ____ NEW SECTION. 249N.5 REPEAL.

7 This chapter is repealed June 30, 2013.

8 Sec. ____ DIRECTIVE TO DEPARTMENT OF HUMAN
9 SERVICES. Upon enactment of this division of this Act,
10 the department of human services shall request any
11 medical assistance state plan amendment necessary to
12 implement this division of this Act from the centers
13 for Medicare and Medicaid services of the United States
14 department of health and human services.

15 Sec. ____ CONTINGENCY PROVISIONS.

16 1. The pharmacy assessment imposed pursuant to this
17 division of this Act shall not be imposed retroactively
18 prior to July 1, 2011.

19 2. The pharmacy assessment shall not be collected
20 until the department of human services has received
21 approval of the assessment from the centers for
22 Medicare and Medicaid services of the United States
23 department of health and human services.

24 Sec. ____ EFFECTIVE UPON ENACTMENT AND
25 APPLICABILITY. This division of this Act, being deemed
26 of immediate importance, takes effect upon enactment.
27 However, the department of human services shall only
28 implement this division of this Act if the department
29 receives federal approval of the requests relating to
30 the medical assistance state plan amendment necessary
31 to implement this division of this Act.>

32 122. Page 83, after line 21 by inserting:

33 <DIVISION ____
34 BISPHENOL A PROHIBITION

35 Sec. ____ NEW SECTION. 135.181 Bisphenol A
36 prohibition.

37 1. As used in this section, unless the context
38 otherwise requires:

39 a. "Infant pacifier" means a device designed to be
40 bitten or sucked by an infant for the sole purpose of
41 soothing or providing comfort to the infant, including
42 soothing discomfort caused by teething.

43 b. "Reusable beverage container" means a baby bottle
44 or spill-proof container primarily intended by the
45 manufacturer for use by a child three years of age or
46 younger.

47 1A. For purposes of this section, "reusable beverage
48 container" includes disposable baby bottle liners
49 designed to hold liquids in a baby bottle.

50 2. Beginning January 1, 2013, a person shall

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1 not manufacture, sell, or distribute in commerce in
2 this state any infant pacifier or reusable beverage
3 container containing bisphenol A. A manufacturer or
4 wholesaler who sells or offers for sale in this state a
5 reusable beverage container that is intended for retail
6 sale shall do all of the following:

7 a. Ensure that the container is conspicuously
8 labeled as not containing bisphenol A.

9 b. Provide the retailer with affirmation that the
10 container does not contain bisphenol A.

11 3. A manufacturer shall use the least toxic
12 alternative when replacing bisphenol A in accordance
13 with this section.

14 4. In complying with this section, a manufacturer
15 shall not replace bisphenol A with a substance rated
16 by the United States environmental protection agency
17 as a class A, B, or C carcinogen or a substance listed
18 on the agency's list of chemicals evaluated for
19 carcinogenic potential as known or likely carcinogens,
20 known to be human carcinogens, or likely to be human
21 carcinogens.

22 5. In complying with this section, a manufacturer
23 shall not replace bisphenol A with a reproductive
24 toxicant that has been identified by the United States
25 environmental protection agency as causing birth
26 defects, reproductive harm, or developmental harm.

27 6. A person who violates this section is subject
28 to a civil penalty of five hundred dollars for each
29 violation.

30 Sec. ____. EFFECTIVE DATE. This division of this
31 Act takes effect January 1, 2013.>

32 123. Page 83, after line 21 by inserting:

33 <DIVISION ____

34 HEALTH INFORMATION TECHNOLOGY

35 Sec. ____. NEW SECTION. 135D.1 Findings and intent.

36 1. The general assembly finds all of the following:

37 a. Technology used to support health-related
38 functions is widely known as health information
39 technology. Electronic health records are used to
40 collect and store relevant patient health information.
41 Electronic health records serve as a means of bringing
42 evidence-based knowledge resources and patient
43 information to the point of care to support better
44 decision making and more efficient care processes.

45 b. Health information technology allows for
46 comprehensive management of health information and its
47 secure electronic exchange between providers, public
48 health agencies, payers, and consumers. Broad use of
49 health information technology should improve health
50 care quality and the overall health of the population,

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1 increase efficiencies in administrative health care,
2 reduce unnecessary health care costs, and help prevent
3 medical errors.

4 c. Health information technology provides a
5 mechanism to transform the delivery of health and
6 medical care in Iowa and across the nation.

7 2. It is the intent of the general assembly to
8 use health information technology as a catalyst
9 to achieve a healthier Iowa through the electronic
10 sharing of health information. A health information
11 network involves sharing health information across the
12 boundaries of individual practice and institutional
13 health settings and with consumers. The result is a
14 public good that will contribute to improved clinical
15 outcomes and patient safety, population health, access
16 to and quality of health care, and efficiency in health
17 care delivery.

18 3. It is the intent of the general assembly that
19 the health information network shall not constitute a
20 health benefit exchange or a health insurance exchange.

21 Sec. __. NEW SECTION. 135D.2 Definitions.

22 For the purposes of this chapter, unless the context
23 otherwise requires:

24 1. "Authorized" means having met the requirements
25 as a participant for access to the health information
26 network.

27 2. "Board" means the board of directors of Iowa
28 e-health.

29 3. "Consumers" means people who acquire and use
30 goods and services for personal need.

31 4. "Continuity of care document" means a summary
32 of a patient's health information for each visit to a
33 provider to be delivered through the health information
34 network.

35 5. "Department" means the department of public
36 health.

37 6. "Deputy director" means the deputy director of
38 public health.

39 7. "Director" means the director of public health.

40 8. "Exchange" means the authorized electronic
41 sharing of health information between providers,
42 payers, consumers, public health agencies, the
43 department, and other authorized participants utilizing
44 the health information network and health information
45 network services.

46 9. "Executive director" means the executive director
47 of the office of health information technology.

48 10. "Health information" means any information,
49 in any form or medium, that is created, transmitted,
50 or received by a provider, payer, consumer, public

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- 1 health agency, the department, or other authorized
2 participant, which relates to the past, present,
3 or future physical or mental health or condition of
4 an individual; the provision of health care to an
5 individual; or the past, present, or future payment for
6 the provision of health care to an individual.
- 7 11. "Health information network" means the exclusive
8 statewide electronic health information network.
- 9 12. "Health information network services" means
10 the exchanging of health information via the health
11 information network; education and outreach to
12 support connection and access to and use of the health
13 information network; and all other activities related
14 to the electronic exchange of health information.
- 15 13. "Health Insurance Portability and Accountability
16 Act" means the federal Health Insurance Portability
17 and Accountability Act of 1996, Pub. L. No. 104-191,
18 including amendments thereto and regulations
19 promulgated thereunder.
- 20 14. "Infrastructure" means technology including
21 architecture, hardware, software, networks, terminology
22 and standards, and policies and procedures governing
23 the electronic exchange of health information.
- 24 15. "Iowa e-health" means the collaboration
25 between the department and other public and private
26 stakeholders to establish, operate, and sustain an
27 exclusive statewide health information network.
- 28 16. "Iowa Medicaid enterprise" means Iowa Medicaid
29 enterprise as defined in section 249J.3.
- 30 17. "Local board of health" means a city, county, or
31 district board of health.
- 32 18. "Office" means the office of health information
33 technology within the department.
- 34 19. "Participant" means an authorized provider,
35 payer, patient, public health agency, the department,
36 or other authorized person that has voluntarily agreed
37 to authorize, submit, access, and disclose health
38 information through the health information network in
39 accordance with this chapter and all applicable laws,
40 rules, agreements, policies, and procedures.
- 41 20. "Participation and data sharing agreement" means
42 the agreement outlining the terms of access and use for
43 participation in the health information network.
- 44 21. "Patient" means a person who has received or is
45 receiving health services from a provider.
- 46 22. "Payer" means a person who makes payments
47 for health services, including but not limited to an
48 insurance company, self-insured employer, government
49 program, individual, or other purchaser that makes such
50 payments.

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1 23. "Protected health information" means
2 individually identifiable patient information,
3 including demographic information, related to the past,
4 present, or future health or condition of a person;
5 the provision of health care to a person; or the past,
6 present, or future payment for such health care; which
7 is created, transmitted, or received by a participant.
8 "Protected health information" does not include
9 education and other records that are covered under the
10 federal Family Educational Rights and Privacy Act of
11 1974, as codified at 20 U.S.C. 1232g, as amended; or
12 any employment records maintained by a covered entity,
13 as defined under the Health Insurance Portability and
14 Accountability Act, in its role as an employer.

15 24. "Provider" means a hospital, physician clinic,
16 pharmacy, laboratory, health service provider, or
17 other person that is licensed, certified, or otherwise
18 authorized or permitted by law to administer health
19 care in the ordinary course of business or in the
20 practice of a profession, or any other person or
21 organization that furnishes, bills, or is paid for
22 health care in the normal course of business.

23 25. "Public health agency" means an entity that is
24 governed by or contractually responsible to a local
25 board of health or the department to provide services
26 focused on the health status of population groups and
27 their environments.

28 26. "Purchaser" means any individual, employer,
29 or organization that purchases health insurance or
30 services and includes intermediaries.

31 27. "Vendor" means a person or organization that
32 provides or proposes to provide goods or services to
33 the department pursuant to a contract, but does not
34 include an employee of the state, a retailer, or a
35 state agency or instrumentality.

36 Sec. __. NEW SECTION. 135D.3 Iowa e-health
37 established — guiding principles, goals, domains.

38 1. Iowa e-health is established as a
39 public-private, multi-stakeholder collaborative.
40 The purpose of Iowa e-health is to develop, administer,
41 and sustain the health information network to improve
42 the quality, safety, and efficiency of health care
43 available to Iowans.

44 2. Iowa e-health shall manage and operate
45 the health information network. Nothing in
46 this chapter shall be interpreted to impede or
47 preclude the formation and operation of regional,
48 population-specific, or local health information
49 networks or their participation in the health
50 information network.

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- 1 3. Iowa e-health shall facilitate the exchange
2 of health information for prevention and treatment
3 purposes to help providers make the best health care
4 decisions for patients and to provide patients with
5 continuity of care regardless of the provider the
6 patient visits.
- 7 4. The guiding principles of Iowa e-health include
8 all of the following:
 - 9 a. To engage in a collaborative, public-private,
10 multi-stakeholder effort including providers, payers,
11 purchasers, governmental entities, educational
12 institutions, and consumers.
 - 13 b. To create a sustainable health information
14 network which makes information available when and
15 where it is needed.
 - 16 c. To ensure the health information network
17 incorporates provider priorities and appropriate
18 participant education.
 - 19 d. To instill confidence in consumers that their
20 health information is secure, private, and accessed
21 appropriately.
 - 22 e. To build on smart practices and align with
23 federal standards to ensure interoperability within and
24 beyond the state.
- 25 5. The goals of Iowa e-health include all of the
26 following:
 - 27 a. To build awareness and trust of health
28 information technology through communication and
29 outreach to providers and consumers.
 - 30 b. To safeguard privacy and security of health
31 information shared electronically between participants
32 through the health information network so that the
33 health information is secure, private, and accessed
34 only by authorized individuals and entities.
 - 35 c. To promote statewide deployment and use of
36 electronic health records.
 - 37 d. To enable the electronic exchange of health
38 information.
 - 39 e. To advance coordination of activities across
40 state and federal governments.
 - 41 f. To establish a governance model for the health
42 information network.
 - 43 g. To establish sustainable business and technical
44 operations for the health information exchange.
 - 45 h. To secure financial resources to develop and
46 sustain the health information network.
 - 47 i. To monitor and evaluate health information
48 technology progress and outcomes.
- 49 6. Iowa e-health shall include the following five
50 domains:

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1 a. Governance. Iowa e-health shall be governed
2 by a board of directors whose members represent
3 stakeholders such as provider organizations and
4 associations, providers, payers, purchasers,
5 governmental entities, business, and consumers. Iowa
6 e-health shall be supported by the department's office
7 of health information technology. The board shall
8 set direction, goals, and policies for Iowa e-health
9 and provide oversight of the business and technical
10 operations of the health information network and health
11 information network services.

12 b. Business and technical operations. The office of
13 health information technology shall perform day-to-day
14 operations to support and advance Iowa e-health, the
15 health information network, and health information
16 network services.

17 c. Finance. Iowa e-health shall identify and
18 manage financial resources to achieve short-term and
19 long-term sustainability of the health information
20 network. The health information network shall be
21 financed by participants based on a business model and
22 financial sustainability plan approved by the board
23 no later than December 31, 2011, and submitted to the
24 governor and the general assembly. The model and plan
25 may contemplate participant fees based on value-based
26 principles. Fees shall not be assessed to participants
27 prior to approval by the board and an enactment of the
28 general assembly establishing such fees.

29 d. Technical infrastructure. Iowa e-health shall
30 implement and manage the core infrastructure and
31 standards to enable the safe and secure delivery of
32 health information to providers and consumers through
33 the health information network.

34 e. Legal and policy. Iowa e-health shall establish
35 privacy and security policies and guidelines, and
36 participation and data sharing agreements, to protect
37 consumers and enforce rules for utilization of the
38 health information network.

39 Sec. __. NEW SECTION. 135D.4 Governance — board
40 of directors — advisory council.

41 1. Iowa e-health shall be governed by a board of
42 directors. Board members shall be residents of the
43 state of Iowa. The membership of the board shall
44 comply with sections 69.16 and 69.16A.

45 2. The board of directors shall be comprised of the
46 following members:

47 a. The board shall include all of the following as
48 voting members:

49 (1) Two members who represent the Iowa
50 collaborative safety net provider network created in

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1 section 135.153, designated by the network.

2 (2) Four members who represent hospitals, two of
3 whom are designated by the two largest health care
4 systems in the state, one of whom is designated by the
5 university of Iowa hospitals and clinics, and one of
6 whom is designated by the Iowa hospital association to
7 represent critical access hospitals.

8 (3) Two members who represent two different private
9 health insurance carriers, designated by the federation
10 of Iowa insurers, one of which has the largest health
11 market share in Iowa.

12 (4) One member who is a licensed physician,
13 designated by the Iowa medical society.

14 (5) One member representing the department who is
15 designated by the department.

16 (6) One member representing the Iowa Medicaid
17 enterprise who is the Iowa Medicaid director, or the
18 director's designee.

19 b. The board shall include as ex officio,
20 nonvoting members four members of the general
21 assembly, one appointed by the speaker of the house of
22 representatives, one appointed by the minority leader
23 of the house of representatives, one appointed by the
24 majority leader of the senate, and one appointed by the
25 minority leader of the senate.

26 3. A person shall not serve on the board in any
27 capacity if the person is required to register as a
28 lobbyist under section 68B.36 because of the person's
29 activities for compensation on behalf of a profession
30 or an entity that is engaged in providing health care,
31 reviewing or analyzing health care, paying for health
32 care services or procedures, or providing health
33 information technology or health information network
34 services.

35 4. a. Board members shall serve four-year terms
36 but shall not serve more than two consecutive four-year
37 terms. However, the board members who represent state
38 agencies are not subject to term limits.

39 b. At the end of any term, a member of the
40 board may continue to serve until the appointing or
41 designating authority names a successor.

42 c. A vacancy on the board shall be filled for the
43 remainder of the term in the manner of the original
44 appointment. A vacancy in the membership of the board
45 shall not impair the right of the remaining members to
46 exercise all the powers and perform all the duties of
47 the board.

48 d. A board member may be removed by the board for
49 cause including but not limited to malfeasance in
50 office, failure to attend board meetings, misconduct,

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1 or violation of ethical rules and standards.
2 Nonattendance of the board members appointed by the
3 governor shall be governed by the provisions of section
4 69.15. A board member may be removed by a vote of the
5 board if, based on the criteria provided in section
6 69.15, subsection 1, paragraphs “a” and “b”, the board
7 member would be deemed to have submitted a resignation
8 from the board.

9 e. The board members shall elect a chairperson from
10 their membership. The department’s designee shall
11 serve as vice chairperson.

12 5. Meetings of the board shall be governed by the
13 provisions of chapter 21.

14 a. The board shall meet upon the call of the
15 chairperson or the vice chairperson. Notice of the
16 time and place of each board meeting shall be given
17 to each member. The board shall keep accurate and
18 complete records of all of its meetings.

19 b. A simple majority of the members shall
20 constitute a quorum to enable the transaction of any
21 business and for the exercise of any power or function
22 of the board. Action may be taken and motions and
23 resolutions adopted by the affirmative vote of a
24 majority of the members attending the meeting whether
25 in person, by telephone, web conference, or other
26 means. A board member shall not vote by proxy or
27 through a delegate.

28 c. Public members of the board shall receive
29 reimbursement for actual expenses incurred while
30 serving in their official capacity, only if they are
31 not eligible for reimbursement by the organization that
32 they represent. A person who serves as a member of
33 the board shall not by reason of such membership be
34 entitled to membership in the Iowa public employees’
35 retirement system or service credit for any public
36 retirement system.

37 6. The board may exercise its powers, duties,
38 and functions as provided in this chapter and as
39 prescribed by law. The director and the board shall
40 ensure that matters under the purview of the board
41 are carried out in a manner that does not violate or
42 risk violation of applicable state or federal laws or
43 regulations, and that supports overriding public policy
44 and public safety concerns, fiscal compliance, and
45 compliance with the office of the national coordinator
46 for health information technology state health
47 information exchange cooperative agreement program or
48 any other cooperative agreement programs or grants
49 supporting Iowa e-health. The board shall do all of
50 the following:

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- 1 a. Participate in the selection of the executive
2 director and assist in the development of performance
3 standards and evaluations of the executive director.
- 4 b. Establish priorities among health information
5 network services based on the needs of the population
6 of this state.
- 7 c. Oversee the handling and accounting of assets
8 and moneys received for or generated by the health
9 information network.
- 10 d. Establish committees and workgroups as needed.
- 11 e. Review and approve or disapprove all of the
12 following, as proposed by the department:
 - 13 (1) Strategic, operational, and financial
14 sustainability plans for Iowa e-health, the health
15 information network, and health information network
16 services.
 - 17 (2) Standards, requirements, policies, and
18 procedures for access, use, secondary use, and privacy
19 and security of health information network through the
20 health information exchange, consistent with applicable
21 federal and state standards and laws.
 - 22 (3) Policies and procedures for administering the
23 infrastructure, technology, and associated professional
24 services necessary for the business and technical
25 operation of the health information network and health
26 information network services.
 - 27 (4) Policies and procedures for evaluation of the
28 health information network and health information
29 network services.
 - 30 (5) Mechanisms for periodic review and update of
31 policies and procedures.
 - 32 (6) An annual budget and fiscal report for the
33 operations of the health information network and an
34 annual report for Iowa e-health and health information
35 network services.
 - 36 (7) Major purchases of goods and services.
- 37 f. Adopt administrative rules pursuant to chapter
38 17A to implement this chapter and relating to the
39 management and operation of the health information
40 network and health information network services.
- 41 g. Adopt rules for monitoring access to and use
42 of the health information network and enforcement
43 of health information network rules, standards,
44 requirements, policies, and procedures. The board
45 may suspend, limit, or terminate a participant's
46 utilization of the health information network for
47 violation of such rules, standards, requirements,
48 policies, or procedures, and shall establish, by rule,
49 a process for notification, right to respond, and
50 appeal relative to such violations.

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- 1 h. Have all remedies allowed by law to address any
2 violation of the terms of the participation and data
3 sharing agreement.
- 4 i. Perform any and all other activities in
5 furtherance of its purpose.
- 6 7. a. A board member is subject to chapter 68B,
7 the rules adopted by the Iowa ethics and campaign
8 disclosure board, and the ethics rules and requirements
9 that apply to the executive branch of state government.
- 10 b. A board member shall not participate in any
11 matter before the board in which the board member
12 has a direct or indirect interest in an undertaking
13 that places the board member's personal or business
14 interests in conflict with those of Iowa e-health,
15 including but not limited to an interest in a
16 procurement contract, or that may create the appearance
17 of impropriety.
- 18 8. Advisory council.
- 19 a. An advisory council to the board is established
20 to provide an additional mechanism for obtaining
21 broader stakeholder advice and input regarding health
22 information technology, the health information network,
23 and health information network services.
- 24 b. The advisory council shall be comprised of the
25 following members who shall serve two-year staggered
26 terms:
- 27 (1) The following members designated as specified:
28 (a) One member who is a licensed practicing nurse
29 in an office or clinic setting, designated by the Iowa
30 nurses association.
- 31 (b) One member representing licensed pharmacists,
32 designated by the Iowa pharmacy association.
- 33 (c) One member representing the Iowa healthcare
34 collaborative, designated by the collaborative.
- 35 (d) One member representing substance abuse
36 programs, designated by the Iowa behavioral health
37 association.
- 38 (e) One member representing community mental
39 health centers, designated by the Iowa association of
40 community providers.
- 41 (f) One member representing long-term care
42 providers, designated by the Iowa health care
43 association/Iowa center for assisted living and the
44 Iowa association of homes and services for the aging.
- 45 (g) One member representing licensed physicians,
46 designated by the Iowa academy of family physicians.
- 47 (h) One member representing chiropractors,
48 designated by the Iowa chiropractic society.
- 49 (i) One member who is a practicing physician in
50 an office or clinic setting, designated by the Iowa

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1 osteopathic medical association.
2 (j) One member representing business interests,
3 designated by the Iowa association of business and
4 industry.
5 (2) The following members appointed by the board:
6 (a) One member representing the state board of
7 health.
8 (b) One member representing academics.
9 (c) One member representing the Iowa Medicare
10 quality improvement organization.
11 (d) One member who is the state chief information
12 officer.
13 (e) One member representing the private
14 telecommunications industry.
15 (f) One member representing Des Moines university.
16 (g) One member representing home health care
17 providers.
18 (h) One member representing the department of
19 veterans affairs.
20 c. The board may change the membership and the
21 composition of the advisory council, by rule, to
22 accommodate changes in stakeholder interests and the
23 evolution of health information technology, the health
24 information network, and health information network
25 services. An advisory council member may be removed by
26 a vote of the board if, based on the criteria provided
27 in section 69.15, subsection 1, paragraphs “a” and “b”,
28 the advisory council member would be deemed to have
29 submitted a resignation from the advisory council.
30 Sec. __. NEW SECTION. 135D.5 Business and
31 technical operations — office of health information
32 technology.
33 1. The office of health information technology
34 is established within the department and shall be
35 responsible for the day-to-day business and operations
36 of Iowa e-health, the health information network, and
37 health information network services. The office shall
38 be under the direction of the director and under the
39 supervision of the deputy director.
40 2. a. The department shall employ an executive
41 director to manage the office and the executive
42 director shall report to the deputy director.
43 b. The executive director shall manage the planning
44 and implementation of Iowa e-health, the health
45 information network, and health information network
46 services, and shall provide high-level coordination
47 across public and private sector stakeholders.
48 c. The executive director shall serve as Iowa’s
49 health information technology coordinator and primary
50 point of contact for the office of the national

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1 coordinator for health information technology,
2 other federal and state agencies involved in health
3 information technology, and state health information
4 technology coordinators from other states.
5 3. a. The executive director and all other
6 employees of the office shall be employees of the
7 state, classified and compensated in accordance with
8 chapter 8A, subchapter IV, and chapter 20.
9 b. Subject to approval of the board, the director
10 shall have the sole power to determine the number of
11 full-time and part-time equivalent positions necessary
12 to carry out the provisions of this chapter.
13 c. An employee of the office shall not have a
14 financial interest in any vendor doing business or
15 proposing to do business with Iowa e-health.
16 4. The department shall do all of the following:
17 a. Develop, implement, and enforce the following,
18 as approved by the board:
19 (1) Strategic, operational, and financial
20 sustainability plans for the health information
21 network, Iowa e-health, and health information network
22 services.
23 (2) Standards, requirements, policies, and
24 procedures for access, use, secondary use, and privacy
25 and security of health information exchanged through
26 the health information network, consistent with
27 applicable federal and state standards and laws.
28 (3) Policies and procedures for monitoring
29 participant usage of the health information network
30 and health information network services; enforcing
31 noncompliance with health information network
32 standards, requirements, policies, rules, and
33 procedures.
34 (4) Policies and procedures for administering
35 the infrastructure, technology, and associated
36 professional services required for operation of the
37 health information network and health information
38 network services.
39 (5) Policies and procedures for evaluation of the
40 health information network and health information
41 network services.
42 (6) A mechanism for periodic review and update of
43 policies and procedures.
44 (7) An annual budget and fiscal report for the
45 business and technical operations of the health
46 information network and an annual report for Iowa
47 e-health, the health information network, and health
48 information network services. The department shall
49 submit all such reports to the general assembly.
50 b. Convene and facilitate board, advisory council,

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- 1 workgroup, committee, and other stakeholder meetings.
2 c. Provide technical and operational assistance for
3 planning and implementing Iowa e-health activities,
4 the health information network, and health information
5 network services.
6 d. Provide human resource, budgeting, project and
7 activity coordination, and related management functions
8 to Iowa e-health, the health information network, and
9 health information network services.
10 e. Develop educational materials and educate the
11 general public on the benefits of electronic health
12 records, the health information network, and the
13 safeguards available to prevent unauthorized disclosure
14 of health information.
15 f. Enter into participation and data sharing
16 agreements with participants of the health information
17 network.
18 g. Record receipts and approval of payments, and
19 file required financial reports.
20 h. Apply for, acquire by gift or purchase, and
21 hold, dispense, or dispose of funds and real or
22 personal property from any person, governmental entity,
23 or organization in the exercise of its powers and
24 performance of its duties in accordance with this
25 chapter.
26 i. Administer grant funds in accordance with the
27 terms of the grant and all applicable state and federal
28 laws, rules, and regulations.
29 j. Select and contract with vendors in compliance
30 with applicable state and federal procurement laws and
31 regulations.
32 k. Coordinate with other health information
33 technology and health information network programs and
34 activities.
35 l. Work to align interstate and intrastate
36 interoperability and standards in accordance with
37 national health information exchange standards.
38 m. Execute all instruments necessary or incidental
39 to the performance of its duties and the execution of
40 its powers.
41 Sec. __. NEW SECTION. 135D.6 Iowa e-health
42 finance fund.
43 1. The Iowa e-health finance fund is created as
44 a separate fund within the state treasury under the
45 control of the board. Revenues, donations, gifts,
46 interest, or other moneys received or generated
47 relative to the operation and administration of the
48 health information network and health information
49 network services, shall be deposited in the fund.
50 2. Moneys in the fund shall be expended by

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1 the department only on activities and operations
2 suitable to the performance of the department's
3 duties on behalf of the board and Iowa e-health as
4 specified in this chapter, subject to board approval.
5 Disbursements may be made from the fund for purposes
6 related to the administration, management, operations,
7 functions, activities, and sustainability of the health
8 information network and health information network
9 services.

10 3. Notwithstanding section 12C.7, subsection 2,
11 earnings or interest on moneys deposited in the fund
12 shall be credited to the fund. Notwithstanding section
13 8.33, any unexpended balance in the fund at the end
14 of each fiscal year shall be retained in the fund and
15 shall not be transferred to the general fund of the
16 state.

17 4. The moneys in the fund shall be subject to
18 financial and compliance audits by the auditor of
19 state.

20 5. The general assembly may appropriate moneys
21 in the fund to the department on behalf of Iowa
22 e-health for the health information network and health
23 information network services.

24 Sec. __. NEW SECTION. 135D.7 Technical
25 infrastructure.

26 1. The health information network shall provide
27 a mechanism to facilitate and support the secure
28 electronic exchange of health information between
29 participants. The health information network shall
30 not function as a central repository of all health
31 information.

32 2. The health information network shall provide a
33 mechanism for participants without an electronic health
34 record system to access health information from the
35 health information network.

36 3. The technical infrastructure of the health
37 information network shall be designed to facilitate
38 the secure electronic exchange of health information
39 using functions including but not limited to all of the
40 following:

41 a. A master patient index, in the absence of a
42 single, standardized patient identifier, to exchange
43 secure health information among participants.

44 b. A record locator service to locate and exchange
45 secure health information among participants.

46 c. Authorization, authentication, access, and
47 auditing processes for security controls to protect
48 the privacy of consumers and participants and the
49 confidentiality of health information by limiting
50 access to the health information network and health

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1 information to participants whose identity has been
2 authenticated, and whose access to health information
3 is limited by their role and recorded through an audit
4 trail.

5 d. Electronic transmission procedures and software
6 necessary to facilitate the electronic exchange of
7 various types of health information through the health
8 information network.

9 e. Telecommunications through coordination of
10 public and private networks to provide the backbone
11 infrastructure to connect participants exchanging
12 health information. The networks may include but
13 are not limited to the state-owned communications
14 network, other fiber optic networks, and private
15 telecommunications service providers.

16 4. The state shall own or possess the rights
17 to use all processes and software developed, and
18 hardware installed, leased, designed, or purchased
19 for the health information network, and shall permit
20 participants to use the health information network
21 and health information network services in accordance
22 with the standards, policies, procedures, rules, and
23 regulations approved by the board, and the terms of the
24 participation and data sharing agreement.

25 Sec. __. NEW SECTION. 135D.8 Legal and policy.

26 1. Upon approval from the board, the office
27 of health information technology shall establish
28 appropriate security standards, policies, and
29 procedures to protect the transmission and receipt of
30 individually identifiable health information exchanged
31 through the health information network. The security
32 standards, policies, and procedures shall, at a
33 minimum, comply with the Health Insurance Portability
34 and Accountability Act security rule pursuant to 45
35 C.F.R. pt. 164, subpt. C, and shall reflect all of the
36 following:

37 a. Include authorization controls, including the
38 responsibility to authorize, maintain, and terminate a
39 participant's use of the health information network.

40 b. Require authentication controls to verify the
41 identity and role of the participant using the health
42 information network.

43 c. Include role-based access controls to restrict
44 functionality and information available through the
45 health information network.

46 d. Include a secure and traceable electronic audit
47 system to document and monitor the sender and the
48 recipient of health information exchanged through the
49 health information network.

50 e. Require standard participation and data sharing

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1 agreements which define the minimum privacy and
2 security obligations of all participants using the
3 health information network and health information
4 network services.

5 f. Include controls over access to and the
6 collection, organization, and maintenance of records
7 and data for purposes of research or population health
8 that protect the confidentiality of consumers who are
9 the subject of the health information.

10 2. a. A patient shall have the opportunity to
11 decline exchange of their health information through
12 the health information network. The board shall
13 provide by rule the means and process by which patients
14 may decline participation. A patient shall not be
15 denied care or treatment for declining to exchange
16 their health information, in whole or in part, through
17 the health information network. The means and process
18 utilized under the rules shall minimize the burden on
19 patients and providers.

20 b. Unless otherwise authorized by law or rule,
21 a patient's decision to decline participation means
22 that none of the patient's health information shall be
23 exchanged through the health information network. If a
24 patient does not decline participation, the patient's
25 health information may be exchanged through the health
26 information network except as follows:

27 (1) If health information associated with a patient
28 visit with a provider is protected by state law that is
29 more restrictive than the Health Insurance Portability
30 and Accountability Act, a patient shall have the right
31 to decline sharing of health information through the
32 health information network from such visit as provided
33 by rule.

34 (2) With the consent of the patient, a provider
35 may limit health information associated with a patient
36 visit from being shared through the health information
37 network if such limitation is reasonably determined
38 by the provider, in consultation with the patient, to
39 be in the best interest of the patient as provided by
40 rule.

41 c. A patient who declines participation in the
42 health information network may later decide to
43 have health information shared through the health
44 information network. A patient who is participating
45 in the health information network may later decline
46 participation in the health information network.

47 3. The office shall develop and distribute
48 educational tools and information for consumers,
49 patients, and providers to inform them about the health
50 information network, including but not limited to the

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1 safeguards available to prevent unauthorized disclosure
2 of health information and a patient's right to decline
3 participation in the health information network.

4 4. a. A participant shall not release or use
5 protected health information exchanged through the
6 health information network for purposes unrelated
7 to prevention, treatment, payment, or health care
8 operations unless otherwise authorized or required by
9 law. Participants shall limit the use and disclosure
10 of protected health information to the minimum amount
11 required to accomplish the intended purpose of the use
12 or request, in compliance with the Health Insurance
13 Portability and Accountability Act and other applicable
14 federal law. Use or distribution of the information
15 for a marketing purpose, as defined by the Health
16 Insurance Portability and Accountability Act, is
17 strictly prohibited.

18 b. The department, the office, and all persons
19 using the health information network shall be
20 individually responsible for following breach
21 notification policies as provided by the Health
22 Insurance Portability and Accountability Act.

23 c. A participant shall not be compelled by
24 subpoena, court order, or other process of law
25 to access health information through the health
26 information network in order to gather records or
27 information not created by the participant.

28 5. a. If a patient has declined participation in
29 the health information network, the patient's health
30 information may be released to a provider through the
31 health information network if all of the following
32 circumstances exist:

33 (1) The patient is unable to provide consent due to
34 incapacitation.

35 (2) The requesting provider believes, in good
36 faith, that the information is necessary to prevent
37 imminent serious injury to the patient. Imminent
38 serious injury includes but is not limited to death,
39 injury or disease that creates a substantial risk of
40 death, or injury or disease that causes protracted loss
41 or impairment of any organ or body system.

42 (3) Such information cannot otherwise be readily
43 obtained.

44 b. The department shall provide by rule for the
45 reporting of emergency access and use by a provider.

46 6. All participants exchanging health information
47 and data through the health information network
48 shall grant to participants of the health information
49 network a nonexclusive license to retrieve and use that
50 information or data in accordance with applicable state

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1 and federal laws, and the policies, procedures, and
2 rules established by the board.

3 7. The department shall establish by rule the
4 procedures for a patient who is the subject of health
5 information to do all of the following:

6 a. Receive notice of a violation of the
7 confidentiality provisions required under this chapter.

8 b. Upon request to the department, view an audit
9 report created under this chapter for the purpose of
10 monitoring access to the patient's records.

11 8. a. A provider who relies reasonably and in
12 good faith upon any health information provided
13 through the health information network in treatment
14 of a patient shall be immune from criminal or civil
15 liability arising from any damages caused by such
16 reasonable, good faith reliance. Such immunity shall
17 not apply to acts or omissions constituting negligence,
18 recklessness, or intentional misconduct.

19 b. A participant that has disclosed health
20 information through the health information network
21 in compliance with applicable law and the standards,
22 requirements, policies, procedures, and agreements of
23 the health information network shall not be subject to
24 criminal or civil liability for the use or disclosure
25 of the health information by another participant.

26 9. a. Notwithstanding chapter 22, the following
27 records shall be kept confidential, unless otherwise
28 ordered by a court or consented to by the patient or by
29 a person duly authorized to release such information:

30 (1) The protected health information contained in,
31 stored in, submitted to, transferred or exchanged by,
32 or released from the health information network.

33 (2) Any protected health information in the
34 possession of Iowa e-health or the department due to
35 its administration of the health information network.

36 b. Unless otherwise provided in this chapter, when
37 using the health information network for the purpose of
38 patient treatment, a provider is exempt from any other
39 state law that is more restrictive than the Health
40 Insurance Portability and Accountability Act that would
41 otherwise prevent or hinder the exchange of patient
42 information by the patient's providers.

43 Sec. __. NEW SECTION. 135D.9 Iowa e-health —
44 health information network services.

45 Iowa e-health shall facilitate services through
46 the health information network or through other
47 marketplace mechanisms to improve the quality, safety,
48 and efficiency of health care available to consumers.
49 These services shall include but are not limited to all
50 of the following:

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1 1. Patient summary records such as continuity of
2 care documents.

3 2. A provider directory and provider messaging.

4 3. Clinical orders and results.

5 4. Public health reporting such as electronic
6 reporting to the statewide immunization registry and
7 reportable diseases.

8 5. Medication history.

9 Sec. __. NEW SECTION. 135D.10 Governance review
10 and transition.

11 1. a. The Iowa e-health governance structure
12 shall continue during the first two years of the term
13 of the state health information exchange cooperative
14 agreement with the office of the national coordinator
15 for health information technology to address the
16 development of policies and procedures; dissemination
17 of interoperability standards; the initiation, testing,
18 and operation of the health information network
19 infrastructure; and the evolution of health information
20 network services to improve patient care for the
21 population.

22 b. Following the end of the first two years of the
23 term of the cooperative agreement, the board and the
24 department shall review the Iowa e-health governance
25 structure, operations of the health information
26 network, and the business and sustainability plan to
27 determine if the existing Iowa e-health governance
28 structure should continue or should be replaced by any
29 of the following:

30 (1) A public authority or similar body with broad
31 stakeholder representation on its governing board.

32 (2) A not-for-profit entity with broad stakeholder
33 representation on its governing board.

34 2. If the board and department determine that the
35 governance structure should be replaced, Iowa e-health
36 shall develop a transition plan to transfer the
37 responsibilities for the domains specified in section
38 135D.3.

39 Sec. __. Section 136.3, subsection 14, Code 2011,
40 is amended to read as follows:

41 14. Perform those duties authorized pursuant to
42 sections ~~135.156~~, 135.159, and 135.161, and other
43 provisions of law.

44 Sec. __. Section 249J.14, subsection 2, paragraphs
45 a and b, Code 2011, are amended to read as follows:

46 a. Design and implement a program for distribution
47 and monitoring of provider incentive payments,
48 including development of a definition of “meaningful
49 use” for purposes of promoting the use of electronic
50 medical recordkeeping by providers. The department

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1 shall develop this program in collaboration with the
2 department of public health and the ~~electronic health~~
3 ~~information advisory council and executive committee~~
4 ~~board of directors and the advisory council to the~~
5 ~~board of Iowa e-health~~ created pursuant to section
6 ~~135.156 135D.4.~~

7 b. Develop the medical assistance health
8 information technology plan as required by the centers
9 for Medicare and Medicaid services of the United
10 States department of health and human services. The
11 plan shall provide detailed implementation plans for
12 the medical assistance program for promotion of the
13 adoption and meaningful use of health information
14 technology by medical assistance providers and the
15 Iowa Medicaid enterprise. The plan shall include the
16 integration of health information technology and ~~the~~
17 health information ~~exchange network~~ with the medical
18 assistance management information system. The plan
19 shall be developed in collaboration with the department
20 of public health and the ~~electronic health information~~
21 ~~advisory council and executive committee~~ ~~board of~~
22 ~~directors and the advisory council to the board of Iowa~~
23 ~~e-health~~ created pursuant to section ~~135.156 135D.4.~~

24 Sec. __. INITIAL APPOINTMENTS — BOARD.

25 1. The initial appointments of board member
26 positions described in section 135D.4, as enacted by
27 this division of this Act, shall have staggered terms
28 as follows:

29 a. The board members appointed by the governor
30 shall have initial terms of two years, after which the
31 members shall serve four-year terms, subject to the
32 following:

33 (1) The terms shall begin and end as provided in
34 section 69.19.

35 (2) Any board member appointed by the governor when
36 the senate is not in session shall serve only until
37 the end of the next regular session of the general
38 assembly, unless and until confirmed by the senate.

39 b. The board member designated by the Iowa medical
40 society shall have an initial term of two years, after
41 which the member shall serve a four-year term.

42 c. The board members designated by the university
43 of Iowa hospitals and clinics and the Iowa hospital
44 association shall have initial terms of four years,
45 after which the members shall serve four-year terms.

46 d. The board members designated by the federation
47 of Iowa insurers shall serve initial terms of six
48 years, after which the members shall serve four-year
49 terms.

50 2. With the exception of board members who are

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1 representative of state agencies and not subject
 2 to term limits as provided in section 135D.4, board
 3 members may serve an additional four-year term,
 4 with the exception of those board members initially
 5 serving a two-year term, who may serve two consecutive
 6 four-year terms following the initial two-year term.
 7 Sec. ____ REPEAL. Sections 135.154, 135.155, and
 8 135.156, Code 2011, are repealed.
 9 Sec. ____ TRANSITION PROVISIONS. Notwithstanding
 10 any other provision of this division of this Act,
 11 the department of public health, and the executive
 12 committee and the advisory council created pursuant to
 13 section 135.156, shall continue to exercise the powers
 14 and duties specified under that section until such time
 15 as all board members have been appointed as provided
 16 in section 135D.4, as enacted by this division of this
 17 Act.
 18 Sec. ____ EFFECTIVE DATE. The sections of this
 19 division of this Act repealing sections 135.154,
 20 135.155, and 135.156, and amending sections 136.3 and
 21 249J.14, take effect on the date all board members are
 22 appointed as provided in section 135D.4, as enacted by
 23 this division of this Act. The department of public
 24 health shall notify the Code editor of such date.
 25 Sec. ____ EFFECTIVE UPON ENACTMENT. Except as
 26 otherwise provided in this division of this Act,
 27 this division of this Act, being deemed of immediate
 28 importance, takes effect upon enactment.>
 29 124. By striking page 83, line 22, through page
 30 150, line 23.
 31 125. Title page, line 3, after <appropriations> by
 32 inserting <, providing penalties,>
 33 126. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
 ROBERT E. DVORSKY, Chair

S-3294

1 Amend the amendment, S-3287, to House File 645,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 8, by striking lines 11 through 18.
 5 2. Page 14, line 19, after <23.> by inserting <a.>
 6 3. Page 14, line 26, by striking <a.> and inserting
 7 <(1)>
 8 4. Page 14, line 27, after <who> by inserting <is
 9 permanently and totally disabled and who>
 10 5. Page 14, line 33, by striking <b.> and inserting
 11 <(2)>
 12 6. Page 14, line 34, after <who> by inserting <is

13 permanently and totally disabled and who>

14 7. Page 14, after line 38 by inserting:

15 <(3) Is the child of a sheriff or deputy sheriff,
16 as defined in section 97B.49C, who is permanently
17 and totally disabled and who receives an in-service
18 disability retirement allowance under section 97B.50A,
19 or is killed in the line of duty as determined by the
20 Iowa public employees' retirement system in accordance
21 with section 97B.52, subsection 2.

22 b. For purposes of this subsection, "permanently
23 and totally disabled" means the individual is unable to
24 engage in any substantial gainful activity by reason of
25 a medically determinable physical or mental impairment
26 which can be expected to last for a continuous period
27 of twelve months or more or can be expected to result
28 in death. A certificate from a qualified physician
29 attesting to the individual's permanent and total
30 disability must be submitted with the waiver request
31 submitted pursuant to this subsection. The certificate
32 must include the name and address of the physician and
33 contain an acknowledgment that the certificate will
34 be used by the individual to request a tuition and
35 mandatory fee waiver for the individual's child.>

36 8. Page 19, line 7, after <36.> by inserting <a.>

37 9. Page 19, line 16, by striking <a.> and inserting
38 <(1)>

39 10. Page 19, line 17, after <who> by inserting <is
40 permanently and totally disabled and who>

41 11. Page 19, line 23, by striking <b.> and
42 inserting <(2)>

43 12. Page 19, line 24, after <who> by inserting <is
44 permanently and totally disabled and who>

45 13. Page 19, after line 28 by inserting:

46 <(3) Is the child of a sheriff or deputy sheriff,
47 as defined in section 97B.49C, who is permanently
48 and totally disabled and who receives an in-service
49 disability retirement allowance under section 97B.50A,
50 or is killed in the line of duty as determined by the

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1 Iowa public employees' retirement system in accordance
2 with section 97B.52, subsection 2.

3 b. For purposes of this subsection, "permanently
4 and totally disabled" means the individual is unable to
5 engage in any substantial gainful activity by reason of
6 a medically determinable physical or mental impairment
7 which can be expected to last for a continuous period
8 of twelve months or more or can be expected to result
9 in death. A certificate from a qualified physician
10 attesting to the individual's permanent and total
11 disability must be submitted with the waiver request

- 12 submitted pursuant to this subsection. The certificate
 13 must include the name and address of the physician and
 14 contain an acknowledgment that the certificate will
 15 be used by the individual to request a tuition and
 16 mandatory fee waiver for the individual's child.>
- 17 14. Page 21, line 15, by striking <and>
 18 15. Page 21, line 18, by striking <six hundred
 19 thirty-eight> and inserting <four hundred eight>
 20 16. Page 24, by striking lines 41 and 42 and
 21 inserting <section of this division>
 22 17. Page 24, line 44, by striking <take effect on
 23 July 1, 2012, and are> and inserting <takes effect July
 24 1, 2012, and is>
 25 18. Page 36, line 44, by striking <economic
 26 development> and inserting <education>
 27 19. Page 36, line 46, by striking <education> and
 28 inserting <economic development>
 29 20. Page 37, line 15, by striking <economic
 30 development> and inserting <education>
 31 21. Page 37, line 16, by striking <education> and
 32 inserting <economic development>
 33 22. Page 40, line 20, by striking <economic
 34 development> and inserting <education>
 35 23. Page 40, line 29, by striking <economic
 36 development> and inserting <education>
 37 24. Page 40, line 38, by striking <economic
 38 development> and inserting <education>
 39 25. Page 40, line 39, by striking <education> and
 40 inserting <economic development>
 41 26. By renumbering as necessary.

BRIAN SCHOENJAHN

S-3295

- 1 Amend the amendment, S-3287, to House File 645,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 22, by striking lines 24 through 30.
 5 2. Page 25, line 2, by striking <sections> and
 6 inserting <section>
 7 3. Page 25, line 3, by striking <amend section
 8 298.3 apply> and inserting <amends section 298.3
 9 applies>
 10 4. By renumbering as necessary.

MATT McCOY

S-3296

- 1 Amend the amendment, S-3292, to Senate File 313, as
 2 passed by the Senate, as follows:
 3 1. Page 1, after line 5 by inserting:

4 <__. Page 3, after line 5 by inserting:
5 <Sec. ____. Section 249J.6, subsection 2, paragraph
6 b, Code 2011, is amended to read as follows:
7 b. Refusal of an expansion population member to
8 participate in a comprehensive medical examination
9 or any health risk assessment implemented by the
10 department shall not be a basis for ineligibility
11 for or disenrollment from the expansion population.
12 Refusal of an expansion population member to
13 participate in a comprehensive medical examination or
14 other preventative health service shall not negatively
15 affect the calculation of performance payments for an
16 expansion population network provider medical home.
17 Sec. ____. Section 249J.6, subsection 3, Code 2011,
18 is amended to read as follows:
19 3. Expansion population members, including members
20 assigned to an expansion population network provider
21 medical home, shall be provided access to an IowaCare
22 nurse helpline, accessible twenty-four hours per day,
23 seven days per week, to assist expansion population
24 members in making appropriate choices about the use of
25 emergency room and other health care services.
26 Sec. ____. Section 249J.7, subsection 1, paragraph
27 c, Code 2011, is amended to read as follows:
28 c. (1) Tertiary care shall only be provided to
29 eligible expansion population members residing in any
30 county in the state at the university of Iowa hospitals
31 and clinics.
32 (2) Secondary care shall be provided by the
33 publicly owned acute care teaching hospital located
34 in a county with a population over three hundred
35 fifty thousand and the university of Iowa hospitals
36 and clinics, based on county of residence, only to
37 the extent specified in the phase-in of the regional
38 provider network designated by the department. >>
39 2. Page 2, after line 32 by inserting:
40 <Sec. ____. REGIONAL PROVIDER NETWORK — ALTERNATIVE
41 PROVIDER — PILOT. The department of human services
42 shall consult with providers of primary care services
43 in regional provider network areas established
44 pursuant to section 249J.7 to determine if the option
45 of establishing an alternative provider location is
46 feasible. The department may implement a pilot program
47 establishing an alternative provider location in an
48 established regional provider network area experiencing
49 capacity issues during the fiscal year beginning
50 July 1, 2011, if the department determines that this

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- 1 option would most appropriately address such capacity
- 2 issues and provide better access to care for expansion

3 population members in the area. Any such pilot program
4 shall be implemented within funds available under
5 the existing appropriation for the regional provider
6 network and any alternative provider location shall be
7 subject to the requirements applicable to an expansion
8 population provider pursuant to chapter 249J. >>
9 3. By striking page 2, line 33, through page 3,
10 line 41.

AMANDA RAGAN

S-3297

1 Amend House File 589, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking everything after the enacting clause
4 and inserting:
5 <Section 1. Section 716.7, Code 2011, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 2A. a. As used in this
8 subsection, unless the context otherwise requires:
9 (1) "Agricultural employee" means a person who
10 works on agricultural premises by performing labor or
11 furnishing services on a full-time or part-time basis.
12 (2) "Agricultural operation" means a person,
13 including but not limited to an individual or business
14 association as defined in section 202B.102, who holds a
15 legal interest in an agricultural premises.
16 (3) "Agricultural premises" means real property
17 where agricultural production occurs.
18 (4) "Agricultural production" means to do any of the
19 following:
20 (a) Keep and provide for the care and feeding of
21 any agricultural animal as defined in section 717A.1,
22 including but not limited to any activity relating
23 to confining, handling, breeding, transporting, or
24 exhibiting the agricultural animal.
25 (b) Keep and preserve any crop as defined in
26 section 717A.1, by planting, nurturing, harvesting, and
27 storing the crop, or by storing, planting, or nurturing
28 the crop's seed.
29 (5) "Agricultural property" means an agricultural
30 premises, or personal property located on an
31 agricultural premises.
32 (6) "Constructive notice" includes but is not
33 limited to a sign posted on the boundary of an
34 agricultural premises which is reasonably likely to
35 come to the attention of a person entering onto the
36 agricultural premises.
37 (7) "Recording device" means an instrument capable
38 of placing or storing a visual or audio reproduction in
39 a tangible medium that can be accessed in a perceivable

40 form.

41 b. The term “trespass” shall mean doing any of the
42 following:

43 (1) Entering onto an agricultural premises, if the
44 person so entering has actual or constructive notice
45 that the agricultural operation prohibits the person
46 from entering onto the agricultural premises without
47 the agricultural operation’s express, oral or written
48 permission.

49 (2) Remaining on an agricultural premises, if the
50 person so remaining has actual or constructive notice

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1 that the agricultural operation prohibits the person
2 from remaining on the agricultural premises without
3 the agricultural operation’s express, oral or written
4 permission.

5 (3) Entering onto an agricultural premises with
6 a recording device if the person so entering has
7 actual or constructive notice that the agricultural
8 operation prohibits such entry without the agricultural
9 operation’s express, oral or written permission.

10 c. Trespass occurs under paragraph “b” regardless
11 of whether the person entering onto or remaining on
12 the agricultural premises is or is not an agricultural
13 employee.

14 Sec. 2. Section 716.8, Code 2011, is amended by
15 adding the following new subsection:

16 **NEW SUBSECTION.** 6. a. A person who commits
17 trespass by entering onto an agricultural premises
18 of another, remaining on an agricultural premises of
19 another, or entering onto an agricultural premises of
20 another with a recording device, as provided in section
21 716.7, subsection 2A, commits the following:

22 (1) For the first conviction, an aggravated
23 misdemeanor.

24 (2) For a second or subsequent conviction, a class
25 “D” felony.

26 b. (1) A person who conspires to commit trespass
27 under paragraph “a” is subject to the provisions of
28 chapter 706. A person who aids and abets in the
29 commission of trespass under paragraph “a” is subject
30 to the provisions of chapter 703. When two or more
31 persons, acting in concert, knowingly participate in
32 committing trespass under paragraph “a”, each person
33 is responsible for the acts of the other person as
34 provided in section 703.2. A person who has knowledge
35 that a trespass has been committed under paragraph “a”
36 and that a certain person committed it, and who does
37 not stand in the relation of husband or wife to the
38 person committing the trespass, and who harbors, aids,

39 or conceals the person committing the trespass, with
40 the intent to prevent the apprehension of the person
41 committing the trespass, is subject to section 703.3.

42 (2) A trial information or an indictment need not
43 contain allegations of vicarious liability as provided
44 in chapter 703.

45 c. It shall be an affirmative defense to a
46 prosecution under this subsection that a defendant
47 acted as a whistle-blower. In order to assert the
48 affirmative defense of acting as a whistle-blower, all
49 of the following must apply:

50 (1) Prior to committing the trespass, the defendant

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1 had reasonable cause to believe that a criminal offense
2 affecting livestock production was being committed on
3 the agricultural premises, regardless of whether a
4 criminal offense was actually committed.

5 (2) The defendant could not have witnessed the
6 criminal offense described in subparagraph (1) without
7 committing the trespass.

8 (3) The defendant was not involved in the
9 commission of any criminal offense described in
10 subparagraph (1) other than the trespass after entering
11 onto the agricultural premises.

12 (4) The defendant reported the commission of
13 the criminal offense described in subparagraph (1),
14 other than the defendant's own trespass, occurring
15 on the agricultural premises to a state agency or
16 local governmental entity which had jurisdiction to
17 investigate or enforce state law affecting agricultural
18 production, including but not limited to the attorney
19 general, the department of agriculture and land
20 stewardship, an appropriate county attorney, or
21 an appropriate county sheriff. The defendant must
22 have reported the commission of the criminal offense
23 described in subparagraph (1) within seventy-two hours
24 from the time that the defendant first committed the
25 trespass.

26 (5) The defendant provided the state agency or
27 local governmental entity described in subparagraph
28 (4) with any original, visual or audio recordings
29 made by the defendant which may be used as evidence
30 in a prosecution of the criminal offense described in
31 subparagraph (1). The defendant must have provided the
32 original, visual or audio recordings when reporting
33 the commission of the criminal offense described in
34 subparagraph (1).

35 d. This subsection does not prohibit a person from
36 entering onto or remaining on an agricultural premises
37 if the person is any of the following:

38 (1) A person who holds a legal interest in the
 39 agricultural premises or personal property kept on the
 40 agricultural premises, which is superior to the legal
 41 interest of the agricultural operation.
 42 (2) A governmental agency or officer who is taking
 43 lawful action involving an agricultural operation or
 44 agricultural property.
 45 (3) A licensed veterinarian practicing veterinary
 46 medicine as provided in chapter 169 according to
 47 customary standards of care.
 48 (4) An insurance company representative or
 49 qualified expert retained by an insurance company
 50 for the purpose of investigating a claim, who is

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1 taking lawful action in inspecting or examining the
 2 agricultural property.>
 3 2. Title page, by striking lines 1 and 2 and
 4 inserting <An Act relating to conduct occurring on
 5 agricultural premises, and providing penalties.>

TOM RIELLY
 DAVID JOHNSON
 JOHN P. KIBBIE
 TIM L. KAPUCIAN
 JOE M. SENG

S-3298

1 Amend Senate File 390 as follows:
 2 1. By striking everything after the enacting clause
 3 and inserting:
 4 <Section 1. Section 476.6, subsection 22, Code
 5 2011, is amended by adding the following new paragraph:
 6 NEW PARAGRAPH. d. A rate-regulated electric
 7 utility that was subject to a revenue sharing
 8 settlement agreement with regard to its electric
 9 base rates as of January 1, 2010, shall file an
 10 application for ratemaking principles applicable to
 11 the construction of a nuclear generating facility
 12 with the board. The application shall comply with the
 13 provisions of section 476.53. In addition, the utility
 14 shall remain bound by the commitments described in the
 15 March 11, 1999, board order in Docket No. SPU-98-8,
 16 unless such restrictions are eased by subsequent board
 17 order.
 18 Sec. 2. Section 476.53, Code 2011, is amended to
 19 read as follows:
 20 476.53 Electric generating and transmission
 21 facilities.
 22 1. It is the intent of the general assembly to

23 attract the development of electric power generating
24 and transmission facilities within the state in
25 sufficient quantity to ensure reliable electric service
26 to Iowa consumers and provide economic benefits to
27 the state. It is also the intent of the general
28 assembly to encourage rate-regulated public utilities
29 to consider altering existing electric generating
30 facilities, where reasonable, to manage carbon emission
31 intensity in order to facilitate the transition to a
32 carbon-constrained environment.

33 ~~2.~~ a. The general assembly's intent with regard
34 to the development of electric power generating and
35 transmission facilities, or the significant alteration
36 of an existing generating facility, as provided in this
37 subsection ~~4~~, shall be implemented in a manner that is
38 cost-effective and compatible with the environmental
39 policies of the state, as expressed in Title XI.

40 b. The general assembly's intent with regard to the
41 reliability of electric service to Iowa consumers, as
42 provided in this subsection ~~4~~, shall be implemented by
43 considering the diversity of the types of fuel used to
44 generate electricity, the availability and reliability
45 of fuel supplies, and the impact of the volatility of
46 fuel costs.

47 ~~2. a. It is also the intent of the general~~
48 ~~assembly to encourage the safe and prudent development~~
49 ~~of baseload nuclear electric power generation, at a~~
50 ~~reasonable cost to ratepayers. Nuclear generation~~

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1 has a long-term proven record of providing a safe,
2 reliable, and secure source of electricity in the
3 United States and offers the potential for significant
4 job creation, substantial economic development
5 benefits, and the production of electricity at
6 significantly reduced levels of regulated air emissions
7 when compared to output from other thermal generation
8 sources. Further, the general assembly recognizes
9 that meeting stringent environmental permit and
10 public health and safety requirements is expensive
11 and creates significant cost burdens on customers
12 and employers attributable to the imposition of
13 additional comprehensive and costly regulations by the
14 United States environmental protection agency that
15 dramatically increase costs to customers. Finally,
16 the general assembly recognizes that development of
17 nuclear electric power generation requires significant
18 capital investment, ongoing operating expenses, and
19 decommissioning expenses, including storage or disposal
20 of used nuclear fuel, and a substantial period of time
21 for successful nuclear generation development, siting,

22 permitting, licensing, and deployment.
 23 b. The general assembly recognizes that to maximize
 24 the potential for significant job creation, economic
 25 development, and competitive advantage derived from a
 26 robust nuclear industry, a significant workforce is
 27 required to construct and operate new nuclear power
 28 plants. Such jobs include skilled trades, such as
 29 welders, pipe fitters, masons, carpenters, millwrights,
 30 sheet metal workers, electricians, and heavy equipment
 31 operators, in addition to nuclear reactor operators,
 32 radiation protection specialists, and nuclear,
 33 mechanical, and electrical engineers. In order for
 34 this state to lead the nation in developing this
 35 skilled workforce and to maximize economic development
 36 related to nuclear electric power generation, the
 37 general assembly intends for the state to undertake the
 38 following:
 39 (1) Create and implement plans to assess and
 40 enhance educational and training systems to develop a
 41 next-generation nuclear workforce.
 42 (2) Assess the adequacy and potential expansion
 43 of supply chain infrastructure to support the growing
 44 nuclear industry.
 45 (3) Recommend steps to attract new nuclear-related
 46 businesses.
 47 (4) Evaluate the economic development impact
 48 affordable nuclear electric power generation will have
 49 on the expansion and retention of existing industry.
 50 3. a. The board shall specify in advance, by

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1 order issued after a contested case proceeding, the
 2 ratemaking principles that will apply when the costs
 3 of the electric power generating facility or alternate
 4 energy production facility are included in regulated
 5 electric rates, whether collected through base rates
 6 or through a rider approved under paragraph "b",
 7 subparagraph (2), subparagraph division (a), whenever
 8 a rate-regulated public utility does any of the
 9 following:
 10 (1) Files an application pursuant to section 476A.3
 11 to ~~construct~~ do any of the following in Iowa ~~a~~;
 12 (a) Construct a baseload electric power generating
 13 facility with a nameplate generating capacity equal to
 14 or greater than three hundred megawatts ~~or a~~,
 15 (b) Construct a combined-cycle electric power
 16 generating facility, ~~or an~~,
 17 (c) Construct an alternate energy production
 18 facility as defined in section 476.42, ~~or to~~
 19 significantly,
 20 (d) Significantly alter an existing generating

21 facility.

22 (i) For purposes of this subparagraph division (d),
 23 a significant alteration of an existing generating
 24 facility must, in order to qualify for establishment of
 25 ratemaking principles, fall into one of the following
 26 categories:

27 ~~(a)~~ (A) Conversion of a coal fueled facility into
 28 a gas fueled facility.

29 ~~(b)~~ (B) Addition of carbon capture and storage
 30 facilities at a coal fueled facility.

31 ~~(c)~~ (C) Addition of gas fueled capability to a
 32 coal fueled facility, in order to convert the facility
 33 to one that will rely primarily on gas for future
 34 generation.

35 ~~(d)~~ (D) Addition of a biomass fueled capability to
 36 a coal fueled facility.

37 (ii) With respect to a significant alteration of
 38 an existing generating facility, an original facility
 39 shall not be required to be either a baseload or
 40 a combined-cycle facility. Only the incremental
 41 investment undertaken by a utility under subparagraph
 42 ~~divisions (a), (b), (c), or (d)~~ subdivision (i),
 43 subparagraph part (A), (B), (C), or (D) shall be
 44 eligible to apply the ratemaking principles established
 45 by the order issued pursuant to paragraph "e".
 46 ~~Facilities for which advanced ratemaking principles are~~
 47 ~~obtained pursuant to this section shall not be subject~~
 48 ~~to a subsequent board review pursuant to section 476.6,~~
 49 ~~subsection 21 to the extent that the investment has~~
 50 ~~been considered by the board under this section. To~~

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1 ~~the extent an eligible utility has been authorized to~~
 2 ~~make capital investments subject to section 476.6,~~
 3 ~~subsection 21, such investments shall not be eligible~~
 4 ~~for ratemaking principles pursuant to this section.~~

5 (2) Expresses its intent, upon completion of
 6 analyses authorized pursuant to section 476.6,
 7 subsection 22, for a rate-regulated utility that was
 8 subject to a revenue-sharing settlement agreement with
 9 regard to its electric base rates as of January 1,
 10 2010, to file an application pursuant to section 476A.3
 11 to build a nuclear generating facility including but
 12 not limited to small modular reactor technology, or
 13 expresses its intent to seek authority pursuant to a
 14 combined construction and operating license or an early
 15 site permit from the United States nuclear regulatory
 16 commission.

17 ~~(2)~~ (3) Leases or owns in Iowa, in whole or in
 18 part, ~~any of the following:~~

19 (a) A new baseload electric power generating

20 facility with a nameplate generating capacity equal to
 21 or greater than three hundred megawatts ~~or a~~.
 22 (b) A combined-cycle electric power generating
 23 facility, ~~or a~~.
 24 (c) A new alternate energy production facility as
 25 defined in section 476.42.
 26 (d) A new nuclear generating facility including but
 27 not limited to small modular reactor technology.
 28 b. In determining the applicable ratemaking
 29 principles, the board shall not be limited to
 30 traditional ratemaking principles or traditional cost
 31 recovery mechanisms.
 32 (1) Among the principles and mechanisms the board
 33 may consider, the board has the authority to approve
 34 ratemaking principles proposed by a rate-regulated
 35 public utility that provide for reasonable restrictions
 36 upon the ability of the public utility to seek a
 37 general increase in electric rates under section 476.6
 38 for at least three years after the generating facility
 39 begins providing service to Iowa customers.
 40 (2) In determining the applicable ratemaking
 41 principles for a nuclear generating facility or for
 42 a license or permit from the United States nuclear
 43 regulatory commission, a ratemaking principles order
 44 issued by the board shall incorporate all of the
 45 following:
 46 (a) Enable the utility to recover upon issuance of
 47 the order, through a rider pursuant to a tariff filing,
 48 a return on and a return of all prudent capitalized
 49 costs and a return of all prudent noncapitalized
 50 costs associated with the permitting, licensing, and

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1 construction of a nuclear generating facility. The
 2 amount of such cost recovery from utility customers
 3 shall be reduced by the amount of any funding of such
 4 costs borne by the United States department of energy
 5 or any other governmental entity, and costs recovered
 6 from any joint owners of the nuclear generating
 7 facility. A determination of all prudent costs
 8 recoverable pursuant to this subparagraph division
 9 shall be made and the level and rate of the recovery
 10 of such charges reset annually to reflect the level
 11 of reasonable costs related to pursuit of a United
 12 States nuclear regulatory commission permit or license
 13 or construction costs expected to be incurred in
 14 the next twelve months. A determination shall also
 15 be made of any adjustment required to balance the
 16 preceding period's actual expenditures and financing
 17 costs with what had been projected and included
 18 in costs recoverable for the preceding period. If

19 applicable, the utility shall report to the board
20 annually the budgeted and actual costs as compared to
21 the estimated total in-service cost of the nuclear
22 generating facility that was presented in the last
23 annual filing, as projected through the expected
24 in-service date of the nuclear generating facility.
25 Following issuance of the board's ratemaking principles
26 order, the utility shall file an application with the
27 board on an annual basis providing such information,
28 with the understanding that some cost components may be
29 higher than estimated and other cost components may be
30 lower. Each annual proceeding shall be completed by
31 the board within ninety days from the date of filing
32 the application. The board, for good cause shown, may
33 extend the deadline for completing an annual proceeding
34 for an additional period not to exceed ninety days.
35 The complete methodology for determination of prudent
36 costs shall be addressed as a ratemaking principle.
37 All United States nuclear regulatory commission
38 permitting or licensing costs are to be recovered over
39 a period not to exceed the estimated construction
40 period for a nuclear generating facility as determined
41 by the board. All nuclear generating facility
42 construction costs are to be recovered over a period
43 not to exceed the sum of the estimated construction
44 period for a nuclear unit, plus its useful life as
45 determined by the board. A utility's commencement of
46 cost collection shall begin promptly after completion
47 of the ratemaking principles proceeding, allowing for
48 such additional time as may be needed by the board to
49 review a compliance rider tariff filing.
50 (b) Enable the utility to recover in rates all

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1 prudently incurred expenses and costs, including but
2 not limited to ongoing operations and maintenance
3 costs, decommissioning funding and site restoration
4 costs, and taxes for such a new nuclear generating
5 facility.
6 (c) Base the allowed debt, preferred stock,
7 and equity percentages on a capital structure
8 calculated using the average of the utility's actual
9 thirteen-month balances for long-term debt, preferred
10 stock, and common equity. The long-term debt and
11 preferred stock thirteen-month balances shall include
12 adjustments for thirteen-month balances of unamortized
13 discount, premium, expense, and any gain or loss on
14 reacquired securities. The costs of long-term debt
15 and preferred stock shall reflect the actual embedded
16 interest and dividend rate for each issue as well
17 as any annual amortization of unamortized discount.

18 premium, expense, and any gain or loss on reacquired
19 securities or interest rate hedges as approved by the
20 board as a ratemaking principle. The costs of common
21 equity shall reflect the following:

22 (1) The risks to which the investor's capital
23 is exposed and not the investor's source of funds by
24 comparing returns on investments in other enterprises
25 having corresponding risks.

26 (2) The investor-required cost of capital of the
27 rate-regulated utility so as to maintain its credit and
28 ability to attract capital.

29 (3) Neither directly or indirectly include
30 additional debt of the rate-regulated utility's parent
31 or other affiliates in the rate-regulated utility's
32 capital structure or cost of service, so long as
33 the utility equity ratio does not exceed fifty-five
34 percent as determined in this subparagraph division

35 (c). If the rate-regulated utility's equity ratio
36 exceeds this cap, or it is anticipated it will exceed
37 this cap, the rate-regulated utility may provide a
38 rationale to the board as to why the actual capital
39 structure is reasonable for maintaining its credit,
40 attracting capital on reasonable terms, and results in
41 reasonable costs to the rate-regulated utility's retail
42 customers. The board shall rule upon any such request
43 in a contested case proceeding.

44 (d) Allow the utility to recover return on and a
45 return of all prudent preconstruction and construction
46 costs incurred if the utility elects not to complete
47 or is precluded from completing construction of the
48 nuclear generating facility. Costs determined to be
49 prudent in prior annual review proceedings shall not
50 subsequently be redetermined to be imprudent. The

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1 utility shall recover such costs over a period not to
2 exceed the sum of the estimated construction period for
3 a nuclear unit plus its useful life as determined by
4 the board.

5 (e) Allow the utility to recover the net book value
6 of any coal-fired generating facility entered into
7 service prior to 1974 and owned by the utility as of
8 January 1, 2010, that the utility commits to retire
9 in anticipation of the operation of a new nuclear
10 generating facility, and that the board determines to
11 be prudent. The board shall allow for the recovery of
12 a return on, and a return of the book value of, the
13 retired generating facility over a period not greater
14 than the remaining useful life of the facility prior to
15 a determination to retire the facility.

16 c. In determining the applicable ratemaking

17 principles, the board shall make the following
18 findings:

19 (1) The rate-regulated public utility has in effect
20 a board-approved energy efficiency plan as required
21 under section 476.6, subsection 16.

22 (2) The Except for an application for ratemaking
23 principles subject to paragraph "a", subparagraph (2).
24 the rate-regulated public utility has demonstrated
25 to the board that the public utility has considered
26 other sources for long-term electric supply and that
27 the facility or lease is reasonable when compared
28 to other feasible alternative sources of supply.
29 The rate-regulated public utility may satisfy the
30 requirements of this subparagraph through a competitive
31 bidding process, under rules adopted by the board,
32 that demonstrate the facility or lease is a reasonable
33 alternative to meet its electric supply needs.

34 (3) For an application for ratemaking principles
35 subject to paragraph "a", subparagraph (2), the
36 rate-regulated utility has demonstrated through a
37 detailed business case filed with the board that it
38 is prudent to build the proposed nuclear generating
39 facility.

40 d. The applicable ratemaking principles shall
41 be determined in a contested case proceeding, which
42 proceeding may be combined with the proceeding for
43 issuance of a certificate conducted pursuant to chapter
44 476A.

45 e. The order setting forth the applicable
46 ratemaking principles shall be issued prior to the
47 commencement of construction or lease of the facility.

48 f. Following issuance of the order, the
49 rate-regulated public utility shall have the option of
50 proceeding according to either of the following:

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1 (1) Withdrawing its application for a certificate
2 pursuant to chapter 476A or withdrawing its ratemaking
3 principles application.

4 (2) Proceeding with the construction or lease
5 of the facility or efforts to pursue a United States
6 nuclear regulatory commission permit or license.

7 g. Notwithstanding any provision of this chapter
8 to the contrary, the ratemaking principles established
9 by the order issued pursuant to paragraph "e" shall
10 be binding with regard to the specific electric power
11 generating facility in any subsequent rate proceeding.

12 h. Any judicial action directly or indirectly
13 resulting in a modification of the board's ratemaking
14 principles order shall be applied prospectively
15 only. No refunds shall be made of revenues previously

16 collected, unless the board determines such revenues to
 17 be in excess of the costs incurred or to be incurred
 18 by the utility. With respect to financial commitments
 19 made prior to any judicial action directly or
 20 indirectly resulting in a modification of the board's
 21 ratemaking principles order, the utility shall recover
 22 such costs under a cancellation costs ratemaking
 23 principle.

24 i. The board shall issue an order on the merits of
 25 a ratemaking application within one hundred eighty days
 26 after the utility files an application for ratemaking
 27 principles. The board, for good cause shown, may
 28 extend the deadline for ruling on the merits of the
 29 application for an additional period not to exceed one
 30 hundred eighty days, and by such additional time beyond
 31 that period that is agreed to by the utility.

32 4. The utilities board and the consumer advocate
 33 may employ additional ~~temporary~~ permanent staff, ~~or and~~
 34 may contract for professional services with persons
 35 who are not state employees, as the board and the
 36 consumer advocate deem necessary to perform required
 37 functions as provided in this section, including but
 38 not limited to review of power purchase contracts,
 39 review of emission plans and budgets, and review of
 40 ratemaking principles proposed for construction or
 41 lease of a new generating facility, including a new
 42 nuclear generating facility or United States nuclear
 43 regulatory commission permit or license. The board
 44 and consumer advocate may also expend funds they
 45 deem necessary to train such employees and provide
 46 office space and equipment. Beginning July 1, 2002,
 47 there is appropriated out of any funds in the state
 48 treasury not otherwise appropriated, such sums as
 49 may be necessary to enable the board and the consumer
 50 advocate to hire, train, house, and equip additional

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1 staff and contract for services under this section.
 2 The costs of the additional staff and services shall
 3 be assessed to the utilities pursuant to the procedure
 4 in section 476.10 and section 475A.6. The utilities
 5 board and consumer advocate may each hire up to five
 6 permanent employees capable of performing functions
 7 required by this section. Any persons employed by the
 8 board or consumer advocate to carry out the duties of
 9 this section related to nuclear generating facilities
 10 shall be paid at compensation rates consistent with
 11 current standards in the nuclear energy industry, and
 12 new salary classifications shall be established to
 13 set pay ranges for skilled personnel in the nuclear
 14 engineering, nuclear construction, and any other

15 professional categories in the nuclear energy industry
 16 the board and consumer advocate deem appropriate,
 17 including but not limited to legal, accounting, and
 18 skilled examiners and inspectors.
 19 5. Facilities for which advanced ratemaking
 20 principles are obtained pursuant to this section shall
 21 not be subject to a subsequent board review pursuant
 22 to section 476.6, subsection 21, to the extent that
 23 the investment has been considered by the board under
 24 this section. To the extent an eligible utility has
 25 been authorized to make capital investments subject to
 26 section 476.6, subsection 21, such investments shall
 27 not be eligible for ratemaking principles pursuant to
 28 this section.

29 Sec. 3. Section 476A.6, Code 2011, is amended by
 30 adding the following new subsection:

31 NEW SUBSECTION. 4. In the case of an application
 32 to construct a nuclear generation facility, the
 33 applicant commits to prepare plans addressing
 34 United States nuclear regulatory commission and
 35 federal emergency management agency public emergency
 36 preparedness and response strategy requirements in
 37 the event of an accident, natural disaster, or other
 38 circumstance, condition, or occurrence compromising
 39 the safety and security of the facility and posing a
 40 potential threat to public health, safety, or welfare.
 41 The plans shall also address coordination with state
 42 emergency planning departments, public safety drills,
 43 and emergency response testing in response to a
 44 simulated nuclear disaster as required by the rules of
 45 the United States nuclear regulatory commission and the
 46 federal emergency management agency.

47 Sec. 4. ELECTRIC UTILITY RATE INCREASES —
 48 MITIGATION STUDY. The utilities board of the utilities
 49 division of the department of commerce shall conduct
 50 a study to identify the potential impact to customer

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1 electric utility rates resulting from recent federal
 2 regulations adopted by the United States environmental
 3 protection agency, and strategies to mitigate this
 4 impact. The study shall be undertaken with the
 5 involvement of rate-regulated electric public utilities
 6 and other stakeholders identified by the board. The
 7 board shall submit a report regarding the results of
 8 the study by January 1, 2012.

9 Sec. 5. NUCLEAR ELECTRIC POWER GENERATION —
 10 ECONOMIC DEVELOPMENT OPPORTUNITIES — TASK FORCE. The
 11 governor shall appoint a task force to evaluate the
 12 economic development opportunities created through
 13 nuclear electric power generation in this state and to

14 develop specific plans to maximize these opportunities.
 15 Task force members appointed by the governor shall
 16 include but not be limited to representatives from
 17 the state board of regents, the community colleges,
 18 the Iowa department of workforce development, the
 19 department of economic development, the department of
 20 education, and utility industry leaders. The governor
 21 shall appoint a chairperson from among the members.
 22 The task force shall submit a report summarizing its
 23 evaluation and containing recommendations to the
 24 general assembly by January 1, 2012.>

SWATI A. DANDEKAR

S-3299

1 Amend House File 590, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 2, by striking <IOWA PARTNERSHIP
 4 FOR ECONOMIC PROGRESS AND>
 5 2. Page 1, by striking lines 14 through 16 and
 6 inserting:
 7 <2. The collaboration shall involve the economic
 8 development authority and the Wallace innovation
 9 corporation, both of which shall work>
 10 3. Page 1, before line 23 by inserting:
 11 <01A. "Business enterprise" means a work or
 12 improvement located within the state, including but
 13 not limited to real property, buildings, equipment,
 14 furnishings, and any other real and personal property
 15 or any interest therein, financed, refinanced,
 16 acquired, owned, constructed, reconstructed, extended,
 17 rehabilitated, improved, or equipped, directly or
 18 indirectly, in whole or in part, by the authority or
 19 through loans made by it and which is designed and
 20 intended for the purpose of providing facilities for
 21 manufacturing, industrial, processing, warehousing,
 22 wholesale or retail commercial, recreational, hotel,
 23 office, research, business, or other related purposes,
 24 including but not limited to machinery and equipment
 25 deemed necessary or desirable for the operation
 26 thereof.>
 27 4. Page 1, lines 25 and 26, by striking <economic
 28 development> and inserting <Wallace innovation>
 29 5. Page 1, by striking lines 32 and 33.
 30 6. By striking page 2, line 10, through page 4,
 31 line 13.
 32 7. Page 4, line 22, after <a.> by inserting <(1)>
 33 8. Page 4, line 23, by striking <nine> and
 34 inserting <eleven>
 35 9. Page 4, line 26, by striking <(1)> and inserting
 36 <(a)>

37 10. Page 4, by striking lines 27 through 30 and
38 inserting <district in the state.>
39 11. Page 4, line 31, by striking <(2) One member>
40 and inserting <(b) Three members>
41 12. Page 4, before line 32 by inserting:
42 <(2) Of the voting members appointed pursuant
43 to subparagraph (1), the governor shall appoint the
44 following:
45 (a) One person who is a member of the Iowa
46 innovation council established in section 15.117A.
47 (b) One person who has professional experience in
48 finance, insurance, or investment banking.
49 (c) One person who has professional experience in
50 advanced manufacturing.

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1 (d) One person with professional experience in
2 small business development.
3 (e) One person with professional experience
4 representing the interests of organized labor.
5 (f) Four persons who are actively employed in
6 the private, for-profit sector of the economy or who
7 otherwise have substantial expertise in economic
8 development.
9 (3) The governor shall not appoint to the authority
10 board any person who is either the spouse or a relative
11 within the first degree of consanguinity of a serving
12 member of the authority board or the board of directors
13 of the corporation.>
14 13. Page 5, by striking lines 6 through 9 and
15 inserting:
16 <c. (1) There shall be three ex officio, nonvoting
17 members consisting of the following:
18 (a) The president of the state board of regents, or
19 the president's designee.
20 (b) One person, selected by the Iowa association
21 of independent colleges and universities, who is the
22 president of a private college or university in the
23 state, or that person's designee.
24 (c) One person, selected by the Iowa association of
25 community college presidents, who is the president of a
26 community college, or that person's designee.
27 (2) A person serving as a designee pursuant to
28 subparagraph (1) shall serve a one-year term as an ex
29 officio member of the authority board.>
30 14. Page 5, by striking lines 20 through 27 and
31 inserting:
32 <3. a. Seven members of the authority constitute
33 a quorum and, of the seven members constituting the
34 quorum, there shall be at least one member representing
35 each of the United States congressional districts as

36 appointed pursuant to subsection 1, paragraph “b”,
37 subparagraph (1).

38 b. The affirmative vote of a majority of the
39 appointed members is necessary for any action taken
40 by the authority. The majority shall not include
41 any member who has a conflict of interest and a
42 statement by a member of a conflict of interest shall
43 be conclusive for this purpose.

44 c. A vacancy in the membership does not impair the
45 right of a quorum to exercise all rights and perform
46 all duties of the authority.>

47 15. Page 6, before line 5 by inserting:

48 <7A. a. The members of the authority shall develop
49 a strategic plan for economic development in the state.

50 b. (1) The strategic plan shall identify the

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1 authority’s goals for the next calendar year and shall
2 include a set of metrics that will be used to gauge and
3 assess the extent to which the authority achieves those
4 goals. Such metrics shall include, but are not limited
5 to:

6 (a) The number of jobs created in the state.

7 (b) The average wage and benefit levels for such
8 jobs.

9 (c) The impact to average household income for Iowa
10 families as a result of the jobs created.

11 (d) Such other information as the authority or the
12 director deems relevant.

13 (2) The strategic plan shall be submitted to the
14 general assembly and the governor’s office on or before
15 January 31 of each year.>

16 16. Page 6, line 35, by striking <other than>

17 17. Page 7, line 1, by striking <the director of
18 the authority>

19 18. Page 10, before line 13 by inserting:

20 <r. Issue negotiable bonds and notes as provided in
21 section 15.106D.>

22 19. Page 10, by striking lines 24 through 29.

23 20. Page 11, line 2, by striking <issues identified
24 by the partnership> and inserting <strategic plan
25 developed by the members of the authority>

26 21. Page 11, by striking lines 21 through 25 and
27 inserting:

28 <(e) Consulting services.

29 (f) Services related to statewide commercialization
30 development as provided for in section 15.411,
31 subsection 2.>

32 22. Page 12, before line 12 by inserting:

33 <4. a. If the authority enters into a contract,
34 including but not limited to a contract executed

35 pursuant to subsection 2, paragraph “d”, with a
36 nonprofit corporation organized under chapter 504 or
37 under the similar laws of another jurisdiction, the
38 authority shall ensure that the terms of the contract
39 shall provide for the disclosure of all gifts, grants,
40 bequests, donations, or other conveyances of financial
41 assistance to the corporation from all private
42 and public sources. Such disclosure shall include
43 information from the corporation’s most recent three
44 fiscal years and shall include the name and address
45 of the person or entity making the conveyance and the
46 amount.

47 b. If the authority enters into a contract for
48 the provision of financial assistance to a business,
49 the authority shall ensure that the terms of the
50 contract provide for the disclosure of all donations

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1 the business has ever made to the corporation. The
2 authority shall not consider the amount or frequency
3 of such donations when evaluating the merits of the
4 business’s application or when determining the amount
5 of financial assistance to be awarded to the business.

6 c. The authority shall not enter into a contract
7 for services, including a contract executed pursuant
8 to subsection 2, paragraph “d”, that exceeds two years
9 in duration.>

10 23. Page 12, by striking lines 13 through 17 and
11 inserting:

12 <1. The operations of the authority shall be
13 administered by a director who shall be appointed by
14 the governor, subject to confirmation by the senate,
15 and who shall serve for a six-year term beginning and
16 ending as provided in section 69.19. An appointment
17 by the governor to fill a vacancy in the office of the
18 director shall be for the balance of the unexpired
19 six-year term.>

20 24. Page 12, by striking lines 27 through 31.

21 25. Page 13, after line 9 by inserting:

22 <__. a. The director may create organizational
23 divisions within the authority in the manner the
24 director deems most efficient to carry out the duties
25 and responsibilities of the department.

26 b. In structuring the authority, the director shall
27 create a small business development division and ensure
28 that the division focuses administrative efforts,
29 program resources, and financial assistance awards on
30 small businesses.

31 c. (1) On or before September 15, 2011, the
32 authority shall submit a report to the governor and
33 the general assembly assessing the extent to which

34 each of the authority's programs can be used to
35 provide assistance to small businesses and making
36 recommendations for legislative changes to such
37 programs in order to better and more intensively focus
38 economic development efforts on such small businesses.
39 The report shall also address the extent to which the
40 authority's programs address local economic development
41 needs and efforts.

42 (2) This paragraph "c" is repealed on June 30,
43 2012.>

44 26. Page 13, after line 9 by inserting:

45 <Sec. ____ NEW SECTION. 15.106D Private activity
46 bonds and notes.

47 1. The authority may issue its negotiable bonds
48 and notes in principal amounts as, in the opinion
49 of the authority, are necessary to finance the cost
50 of business enterprises, to finance the working

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1 capital needs of businesses, to refinance existing
2 indebtedness incurred for any of the foregoing purposes
3 or any combination of the foregoing, the payment of
4 interest on its bonds and notes, the establishment
5 of reserves to secure its bonds and notes, and all
6 other expenditures of the authority incident to and
7 necessary or convenient to carry out the purposes of
8 this section. The bonds and notes shall be deemed to
9 be investment securities and negotiable instruments
10 within the meaning of and for all purposes of the
11 uniform commercial code, chapter 554.

12 2. All bonds issued by the authority shall be
13 limited obligations of the authority. The principal of
14 and interest on such bonds shall be payable solely out
15 of the revenues derived from the business enterprise to
16 be financed by the bonds so issued under the provisions
17 of this section. Bonds and interest coupons issued
18 under authority of this section shall not constitute an
19 indebtedness of the authority within the meaning of any
20 state constitutional provision or statutory limitation,
21 and shall not constitute nor give rise to a pecuniary
22 liability of the authority or a charge against its
23 general credit. Bonds or notes are not an obligation
24 of this state or any political subdivision of this
25 state, other than the authority, within the meaning of
26 any constitutional or statutory debt limitations, but
27 are special obligations of the authority payable solely
28 and only from the sources provided in this section,
29 and the authority may not pledge the credit or taxing
30 power of this state or any political subdivision of
31 this state, other than the authority, or make its debts
32 payable out of any moneys except as provided in this

33 section.

34 3. Bonds and notes must be authorized by a
35 resolution of the authority. However, a resolution
36 authorizing the issuance of bonds or notes may delegate
37 to an officer of the authority the power to negotiate
38 and fix the details of an issue of bonds or notes by an
39 appropriate certificate of such authorized officer.

40 4. Bonds shall:

41 a. State the date and series of the issue, be
42 consecutively numbered, and state on their face that
43 they are payable both as to principal and interest
44 solely out of the revenues derived from the business
45 enterprise to be financed by the bonds so issued under
46 the provisions of this section, constitute special
47 obligations of the authority, and do not constitute
48 an indebtedness of the authority, this state, or any
49 political subdivision of this state within the meaning
50 of any constitutional or statutory debt limit.

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1 b. Be either registered, registered as to principal
2 only, or in coupon form, issued in denominations as
3 the authority prescribes, fully negotiable instruments
4 under the laws of this state, signed on behalf of the
5 authority with the manual or facsimile signature of the
6 chairperson or vice chairperson, attested by the manual
7 or facsimile signature of the secretary, have impressed
8 or imprinted thereon the seal of the authority or a
9 facsimile of the seal of the authority, and the coupons
10 attached shall be signed with the facsimile signature
11 of the chairperson or vice chairperson, be payable as
12 to interest at rates and at times as the authority
13 determines, be payable as to principal at times over
14 a period not to exceed fifty years from the date of
15 issuance.

16 5. The authority may issue its bonds for the
17 purpose of refunding any bonds or notes of the
18 authority then outstanding, including the payment
19 of any redemption premiums thereon and any interest
20 accrued or to accrue to the date of redemption of the
21 outstanding bonds or notes. Until the proceeds of
22 bonds issued for the purpose of refunding outstanding
23 bonds or notes are applied to the purchase or
24 retirement of outstanding bonds or notes or the
25 redemption of outstanding bonds or notes, the proceeds
26 may be placed in escrow and be invested and reinvested
27 in accordance with the provisions of this chapter. The
28 interest, income, and profits earned or realized on an
29 investment may also be applied to the payment of the
30 outstanding bonds or notes to be refunded by purchase,
31 retirement, or redemption. After the terms of the

32 escrow have been fully satisfied and carried out, any
33 balance of proceeds and interest earned or realized
34 on the investments may be returned to the authority
35 for use by it in any lawful manner. All refunding
36 bonds shall be issued and secured and subject to the
37 provisions of this section in the same manner and to
38 the same extent as other bonds issued pursuant to this
39 section.

40 6. The authority may issue negotiable bond
41 anticipation notes and may renew them from time to
42 time, but the maximum maturity of the notes, including
43 renewals, shall not exceed ten years from the date
44 of issue of the original notes. Notes are payable
45 solely out of the revenues derived from the business
46 enterprise to be financed by the notes so issued under
47 the provisions of this section, or from the proceeds
48 of the sale of bonds of the authority in anticipation
49 of which the notes were issued. Notes shall be
50 issued in the same manner and for the same purposes as

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1 bonds. Notes and the resolutions authorizing them may
2 contain any provisions, conditions, or limitations, not
3 inconsistent with the provisions of this subsection,
4 which the bonds or a bond resolution of the authority
5 may contain. Notes may be sold at public or private
6 sale. In case of default on its notes or violation of
7 any obligations of the authority to the noteholders,
8 the noteholders shall have all the remedies provided in
9 the resolution authorizing their issuance. Notes shall
10 be as fully negotiable as bonds of the authority.

11 7. It is the intent of the general assembly that a
12 pledge made in respect of bonds or notes shall be valid
13 and binding from the time the pledge is made, that the
14 money or property so pledged and received after the
15 pledge by the authority shall immediately be subject
16 to the lien of the pledge without physical delivery or
17 further act, and that the lien of the pledge shall be
18 valid and binding as against all parties having claims
19 of any kind in tort, contract, or otherwise against the
20 authority whether or not the parties have notice of the
21 lien. Neither the resolution, trust agreement, nor any
22 other instrument by which a pledge is created needs to
23 be recorded or filed under the Iowa uniform commercial
24 code, chapter 554, to be valid, binding, or effective
25 against the parties.

26 8. Neither the members of the authority nor any
27 person executing its bonds, notes, or other obligations
28 shall be liable personally on the bonds, notes,
29 or other obligations or be subject to any personal
30 liability or accountability by reason of the issuance

31 of the authority's bonds or notes.>

32 27. Page 13, by striking lines 10 through 14.

33 28. Page 13, line 22, by striking <Economic
34 development> and inserting <Wallace innovation>

35 29. Page 13, line 23, by striking <economic
36 development> and inserting <Wallace innovation>

37 30. Page 14, by striking lines 28 through 33 and
38 inserting:

39 <a. A board of directors to govern the corporation.

40 (1) The board of directors shall initially be
41 comprised of seven members appointed by the governor to
42 concurrent terms of four years. Two of such members
43 shall be subject to confirmation by the senate.

44 (2) For appointments subsequent to the initial
45 appointments pursuant to subparagraph (1), two of the
46 members shall be appointed by the governor, subject to
47 confirmation by the senate, to staggered terms of four
48 years each, and the remaining five members shall be
49 selected by a majority vote of the board of directors
50 of the corporation for terms the length of which shall

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1 be provided in the articles of the corporation.

2 (3) The governor and the board of directors of the
3 corporation shall not appoint or select any person who
4 is either the spouse or a relative within the first
5 degree of consanguinity of a serving member of the
6 board of directors or of the authority board.>

7 31. Page 15, by striking lines 17 and 18 and
8 inserting <direction, implement the applicable portions
9 of the strategic plan developed by members of the
10 authority pursuant to section 15.105.>

11 32. Page 15, by striking lines 23 through 28.

12 33. Page 16, by striking lines 14 through 17 and
13 inserting:

14 <c. Perform any functions delegated by the
15 authority pursuant to section 15.106B, subsection 2,
16 paragraph "d".

17 (1) In performing such functions, the corporation
18 shall not subcontract the performance of a delegated
19 function except as provided in subparagraph (2).

20 (2) The corporation may subcontract services under
21 the following conditions:

22 (a) The services are necessary to accomplish the
23 functions delegated to the corporation.

24 (b) The contract delegating the function contains a
25 list of the services that may be subcontracted pursuant
26 to this subparagraph (2).

27 (c) The contract delegating the function requires
28 that any agreement to subcontract a service must be
29 approved by the authority prior to the execution of

30 such an agreement by the corporation.>
 31 34. Page 18, before line 8 by inserting:
 32 <e. An assessment of economic development efforts
 33 in the state as measured by the goals and metrics
 34 contained in the strategic plan developed by the
 35 members of the authority pursuant to section 15.105.>
 36 35. Page 18, line 24, after <certified public
 37 accountant> by inserting <in accordance with generally
 38 accepted accounting principles>
 39 36. Page 19, by striking lines 6 and 7.
 40 37. Page 19, before line 8 by inserting:
 41 <Sec. ____ Section 15.117A, subsections 1 and 5,
 42 Code 2011, are amended to read as follows:
 43 1. An Iowa innovation council is established
 44 within ~~the department state government~~. The ~~department~~
 45 authority shall provide the council with staff and
 46 administrative support. The ~~department~~ authority
 47 may expend moneys allocated to the innovation and
 48 commercialization division in order to provide such
 49 support. The ~~department~~ authority may adopt rules for
 50 the implementation of this section.

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1 5. The purpose of the council is to advise
 2 the ~~department~~ director on the development and
 3 implementation of public policies that enhance
 4 innovation and entrepreneurship in the targeted
 5 industries, with a particular focus on the information,
 6 technology, and skills that increasingly dominate the
 7 twenty-first century economy. Such advice may include
 8 evaluating Iowa's competitive position in the global
 9 economy, reviewing the technology typically utilized in
 10 the state's manufacturing sector, assessing the state's
 11 overall scientific research capacity, keeping abreast
 12 of the latest scientific research and technological
 13 breakthroughs and offering guidance as to their impact
 14 on public policy, recommending strategies that foster
 15 innovation, increase new business formation, and
 16 otherwise promote economic growth in the targeted
 17 industries, and offering guidance about future
 18 developments in the targeted industries.>
 19 38. Page 19, after line 14 by inserting:
 20 <Sec. ____ Section 15.117A, subsection 6, Code
 21 2011, is amended by adding the following new paragraph:
 22 NEW PARAGRAPH. f. Perform such tasks or provide
 23 such advice as the director may require. The director
 24 shall not require the council to perform a task that
 25 is not contemplated by the powers and purposes of this
 26 section or that is otherwise atypical of an advisory
 27 body established within state government.>
 28 39. Page 19, by striking lines 15 and 16.

29 40. Page 19, before line 17 by inserting:
 30 <Sec. _____. AUTHORITY MERGER STUDY. The economic
 31 development authority and the Iowa finance authority
 32 shall study the issue of merging the two authorities
 33 into a single authority. The authorities shall prepare
 34 a report analyzing the advantages and disadvantages
 35 of such a merger and assessing whether such a merger
 36 is feasible. The authorities shall submit the report
 37 to the governor and the general assembly on or before
 38 September 30, 2011.>
 39 41. Page 19, line 28, after <latter.> by inserting
 40 <If an employee of the department is an employee
 41 covered under the collective bargaining provisions of
 42 chapter 20, then that employee shall also be covered
 43 under chapter 20 upon employment with the authority.>
 44 42. By striking page 19, line 35, through page 20,
 45 line 2, and inserting <for purposes of chapter 97B.>
 46 43. Page 20, before line 3 by inserting:
 47 <4. Notwithstanding any provisions to the contrary
 48 in chapter 68B or in this Act, and subject to the
 49 approval of the director of the economic development
 50 authority, the corporation established pursuant to

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1 section 15.107 may employ not more than two individuals
 2 who were employed by the department of economic
 3 development on or before November 1, 2010.>
 4 44. Page 23, by striking lines 6 through 15.
 5 45. Page 26, before line 19 by inserting:
 6 <5. If an employee of the office of energy
 7 independence is an employee covered under the
 8 collective bargaining provisions of chapter 20, then
 9 that employee shall also be covered under chapter 20
 10 for purposes of employment with the authority.>
 11 46. By renumbering, redesignating, and correcting
 12 internal references as necessary.

STEVEN J. SODDERS

S-3300

1 Amend House File 652, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by striking line 10 and inserting
 4 <following new subsections:
 5 NEW SUBSECTION. 31A. a. Subtract, to the extent
 6 included, retirement pay received from the federal
 7 government for military service performed in the armed
 8 forces, armed forces military reserve, or national
 9 guard.
 10 b. The exclusion of retirement benefits under this

- 11 subsection is in addition to any exclusion provided
 12 under subsection 31.>
 13 2. Page 1, line 24, by striking <subsection> and
 14 inserting <subsections 31A and>
 15 3. Title page, line 3, after <military service> by
 16 inserting <, retirement pay for military service,>

MARK CHELGREN

S-3301

- 1 Amend the amendment, S-3289, to House File 648,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by striking lines 16 through 33.
 5 2. Page 1, line 34, by striking <b.> and inserting
 6 <a.>
 7 3. Page 1, line 37, by striking <c.> and inserting
 8 <b.>
 9 4. Page 2, line 9, by striking <a.>
 10 5. Page 2, by striking lines 15 through 34.
 11 6. Page 3, by striking lines 4 through 12.
 12 7. Page 3, line 13, by striking <e.> and inserting
 13 <d.>
 14 8. Page 3, line 22, by striking <f.> and inserting
 15 <e.>
 16 9. Page 5, by striking lines 1 through 10.
 17 10. Page 7, by striking lines 11 through 20.
 18 11. Page 10, line 17, by striking <2,> and
 19 inserting <1,>
 20 12. Page 11, line 17, by striking <2,062,000> and
 21 inserting <2,062,500>
 22 13. Page 11, after line 19 by inserting:
 23 <Sec. ____ REVERSION. For purposes of section
 24 8.33, unless specifically provided otherwise,
 25 unencumbered or unobligated moneys made from an
 26 appropriation in this division of this Act shall not
 27 revert but shall remain available for expenditure for
 28 the purposes designated until the close of the fiscal
 29 year that ends three years after the end of the fiscal
 30 year for which the appropriation is made. However, if
 31 the project or projects for which such appropriation
 32 was made are completed in an earlier fiscal year,
 33 unencumbered or unobligated moneys shall revert at the
 34 close of that fiscal year.>
 35 14. Page 18, after line 7 by inserting:
 36 <Sec. ____ 2011 Iowa Acts, House File 45, section
 37 2, subsection 2, is amended by adding the following new
 38 paragraph:
 39 c. This subsection shall not apply to any
 40 appropriations for the fiscal year beginning July 1,
 41 2010, receiving a supplemental appropriation under

42 2011 Iowa Acts, Senate File 209, or any multiyear
 43 appropriation that includes the fiscal year beginning
 44 July 1, 2009, for equipment as determined by the
 45 department of management.>
 46 15. Page 18, after line 10 by inserting:
 47 <Sec. ____ RETROACTIVE APPLICABILITY. The
 48 provision of this division of this Act amending 2011
 49 Iowa Acts, House File 45, section 2, subsection 2,
 50 applies retroactively to March 7, 2011.>

Page 2

1 16. Page 18, after line 28 by inserting:
 2 <____. Title page, line 6, after <date> by inserting
 3 <and retroactive applicability>>
 4 17. By renumbering, redesignating, and correcting
 5 internal references as necessary.

MATT McCOY

S-3302

1 Amend the amendment, S-3289, to House File 648,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 4, after line 33 by inserting:
 5 <e. For costs associated with dam repair for a lake
 6 with public access that has the support of a benefitted
 7 lake district located in a county with a population
 8 between seventeen thousand seven hundred and seventeen
 9 thousand eight hundred as determined by the 2010
 10 federal decennial census:

11 FY 2012-2013	\$	2,500,000
12 FY 2013-2014	\$	2,500,000

13 Moneys appropriated for each fiscal year in this
 14 lettered paragraph are contingent upon receipt of
 15 moneys on a dollar-for-dollar matching basis from any
 16 source for each fiscal year.>
 17 2. By renumbering as necessary.

TOM HANCOCK

S-3303

1 Amend Senate File 531 as follows:
 2 1. Page 2, line 12, after <site-by-site basis> by
 3 inserting <in the same manner>
 4 2. Page 3, by striking lines 17 through 19 and
 5 inserting:
 6 <(b) If the retail dealer's biofuel threshold
 7 percentage disparity equals more than two percent but
 8 not more than four percent, the tax credit rate is as

9 follows:

10 (i) For calendar year 2011, two and one-half cents.

11 (ii) For calendar year 2012 and for each subsequent
 12 calendar year, four cents.>

13 3. By striking page 4, line 34, through page 5,
 14 line 18, and inserting:

15 <Sec. ____ ADMINISTRATIVE RULES. The department
 16 of revenue may adopt emergency rules under section
 17 17A.4, subsection 3, and section 17A.5, subsection
 18 2, paragraph "b", to implement the provisions of
 19 this division of this Act, and the rules shall be
 20 effective immediately upon filing unless a later date
 21 is specified in the rules. Any rules adopted in
 22 accordance with this section shall also be published
 23 as a notice of intended action as provided in section
 24 17A.4.

25 Sec. ____ EFFECTIVE DATE. This division of this
 26 Act, and the application of section 422.33, subsection
 27 11A, due to this division of this Act, take effect upon
 28 enactment.

29 Sec. ____ RETROACTIVE APPLICABILITY. This division
 30 of this Act applies retroactively to January 1, 2011,
 31 including section 422.11N, as amended in this division
 32 of this Act, and the application of section 422.33,
 33 subsection 11A, due to this division of this Act, to
 34 tax years beginning on and after January 1, 2011.>

35 4. Page 6, line 8, after <multiplying> by inserting
 36 <a designated rate of>

37 5. Page 9, lines 5 and 6, by striking <sections
 38 452A.31 and 452A.33> and inserting <section 452A.31>

39 6. Page 12, line 26, by striking <sections 452A.31
 40 and 452A.33> and inserting <section 452A.31>

41 7. Page 15, by striking lines 14 through 34 and
 42 inserting:

43 <Sec. ____ ADMINISTRATIVE RULES. The department
 44 of revenue may adopt emergency rules under section
 45 17A.4, subsection 3, and section 17A.5, subsection 2,
 46 paragraph "b", to implement the provisions of this
 47 division of this Act. Any rules adopted in accordance
 48 with this section shall also be published as a notice
 49 of intended action as provided in section 17A.4. The
 50 department's rules shall not take effect earlier than

Page 2

1 July 1, 2011.

2 Sec. ____ EFFECTIVE DATES.

3 1. Except as provided in subsection 2, this
 4 division of this Act takes effect on July 1, 2011.

5 2. The section of this division of this Act
 6 authorizing the department of revenue to adopt rules
 7 takes effect upon enactment.

8 Sec. ____ APPLICABILITY.

9 1. Except as provided in subsection 2, section
10 422.11Y, as enacted in this division of this Act, and
11 section 422.33, subsection 11D, as enacted in this
12 division of this Act and applied due to this division
13 of this Act, apply to tax years beginning on and after
14 January 1, 2012.

15 2. Section 422.11Y, as enacted in this division
16 of this Act, and section 422.33, subsection 11D, as
17 enacted in this division of this Act and applied due
18 to this division of this Act, apply to that part of a
19 retail dealer's tax year or tax years occurring during
20 that portion of the calendar year beginning on and
21 after July 1, 2011, and ending on December 31, 2011.
22 In that case, the retail dealer shall calculate the
23 E-15 plus gasoline promotion tax in the same manner as
24 a retail dealer calculating the tax credit on January
25 1, 2012.>

26 8. Page 16, line 1, after <INFRASTRUCTURE> by
27 inserting <— APPROPRIATION>

28 9. Page 17, after line 2 by inserting:

29 <Sec. ____ Section 321.145, subsection 2, paragraph
30 a, Code 2011, is amended to read as follows:

31 a. ~~Four~~ Moneys shall be deposited into and credited
32 to the following funds:

33 (1) First, three million ~~two~~ five hundred fifty
34 thousand dollars per quarter shall be deposited into
35 and credited to the Iowa comprehensive petroleum
36 underground storage tank fund created in section
37 455G.3, and the moneys so deposited are a continuing
38 appropriation for expenditure under chapter 455G, and
39 moneys so appropriated shall not be used for other
40 purposes.

41 (2) Second, seven hundred fifty thousand dollars
42 per quarter shall be deposited into and credited to the
43 renewable fuel infrastructure fund created in section
44 15G.205, and the moneys so deposited are a continuing
45 appropriation for expenditure under chapter 15G,
46 subchapter II, and moneys so appropriated shall not be
47 used for other purposes.>

48 10. Page 19, line 5, after <2011.> by inserting
49 <The Code editor shall correct internal references as
50 necessary, including references in section 321.145,

Page 3

1 subsection 2, paragraph "a", as amended in this
2 division of this Act.>

3 11. Title page, by striking lines 1 and 2 and
4 inserting <An Act relating to motor fuels, including
5 biofuels and renewable fuels dispensed by retail
6 dealers, and by providing for tax credits and refunds,

7 providing an appropriation, and including effective
 8 date and retroactive and other>
 9 12. By renumbering as necessary.

ROBERT M. HOGG

S-3304

1 Amend the amendment, S-3289, to House File 648,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 12, after line 48 by inserting:
 5 <Sec. ___. Section 15F.204, subsection 8, paragraph
 6 a, subparagraph (6), Code 2011, is amended to read as
 7 follows:
 8 (6) For the fiscal year beginning July 1, 2011, and
 9 ending June 30, 2012, the sum of five million three
 10 hundred thousand dollars.>
 11 2. By renumbering as necessary.

MATT McCOY

S-3305

1 Amend House File 676, as passed by the House, as
 2 follows:
 3 1. By striking everything after the enacting clause
 4 and inserting:
 5 <Section 1. Section 321.105A, subsection 6,
 6 paragraph a, Code 2011, is amended by adding the
 7 following new subparagraph:
 8 NEW SUBPARAGRAPH. (4) The owner of a leased
 9 vehicle listed in subparagraph division (a) or (b) is
 10 entitled to a refund of the fee for new registration
 11 paid by the owner. However, if the parties to the
 12 lease entered into an agreement that the fee for new
 13 registration was to be paid by the lessee or included
 14 in the monthly lease payments to be paid by the lessee,
 15 the lessee is entitled to a refund of the amount of the
 16 fee for new registration paid by the lessee. To obtain
 17 a refund, the owner or the lessee, as applicable, shall
 18 make application on forms provided by the department
 19 and show proof as required by the department that the
 20 fee for new registration was paid. The refund shall
 21 be paid from the general fund of the state. This
 22 subparagraph applies to the following:
 23 (a) Vehicles leased to entities listed in section
 24 423.3, subsections 17, 18, 19, 20, 21, 22, 26, 27,
 25 28, 31, and 79, to the extent that those entities are
 26 exempt from the tax imposed on the sale of tangible
 27 personal property, consisting of goods, wares, or
 28 merchandise, sold at retail in the state to consumers

29 or users.

30 (b) A vehicle leased directly to a federal,
31 state, or local governmental agency and titled in an
32 individual's name pursuant to a governmental program
33 authorized by law.>

34 2. Title page, line 1, by striking <an exemption
35 from> and inserting <for refunds of>

36 3. By renumbering as necessary.

MARK CHELGREN

S-3306

1 Amend Senate File 533 as follows:

2 1. Page 22, after line 31 by inserting:

3 <Sec. ____ Section 80B.6, subsection 1, Code 2011,
4 is amended to read as follows:

5 1. There is created the Iowa law enforcement
6 academy council which shall consist of the following
7 ~~seven~~ nine voting members appointed by the governor
8 subject to confirmation by the senate to terms of four
9 years commencing as provided in section 69.19:

10 a. Three residents of the state.

11 b. A sheriff of a county.

12 c. A police officer who is a member of a police
13 department of a city with a population larger than
14 fifty thousand persons.

15 d. A police officer who is a member of a police
16 department of a city with a population of less than
17 fifty thousand persons.

18 e. A member of the department of public safety.

19 f. A member of a county conservation board.

20 g. A conservation peace officer employed under
21 section 456A.13.>

22 2. By renumbering as necessary.

DENNIS H. BLACK
MATT McCOY

S-3307

1 Amend Senate File 533 as follows:

2 1. Page 33, after line 17 by inserting:

3 <DIVISION ____
4 WITHHOLDING AGREEMENTS

5 Sec. ____ Section 403.19A, subsection 1, paragraphs
6 c and f, Code 2011, are amended to read as follows:

7 c. "Employer" means a business creating or
8 retaining targeted jobs in an urban renewal area of a
9 pilot project city pursuant to a withholding agreement.

10 f. "Targeted job" means a job in a business which
11 is or will be located in an urban renewal area of a

12 pilot project city that pays a wage at least equal to
 13 the countywide average wage. "Targeted job" includes
 14 new or retained jobs from Iowa business expansions
 15 or retentions within the city limits of the pilot
 16 project city and those jobs resulting from established
 17 out-of-state businesses, as defined by the department
 18 of economic development, moving to or expanding in
 19 Iowa.

20 Sec. ____ Section 403.19A, subsection 3, paragraph
 21 c, subparagraph (1), Code 2011, is amended to read as
 22 follows:

23 (1) The pilot project city shall enter into a
 24 withholding agreement with each employer concerning
 25 the targeted jobs withholding credit. The withholding
 26 agreement shall provide for the total amount of
 27 withholding tax credits awarded. An agreement shall
 28 not provide for an amount of withholding credits that
 29 exceeds the amount of the qualifying investment made in
 30 the project. An agreement shall not be entered into by
 31 a pilot project city with a business currently located
 32 in this state unless the business either creates or
 33 retains ten new jobs or makes a qualifying investment
 34 of at least five hundred thousand dollars within
 35 the urban renewal area. The withholding agreement
 36 may have a term of up to ten years. An employer
 37 shall not be obligated to enter into a withholding
 38 agreement. An agreement shall not be entered into with
 39 an employer not already located in a pilot project
 40 city when another Iowa community is competing for the
 41 same project and both the pilot project city and the
 42 other Iowa community are seeking assistance from the
 43 department.

44 Sec. ____ Section 403.19A, subsection 3, paragraph
 45 f, Code 2011, is amended to read as follows:

46 f. If the employer ceases to meet the requirements
 47 of the withholding agreement, the agreement shall be
 48 terminated and any withholding tax credits for the
 49 benefit of the employer shall cease. However, in
 50 regard to the number of ~~new~~ jobs that are to be created

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1 or retained, if the employer has met the number of
 2 ~~new~~ jobs to be created or retained pursuant to the
 3 withholding agreement and subsequently the number of
 4 ~~new~~ jobs falls below the required level, the employer
 5 shall not be considered as not meeting the ~~new~~ job
 6 requirement until eighteen months after the date of the
 7 decrease in the number of ~~new~~ jobs created or retained.

8 Sec. ____ RETROACTIVE APPLICABILITY. This division

9 of this Act applies retroactively to January 1, 2006,
10 for tax years beginning on or after that date.>
11 2. By renumbering as necessary.

THOMAS G. COURTNEY

S-3308

1 Amend House File 672, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, before line 1 by inserting:
4 <Section 1. NEW SECTION. 476.53A Renewable
5 electric power generation.
6 It is the intent of the general assembly to
7 encourage the development of renewable electric power
8 generation. It is also the intent of the general
9 assembly to encourage the use of renewable power
10 to meet local electric needs and the development of
11 transmission capacity to export wind power generated
12 in Iowa.>
13 2. Page 1, line 5, by striking <~~fifty twenty-six~~>
14 and inserting <fifty>
15 3. Page 1, line 10, by striking <2015> and
16 inserting <2021>
17 4. Page 3, by striking lines 2 through 4 and
18 inserting <achieve operational status, the owner shall
19 notify the board. Upon>
20 5. Page 3, line 15, after <capacity.> by inserting
21 <Beginning January 1, 2015, this maximum shall be
22 increased by fifteen megawatts annually, with the last
23 increase occurring January 1, 2020.>
24 6. Page 3, line 19, by striking <~~sixty-nine~~> and
25 inserting <~~fifty-three~~>
26 7. Page 3, line 21, after <purpose.> by inserting
27 <Beginning January 1, 2015, this maximum shall be
28 increased by the energy production capacity equivalent
29 of a combined output of five megawatts and the British
30 thermal unit equivalent annually, with the last
31 increase occurring January 1, 2020.>
32 8. Page 3, line 33, by striking <~~sixteen~~> and
33 inserting <~~ten~~>
34 9. Page 4, line 1, after <plant> by inserting
35 <engaged in the sale of ethanol to states to meet a low
36 carbon fuel standard>
37 10. Page 4, line 4, by striking <~~sixteen~~> and
38 inserting <~~ten~~>
39 11. Page 6, line 2, by striking <2024> and
40 inserting <2030>
41 12. Page 6, after line 2 by inserting:
42 <Sec. ____ EFFECTIVE UPON ENACTMENT. The section
43 of this Act amending section 476B.5, subsection 4,
44 being deemed of immediate importance, takes effect upon

45 enactment.>

- 46 13. Title page, line 2, after <production> by
 47 inserting <, and including effective date provisions>
 48 14. By renumbering as necessary.

ROBERT M. HOGG

S-3309

- 1 Amend Senate File 533 as follows:
 2 1. Page 17, line 8, after <injury.> by inserting
 3 <Notwithstanding section 8.33, moneys appropriated in
 4 this section that remain unencumbered or unobligated
 5 at the close of the fiscal year shall not revert but
 6 shall remain available for expenditure for the purposes
 7 designated until the close of the succeeding fiscal
 8 year.>
 9 2. Page 29, by striking lines 3 through 8.
 10 3. Page 33, after line 17 by inserting:
 11 <DIVISION ____
 12 SCHOOL EMPLOYEE MISCONDUCT
 13 Sec. ____ Section 272.2, subsection 1, paragraph
 14 b, Code 2011, is amended by striking the paragraph and
 15 inserting in lieu thereof the following:
 16 b. Provide annually to any person who holds a
 17 license, certificate, authorization, or statement of
 18 recognition issued by the board, training relating
 19 to the knowledge and understanding of the board's
 20 code of professional conduct and ethics. The board
 21 shall develop a curriculum that addresses the code of
 22 professional conduct and ethics and shall annually
 23 provide regional training opportunities throughout the
 24 state.
 25 Sec. ____ Section 272.15, subsection 1, Code 2011,
 26 is amended to read as follows:
 27 1. a. The board of directors of a school district
 28 or area education agency, the superintendent of a
 29 school district or the chief administrator of an
 30 area education agency, and the authorities in charge
 31 of a nonpublic school shall report to the board the
 32 nonrenewal or termination, for reasons of alleged or
 33 actual misconduct, of a person's contract executed
 34 under sections 279.12, 279.13, 279.15 through 279.21,
 35 279.23, and 279.24, and the resignation of a person
 36 who holds a license, certificate, or authorization
 37 issued by the board as a result of or following an
 38 incident or allegation of misconduct that, if proven,
 39 would constitute a violation of the rules adopted by
 40 the board to implement section 272.2, subsection 14,
 41 paragraph "b", subparagraph (1), when the board or
 42 reporting official has a good faith belief that the
 43 incident occurred or the allegation is true. The

44 board may deny a license or revoke the license of an
45 administrator if the board finds by a preponderance
46 of the evidence that the administrator failed to
47 report the termination or resignation of a school
48 employee holding a license, certificate, statement of
49 professional recognition, or coaching authorization,
50 for reasons of alleged or actual misconduct, as defined

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1 by this section.
2 b. Information reported to the board in accordance
3 with this section is privileged and confidential, and
4 except as provided in section 272.13, is not subject to
5 discovery, subpoena, or other means of legal compulsion
6 for its release to a person other than the respondent
7 and the board and its employees and agents involved in
8 licensee discipline, and is not admissible in evidence
9 in a judicial or administrative proceeding other
10 than the proceeding involving licensee discipline.
11 The board shall review the information reported to
12 determine whether a complaint should be initiated. In
13 making that determination, the board shall consider the
14 factors enumerated in section 272.2, subsection 14,
15 paragraph “a”.
16 c. For purposes of this section, unless the context
17 otherwise requires, “misconduct” means an action
18 disqualifying an applicant for a license or causing
19 the license of a person to be revoked or suspended
20 in accordance with the rules adopted by the board to
21 implement section 272.2, subsection 14, paragraph “b”,
22 subparagraph (1).
23 Sec. ____ Section 280.17, Code 2011, is amended to
24 read as follows:
25 280.17 Procedures for handling child abuse reports.
26 1. The board of directors of a ~~public~~ school
27 district and the authorities in ~~control~~ charge of
28 a nonpublic school shall prescribe procedures, in
29 accordance with the guidelines contained in the model
30 policy developed by the department of education in
31 consultation with the department of human services,
32 and adopted by the department of education pursuant
33 to chapter 17A, for the handling of reports of child
34 abuse, as defined in section 232.68, subsection 2,
35 paragraph “a”, “c”, or “e”, alleged to have been
36 committed by an employee or agent of the public or
37 nonpublic school.
38 2. a. The board of directors of a school district
39 and the authorities in charge of an accredited
40 nonpublic school shall place on administrative leave a
41 school employee who is the subject of an investigation
42 of an alleged incident of abuse of a student conducted

43 in accordance with 281 IAC 102.
 44 b. If the results of an investigation of abuse of
 45 a student by a school employee who holds a license,
 46 certificate, authorization, or statement of recognition
 47 issued by the board of educational examiners finds
 48 that the school employee's conduct constitutes a crime
 49 under any other statute, the board or the authorities,
 50 as appropriate, shall report the results of the

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1 investigation to the board of educational examiners.
 2 Sec. ____ Section 280.27, Code 2011, is amended to
 3 read as follows:
 4 280.27 Reporting violence — immunity.
 5 An employee of a school district, an accredited
 6 nonpublic school, or an area education agency who
 7 participates in good faith and acts reasonably in
 8 the making of a report to, or investigation by, an
 9 appropriate person or agency regarding violence,
 10 threats of violence, physical or sexual abuse of a
 11 student, or other inappropriate activity against a
 12 school employee or student in a school building, on
 13 school grounds, or at a school-sponsored function shall
 14 be immune from civil or criminal liability relating
 15 to such action, as well as for participating in any
 16 administrative or judicial proceeding resulting from or
 17 relating to the report or investigation.>
 18 4. By renumbering as necessary.

ROBERT E. DVORSKY

S-3310

- 1 Amend Senate File 533 as follows:
 2 1. By striking page 30, line 32, through page 31,
 3 line 3.
 4 2. Page 31, line 33, by striking <481,000> and
 5 inserting <510,000>
 6 3. By renumbering as necessary.

JEFF DANIELSON

S-3311

- 1 Amend Senate File 533 as follows:
 2 1. Page 22, after line 31 by inserting:
 3 <Sec. ____ NEW SECTION. 17A.4B Negotiated
 4 rulemaking.
 5 1. An agency shall create a negotiated rulemaking
 6 group if required by statute. An agency may, on
 7 its own motion or upon request, create a negotiated

8 rulemaking group if the agency determines that a
9 negotiated rulemaking group can adequately represent
10 the interests that will be significantly affected
11 by a draft rule proposal and that it is feasible and
12 appropriate in the particular rulemaking. Notice of
13 the creation of a negotiated rulemaking group shall
14 be published in the Iowa administrative bulletin.
15 Upon establishing a negotiated rulemaking group,
16 the agency shall also specify a time frame for group
17 deliberations.

18 2. Unless otherwise provided by statute, the
19 agency shall appoint a sufficient number of members
20 to the group so that a fair cross section of opinions
21 and interests regarding the draft rule proposal
22 is represented. One person shall be appointed to
23 represent the agency. The group shall select its own
24 chairperson and adopt its rules of procedure. All
25 meetings of the group shall be open to the public.
26 A majority of the membership constitutes a quorum.
27 Members shall not receive any per diem payment but
28 shall be reimbursed for all necessary expenses. Any
29 vacancy shall be filled in the same manner as the
30 initial appointment.

31 3. Prior to the publication of a notice of intended
32 action, the group shall consider the terms or substance
33 of the rule drafted by the agency and shall attempt to
34 reach a consensus concerning the draft rule proposal.

35 4. If a group reaches a consensus on a draft rule
36 proposal, the group shall transmit to the agency a
37 report containing the consensus on the draft rule
38 proposal. If the group does not reach a consensus on a
39 draft rule proposal within the specified time frame,
40 the group shall transmit to the agency a report stating
41 that inability to reach a consensus and specifying any
42 areas in which the group reached a consensus. The
43 group may include in a report any other information,
44 recommendations, or materials that the group considers
45 appropriate. Any group member may include as an
46 addendum to the report additional information,
47 recommendations, or materials. A report issued under
48 this subsection shall not be considered final agency
49 action for purposes of judicial review.

50 5. Unless otherwise provided by statute, following

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1 a negotiated rulemaking group consideration of a draft
2 rule proposal, the agency may commence rulemaking as
3 provided in section 17A.4. The group is automatically
4 abolished upon the agency's adoption of the rule
5 pursuant to the provisions of section 17A.5.

6 Sec. ____. Section 17A.7, subsection 2, Code 2011,

7 is amended by striking the subsection and inserting in
8 lieu thereof the following:

9 2. Over a five-year period of time, an agency
10 shall conduct an ongoing and comprehensive review of
11 all of the agency's rules. The goal of the review
12 is the identification and elimination of all rules of
13 the agency that are outdated, redundant, overbroad,
14 ineffective, unnecessary, or otherwise undesirable.
15 An agency shall commence its review by developing a
16 plan of review in consultation with major stakeholders
17 and constituent groups. As part of its review, an
18 agency shall review existing policy and interpretive
19 statements or similar documents to determine whether
20 it would be necessary or appropriate to adopt these
21 statements or documents as rules.

22 a. An agency shall establish its five-year plan for
23 review of its rules and publish the plan in the Iowa
24 administrative bulletin.

25 b. An agency's plan for review shall do all of the
26 following:

27 (1) Contain a schedule that lists when the review
28 of each rule or rule group will occur.

29 (2) State the method by which the agency will
30 determine whether the rule under review meets the
31 criteria listed in this section.

32 (3) Provide a means for public participation in the
33 review process and specify how interested persons may
34 participate in the review.

35 (4) Identify instances where the agency may require
36 an exception to the review requirements.

37 (5) Provide a process for ongoing review of rules
38 after the initial five-year review period has expired.

39 c. An agency shall consider all of the following
40 criteria when reviewing its rules:

41 (1) The need for the rule.

42 (2) The clarity of the rule.

43 (3) The intent and legal authority for the rule.

44 (4) The qualitative and quantitative benefits and
45 costs of the rule.

46 (5) The fairness of the rule.

47 d. When an agency completes its five-year review of
48 its rules, the agency shall provide a summary of the
49 results to the administrative rules coordinator and the
50 administrative rules review committee.>

Page 3

1 2. By renumbering as necessary.

MERLIN BARTZ

S-3312

- 1 Amend Senate File 533 as follows:
2 1. Page 24, after line 11 by inserting:
3 <Sec. ____ Section 422.11S, subsection 7, paragraph
4 a, subparagraph (2), Code 2011, is amended to read as
5 follows:
6 (2) "Total approved tax credits" means for the
7 tax year beginning in the 2006 calendar year, two
8 million five hundred thousand dollars, for the tax
9 year beginning in the 2007 calendar year, five million
10 dollars, and for tax years beginning on or after
11 January 1, 2008, and before January 1, 2012, seven
12 million five hundred thousand dollars. For tax years
13 beginning on or after January 1, 2012, and only if
14 legislation is enacted by the eighty-fourth general
15 assembly, 2011 session, amending section 257.8,
16 subsections 1 and 2, to establish both the state
17 percent of growth and the categorical state percent
18 of growth for the budget year beginning July 1, 2011,
19 at two percent. "total approved tax credits" means ten
20 million dollars.>
21 2. By renumbering as necessary.

JOE M. SENG
TOM HANCOCK
JEFF DANIELSON
TOM RIELLY
JOHN P. KIBBIE

S-3313

- 1 Amend Senate File 533 as follows:
2 1. Page 22, after line 31 by inserting:
3 <Sec. ____ Section 80B.6, subsection 1, as amended
4 by 2011 Iowa Acts, Senate File 236, section 1, is
5 amended to read as follows:
6 1. An Iowa law enforcement academy council is
7 created consisting of the following ~~thirteen~~ fifteen
8 voting members appointed by the governor, subject to
9 confirmation by the senate, to terms of four years
10 commencing as provided in section 69.19:
11 a. Three residents of the state.
12 b. A sheriff of a county with a population of fifty
13 thousand persons or more who is a member of the Iowa
14 state sheriffs and deputies association.
15 c. A sheriff of a county with a population of less
16 than fifty thousand persons who is a member of the Iowa
17 state sheriffs and deputies association.
18 d. A deputy sheriff of a county who is a member of
19 the Iowa state sheriffs and deputies association.
20 e. A member of the Iowa peace officers association.
21 f. A member of the Iowa state police association.

- 22 g. A member of the Iowa police chiefs association.
 23 h. A police officer who is a member of a police
 24 department of a city with a population of fifty
 25 thousand persons or more.
 26 i. A police officer who is a member of a police
 27 department of a city with a population of less than
 28 fifty thousand persons.
 29 j. A member of the department of public safety.
 30 k. A member of the office of motor vehicle
 31 enforcement of the department of transportation.
 32 l. An employee of a county conservation board who
 33 is a certified peace officer.
 34 m. A conservation peace officer employed under
 35 section 456A.13.>
 36 2. By renumbering as necessary.

DENNIS H. BLACK
 MATT McCOY

S-3314

- 1 Amend Senate File 533 as follows:
 2 1. Page 24, after line 34 by inserting:
 3 <Sec. ____ Section 600C.1, subsection 1, Code 2011,
 4 is amended to read as follows:
 5 1. The grandparent or great-grandparent of a
 6 minor child may petition the court for grandchild
 7 or great-grandchild visitation when ~~the~~ any of the
 8 following conditions is met:
 9 a. The parent of the minor child, who is the
 10 child of the grandparent or the grandchild of the
 11 great-grandparent, is deceased.
 12 b. The parents of the child have been granted a
 13 dissolution decree, order for separate maintenance, or
 14 an annulment pursuant to chapter 598.>
 15 2. By renumbering as necessary.

RANDY FEENSTRA

S-3315

- 1 Amend Senate File 533 as follows:
 2 1. Page 22, line 8, by striking <1.>
 3 2. Page 22, by striking lines 11 through 14.

JONI ERNST

S-3316

- 1 Amend Senate File 533 as follows:
 2 1. Page 7, line 31, after <regents> by inserting
 3 <who receive bonuses from non public funds>

BILL DIX

S-3317

- 1 Amend Senate File 533 as follows:
- 2 1. Page 24, after line 11 by inserting:
- 3 Sec. ____ Section 422.11S, subsection 4, Code 2011,
- 4 is amended to read as follows:
- 5 4. Married taxpayers who file separate returns
- 6 or file separately on a combined return form must
- 7 determine the tax credit under subsection 1 based
- 8 upon their combined net income and allocate the total
- 9 credit amount to each spouse in the proportion that
- 10 each spouse's respective net income bears to the
- 11 total combined net income. Nonresidents or part-year
- 12 residents of Iowa must determine their tax credit in
- 13 the ratio of their Iowa source net income to their
- 14 all source net income. Nonresidents or part-year
- 15 residents who are married and elect to file separate
- 16 returns or to file separately on a combined return form
- 17 must allocate the tax credit between the spouses in
- 18 the ratio of each spouse's Iowa source net income to
- 19 the combined Iowa source net income of the taxpayers.
- 20 An individual may claim the tax credit allowed a
- 21 partnership, limited liability, S corporation,
- 22 estate, or trust electing to have the income taxed
- 23 directly to the individual. The amount claimed by the
- 24 individual shall be based upon the pro rata share of
- 25 the individual's earnings of the partnership, limited
- 26 liability company, S corporation, estate, or trust.
- 27 Sec. ____ Section 422.11S, subsection 7, paragraph
- 28 a, subparagraph (2), Code 2011, is amended to read as
- 29 follows:
- 30 (2) "Total approved tax credits" means for the
- 31 tax year beginning in the 2006 calendar year, two
- 32 million five hundred thousand dollars, for the tax
- 33 year beginning in the 2007 calendar year, five million
- 34 dollars, and for tax years beginning on or after
- 35 January 1, 2008, and before January 1, 2012, seven
- 36 million five hundred thousand dollars. For the tax
- 37 year beginning on January 1, 2012, "total approved
- 38 tax credits" means eight million seven hundred fifty
- 39 thousand dollars, and for tax years beginning on or
- 40 after January 1, 2013, ten million dollars.>
- 41 2. By renumbering as necessary.

RANDY FEENSTRA
DAVID JOHNSON

S-3318

- 1 Amend Senate File 533 as follows:
- 2 1. Page 3, by striking lines 2 through 7.
- 3 2. By renumbering as necessary.

MARK CHELGREN

S-3319

1 Amend Senate File 533 as follows:

2 1. Page 33, after line 17 by inserting:

3 <DIVISION ____

4 DOMESTIC ABUSE ASSAULT

5 Sec. ____ Section 236.12, subsection 2, Code 2011,

6 is amended by adding the following new paragraphs:

7 NEW PARAGRAPH. e. Except as otherwise provided in

8 subsection 3, a peace officer shall, with or without

9 a warrant, arrest a person under section 708.2A,

10 subsection 2, paragraph "d", if, upon investigation,

11 including a reasonable inquiry of the alleged victim

12 and other witnesses, if any, the officer has probable

13 cause to believe that a domestic abuse assault has been

14 committed by knowingly impeding the normal breathing

15 or circulation of the blood of another by applying

16 pressure to the throat or neck of the other person or

17 by obstructing the nose or mouth of the other person.

18 NEW PARAGRAPH. f. Except as otherwise provided in

19 subsection 3, a peace officer shall, with or without

20 a warrant, arrest a person under section 708.2A,

21 subsection 4A, if, upon investigation, including a

22 reasonable inquiry of the alleged victim and other

23 witnesses, if any, the officer has probable cause

24 to believe that a domestic abuse assault has been

25 committed by knowingly impeding the normal breathing

26 or circulation of the blood of another by applying

27 pressure to the throat or neck of the other person or

28 by obstructing the nose or mouth of the other person,

29 and causing bodily injury.

30 Sec. ____ Section 236.12, subsection 3, Code 2011,

31 is amended to read as follows:

32 3. As described in subsection 2, paragraph "b",

33 "c", ~~or~~ "d", "e", or "f", the peace officer shall

34 arrest the person whom the peace officer believes

35 to be the primary physical aggressor. The duty of

36 the officer to arrest extends only to those persons

37 involved who are believed to have committed an assault.

38 Persons acting with justification, as defined in

39 section 704.3, are not subject to mandatory arrest. In

40 identifying the primary physical aggressor, a peace

41 officer shall consider the need to protect victims of

42 domestic abuse, the relative degree of injury or fear

43 inflicted on the persons involved, and any history

44 of domestic abuse between the persons involved. A

45 peace officer's identification of the primary physical

46 aggressor shall not be based on the consent of

47 the victim to any subsequent prosecution or on the

48 relationship of the persons involved in the incident,

49 and shall not be based solely upon the absence of

50 visible indications of injury or impairment.

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1 Sec. ____ Section 702.11, subsection 2, Code 2011,
 2 is amended by adding the following new paragraph:
 3 NEW PARAGRAPH. g. Domestic abuse assault in
 4 violation of section 708.2A, subsection 4A.
 5 Sec. ____ Section 708.2A, subsection 2, Code 2011,
 6 is amended by adding the following new paragraph:
 7 NEW PARAGRAPH. d. An aggravated misdemeanor, if
 8 the domestic abuse assault is committed by knowingly
 9 impeding the normal breathing or circulation of the
 10 blood of another by applying pressure to the throat or
 11 neck of the other person or by obstructing the nose or
 12 mouth of the other person.
 13 Sec. ____ Section 708.2A, Code 2011, is amended by
 14 adding the following new subsection:
 15 NEW SUBSECTION. 4A. For a domestic abuse assault
 16 committed by knowingly impeding the normal breathing
 17 or circulation of the blood of another by applying
 18 pressure to the throat or neck of the other person or
 19 by obstructing the nose or mouth of the other person,
 20 and causing bodily injury, the person commits a class
 21 “D” felony.>
 22 2. By renumbering as necessary.

SHAWN HAMERLINCK

S-3320

1 Amend Senate File 533 as follows:
 2 1. Page 33, after line 17 by inserting:
 3 <DIVISION ____
 4 DAYS OF INSTRUCTION
 5 Sec. ____ Section 256.7, subsection 19, Code 2011,
 6 is amended to read as follows:
 7 19. Define ~~the minimum school day as a day~~
 8 ~~consisting of five and one half hours of instructional~~
 9 ~~time for grades one through twelve. The minimum~~
 10 ~~hours as time spent with a licensed teacher that shall~~
 11 ~~be exclusive of the lunch period and parent-teacher~~
 12 ~~conferences, but may include passing time between~~
 13 ~~classes. Time spent on parent teacher conferences~~
 14 ~~shall be considered instructional time. A school or~~
 15 ~~school district may record a day of school with less~~
 16 ~~than the minimum instructional hours as a minimum~~
 17 ~~school day if any of the following apply:~~
 18 a. ~~If emergency health or safety factors require~~
 19 ~~the late arrival or early dismissal of students on a~~
 20 ~~specific day.~~
 21 b. ~~If the total hours of instructional school~~
 22 ~~time for grades one through twelve for any five~~
 23 ~~consecutive school days equal a minimum of twenty seven~~

24 ~~and one half hours, even though any one day of~~
 25 ~~school is less than the minimum instructional hours~~
 26 ~~because of a staff development opportunity provided~~
 27 ~~for the professional instructional staff or because~~
 28 ~~parent teacher conferences have been scheduled~~
 29 ~~beyond the regular school day. Furthermore, if the~~
 30 ~~total hours of instructional time for the first four~~
 31 ~~consecutive days equal at least twenty seven and~~
 32 ~~one half hours because parent teacher conferences~~
 33 ~~have been scheduled beyond the regular school day, a~~
 34 ~~school or school district may record zero hours of~~
 35 ~~instructional time on the fifth consecutive school day~~
 36 ~~as a minimum school day.~~

37 Sec. ____ Section 256F.4, subsection 5, Code 2011,
 38 is amended to read as follows:

39 5. A charter school or innovation zone school shall
 40 provide instruction for at least the number of ~~days~~
 41 hours required by section 279.10, subsection 1, ~~or~~
 42 shall provide at least the equivalent number of total
 43 hours.

44 Sec. ____ Section 279.10, subsection 1, Code 2011,
 45 is amended to read as follows:

46 1. The school year for each school district and
 47 accredited nonpublic school shall begin on ~~the first~~
 48 day of July 1 and each regularly established elementary
 49 and secondary school shall begin no sooner than a day
 50 during the calendar week in which the first day of

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1 September falls but no later than the first Monday
 2 in December. However, if the first day of September
 3 falls on a Sunday, school may begin on a day during the
 4 calendar week which immediately precedes the first day
 5 of September. ~~School shall continue for at least one~~
 6 ~~hundred eighty days, except as provided in subsection~~
 7 ~~2, and may be maintained~~ The school calendar shall
 8 include not less than one thousand eighty hours of
 9 instruction during the entire calendar year. However,
 10 ~~if~~ The board of directors of a school district and the
 11 authorities in charge of an accredited nonpublic school
 12 shall set the number of days of required attendance
 13 for the school year as provided in section 299.1,
 14 subsection 2, but the board of directors of a school
 15 district shall hold a public hearing on any proposed
 16 school calendar prior to adopting the school calendar.
 17 If the board of directors of a district or the
 18 authorities in charge of an accredited nonpublic school
 19 extends the school calendar because inclement weather
 20 caused the school district ~~or accredited nonpublic~~
 21 school to temporarily close ~~school~~ during the regular
 22 school calendar, the school district or accredited

23 nonpublic school may excuse a graduating senior who
 24 has met district or school requirements for graduation
 25 from attendance during the extended school calendar. A
 26 school corporation may begin employment of personnel
 27 for in-service training and development purposes before
 28 the date to begin elementary and secondary school.

29 Sec. ____ Section 279.10, subsections 2 and 3, Code
 30 2011, are amended by striking the subsections.

31 Sec. ____ Section 299.4, subsection 1, Code 2011,
 32 is amended to read as follows:

33 1. The parent, guardian, or legal custodian of a
 34 child who is of compulsory attendance age, who places
 35 the child under competent private instruction under
 36 either section 299A.2 or 299A.3, not in an accredited
 37 school or a home school assistance program operated
 38 by a school district or accredited nonpublic school,
 39 shall furnish a report in duplicate on forms provided
 40 by the public school district, to the district by ~~the~~
 41 earliest starting date specified in section 279.10,
 42 subsection 1 September 1 of the school year in which
 43 the child will be under competent private instruction.

44 The secretary shall retain and file one copy and
 45 forward the other copy to the district's area education
 46 agency. The report shall state the name and age of the
 47 child, the period of time during which the child has
 48 been or will be under competent private instruction
 49 for the year, an outline of the course of study, texts
 50 used, and the name and address of the instructor. The

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1 parent, guardian, or legal custodian of a child, who is
 2 placing the child under competent private instruction
 3 for the first time, shall also provide the district
 4 with evidence that the child has had the immunizations
 5 required under section 139A.8, and, if the child is
 6 elementary school age, a blood lead test in accordance
 7 with section 135.105D. The term "outline of course of
 8 study" shall include subjects covered, lesson plans,
 9 and time spent on the areas of study.

10 Sec. ____ REPEAL. Section 256.22, Code 2011, is
 11 repealed.

12 Sec. ____ EFFECTIVE DATE. This division of this
 13 Act takes effect July 1, 2012.>

14 2. By renumbering as necessary.

SHAWN HAMERLINCK

S-3321

1 Amend Senate File 533 as follows:

2 1. Page 33, after line 17 by inserting:

3 <DIVISION ____

4 AUTOMATED TRAFFIC ENFORCEMENT SYSTEMS

5 Sec. ____ Section 321.1, Code 2011, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 95. "Automated traffic enforcement
8 system" means a device with one or more sensors working
9 in conjunction with at least one of the following:

10 a. An official traffic-control signal, to
11 produce recorded images of motor vehicles entering
12 an intersection against a flashing red light, steady
13 circular red light, or a steady red arrow.

14 b. An official traffic-control signal at a railroad
15 grade crossing, as described in section 321.342,
16 to produce recorded images of vehicles violating a
17 flashing red or steady circular red light.

18 c. A speed measuring device, to produce recorded
19 images of motor vehicles travelling at a prohibited
20 rate of speed.

21 Sec. ____ NEW SECTION. 321.5A Automated traffic
22 enforcement systems.

23 The state or a local authority shall not use an
24 automated traffic enforcement system except as provided
25 in this section.

26 1. A local authority may by ordinance authorize
27 the use of automated traffic enforcement systems to
28 detect violations of posted speed limits or official
29 traffic-control signals which constitute municipal or
30 county infractions.

31 2. A local authority shall provide signage, in
32 conformance with the uniform system adopted pursuant
33 to section 321.252, giving notice of the use of an
34 automated traffic enforcement system on the approach to
35 each location where an automated traffic enforcement
36 system is in use as follows:

37 a. A sign shall be posted on each road on the
38 approach to the next traffic-control signal where an
39 automated traffic enforcement system is in use.

40 b. A sign shall be posted on the approach to the
41 next speed limit zone on a road where an automated
42 traffic enforcement system is being used for speed
43 limit enforcement.

44 c. A temporary sign shall be positioned or posted
45 on the approach to each location where a mobile
46 automated traffic enforcement system is being used for
47 speed limit enforcement.

48 d. A temporary or permanent sign giving notice of
49 the use of an automated traffic enforcement system for
50 the enforcement of speed limits shall be positioned

3 applicable speed limit, would provide adequate notice
4 to a motor vehicle operator travelling at the speed
5 limit before entering the range of the automated
6 traffic enforcement system.

7 3. Recorded images produced by an automated traffic
8 enforcement system evidencing a violation of a posted
9 speed limit or an official traffic-control signal
10 shall be reviewed by a peace officer of the local law
11 enforcement agency to affirm that a violation occurred
12 and the identity of the motor vehicle involved in the
13 violation. If following the officer's review, a notice
14 of a fine or citation is issued to the owner of the
15 motor vehicle involved in the violation, the following
16 requirements apply:

17 a. An affidavit bearing the written or electronic
18 signature of the peace officer shall be included on the
19 notice or citation.

20 b. The notice or citation shall contain a
21 statement, in bold type, regarding the process for
22 appealing the fine.

23 c. The notice or citation shall be sent by ordinary
24 mail to the owner of the motor vehicle involved not
25 more than thirty days following the incident giving
26 rise to the notice of a fine or citation, as evidenced
27 by the postmark.

28 4. A local authority shall not charge the owner
29 of a motor vehicle administrative costs in addition
30 to any civil penalty imposed for a violation detected
31 by an automated traffic enforcement system. Civil
32 penalties imposed for such violations shall not exceed
33 the following amounts:

34 a. For a violation of an official traffic-control
35 signal, fifty dollars.

36 b. For a violation of a speed limit, the amount
37 of the fine established in section 805.8A for an
38 equivalent speeding violation charged as a scheduled
39 violation, subject to the limitation established in
40 section 331.302, subsection 2, for violation of a
41 county ordinance, or the limitation established in
42 section 364.3, subsection 2, for violation of a city
43 ordinance.

44 5. A local authority that uses an automated traffic
45 enforcement system shall file annually with the
46 department of public safety a report comparing the type
47 and rate of accidents that occurred at each location
48 where an automated traffic enforcement system was
49 employed during the previous year to the type and rate
50 of accidents at the same location during the previous

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1 consecutive year. The report shall be kept on file and
 2 used by the governing body of the local authority in
 3 evaluating the effectiveness of the automated traffic
 4 enforcement program in improving public safety.
 5 Sec. ____ EXISTING AUTOMATED TRAFFIC
 6 ENFORCEMENT SYSTEMS — VALIDITY OF PRIOR NOTICES
 7 AND CITATIONS. Notices mailed or citations issued
 8 of violations committed prior to the effective date
 9 of this division of this Act, pursuant to a local
 10 ordinance authorizing the use of an automated traffic
 11 enforcement system, shall not be invalidated by the
 12 enactment of this division of this Act and shall be
 13 processed according to the provisions of the law under
 14 which they were authorized.>
 15 2. By renumbering as necessary.

BRAD ZAUN

S-3322

1 Amend Senate File 533 as follows:
 2 1. Page 33, after line 17 by inserting:
 3 <DIVISION ____
 4 SCHOOL DRESS CODES
 5 Sec. ____ Section 279.58, subsection 1, Code 2011,
 6 is amended by striking the subsection.
 7 Sec. ____ Section 279.58, subsection 2, Code 2011,
 8 is amended to read as follows:
 9 2. The board of directors of a school district may
 10 adopt, for the district or for an individual school
 11 within the district, a dress code policy that ~~prohibits~~
 12 ~~students from wearing gang related or other specific~~
 13 ~~apparel~~ prescribes standard dress, or that otherwise
 14 imposes limitations on student dress without limiting
 15 a student's constitutional rights and privileges,
 16 if the board determines that the policy is ~~necessary~~
 17 ~~for~~ would improve the health, safety, or positive
 18 educational environment of students and staff in the
 19 school environment or for the appropriate discipline
 20 and operation of the school.
 21 3. Adoption and enforcement of a dress code policy
 22 pursuant to this section is not a violation of section
 23 280.22.
 24 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
 25 of this Act, being deemed of immediate importance,
 26 takes effect upon enactment.>
 27 2. By renumbering as necessary.

SHAWN HAMERLINCK

S-3323

- 1 Amend Senate File 533 as follows:
2 1. Page 33, after line 17 by inserting:
3 <DIVISION ____
4 AUTOMATIC PROGRAM SUNSET
5 Sec. ____ NEW SECTION. 4A.1 Definitions.
6 As used in this chapter, unless the context
7 otherwise requires:
8 1. "Agency" means the same as the term "department"
9 as defined in section 8.2.
10 2. "Committee" means the fiscal committee of the
11 legislative council created pursuant to section 2.45.
12 3. "Program" means a distinct and coherent set of
13 activities authorized by law which affects a clearly
14 definable target group, problem, or issue and which
15 can be supported by appropriations through the budget
16 process or by enactments other than appropriations, as
17 in the case of tax credits.
18 4. "Program review criteria" means the criteria
19 required to be considered under section 4A.8.
20 5. "Sunset" means the termination or repeal of the
21 law authorizing a program.
22 Sec. ____ NEW SECTION. 4A.2 Short title.
23 This chapter shall be known as and may be cited as
24 the "Iowa Sunset Act".
25 Sec. ____ NEW SECTION. 4A.3 Automatic sunset of
26 programs.
27 1. Unless provided otherwise by law, each new
28 program that first takes effect by law enacted on
29 or after July 1, 2011, shall sunset six years after
30 the program's effective date unless reauthorized by
31 enactment by the general assembly.
32 2. Unless a program is expressly exempted from
33 this chapter, if the law authorizing the program is
34 enacted on or after July 1, 2011, the law shall include
35 a sunset clause clearly indicating the date of the
36 program's repeal if the program is not reauthorized by
37 enactment by the general assembly.
38 3. Any program that is reauthorized by enactment
39 by the general assembly pursuant to this section shall
40 include a provision specifying that the program shall
41 sunset at a date not more than twelve years from the
42 effective date of the program's reauthorization.
43 4. Unless expressly provided by law, funding shall
44 not be expended on a program that has been sunset.
45 5. a. Any program to which money was appropriated
46 prior to July 1, 2011, may at any time be subject
47 to review of the committee by a majority vote of its
48 members for the purpose of recommending to the general
49 assembly its continuation or sunset.
50 b. If a program is subject to sunset, the committee

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1 shall conduct public hearings concerning but not
2 limited to the applicability of the program review
3 criteria to the program, and shall issue a report
4 pursuant to section 4A.5. The committee may recommend
5 to the general assembly by a majority vote of its
6 members that a program under review, to which money was
7 appropriated prior to July 1, 2011, should be sunset,
8 continued, or reorganized. The committee shall submit
9 such recommendation to all members of the general
10 assembly within thirty calendar days of the vote in
11 which such recommendation is made.

12 Sec. ____ NEW SECTION. 4A.4 Information to be
13 reported by agencies to fiscal committee.

14 Before October 30 of the calendar year in progress
15 two years prior to the calendar year in which a state
16 program subject to this chapter is scheduled to sunset,
17 the agency administering the program shall report all
18 of the following information to the committee:

19 1. Information regarding the applicability of the
20 program review criteria to the program.

21 2. Any other information that the agency considers
22 appropriate or that is requested by the committee.

23 Sec. ____ NEW SECTION. 4A.5 Sunset of programs —
24 committee — duties of the committee — reports.

25 1. Before September 1 of the calendar year in
26 progress one year prior to the calendar year in which a
27 program subject to this chapter is scheduled to sunset,
28 the committee shall do all of the following:

29 a. Review and take action necessary to verify the
30 reports submitted by the agency pursuant to section
31 4A.4.

32 b. Consult with the appropriations committee of the
33 house of representatives, the appropriations committee
34 of the senate, the department of management, the
35 auditor of state, and the treasurer of state regarding
36 the applicability of the program review criteria to the
37 program.

38 c. Conduct a performance evaluation of the program
39 based on the program review criteria and prepare a
40 written report.

41 2. The written report prepared by the committee
42 pursuant to subsection 1 shall be submitted to the
43 general assembly with the report required under section
44 4A.7.

45 Sec. ____ NEW SECTION. 4A.6 Public hearings
46 conducted for programs subject to sunset.

47 1. Between September 1 and December 1 of the
48 calendar year in progress prior to the calendar year in
49 which a program subject to this chapter is scheduled
50 to sunset, the committee shall conduct public hearings

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1 concerning but not limited to the applicability of the
2 program review criteria to the program.

3 2. Notwithstanding subsection 1, the committee may
4 hold the public hearings prior to September 1 if the
5 evaluation of the program required by section 4A.5 is
6 complete and available to the public.

7 Sec. ____ NEW SECTION. 4A.7 Report on programs
8 scheduled to be sunset — auditor report.

9 1. At the beginning of each regular session of
10 the general assembly, the committee shall present to
11 the general assembly and the governor a report on the
12 programs scheduled to be sunset. In the report, the
13 committee shall include all of the following:

14 a. The committee's specific findings regarding each
15 of the program criteria.

16 b. The committee's recommendations, as specified by
17 section 4A.3.

18 c. Recommendations on the sunset, continuation, or
19 reorganization of each affected program and on the need
20 for the performance of the functions of the program.

21 d. Recommendations on the consolidation, transfer,
22 or reorganization of programs within agencies not under
23 review if the programs duplicate functions performed
24 by programs under review.

25 e. Recommendations as to the appropriate
26 appropriation levels for each program for which sunset
27 or reorganization is recommended pursuant to this
28 subsection.

29 f. Draft legislation necessary to carry out
30 the committee's recommendations pursuant to this
31 subsection.

32 g. Any other information the committee deems
33 necessary for a complete evaluation of the program.

34 2. On the date the committee presents its report
35 to the general assembly pursuant to subsection 1, the
36 committee shall present to the auditor of state the
37 committee's recommendations that do not require a
38 statutory change to be put into effect. The auditor
39 of state shall examine the recommendations and shall
40 prepare, as part of the next scheduled audit of the
41 program, a report on the manner in which the agency has
42 implemented the committee's recommendations.

43 Sec. ____ NEW SECTION. 4A.8 Criteria considered by
44 committee.

45 The committee shall consider all of the following
46 criteria in determining whether a public need
47 exists for the continuation of a program, or for the
48 performance of the functions of the program:

49 1. The program's operating efficiency.

50 2. An identification of the objectives intended for

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1 the program and the problem or need that the program
2 was intended to address, the extent to which the
3 objectives have been achieved, and any activities of
4 the agency in addition to those granted by statute and
5 the authority for such activities.

6 3. An assessment of less restrictive or alternative
7 methods of protecting the public in lieu of any
8 existing rule or regulation applied by the agency.

9 4. The extent to which the jurisdiction of the
10 agency and the programs administered by the agency
11 overlap or duplicate those of other agencies and
12 the extent to which the programs administered by the
13 agency can be consolidated with the programs of other
14 agencies.

15 5. An assessment of the extent to which the agency
16 has recommended to the general assembly statutory
17 changes calculated to be of benefit to the public
18 rather than to an occupation, business, or institution
19 that the agency regulates.

20 6. An evaluation of the promptness and
21 effectiveness with which the agency disposes of
22 complaints concerning persons affected by the program.

23 7. An assessment of the extent to which the agency
24 has encouraged participation by the public in making
25 rules and decisions as opposed to participation solely
26 by those it regulates and the extent to which the
27 public participation has resulted in rules compatible
28 with the objectives of the program.

29 8. The extent to which the agency has complied with
30 applicable requirements of all of the following:

31 a. An agency of the United States or this state
32 regarding equality of employment opportunity and the
33 rights and privacy of individuals.

34 b. State law and applicable rules of any
35 agency regarding purchasing goals and programs for
36 historically underutilized businesses, including but
37 not limited to the goals for small businesses and
38 targeted small businesses in this state under section
39 73.16.

40 9. The extent to which changes are necessary in the
41 enabling statutes of the program so that the agency can
42 adequately comply with the criteria established in this
43 section.

44 10. The extent to which the agency issues and
45 enforces rules relating to potential conflicts of
46 interest of its employees.

47 11. The extent to which the agency complies with
48 chapter 22 and follows records management practices
49 that enable the agency to respond efficiently to
50 requests for public information.

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1 12. The effect of federal intervention or loss of
2 federal funds if the program is sunset.

3 Sec. __. NEW SECTION. 4A.9 Exemption for certain
4 agencies.

5 1. In the two-year period preceding the date
6 scheduled for the sunset of a program in accordance
7 with this chapter, the committee may exempt the program
8 from the requirements of this chapter relating to staff
9 reports, hearings, and evaluations. The committee
10 shall only exempt a program that has been inactive for
11 a period of two years preceding the date the program is
12 scheduled to sunset.

13 2. The committee's action in exempting a program
14 pursuant to this section requires an affirmative record
15 vote of all members of the committee.

16 Sec. __. NEW SECTION. 4A.10 Activities of the
17 general assembly not restricted.

18 This chapter does not restrict the general assembly
19 from doing any of the following:

20 1. Terminating a program at a date earlier than
21 required in accordance with this chapter.

22 2. Considering any other legislation relative to a
23 program subject to this chapter.

24 Sec. __. NEW SECTION. 4A.11 Duration of sunset
25 program — procedures for terminated programs.

26 1. a. A program that is sunset may continue in
27 existence to conclude its business until September 1 of
28 the fiscal year following the fiscal year in which the
29 program was sunset. Unless the law provides otherwise,
30 the sunset of a program does not reduce or otherwise
31 limit the powers and authority of the agency during the
32 concluding year.

33 b. A program is terminated and shall cease all
34 activities on or before the date specified in paragraph
35 "a". Unless the law provides otherwise, all rules
36 adopted pertaining to the program shall expire on that
37 date.

38 2. a. Any unobligated or unexpended appropriations
39 of a sunset program lapse on the date specified in
40 subsection 1 and shall revert to the general fund of
41 the state on that date.

42 b. Except as provided by subsection 5 or as
43 otherwise provided by law, all moneys in a dedicated
44 fund of a program that is sunset in accordance with
45 this chapter shall be transferred to the general fund
46 of the state on the date specified in subsection 1.

47 Any law or portion of a law dedicating moneys to a
48 specific fund of a program that is sunset is void on
49 the date specified in subsection 1.

50 3. Unless the governor designates an appropriate

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1 agency as described in subsection 4, the property and
2 records in the custody of an agency administering a
3 sunset program on the date specified in subsection
4 1 shall be transferred to the department of
5 administrative services. However, if the governor
6 designates an appropriate agency as described in
7 subsection 4, the property and records shall be
8 transferred to the designated agency.

9 4. a. In recognition of the state's continuing
10 obligation to pay bonded indebtedness and all other
11 obligations, including lease, contract, and other
12 written obligations, incurred by a program subject to
13 sunset in accordance with this chapter, the sunset
14 of the program shall not impair or impede payment
15 of bonded indebtedness and all other obligations,
16 including lease, contract, and other written
17 obligations, in accordance with their terms.

18 b. If an agency has outstanding bonded indebtedness
19 or other outstanding obligations for a program that is
20 sunset, including lease, contract, or other written
21 obligations, the bonds and all other such obligations
22 remain valid and enforceable in accordance with
23 their terms and subject to all applicable terms and
24 conditions of the laws and proceedings authorizing the
25 bonds and all other such obligations. The governor
26 shall designate an appropriate agency to continue
27 to carry out all covenants contained in the bonds
28 and all other such obligations, and the proceedings
29 authorizing them, including the issuance of bonds,
30 and the performance of all other such obligations
31 to complete the construction of projects or the
32 performance of other such obligations. The designated
33 agency shall provide payment from the sources of
34 payment of the bonds in accordance with the terms of
35 the bonds and shall provide payment from the sources of
36 payment from all other such obligations in accordance
37 with their terms, whether from taxes, revenues, or
38 otherwise, until the bonds and interest on the bonds
39 are paid in full and are performed and paid in full.
40 If the terms of the obligation so provide, all funds
41 established by law or proceedings authorizing the bonds
42 or authorizing other such obligations shall remain
43 with the treasurer of state or previously designated
44 trustees. If the proceedings do not provide that the
45 funds remain with the treasurer of state or previously
46 designated trustees, the funds shall be transferred to
47 the designated agency.

48 Sec. ____ **NEW SECTION.** 4A.12 State agencies and
49 officers to provide assistance to committee.

50 1. The committee may request the assistance

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1 of agencies and officers to assist in gathering
 2 information pursuant to the committee objective.
 3 2. In carrying out its functions pursuant to
 4 this chapter, the committee may inspect the records,
 5 documents, and files of any agency.
 6 Sec. __. NEW SECTION. 4A.13 Department of
 7 workforce development to assist displaced employees.
 8 If an employee is displaced because a program is
 9 sunset, reorganized, or discontinued, the affected
 10 agency and the department of workforce development
 11 shall make a reasonable effort to relocate the
 12 displaced employee.
 13 Sec. __. NEW SECTION. 4A.14 Rights and duties not
 14 affected by program sunset.
 15 Unless otherwise expressly provided by law,
 16 the sunset of a program does not affect the rights
 17 and duties that matured, penalties incurred or
 18 imposed, civil or criminal liabilities that arose, or
 19 proceedings initiated in connection with the program
 20 before the effective date of the program's sunset.>
 21 2. By renumbering as necessary.

SHAWN HAMERLINCK

S-3324

1 Amend Senate File 533 as follows:
 2 1. Page 33, after line 17 by inserting:
 3 <DIVISION __
 4 WITHHOLDING AGREEMENTS
 5 Sec. __. Section 403.19A, subsection 1, paragraphs
 6 c and f, Code 2011, are amended to read as follows:
 7 c. "Employer" means a business creating or
 8 retaining targeted jobs in an urban renewal area of a
 9 pilot project city pursuant to a withholding agreement.
 10 f. "Targeted job" means a job in a business which
 11 is or will be located in an urban renewal area of a
 12 pilot project city that pays a wage at least equal to
 13 the countywide average wage. "Targeted job" includes
 14 new or retained jobs from Iowa business expansions
 15 or retentions within the city limits of the pilot
 16 project city and those jobs resulting from established
 17 out-of-state businesses, as defined by the department
 18 of economic development, moving to or expanding in
 19 Iowa.
 20 Sec. __. Section 403.19A, subsection 3, paragraph
 21 c, subparagraph (1), Code 2011, is amended to read as
 22 follows:
 23 (1) The pilot project city shall enter into a
 24 withholding agreement with each employer concerning

25 the targeted jobs withholding credit. The withholding
 26 agreement shall provide for the total amount of
 27 withholding tax credits awarded. An agreement shall
 28 not provide for an amount of withholding credits that
 29 exceeds the amount of the qualifying investment made in
 30 the project. An agreement shall not be entered into by
 31 a pilot project city with a business currently located
 32 in this state unless the business either creates or
 33 retains ten new jobs or makes a qualifying investment
 34 of at least five hundred thousand dollars within
 35 the urban renewal area. The withholding agreement
 36 may have a term of up to ten years. An employer
 37 shall not be obligated to enter into a withholding
 38 agreement. An agreement shall not be entered into with
 39 an employer not already located in a pilot project
 40 city when another Iowa community is competing for the
 41 same project and both the pilot project city and the
 42 other Iowa community are seeking assistance from the
 43 department.

44 Sec. ____ Section 403.19A, subsection 3, paragraph
 45 f, Code 2011, is amended to read as follows:

46 f. If the employer ceases to meet the requirements
 47 of the withholding agreement, the agreement shall be
 48 terminated and any withholding tax credits for the
 49 benefit of the employer shall cease. However, in
 50 regard to the number of ~~new~~ jobs that are to be created

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1 or retained, if the employer has met the number of
 2 ~~new~~ jobs to be created or retained pursuant to the
 3 withholding agreement and subsequently the number of
 4 ~~new~~ jobs falls below the required level, the employer
 5 shall not be considered as not meeting the ~~new~~ job
 6 requirement until eighteen months after the date of the
 7 decrease in the number of ~~new~~ jobs created or retained.

8 Sec. ____ EFFECTIVE UPON ENACTMENT AND RETROACTIVE
 9 APPLICABILITY. This division of this Act, being
 10 deemed of immediate importance, takes effect upon
 11 enactment and applies retroactively to July 1, 2006,
 12 for agreements entered into on or after that date.>

13 2. By renumbering as necessary.

THOMAS G. COURTNEY

S-3325

1 Amend Senate File 533 as follows:

2 1. Page 33, after line 17 by inserting:

3 <DIVISION ____
 4 PUBLIC IMPROVEMENT CONTRACTS

5 Sec. ____ Section 73A.21, Code 2011, is amended to
 6 read as follows:

7 73A.21 Reciprocal resident bidder and resident labor
8 force preference by state, its agencies, and political
9 subdivisions — penalties.

10 1. For purposes of this section:

11 a. “Commissioner” means the labor commissioner
12 appointed pursuant to section 91.2, or the labor
13 commissioner’s designee.

14 b. “Division” means the division of labor of the
15 department of workforce development.

16 c. “Nonresident bidder” means a person or entity who
17 does not meet the definition of a resident bidder.

18 d. “Public body” means the state and any of its
19 political subdivisions, including a school district,
20 public utility, or the state board of regents.

21 ~~a. e.~~ “Public improvement” means public
22 ~~improvements as defined in section 73A.1~~ a building or
23 other construction work to be paid for in whole or in
24 part by the use of funds of the state, its agencies,
25 and any of its political subdivisions and includes road
26 construction, reconstruction, and maintenance projects.

27 f. “Public utility” includes municipally owned
28 utilities and municipally owned waterworks.

29 ~~b. g.~~ “Resident bidder” means a person or entity
30 authorized to transact business in this state and
31 having a place of business for transacting business
32 within the state at which it is conducting and has
33 conducted business for at least ~~six months~~ three years
34 prior to the date of the first advertisement for the
35 public improvement and in the case of a corporation,
36 having at least fifty percent of its common stock
37 owned by residents of this state. If another state
38 or foreign country has a more stringent definition of
39 a resident bidder, the more stringent definition is
40 applicable as to bidders from that state or foreign
41 country.

42 h. “Resident labor force preference” means a
43 requirement in which all or a portion of a labor force
44 working on a public improvement is a resident of a
45 particular state or country.

46 2. Notwithstanding this chapter, chapter 73,
47 chapter 309, chapter 310, chapter 331, or chapter
48 384, when a contract for a public improvement is
49 to be awarded to the lowest responsible bidder, a
50 resident bidder shall be allowed a preference as

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1 against a nonresident bidder from a state or foreign
2 country ~~which if that state or foreign country gives~~
3 or requires ~~a~~ any preference to bidders from that
4 state or foreign country, including but not limited
5 to any preference to bidders, the imposition of any

6 type of labor force preference, or any other form of
7 preferential treatment to bidders or laborers from that
8 state or foreign country. The preference ~~is~~ allowed
9 shall be equal to the preference given or required by
10 the state or foreign country in which the nonresident
11 bidder is a resident. In the instance of a resident
12 labor force preference, a nonresident bidder shall
13 apply the same resident labor force preference to a
14 public improvement in this state as would be required
15 in the construction of a public improvement by the
16 state or foreign country in which the nonresident
17 bidder is a resident.

18 ~~3. This section applies to the state, its agencies,~~
19 ~~and any political subdivisions of the state.~~

20 ~~4. 3.~~ If it is determined that this may cause
21 denial of federal funds which would otherwise be
22 available, or would otherwise be inconsistent with
23 requirements of any federal law or regulation, this
24 section shall be suspended, but only to the extent
25 necessary to prevent denial of the funds or to
26 eliminate the inconsistency with federal requirements.

27 4. The public body involved in a public improvement
28 shall require a nonresident bidder to specify on all
29 project bid specifications and contract documents
30 whether any preference as described in subsection 2 is
31 in effect in the nonresident bidder's state or country
32 of domicile at the time of a bid submittal.

33 5. The commissioner and the division shall
34 administer and enforce this section, and the
35 commissioner shall adopt rules for the administration
36 and enforcement of this section as provided in section
37 91.6.

38 6. The commissioner shall have the following powers
39 and duties for the purposes of this section:

40 a. The commissioner may hold hearings and
41 investigate charges of violations of this section.

42 b. The commissioner may, consistent with due
43 process of law, enter any place of employment to
44 inspect records concerning labor force residency, to
45 question an employer or employee, and to investigate
46 such facts, conditions, or matters as are deemed
47 appropriate in determining whether any person
48 has violated the provisions of this section. The
49 commissioner shall only make such an entry in response
50 to a written complaint.

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1 c. The commissioner shall develop a written
2 complaint form applicable to this section and make it
3 available in division offices and on the department of
4 workforce development's internet site.

5 d. The commissioner may sue for injunctive relief
6 against the awarding of a contract, the undertaking of
7 a public improvement, or the continuation of a public
8 improvement in response to a violation of this section.
9 e. The commissioner may investigate and ascertain
10 the residency of a worker engaged in any public
11 improvement in this state.
12 f. The commissioner may administer oaths, take
13 or cause to be taken deposition of witnesses, and
14 require by subpoena the attendance and testimony of
15 witnesses and the production of all books, registers,
16 payrolls, and other evidence relevant to a matter under
17 investigation or hearing.
18 g. The commissioner shall require a contractor or
19 subcontractor to file, within ten days of receipt of a
20 request, any records enumerated in subsection 8. If
21 the contractor or subcontractor fails to provide the
22 requested records within ten days, the commissioner
23 may direct, within fifteen days after the end of the
24 ten-day period, that the fiscal or financial office
25 charged with the custody and disbursement of funds of
26 the public body that contracted for construction of the
27 public improvement or undertook the public improvement,
28 to immediately withhold from payment to the contractor
29 or subcontractor up to twenty-five percent of the
30 amount to be paid to the contractor or subcontractor
31 under the terms of the contract or written instrument
32 under which the public improvement is being performed.
33 The amount withheld shall be immediately released
34 upon receipt by the public body of a notice from the
35 commissioner indicating that the request for records as
36 required by this section has been satisfied.
37 7. While participating in a public improvement,
38 a nonresident bidder domiciled in a state or country
39 that has established a resident labor force preference
40 shall make and keep, for a period of not less than
41 three years, accurate records of all workers employed
42 by the contractor or subcontractor on the public
43 improvement. The records shall include each worker's
44 name, address, telephone number when available, social
45 security number, trade classification, and the starting
46 and ending time of employment.
47 8. Any person or entity that violates the
48 provisions of this section is subject to a civil
49 penalty in an amount not to exceed one thousand dollars
50 for each violation found in a first investigation by

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1 the division, not to exceed five thousand dollars
2 for each violation found in a second investigation
3 by the division, and not to exceed fifteen thousand

4 dollars for a third or subsequent violation found
 5 in any subsequent investigation by the division.
 6 Each violation of this section for each worker and
 7 for each day the violation continues constitutes a
 8 separate and distinct violation. In determining the
 9 amount of the penalty, the division shall consider the
 10 appropriateness of the penalty to the person or entity
 11 charged, upon determination of the gravity of the
 12 violations. The collection of these penalties shall
 13 be enforced in a civil action brought by the attorney
 14 general on behalf of the division.

15 9. A party seeking review of the division's
 16 determination pursuant to this section may file a
 17 written request for an informal conference. The
 18 request must be received by the division within fifteen
 19 days after the date of issuance of the division's
 20 determination. During the conference, the party
 21 seeking review may present written or oral information
 22 and arguments as to why the division's determination
 23 should be amended or vacated. The division shall
 24 consider the information and arguments presented and
 25 issue a written decision advising all parties of the
 26 outcome of the conference.

27 Sec. ____ Section 331.341, subsection 2, Code 2011,
 28 is amended to read as follows:

29 2. The board shall give preference to Iowa products
 30 ~~and labor~~ in accordance with chapter 73 and shall
 31 comply with bid and contract requirements in chapter
 32 26.

33 Sec. ____ REPEAL. Sections 73.3 and 73.4, Code
 34 2011, are repealed.

35 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
 36 of this Act, being deemed of immediate importance,
 37 takes effect upon enactment.

38 Sec. ____ APPLICABILITY. This division of this
 39 Act applies to all public improvement projects, and to
 40 public improvement contracts entered into on or after
 41 July 1, 2011.>

42 2. By renumbering as necessary.

BILL DIX

S-3326

1 Amend the amendment, S-3312, to Senate File 533 as
 2 follows:

3 1. Page 1, by striking lines 3 through 20 and
 4 inserting:

5 <<Sec. ____ Section 422.11S, subsection 4, Code
 6 2011, is amended to read as follows:

7 4. Married taxpayers who file separate returns
 8 or file separately on a combined return form must

9 determine the tax credit under subsection 1 based
 10 upon their combined net income and allocate the total
 11 credit amount to each spouse in the proportion that
 12 each spouse's respective net income bears to the
 13 total combined net income. Nonresidents or part-year
 14 residents of Iowa must determine their tax credit in
 15 the ratio of their Iowa source net income to their
 16 all source net income. Nonresidents or part-year
 17 residents who are married and elect to file separate
 18 returns or to file separately on a combined return form
 19 must allocate the tax credit between the spouses in
 20 the ratio of each spouse's Iowa source net income to
 21 the combined Iowa source net income of the taxpayers.
 22 An individual may claim the tax credit allowed a
 23 partnership, limited liability, S corporation,
 24 estate, or trust electing to have the income taxed
 25 directly to the individual. The amount claimed by the
 26 individual shall be based upon the pro rata share of
 27 the individual's earnings of the partnership, limited
 28 liability company, S corporation, estate, or trust.
 29 Sec. ____ Section 422.11S, subsection 7, paragraph
 30 a, subparagraph (2), Code 2011, is amended to read as
 31 follows:

32 (2) "Total approved tax credits" means for the
 33 tax year beginning in the 2006 calendar year, two
 34 million five hundred thousand dollars, for the tax
 35 year beginning in the 2007 calendar year, five million
 36 dollars, and for tax years beginning on or after
 37 January 1, 2008, and before January 1, 2012, seven
 38 million five hundred thousand dollars. For the tax
 39 year beginning on January 1, 2012, "total approved
 40 tax credits" means eight million seven hundred fifty
 41 thousand dollars, and for tax years beginning on or
 42 after January 1, 2013, ten million dollars. >>
 43 2. By renumbering as necessary.

RANDY FEENSTRA
 DAVID JOHNSON

S-3327

1 Amend Senate File 533 as follows:

- 2 1. Page 24, line 13, by striking <subparagraph> and
- 3 inserting <subparagraphs>
- 4 2. Page 24, after line 15 by inserting:
- 5 <NEW SUBPARAGRAPH. (18) One member selected by the
- 6 Iowa floodplain and stormwater management association.
- 7 NEW SUBPARAGRAPH. (19) One member selected by Iowa
- 8 rivers revival.>

JOE BOLKCOM

S-3328HOUSE AMENDMENT TO
SENATE FILE 514

- 1 Amend Senate File 514, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, lines 10 and 11, by striking <allocate
4 at least> and inserting <not allocate more than>
5 2. By renumbering as necessary.

S-3329HOUSE AMENDMENT TO
SENATE FILE 466

- 1 Amend Senate File 466, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking everything after the enacting clause
4 and inserting:
5 <Section 1. NEW SECTION. 103A.71 Residential
6 contractors.
7 1. As used in this section:
8 a. "Catastrophe" means a natural occurrence
9 including but not limited to fire, earthquake, tornado,
10 windstorm, flood, or hail storm, which damages or
11 destroys residential real estate.
12 b. "Residential contractor" means a person in
13 the business of contracting to repair or replace
14 residential roof systems or perform any other
15 exterior repair, exterior replacement, or exterior
16 reconstruction work resulting from a catastrophe
17 on residential real estate or a person offering to
18 contract with an owner or possessor of residential real
19 estate to carry out such work.
20 c. "Residential real estate" means a new or existing
21 building, including a detached garage, constructed for
22 habitation by one to four families.
23 d. "Roof system" includes roof coverings, roof
24 sheathing, roof weatherproofing, and roof insulation.
25 2. A residential contractor shall not advertise
26 or promise to rebate any insurance deductible or
27 any portion thereof as an inducement to the sale of
28 goods or services. A promise to rebate any insurance
29 deductible includes granting any allowance or offering
30 any discount against the fees to be charged or paying
31 a person directly or indirectly associated with the
32 residential real estate any form of compensation,
33 except for items of nominal value. A residential
34 contractor may display a sign or any other type of
35 advertisement on a person's premises provided the
36 person consents to the display and the person receives

37 no compensation from the residential contractor for the
 38 placement of the sign or advertising.

39 3. A residential contractor shall not represent
 40 or negotiate on behalf of, or offer or advertise
 41 to represent or negotiate on behalf of, an owner or
 42 possessor of residential real estate on any insurance
 43 claim in connection with the repair or replacement
 44 of roof systems, or the performance of any other
 45 exterior repair, exterior replacement, or exterior
 46 reconstruction work on the residential real estate.

47 4. a. A residential contractor contracting to
 48 provide goods or services to repair damage resulting
 49 from a catastrophe shall provide the person with whom
 50 it is contracting a fully completed duplicate notice in

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1 at least ten-point bold type which shall contain the
 2 following statement:

3 **NOTICE OF BINDING CONTRACT**

4 You are entering into a legally binding contract
 5 with (insert name of residential contractor) to provide
 6 goods and services to repair damage resulting from
 7 a naturally occurring catastrophe including but not
 8 limited to a fire, earthquake, tornado, windstorm,
 9 flood, or hail storm. Except as described in the next
 10 sentence, you are responsible for payment to (insert
 11 name of residential contractor) for the cost of all
 12 goods and services provided whether or not you receive
 13 payment from any property and casualty insurance
 14 policy with respect to the damage. Your contract
 15 with (insert name of residential contractor) is void
 16 and you have no responsibility for payment under the
 17 contract if (insert name of residential contractor)
 18 either advertises or promises to rebate all or any
 19 portion of your insurance deductible, or represents or
 20 negotiates, or offers to represent or negotiate, on
 21 your behalf with your property and casualty insurance
 22 company on any insurance claim relating to the damage
 23 you have contracted to have repaired. Your signature
 24 below acknowledges your understanding of these legal
 25 obligations and rights.

26 _____
 27 Date

28 _____
 29 Signature

30 b. The notice shall be executed by the person with
 31 whom the residential contractor is contracting prior to
 32 or contemporaneously with entering into the contract.

33 5. A contract entered into with a residential
 34 contractor is void if the residential contractor
 35 violates subsection 2, 3, or 4.

36 6. A residential contractor violating this section
 37 is subject to the penalties and remedies prescribed by
 38 this chapter.

39 7. This section shall not be construed to alter
 40 or affect the rights and duties prescribed in chapter
 41 555A.

42 Sec. 2. APPLICABILITY. This Act applies to
 43 contracts entered into on or after the effective date
 44 of this Act.>

45 2. Title page, line 2, after <penalty> by inserting
 46 <and including applicability provisions>

S-3330

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 651

1 Amend the Senate amendment, H-1662, to House File
 2 651, as passed by the House, as follows:

3 1. By striking page 1, line 3, through page 3, line
 4 33, and inserting:

5 <__. By striking everything after the enacting
 6 clause and inserting:

7 <Sec. __. Section 35A.11, Code 2011, is amended by
 8 adding the following new subsection:

9 NEW SUBSECTION. 8A. Combat infantryman badge,
 10 combat action badge, combat action ribbon, air force
 11 combat action medal, and combat medical badge plates
 12 issued pursuant to section 321.34, subsection 20C.

13 Sec. __. Section 321.34, Code 2011, is amended by
 14 adding the following new subsections:

15 NEW SUBSECTION. 20C. Combat infantryman badge,
 16 combat action badge, combat action ribbon, air force
 17 combat action medal, and combat medical badge plates.

18 a. The department, in consultation with the
 19 adjutant general, shall design combat infantryman
 20 badge, combat action badge, combat action ribbon, air
 21 force combat action medal, and combat medical badge
 22 distinguishing processed emblems. Upon receipt of two
 23 hundred fifty orders for special combat infantryman
 24 badge, combat action badge, combat action ribbon, air
 25 force combat action medal, or combat medical badge
 26 special registration plates, accompanied by a start-up
 27 fee of twenty dollars per order, the department
 28 shall begin issuing special registration plates with
 29 the applicable distinguishing processed emblem as
 30 provided in paragraphs "b" and "c". The minimum
 31 order requirement shall apply separately to each of
 32 the special registration plates created under this
 33 subsection.

34 b. An owner referred to in subsection 12 who was

35 awarded a combat infantryman badge, combat action
36 badge, combat action ribbon, air force combat action
37 medal, or combat medical badge by the United States
38 government may, upon written application to the
39 department and presentation of satisfactory proof of
40 the award, order special registration plates with a
41 combat infantryman badge, combat action badge, combat
42 action ribbon, air force combat action medal, or
43 combat medical badge processed emblem. The special
44 plate fees collected by the director under subsection
45 12, paragraphs "a" and "c", from the issuance and
46 annual validation of letter-number designated and
47 personalized combat infantryman badge, combat action
48 badge, combat action ribbon, air force combat action
49 medal, and combat medical badge plates shall be paid
50 monthly to the treasurer of state and deposited in

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1 the road use tax fund. The treasurer of state shall
2 transfer monthly from the statutory allocations fund
3 created under section 321.145, subsection 2, to the
4 veterans license fee fund created in section 35A.11 the
5 amount of the special fees collected under subsection
6 12, paragraph "a", in the previous month for combat
7 infantryman badge, combat action badge, combat action
8 ribbon, air force combat action medal, and combat
9 medical badge plates.

10 c. The surviving spouse of a person who was issued
11 special plates under this subsection may continue
12 to use or apply for and use the special plates
13 subject to registration of the special plates in
14 the surviving spouse's name and upon payment of the
15 annual five-dollar special plate fee and the regular
16 annual registration fee for the vehicle. If the
17 surviving spouse remarries, the surviving spouse shall
18 return the special plates to the department and the
19 department shall issue regular registration plates to
20 the surviving spouse.

21 NEW SUBSECTION. 25. Civil war sesquicentennial
22 plates.

23 a. The department, in consultation with
24 the adjutant general, shall design a civil war
25 sesquicentennial distinguishing processed emblem. Upon
26 receipt of two hundred fifty orders for special civil
27 war sesquicentennial special registration plates,
28 accompanied by a start-up fee of twenty dollars per
29 order, the department shall begin issuing special
30 registration plates with a civil war sesquicentennial
31 processed emblem as provided in paragraph "b".

32 b. An owner referred to in subsection 12,
33 upon written application to the department, may

34 order special registration plates with a civil war
35 sesquicentennial processed emblem. The special plate
36 fees collected by the director under subsection 12,
37 paragraphs "a" and "c", from the issuance and annual
38 validation of letter-number designated and personalized
39 civil war sesquicentennial plates shall be paid monthly
40 to the treasurer of state and deposited in the road
41 use tax fund. The treasurer of state shall transfer
42 monthly from the statutory allocations fund created
43 under section 321.145, subsection 2, to the department
44 of cultural affairs the amount of the special fees
45 collected under subsection 12, paragraph "a", in the
46 previous month for civil war sesquicentennial plates,
47 and such funds are appropriated to the department of
48 cultural affairs to be used for the Iowa battle flag
49 project.
50 NEW SUBSECTION. 26. Fallen peace officers plates.

Page 3

1 a. The department, in consultation with the
2 department of public safety and concerns of police
3 survivors, inc., shall design a fallen peace officers
4 distinguishing processed emblem. Upon receipt of two
5 hundred fifty orders for fallen peace officers special
6 registration plates, accompanied by a start-up fee of
7 twenty dollars per order, the department shall begin
8 issuing special registration plates with a fallen peace
9 officers processed emblem as provided in paragraphs "b"
10 and "c".
11 b. An owner of a motor vehicle referred to in
12 subsection 12, upon written application to the
13 department, may order special registration plates
14 with a fallen peace officers processed emblem. The
15 special fee for letter-number designated fallen
16 peace officers plates is thirty-five dollars. The
17 fee for personalized fallen peace officers plates is
18 twenty-five dollars, which shall be paid in addition to
19 the special fallen peace officers fee of thirty-five
20 dollars. The fees collected by the director under
21 this paragraph shall be paid monthly to the treasurer
22 of state and deposited in the road use tax fund. The
23 treasurer of state shall transfer monthly from the
24 statutory allocations fund created under section
25 321.145, subsection 2, to the department of public
26 safety the amount of the special fees collected in the
27 previous month for the fallen peace officers plates
28 and such funds are appropriated to the department
29 of public safety. The department of public safety
30 shall distribute one hundred percent of the funds
31 received monthly in the form of grants to nonprofit
32 organizations that provide resources to assist in

33 the rebuilding of the lives of surviving families
 34 and affected coworkers of law enforcement officers
 35 killed in the line of duty. In the awarding of
 36 grants, the department of public safety shall give
 37 first consideration to concerns of police survivors,
 38 inc., and similar nonprofit organizations providing
 39 such resources. Notwithstanding section 8.33, moneys
 40 transferred under this subsection shall not revert to
 41 the general fund of the state.

42 c. Upon receipt of the special registration plates,
 43 the applicant shall surrender the current registration
 44 plates to the county treasurer. The county treasurer
 45 shall validate the special registration plates in
 46 the same manner as regular registration plates are
 47 validated under this section. The annual special
 48 fallen peace officers fee for letter-number designated
 49 plates is ten dollars, which shall be paid in addition
 50 to the regular annual registration fee. The annual

Page 4

1 special fee for personalized fallen peace officers
 2 plates is five dollars, which shall be paid in addition
 3 to the annual special fallen peace officers fee and
 4 the regular annual registration fee. The annual
 5 special fallen peace officers fee shall be credited and
 6 transferred as provided under paragraph "b".

7 Sec. ____ Section 321.145, subsection 2, paragraph
 8 b, subparagraph (3), Code 2011, is amended to read as
 9 follows:

10 (3) The amounts required to be transferred pursuant
 11 to section 321.34 from revenues available under
 12 this subsection shall be transferred and credited as
 13 provided in section 321.34, subsections 7, 10, 10A, 11,
 14 11A, 11B, 13, 16, 17, 18, 19, 20, 20A, 20B, 20C, 21,
 15 22, 23, ~~and 24, 25, and 26~~ for the various purposes
 16 specified in those subsections.>

17 ____ Title page, lines 2 and 3, by striking <plate,
 18 establishing fees, and making an appropriation.> and
 19 inserting <plate, special fallen peace officers plates,
 20 and special military combat plates, establishing fees,
 21 and making appropriations.>>

22 2. By renumbering as necessary.

S-3331

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 672

1 Amend the amendment, H-1706, to House File 672,
 2 as amended, passed, and reprinted by the House, as

3 follows:

- 4 1. Page 1, by striking lines 15 and 16.
- 5 2. Page 1, by striking lines 20 through 23.
- 6 3. Page 1, by striking lines 26 through 31.
- 7 4. Page 1, by striking lines 34 through 38 and
- 8 inserting:
- 9 <__. Page 4, by striking lines 1 through 6 and
- 10 inserting <ethanol cogeneration plant engaged in the
- 11 sale of ethanol to states to meet a low carbon fuel
- 12 standard.>>
- 13 5. Page 1, by striking lines 39 and 40.

S-3332

1 Amend House File 657, as passed by the House, as
2 follows:

- 3 1. By striking everything after the enacting clause
- 4 and inserting:
- 5 <Section 1. Section 707.7, subsections 1, 2, and 4,
- 6 Code 2011, are amended to read as follows:
- 7 1. Any person who intentionally terminates a human
- 8 pregnancy, with the knowledge and voluntary consent
- 9 of the pregnant person, after ~~the end of the second~~
- 10 ~~trimester of the pregnancy~~ a gestation period of
- 11 twenty completed weeks where death of the fetus results
- 12 commits feticide. Feticide is a class "C" felony.
- 13 2. Any person who attempts to intentionally
- 14 terminate a human pregnancy, with the knowledge and
- 15 voluntary consent of the pregnant person, after ~~the end~~
- 16 ~~of the second trimester of the pregnancy~~ a gestation
- 17 period of twenty completed weeks where death of the
- 18 fetus does not result commits attempted feticide.
- 19 Attempted feticide is a class "D" felony.
- 20 4. This section shall not apply to the termination
- 21 of a human pregnancy performed by a physician licensed
- 22 in this state to practice medicine or surgery or
- 23 osteopathic medicine or surgery when in the best
- 24 clinical judgment of the physician the termination
- 25 is performed to preserve the life ~~or health~~ of the
- 26 pregnant person or of the fetus and every reasonable
- 27 medical effort not inconsistent with preserving the
- 28 life of the pregnant person is made to preserve the
- 29 life of a ~~viable~~ the fetus.
- 30 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being
- 31 deemed of immediate importance, takes effect upon
- 32 enactment.>
- 33 2. Title page, by striking lines 1 through 3
- 34 and inserting <An Act relating to feticide, making
- 35 penalties applicable, and including effective date
- 36 provisions.>

S-3333

1 Amend the amendment, S-3293, to House File 649,
2 as amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, line 26, by striking <2,549,270> and
5 inserting <2,594,270>
6 2. Page 1, line 38, by striking <3,369,156> and
7 inserting <3,399,156>
8 3. Page 1, after line 44 by inserting:
9 <__. Page 7, line 32, by striking <468,874> and
10 inserting <498,874>>
11 4. Page 2, line 8, by striking <4,813,872> and
12 inserting <4,826,699>
13 5. Page 2, after line 8 by inserting:
14 <__. Page 9, line 32, after <designated> by
15 inserting <. The following amounts allocated under
16 this lettered paragraph shall be distributed to
17 the specified provider and shall not be reduced for
18 administrative or other costs prior to distribution>>
19 6. Page 3, line 15, by striking <45,173> and
20 inserting <58,000>
21 7. Page 3, by striking lines 34 and 35 and
22 inserting <through a grant to an organization that has
23 an existing program for children and adults and that
24 is solely dedicated to preserving sight and preventing
25 blindness>
26 8. Page 3, line 39, by striking <departments> and
27 inserting <grantee organization>
28 9. Page 3, by striking lines 45 through 48 and
29 inserting <the conclusion of the pilot program,
30 the grantee organization shall report findings and
31 recommendations for statewide implementation of the
32 vision screening program to the department of public
33 health.>
34 10. Page 3, before line 49 by inserting:
35 <__. The department of public health in
36 collaboration with other appropriate state agencies
37 shall review state regulatory oversight provisions
38 relating to outpatient surgical facilities including
39 ambulatory surgical centers, hospice programs, assisted
40 living programs, and home health agencies, and shall
41 submit recommendations to the persons designated in
42 this Act for submission of reports by December 15,
43 2011, to improve quality of care for consumers and to
44 increase regulatory compliance by such entities.>
45 11. Page 4, after line 11 by inserting:
46 <__. Page 16, by striking lines 15 through 24 and
47 inserting:
48 <Pregnancy prevention grants shall be awarded
49 to programs in existence on or before July 1, 2011,
50 if the programs are comprehensive in scope and have

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1 demonstrated positive outcomes. Grants shall be
2 awarded to pregnancy prevention programs which are
3 developed after July 1, 2011, if the programs are
4 comprehensive in scope and are based on existing models
5 that have demonstrated positive outcomes. Grants
6 shall comply with the requirements provided in 1997
7 Iowa Acts, chapter 208, section 14, subsections 1 and
8 2, including the requirement that grant programs must
9 emphasize sexual abstinence. Priority in the awarding
10 of grants shall be given to programs that serve areas
11 of the state which demonstrate the highest percentage
12 of unplanned pregnancies of females of childbearing age
13 within the geographic area to be served by the grant. >>

14 12. Page 8, line 44, by striking <83,420,163> and
15 inserting <83,377,336>

16 13. Page 9, line 1, by striking <300,000> and
17 inserting <257,173>

18 14. Page 9, by striking lines 6 through 9 and
19 inserting:

20 <__. Page 41, line 8, by striking <department of
21 human services> and inserting <criminal and juvenile
22 justice planning advisory council established in
23 section 216A.132>>

24 15. Page 10, by striking lines 16 through 31 and
25 inserting:

26 <(2) For the nonstate-owned psychiatric medical
27 institutions for children, reimbursement rates shall
28 remain at the rates in effect on June 30, 2011. The
29 department, in consultation with representatives of the
30 nonstate-owned psychiatric medical institutions for
31 children, shall develop a reimbursement methodology to
32 include all ancillary medical services costs and any
33 other changes required for federal compliance, to be
34 implemented on July 1, 2012. To the extent possible,
35 the reimbursement methodology shall be in a manner so
36 as to be budget neutral to the institutions and cost
37 effective for the state.>

38 16. Page 10, before line 32 by inserting:

39 <__. Page 56, after line 10 by inserting:
40 <Sec. ____. CIVIL MONETARY PENALTIES — DIRECT CARE
41 WORKER INITIATIVES PROPOSAL. The department of human
42 services shall develop a proposal, in collaboration
43 with the department of public health, requesting
44 federal approval for the use of a portion of the
45 funds received by the department of human services as
46 civil monetary penalties from nursing facilities to
47 support direct care worker initiatives that enhance the
48 quality of care in nursing facilities. The proposal
49 shall request use of the funds for direct care worker
50 initiatives based on recommendations of the direct care

Page 3

1 worker task force established pursuant to 2005 Iowa
2 Acts, chapter 88, as included in the report submitted
3 to the governor and the general assembly in December
4 2006. Upon completion of the proposal, the department
5 of human services shall submit the proposal to the
6 centers for Medicare and Medicaid services of the
7 United States department of health and human services
8 for approval. The department of human services shall
9 notify the persons designated in this division of this
10 Act for submission of reports upon receipt of approval
11 of the proposal. >>

12 17. Page 12, by striking lines 19 through 37.

13 18. By striking page 12, line 50, through page 13,
14 line 2, and inserting <and current medical assistance
15 program providers that are not expansion population
16 network providers pursuant to section 249J.7, for
17 services covered by the full benefit>

18 19. Page 13, line 7, by striking <section 249J.6>
19 and inserting <sections 249J.6 and 249J.7>

20 20. Page 13, by striking lines 34 through 39 and
21 inserting <for reimbursement under this subsection.>

22 21. Page 14, by striking lines 25 through 28 and
23 inserting <provider.>

24 22. Page 15, by striking lines 29 through 46.

25 23. Page 19, after line 49 by inserting:

26 <__. Page 82, after line 31 by inserting:
27 <Sec. __. Section 225B.8, Code 2011, is amended to
28 read as follows:

29 225B.8 Repeal.

30 This chapter is repealed July 1, ~~2011~~ 2016. >>

31 24. Page 21, after line 14 by inserting:

32 <__. Page 83, after line 9 by inserting:

33 <Sec. __. **NEW SECTION.** 261.113 Licensed social
34 worker loan repayment program.

35 1. A licensed social worker loan repayment program
36 is established, to be administered by the college
37 student aid commission for the purpose of increasing
38 the number of social workers serving in critical human
39 service areas. For purposes of this section, "critical
40 human service area" includes but is not limited to an
41 area of the state with a shortage of social workers
42 providing health, mental health, substance abuse,
43 aging, HIV/AIDS, victim, or child welfare services, or
44 communities with multilingual needs. These areas shall
45 be designated by the college student aid commission,
46 in consultation with a committee comprised of one
47 representative each from the commission, the department
48 of public health, and the department of human services.

49 2. The contract for the loan repayment shall
50 stipulate the time period the licensed social worker

Page 4

1 shall practice in a critical human service area.
2 In addition, the contract shall stipulate that the
3 licensed social worker repay any funds paid on the
4 person's loan by the commission if the person fails
5 to practice in a critical human service area for the
6 required period of time.
7 Sec. ____ NEW SECTION. 261.114 Licensed social
8 worker loan repayment revolving fund.
9 1. A licensed social worker loan repayment
10 revolving fund is created in the state treasury as a
11 separate fund under the control of the commission.
12 The commission shall deposit payments made by program
13 participants under section 261.113, subsection 2,
14 moneys appropriated for purposes of the licensed social
15 worker loan repayment program, and any other available
16 funds into the loan repayment revolving fund. Moneys
17 in the fund shall be used for purposes of the licensed
18 social worker loan repayment program. Notwithstanding
19 section 8.33, moneys deposited in the fund shall
20 not revert to any fund of the state at the end of
21 any fiscal year but shall remain in the fund and be
22 continuously available for the program.
23 2. Notwithstanding section 12C.7, subsection 2,
24 interest or earnings on moneys deposited in the fund
25 shall be credited to the fund.
26 3. a. The annual amount of loan repayment is six
27 thousand five hundred dollars for individuals who
28 have provided full-time social work services in a
29 critical human service area in the year prior to such
30 application, provided that no recipient shall receive
31 loan repayment that exceeds the total remaining balance
32 of the student loan debt and that no recipient shall
33 receive cumulative awards in excess of twenty-five
34 thousand dollars.
35 b. Awards shall be within the amounts appropriated
36 for such purpose and based on availability of funds.
37 4. Loan repayment awards shall be made annually to
38 applicants in the following order of priority:
39 a. First priority is given to applicants who have
40 received payment of an award pursuant to this section
41 in a prior year and who have provided social work
42 services in a critical human service area in the year
43 prior to such application.
44 b. Second priority is given to applicants who have
45 not received payment of an award pursuant to this
46 section in a prior year and who have provided social
47 work services in a critical human service area in the
48 year prior to such application.
49 c. Third priority is given to applicants who
50 are economically disadvantaged, as defined by the

Page 5

1 commission.

2 5. The commission shall adopt rules pursuant to
3 chapter 17A to administer this section. >>

4 25. Page 21, after line 15 by inserting:

5 <__. Page 83, after line 21 by inserting:

6 <DIVISION __

7 MEDICAID PRESCRIPTION DRUGS

8 Sec. __. Section 249A.20A, subsection 4, Code

9 2011, is amended to read as follows:

10 4. With the exception of drugs prescribed for the
11 treatment of human immunodeficiency virus or acquired
12 immune deficiency syndrome, transplantation, or cancer
13 and drugs prescribed for mental illness with the
14 exception of drugs and drug compounds that do not
15 have a significant variation in a therapeutic profile
16 or side effect profile within a therapeutic class,
17 prescribing and dispensing of prescription drugs not
18 included on the preferred drug list shall be subject to
19 prior authorization.

20 Sec. __. 2010 Iowa Acts, chapter 1031, section
21 348, is amended to read as follows:

22 SEC. 348. MEDICAID NONPREFERRED DRUG LIST
23 PRESCRIBING.

24 ~~4.~~ The department shall adopt rules pursuant
25 to chapter 17A to restrict physicians and other
26 prescribers to prescribing not more than a 72-hour
27 or three-day supply of a prescription drug not
28 included on the medical assistance preferred drug list
29 while seeking approval to continue prescribing the
30 medication.

31 ~~2. Notwithstanding subsection 1, the department~~
32 ~~shall adopt rules pursuant to chapter 17A to restrict a~~
33 ~~physician or other prescriber prescribing a chemically~~
34 ~~unique mental health prescription drug to prescribing~~
35 ~~not more than a seven day supply of the prescription~~
36 ~~drug while requesting approval to continue to prescribe~~
37 ~~the medication. The rules shall provide that if~~
38 ~~an approval or disapproval is not received by the~~
39 ~~physician or other prescriber within 48 hours of the~~
40 ~~request, the request is deemed approved.~~

41 Sec. __. REPEAL. 2010 Iowa Acts, chapter 1031,
42 section 349, is repealed.

43 Sec. __. RESCINDING AND ADOPTION OF RULES. The
44 department of human services shall rescind the rules
45 adopted pursuant to 2010 Iowa Acts, chapter 1031,
46 section 347, chapter 1031, section 348, subsection
47 2, and chapter 1031, section 349, and shall instead
48 adopt emergency rules under section 17A.4, subsection
49 3, and section 17A.5, subsection 2, paragraph "b",
50 to implement section 249A.20A, as amended in this

Page 6

1 division of this Act, and the rules shall be effective
 2 immediately upon filing and retroactively applicable to
 3 January 1, 2011, unless a later date is specified in
 4 the rules. Any rules adopted in accordance with this
 5 section shall also be published as a notice of intended
 6 action as provided in section 17A.4.
 7 Sec. ____ EFFECTIVE UPON ENACTMENT AND RETROACTIVE
 8 APPLICABILITY. This division of this Act, being deemed
 9 of immediate importance, takes effect upon enactment
 10 and applies retroactively to January 1, 2011. >>
 11 26. By striking page 22, line 45, through page 24,
 12 line 36.
 13 27. Page 28, line 36, after <by> by inserting <or
 14 on behalf of>
 15 28. By striking page 51, line 24, through page 52,
 16 line 6, and inserting:
 17 <Sec. ____ INITIAL APPOINTMENTS — BOARD.
 18 1. The initial appointments of board member
 19 positions described in section 135D.4, as enacted by
 20 this division of this Act, shall have staggered terms
 21 as follows:
 22 a. The board members designated by the Iowa
 23 collaborative safety net provider network and the Iowa
 24 medical society, shall have initial terms of two years,
 25 after which the members shall serve four-year terms.
 26 b. The board members designated by the two largest
 27 health care systems in the state, the university of
 28 Iowa hospitals and clinics, and the Iowa hospital
 29 association, shall have initial terms of four years,
 30 after which the members shall serve four-year terms.
 31 c. The board members designated by the federation
 32 of Iowa insurers shall serve initial terms of six
 33 years, after which the members shall serve four-year
 34 terms.
 35 2. With the exception of board members who are
 36 representatives of state agencies and not subject
 37 to term limits as provided in section 135D.4, board
 38 members appointed under this section may serve an
 39 additional four-year term, with the exception of those
 40 board members initially serving a two-year term, who
 41 may serve two consecutive four-year terms following the
 42 initial two-year term.>
 43 29. By renumbering as necessary.

JACK HATCH

S-3334

1 Amend the amendment, S-3287, to House File 645,
 2 as amended, passed, and reprinted by the House, as
 3 follows:

- 4 1. Page 8, by striking lines 11 through 18.
- 5 2. Page 8, by striking lines 32 through 37 and
6 inserting <transfer the amount of \$523,098 to the
7 college student aid commission for purposes of
8 providing national guard educational assistance
9 under the program established in section 261.86.
10 Notwithstanding section 8.33, funds transferred for
11 purposes of this section which remain unencumbered or
12 unobligated at the close of the fiscal year ending June
13 30, 2012, shall not revert but shall be available for
14 expenditure for the fiscal year beginning July 1, 2012,
15 for purposes of section 261.86.>
- 16 3. Page 14, by striking lines 17 through 38 and
17 inserting:
18 <Sec. ____ Section 261.6, subsection 2, Code 2011,
19 is amended by adding the following new paragraph:
20 NEW PARAGRAPH. d. (1) Is a resident of Iowa; is,
21 notwithstanding subsection 3, paragraph "c", under the
22 age of twenty-six; is not a convicted felon as defined
23 in section 910.15; and meets the following criteria:
24 (a) Is the child of a peace officer, as defined
25 in section 97A.1, who is permanently and totally
26 disabled and who receives benefits under section
27 97A.6, subsection 5, or was killed in the line of duty
28 as determined by the board of trustees of the Iowa
29 department of public safety peace officers' retirement,
30 accident, and disability system in accordance with
31 section 97A.6, subsection 16.
32 (b) Is the child of a police officer or a
33 fire fighter, as defined in section 411.1, who is
34 permanently and totally disabled and who receives
35 benefits under section 411.6, subsection 5, or
36 was killed in the line of duty as determined by
37 the statewide fire and police retirement system in
38 accordance with section 411.6, subsection 15.
39 (c) Is the child of a person described as a peace
40 officer under section 97B.49B or is the child of
41 a sheriff or deputy sheriff as defined in section
42 97B.49C, who is permanently and totally disabled and
43 who receives an in-service disability retirement
44 allowance under section 97B.50A, subsection 2, or is
45 killed in the line of duty as determined by the Iowa
46 public employees' retirement system in accordance with
47 section 97B.52, subsection 2.
48 (2) If a student receives financial aid under any
49 other federal, state, or institutional scholarship or
50 grant program, the full amount of the other financial

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- 1 aid shall be applied to the student's expenses first
2 and shall be considered part of the student's available

3 financial resources in determining the amount of the
4 student's award under this paragraph "d". The total
5 financial aid for the student's education, including
6 financial aid under any other program, shall not exceed
7 the student's cost of attendance at the institution
8 which the student attends.

9 (3) For purposes of this paragraph "d":

10 (a) "Approved postsecondary education or training
11 program" means a program offered by an Iowa community
12 college or institution of higher education governed by
13 the state board of regents.

14 (b) "Permanently and totally disabled" means the
15 individual is unable to engage in any substantial
16 gainful activity by reason of a medically determinable
17 physical impairment which can be expected to last
18 for a continuous period or can be expected to result
19 in death. A certificate from a qualified physician
20 attesting to the individual's permanent and total
21 disability must be submitted to the commission. The
22 certificate must include the name and address of
23 the physician and contain an acknowledgment that the
24 certificate will be used by the individual to qualify
25 for educational assistance pursuant to this section.>

26 4. Page 17, line 27, after <proficiency> by
27 inserting <by submitting the written recommendation
28 of the licensed practitioner providing supervision to
29 the student in accordance with section 299A.2; may
30 demonstrate proficiency as evidenced by achievement
31 scores on the annual achievement evaluation required
32 under section 299A.4; or may demonstrate proficiency>

33 5. Page 21, line 15, by striking <and>

34 6. Page 21, line 18, by striking <six hundred
35 thirty-eight> and inserting <four hundred eight>

36 7. Page 22, by striking lines 24 through 30.

37 8. Page 24, by striking lines 41 and 42 and
38 inserting <section of this division>

39 9. Page 24, line 44, by striking <take effect on
40 July 1, 2012, and are> and inserting <takes effect July
41 1, 2012, and is>

42 10. Page 25, line 2, by striking <sections> and
43 inserting <section>

44 11. Page 25, line 3, by striking <amend section
45 298.3 apply> and inserting <amends section 298.3
46 applies>

47 12. Page 28, line 14, by striking <paragraph> and
48 inserting <paragraphs>

49 13. Page 28, after line 20 by inserting:

50 <NEW PARAGRAPH. 1. Allow a public library that

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1 receives state assistance under section 256.57, or
 2 financial support from a city or county pursuant
 3 to section 256.69, to dispose of, through sale,
 4 conveyance, or exchange, any library materials that may
 5 be obsolete or worn out or that may no longer be needed
 6 or appropriate to the mission of the public library.
 7 These materials may be sold by the public library
 8 directly or the governing body of the public library
 9 may sell the materials by consignment to a public
 10 agency or to a private agency organized to raise funds
 11 solely for support of the public library. Proceeds
 12 from the sale of the library materials may be remitted
 13 to the public library and may be used by the public
 14 library for the purchase of books and other library
 15 materials or equipment, or for the provision of library
 16 services.>

17 14. Page 33, after line 28 by inserting:
 18 <Sec. ____ EFFECTIVE UPON ENACTMENT. The section
 19 of this division of this Act enacting section 256.52,
 20 subsection 3, paragraph "b", subparagraph (4A), being
 21 deemed of immediate importance, takes effect upon
 22 enactment.>

23 15. Page 36, line 44, by striking <economic
 24 development> and inserting <education>

25 16. Page 36, line 46, by striking <education> and
 26 inserting <economic development>

27 17. Page 37, line 15, by striking <economic
 28 development> and inserting <education>

29 18. Page 37, line 16, by striking <education> and
 30 inserting <economic development>

31 19. Page 40, line 20, by striking <economic
 32 development> and inserting <education>

33 20. Page 40, line 29, by striking <economic
 34 development> and inserting <education>

35 21. Page 40, line 38, by striking <economic
 36 development> and inserting <education>

37 22. Page 40, line 39, by striking <education> and
 38 inserting <economic development>

39 23. By renumbering as necessary.

BRIAN SCHOENJAHN

S-3335

HOUSE AMENDMENT TO
 SENATE FILE 525

- 1 Amend Senate File 525, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking everything after the enacting clause

4 and inserting:

5 <DIVISION I
6 SERVICE SYSTEM REDESIGN
7 Section 1. ADULT DISABILITY SERVICES SYSTEM
8 REDESIGN.

9 1. For the purposes of this section, “disability
10 services” means services and other support available
11 to a person with mental illness or an intellectual
12 disability or other developmental disability.

13 2. It is the intent of the general assembly to
14 redesign the system for adult disability services to
15 implement all of the following:

16 a. Shifting the funding responsibility for the
17 nonfederal share of adult disability services paid for
18 by the Medicaid program, including but not limited to
19 all costs for the state resource centers, from the
20 counties to the state.

21 b. Reorganizing adult disability services not paid
22 for by the Medicaid program into a system administered
23 on a regional basis in a manner that provides multiple
24 local points of access to adult disability services
25 both paid for by the Medicaid program and not paid for
26 by the Medicaid program.

27 c. Replacing legal settlement as the basis for
28 determining financial responsibility for publicly
29 funded disability services by determining such
30 responsibility based upon residency.

31 3. a. The legislative council is requested to
32 authorize an interim committee on mental health and
33 disability services for the 2011 legislative interim to
34 commence as soon as practicable. The purpose of the
35 interim committee is to closely engage with, monitor,
36 and make recommendations concerning the efforts of
37 the department of human services and workgroups of
38 stakeholders and experts created by the department
39 to develop detailed proposals for the redesign of
40 disability services pursuant to this Act, particularly
41 with regard to the identification of core services.

42 b. (1) It is intended that the interim committee
43 members consist of equal numbers of legislators from
44 both chambers and from both political parties and
45 for staff from the office of the governor and the
46 departments of human services and public health to be
47 designated to serve as ex officio, nonvoting members.
48 It is also requested that legislators serving on the
49 interim committee and other interested legislators
50 be authorized to participate in the meetings of the

- 1 workgroups and subcommittees addressed in this Act.
- 2 (2) In addition to addressing workgroup

3 recommendations, it is intended that the interim
4 committee address property tax issues, devise a means
5 of ensuring the state maintains its funding commitments
6 for the redesigned services system, recommend revisions
7 in the requirements for mental health professionals
8 who are engaged in the involuntary commitment and
9 examination processes under chapter 229, develop
10 proposed legislation for amending Code references to
11 mental retardation to instead refer to intellectual
12 disabilities, and consider issues posed by the
13 July 1, 2013, repeals of county disability services
14 administration and funding provisions in 2011 Iowa
15 Acts, Senate File 209, as amended by this Act. In
16 addressing the repeal provisions, the interim committee
17 shall include options for further revisions to the
18 repeal date amendments enacted by this Act.

19 (3) It is intended that the interim committee
20 shall receive and make recommendations concerning the
21 detailed and final proposals submitted by workgroups
22 during the 2011 legislative interim for consideration
23 by the general assembly in the 2012 legislative
24 session.

25 c. (1) The department of human services shall
26 design the workgroup process to facilitate effective
27 decision making while allowing for a broad array of
28 input. The workgroup process shall begin as soon after
29 the effective date of this Act as is practicable. The
30 membership of workgroups and subcommittees involved
31 with the process shall include consumers, service
32 providers, and advocates and provide for adequate
33 representation by both rural and urban interests.
34 The department of public health shall be represented
35 on those workgroups and subcommittees with a focus
36 relevant to the department.

37 (2) The detailed and final proposals developed
38 by the workgroups during the 2011 interim shall
39 be submitted to the interim committee on or before
40 December 9, 2011.

41 d. At least one workgroup shall address redesign
42 of the adult mental health system and at least
43 one workgroup shall address redesign of the adult
44 intellectual and other developmental disability system.
45 The workgroup process shall engage separate workgroups
46 and subcommittees enumerated in this Act and may
47 involve additional bodies in the process as determined
48 by the department.

49 e. It is intended that interim committee members
50 be engaged, to the extent possible, in workgroup

Page 3

1 deliberations and begin formal discussions of
2 preliminary proposals developed by the workgroups
3 beginning in October.
4 4. The workgroup process implemented by the
5 department of human services pursuant to subsection
6 3 shall result in the submission of proposals for
7 redesign of adult disability services that include but
8 are not limited to all of the following:
9 a. Identifying clear definitions and requirements
10 for the following:
11 (1) Eligibility criteria for the individuals to be
12 served.
13 (2) The array of core services and other support to
14 be included in regional adult disability services plans
15 and to be delivered by providers based on individual
16 needs and medical necessity and in a manner that
17 promotes cost-effectiveness, uniformity, accessibility,
18 and best practice approaches. The array shall
19 encompass and integrate services and other support paid
20 for by both the Medicaid program and other sources.
21 (3) Outcome measures that focus on consumer needs,
22 including but not limited to measures addressing
23 individual choice, empowerment, and community.
24 (4) Quality assurance measures.
25 (5) Provider accreditation, certification,
26 or licensure requirements to ensure high quality
27 services while avoiding unreasonable expectations and
28 duplicative surveys.
29 (6) Input in regional service plans and delivery
30 provisions by consumer and provider representatives.
31 The input process shall engage local consumers,
32 providers, and counties in developing the regional
33 provisions.
34 (7) Provisions for representatives of the regional
35 system and the department to regularly engage in
36 discussions to resolve Medicaid and non-Medicaid
37 issues involving documentation requirements, electronic
38 records, reimbursement methodologies, cost projections,
39 and other measures to improve the services and other
40 support available to consumers.
41 b. Incorporating strategies to allow individuals
42 to receive services in accordance with the principles
43 established in *Olmstead v. L.C.*, 527 U.S. 581 (1999),
44 in order for services to be provided in the most
45 community-based, least restrictive, and integrated
46 setting appropriate to an individual's needs.
47 c. Continuing the department's leadership role
48 in the Medicaid program in defining services covered,
49 establishing reimbursement methodologies, providing
50 other administrative functions, and engaging in federal

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1 options for program enhancements that are beneficial to
2 consumers and the state such as medical or behavioral
3 health homes.

4 d. Implementing mental health crisis response
5 services statewide in a manner determined to be most
6 appropriate by each region.

7 e. Implementing a subacute level of care to provide
8 short-term mental health services in a structured
9 residential setting that supplies a less intensive
10 level of care than is supplied by acute psychiatric
11 services.

12 f. Reviewing best practices and programs utilized
13 by other states in identifying new approaches for
14 addressing the needs for publicly funded services for
15 persons with brain injury. The proposals regarding
16 these approaches may be submitted after the workgroup
17 submission date set out in subsection 3.

18 g. Developing a proposal for addressing service
19 provider shortages. The development of the proposal
20 shall incorporate an examination of scope of practice
21 limitations and barriers to recruiting providers,
22 including but not limited to variation in health
23 insurance payment provisions for the services provided
24 by different types of providers.

25 h. Developing a proposal for service providers
26 addressing co-occurring mental health, intellectual
27 disability, brain injury, and substance abuse
28 disorders. Each workgroup or subcommittee shall
29 address co-occurring disorders as appropriate to the
30 focus of the workgroup or subcommittee. The overall
31 proposal may be developed by a body consisting of
32 members from other workgroups or subcommittees. The
33 proposal shall also provide options, developed in
34 coordination with the judicial branch and department
35 of human services workgroup, for implementation
36 of the provision of advocates to patients with
37 substance-related disorders.

38 i. Developing a proposal for redesign of publicly
39 funded children's disability services, including but
40 not limited to the needs of children who are placed
41 out-of-state due to the lack of treatment services
42 in this state. The proposal shall be developed by a
43 separate workgroup or subcommittee and in addition to
44 the other interests and representation required by this
45 section, the membership shall include education system
46 and juvenile court representatives. The preliminary
47 findings and recommendations, and the initial proposal
48 shall be submitted by the October and December 2011
49 dates required for other workgroups and subcommittees.
50 The initial proposal developed during the 2011

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1 legislative interim shall include an analysis of gaps
2 in the children's system and other planning provisions
3 necessary to complete the final proposal for submission
4 on or before December 10, 2012.

5 j. Developing a proposal for adult disability
6 services not paid for by the Medicaid program to be
7 administered on a regional basis in a manner that
8 provides multiple local points of access for consumers
9 needing adult disability services, regardless of
10 the funding sources for the services. The proposal
11 shall be integrated with the other proposals under
12 this subsection and shall be developed by a separate
13 workgroup or subcommittee engaging both urban and rural
14 county supervisors and central-point-of-coordination
15 administrators and other experts. The considerations
16 for inclusion in the proposal for forming regional
17 entities shall include but are not limited to all of
18 the following:

19 (1) Modifying the relevant provisions of chapter
20 28E for use by counties in forming regional entities
21 and addressing other necessary contracting measures.

22 (2) Providing for performance-based contracting
23 between the department of human services and regional
24 entities to ensure the existence of multiple, local
25 points of access for adult disability services
26 eligibility, intake, and authorization, service
27 navigation support, and case coordination or case
28 management, regardless of the funding sources for the
29 services.

30 (3) Developing a three-year service plan and annual
31 update to meet the needs of consumers.

32 (4) Providing for the regional entities to
33 implement performance-based contracts, uniform cost
34 reports, and consistent reimbursement practices and
35 payment methodologies with local providers of services
36 not paid for by the Medicaid program.

37 (5) Providing for the regional entities to
38 determine the Medicaid program targeted case managers
39 to serve the regions.

40 (6) Providing for the regional entities and the
41 department of human services to regularly coordinate
42 and communicate with one another concerning the adult
43 disability services paid for by the Medicaid program so
44 that services paid for by the program and the regional
45 entities are integrated and coordinated.

46 (7) Identifying sufficient population size to
47 attain economy of scale, adequate financial resources,
48 and appropriate service delivery.

49 (8) Addressing full participation in regional
50 entities by counties.

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1 (9) Including dispute resolution provisions for
2 county-to-county relationships, county-to-region
3 relationships, and region-to-state relationships.

4 (10) Providing for a consumer appeal process that
5 is clear, impartial, and consistent, with consideration
6 of an option that appeals beyond the regional level
7 should be to a state administrative law judge.

8 (11) Addressing financial management provisions,
9 including appropriate financial reserve levels.

10 (12) Proposing other criteria for forming regional
11 entities. The other criteria considered shall include
12 but are not limited to all of the following:

13 (a) Requiring a region to consist of contiguous
14 counties.

15 (b) Evaluating a proposed region's capacity
16 for providing core services and performing required
17 functions.

18 (c) Requiring a region to encompass at least
19 one community mental health center or federally
20 qualified health center with providers qualified to
21 provide psychiatric services, either directly or with
22 assistance from psychiatric consultants, that has the
23 capacity to provide outpatient services for the region
24 and has provided evidence of a commitment to provide
25 outpatient services for the region.

26 (d) Requiring a region to encompass or have
27 reasonably close proximity to a hospital with an
28 inpatient psychiatric unit or to a state mental health
29 institute, that has the capacity to provide inpatient
30 services for the region and has provided evidence of
31 a commitment to provide inpatient services for the
32 region.

33 (e) Requiring an administrative structure utilized
34 by a region to have clear lines of accountability and
35 to serve as a lead agency with shared county staff or
36 other means of limiting administrative costs to not
37 more than five percent of expenditures.

38 5. The target date for full implementation of
39 the plan and implementation provisions described in
40 subsections 3 and 4 shall be July 1, 2013, provided,
41 however, that any expansion of services is subject to
42 available funding.

43 Sec. 2. CONTINUATION OF WORKGROUP BY JUDICIAL
44 BRANCH AND DEPARTMENT OF HUMAN SERVICES. The judicial
45 branch and department of human services shall continue
46 the workgroup implemented pursuant to 2010 Iowa Acts,
47 chapter 1192, section 24, subsection 2, to improve
48 the processes for involuntary commitment for chronic
49 substance abuse under chapter 125 and for serious
50 mental illness under chapter 229, and shall coordinate

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1 its efforts with the legislative interim committee and
2 other workgroups initiated pursuant to this Act. The
3 recommendations issued by the workgroup shall address
4 options to the current provision of transportation
5 by the county sheriff; to the role, supervision,
6 and funding of mental health patient advocates and
7 substance-related disorder patient advocates, along
8 with options for implementation of the provision of
9 advocates to patients with such disorders; for revising
10 requirements for mental health professionals who are
11 engaged in the involuntary commitment and examination
12 processes under chapter 229; for authorizing the
13 court to order an involuntary hold of a patient under
14 section 229.10 for not more than twenty-three hours
15 who was not initially taken into custody but declined
16 to be examined pursuant to a previous court order;
17 and for civil commitment prescreening. Preliminary
18 recommendations shall be submitted to the legislative
19 interim committee in October 2011, as specified by the
20 interim committee. Additional stakeholders shall be
21 added as necessary to facilitate the workgroup efforts.
22 The workgroup shall complete deliberations and submit
23 a final report to the legislative interim committee
24 providing findings and recommendations on or before
25 December 9, 2011.

26 **Sec. 3. SERVICE SYSTEM DATA AND STATISTICAL**
27 **INFORMATION INTEGRATION.** In coordination with
28 the legislative interim committee and workgroups
29 initiated pursuant to this Act, representatives of the
30 department of human services, department of public
31 health, and the community services network hosted by
32 the Iowa state association of counties shall develop
33 implementation provisions for an integrated data and
34 statistical information system for mental health,
35 disability services, and substance abuse services.
36 The implementation provisions shall incorporate
37 federal data and statistical information requirements.
38 When completed, the departments and affiliate shall
39 report on the integrated system to the governor,
40 the joint appropriations subcommittee on health and
41 human services, and the legislative services agency,
42 providing their findings and recommendations.

43 **Sec. 4. DEPARTMENT OF HUMAN SERVICES.** There is
44 appropriated from the general fund of the state to
45 the department of human services for the fiscal year
46 beginning July 1, 2010, and ending June 30, 2011, the
47 following amount, or so much thereof as is necessary,
48 to be used for the purposes designated:

49 For the costs of planning and other processes
50 associated with implementation of this Act:

1 \$ 250,000
 2 Notwithstanding section 8.47 or any other provision
 3 of law to the contrary, the department may utilize a
 4 sole source approach to contract to support planning
 5 and other processes associated with implementation
 6 of this Act. Notwithstanding section 8.33, moneys
 7 appropriated in this section that remain unencumbered
 8 or unobligated at the close of the fiscal year shall
 9 not revert but shall remain available for expenditure
 10 for the purposes designated until the close of the
 11 succeeding fiscal year.

12 Sec. 5. EFFECTIVE UPON ENACTMENT. This division of
 13 this Act, being deemed of immediate importance, takes
 14 effect upon enactment.

15 DIVISION II
 16 CONFORMING PROVISIONS

17 Sec. 6. CONFORMING PROVISIONS. The legislative
 18 services agency shall prepare a study bill for
 19 consideration by the committees on human resources of
 20 the senate and house of representatives for the 2012
 21 legislative session, providing any necessary conforming
 22 Code changes for implementation of the system redesign
 23 provisions contained in this Act.

24 DIVISION III

25 PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN

26 Sec. 7. Section 135H.3, subsection 1, Code 2011, is
 27 amended to read as follows:

28 1. A psychiatric medical institution for children
 29 shall utilize a team of professionals to direct an
 30 organized program of diagnostic services, psychiatric
 31 services, nursing care, and rehabilitative services
 32 to meet the needs of residents in accordance with a
 33 medical care plan developed for each resident. The
 34 membership of the team of professionals may include
 35 but is not limited to an advanced registered nurse
 36 practitioner or a physician assistant. Social and
 37 rehabilitative services shall be provided under the
 38 direction of a qualified mental health professional.

39 Sec. 8. Section 135H.6, subsection 8, Code 2011, is
 40 amended to read as follows:

41 8. The department of human services may give
 42 approval to conversion of beds approved under
 43 subsection 6, to beds which are specialized to provide
 44 substance abuse treatment. However, the total number
 45 of beds approved under subsection 6 and this subsection
 46 shall not exceed four hundred thirty. Conversion of
 47 beds under this subsection shall not require a revision
 48 of the certificate of need issued for the psychiatric
 49 institution making the conversion. Beds for children
 50 who do not reside in this state and whose service costs

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1 are not paid by public funds in this state are not
2 subject to the limitations on the number of beds and
3 certificate of need requirements otherwise applicable
4 under this section.

5 Sec. 9. PSYCHIATRIC MEDICAL INSTITUTIONS FOR
6 CHILDREN AND RELATED SERVICES — TRANSITION COMMITTEE.

7 1. For the purposes of this section, unless the
8 context otherwise requires:

9 a. “Iowa plan” means the contract to administer the
10 behavioral health managed care plan under the state’s
11 Medicaid program.

12 b. “PMIC” means a psychiatric medical institution
13 for children.

14 2. It is the intent of the general assembly to do
15 the following under this section:

16 a. Improve the reimbursement, expected outcomes,
17 and integration of PMIC services to serve the best
18 interests of children within the context of a redesign
19 of the delivery of publicly funded children’s mental
20 health services in this state.

21 b. Support the development of specialized programs
22 for children with high acuity requirements whose needs
23 are not met by Iowa’s current system and must be served
24 in out-of-state placements.

25 c. Transition PMIC services while providing
26 services in a manner that applies best practices and is
27 cost-effective.

28 3. The department of human services, in
29 collaboration with PMIC providers, shall develop a
30 plan for transitioning the administration of PMIC
31 services to the Iowa plan. The transition plan
32 shall address specific strategies for appropriately
33 addressing PMIC lengths of stay by increasing the
34 availability of less intensive levels of care,
35 establishing vendor performance standards, identifying
36 levels of PMIC care, providing for performance and
37 quality improvement technical assistance to providers,
38 identifying methods and standards for credentialing
39 providers of specialized programs, using innovative
40 reimbursement incentives to improve access while
41 building the capacity of less intensive levels of care,
42 and providing implementation guidelines.

43 4. a. The transition plan shall address the
44 development of specialized programs to address the
45 needs of children in need of more intensive treatment
46 who are currently underserved. All of the following
47 criteria shall be used for such programs:

48 (1) Geographic accessibility.

49 (2) Expertise needed to assure appropriate and
50 effective treatment.

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1 (3) Capability to define and provide the
2 appropriate array of services and report on
3 standardized outcome measures.
4 (4) Best interests of the child.
5 b. The transition plan shall also address all of
6 the following:
7 (1) Providing navigation, access, and care
8 coordination for children and families in need of
9 services from the children's mental health system.
10 (2) Integrating the children's mental health
11 waiver services under the Medicaid program with
12 other services addressed by the transition plan as a
13 means for supporting the transition plan and ensuring
14 availability of choices for community placements.
15 (3) Identifying admission and continued stay
16 criteria for PMIC providers.
17 (4) Evaluating changes in licensing standards for
18 PMICs as necessary to ensure that the standards are
19 aligned with overall system goals.
20 (5) Evaluating alternative reimbursement and
21 service models that are innovative and could support
22 overall system goals. The models may include but are
23 not limited to accountable care organizations, medical
24 or other health homes, and performance-based payment
25 methods.
26 (6) Evaluating the adequacy of reimbursement at all
27 levels of the children's mental health system.
28 (7) Developing profiles of the conditions and
29 behaviors that result in a child's involuntary
30 discharge or out-of-state placement. The plan shall
31 incorporate provisions for developing specialized
32 programs that are designed to appropriately meet the
33 needs identified in the profiles.
34 (8) Evaluating and defining the appropriate array
35 of less intensive services for a child leaving a
36 hospital or PMIC placement.
37 (9) Evaluating and defining the standards for
38 existing and new PMIC and other treatment levels.
39 5. a. The department shall establish a
40 transition committee that includes departmental
41 staff representatives for Medicaid, child welfare,
42 field, and mental health services, the director of
43 the Iowa plan, the department of inspections and
44 appeals, a representative of each licensed PMIC, the
45 executive director of the coalition of family and
46 children's services in Iowa, a person with knowledge
47 and expertise in care coordination and integration
48 of PMIC and community-based services, two persons
49 representing families affected by the children's mental
50 health system, and a representative of juvenile court

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1 officers.
2 b. The transition committee shall develop the plan
3 and manage the transition if the plan is implemented.
4 The plan shall be developed by December 31, 2011,
5 and shall be submitted to the general assembly by
6 January 16, 2012. The submitted plan shall include
7 an independent finding by the director of human
8 services, in consultation with the office of the
9 governor and the chairpersons and ranking members of
10 the joint appropriations subcommittee on health and
11 human services, that the plan meets the intent of the
12 general assembly under this section. Unless otherwise
13 directed by enactment of the general assembly the
14 department and the transition committee may proceed
15 with implementation of the submitted plan on or before
16 July 1, 2012.

17 c. The transition committee shall continue to meet
18 through December 31, 2013, to oversee transition of
19 PMIC services to the Iowa plan.

20 6. The director of the Medicaid enterprise of the
21 department of human services shall annually report on
22 or before December 15 to the chairpersons and ranking
23 members of the joint appropriations subcommittee on
24 health and human services through December 15, 2016,
25 regarding the implementation of this section. The
26 content of the report shall include but is not limited
27 to information on children served by PMIC providers,
28 the types of locations to which children are discharged
29 following a hospital or PMIC placement and the
30 community-based services available to such children,
31 and the incidence of readmission to a PMIC within 12
32 months of discharge. The report shall also recommend
33 whether or not to continue administration of PMIC
34 services under the Iowa plan based upon the quality
35 of service delivery, the value of utilizing the Iowa
36 plan administration rather than the previous approach
37 through the Medicaid enterprise, and analysis of the
38 cost and benefits of utilizing the Iowa plan approach.

39 DIVISION IV

40 COMMUNITY MENTAL HEALTH CENTERS

41 COMMUNITY MENTAL HEALTH CENTERS — CATCHMENT AREAS

42 Sec. 10. NEW SECTION. 230A.101 Services system
43 roles.

44 1. The role of the department of human services,
45 through the division of the department designated as
46 the state mental health authority with responsibility
47 for state policy concerning mental health and
48 disability services, is to develop and maintain
49 policies for the mental health and disability services
50 system. The policies shall address the service

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1 needs of individuals of all ages with disabilities
2 in this state, regardless of the individuals' places
3 of residence or economic circumstances, and shall be
4 consistent with the requirements of chapter 225C and
5 other applicable law.

6 2. The role of community mental health centers in
7 the mental health and disability services system is
8 to provide an organized set of services in order to
9 adequately meet the mental health needs of this state's
10 citizens based on organized catchment areas.

11 Sec. 11. NEW SECTION. 230A.102 Definitions.

12 As used in this chapter, unless the context
13 otherwise requires:

14 1. "Administrator", "commission", "department",
15 "disability services", and "division" mean the same as
16 defined in section 225C.2.

17 2. "Catchment area" means a community mental health
18 center catchment area identified in accordance with
19 this chapter.

20 3. "Community mental health center" or "center"
21 means a community mental health center designated in
22 accordance with this chapter.

23 Sec. 12. NEW SECTION. 230A.103 Designation of
24 community mental health centers.

25 1. The division, subject to agreement by any
26 community mental health center that would provide
27 services for the catchment area and approval by the
28 commission, shall designate at least one community
29 mental health center under this chapter to serve as
30 lead agency for addressing the mental health needs of
31 the county or counties comprising the catchment area.
32 The designation process shall provide for the input
33 of potential service providers regarding designation
34 of the initial catchment area or a change in the
35 designation.

36 2. The division shall utilize objective criteria
37 for designating a community mental health center
38 to serve a catchment area and for withdrawing such
39 designation. The commission shall adopt rules
40 outlining the criteria. The criteria shall include but
41 are not limited to provisions for meeting all of the
42 following requirements:

43 a. An appropriate means shall be used for
44 determining which prospective designee is best able to
45 serve all ages of the targeted population within the
46 catchment area with minimal or no service denials.

47 b. An effective means shall be used for determining
48 the relative ability of a prospective designee to
49 appropriately provide mental health services and other
50 support to consumers residing within a catchment area

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1 as well as consumers residing outside the catchment
2 area. The criteria shall address the duty for a
3 prospective designee to arrange placements outside the
4 catchment area when such placements best meet consumer
5 needs and to provide services within the catchment area
6 to consumers who reside outside the catchment area when
7 the services are necessary and appropriate.

8 3. The board of directors for a designated
9 community mental health center shall enter into
10 an agreement with the division. The terms of the
11 agreement shall include but are not limited to all of
12 the following:

13 a. The period of time the agreement will be in
14 force.

15 b. The services and other support the center will
16 offer or provide for the residents of the catchment
17 area.

18 c. The standards to be followed by the center in
19 determining whether and to what extent the persons
20 seeking services from the center shall be considered to
21 be able to pay the costs of the services.

22 d. The policies regarding availability of the
23 services offered by the center to the residents of the
24 catchment area as well as consumers residing outside
25 the catchment area.

26 e. The requirements for preparation and submission
27 to the division of annual audits, cost reports, program
28 reports, performance measures, and other financial and
29 service accountability information.

30 4. This section does not limit the authority of
31 the board or the boards of supervisors of any county
32 or group of counties to continue to expend money to
33 support operation of a center.

34 Sec. 13. NEW SECTION. 230A.104 Catchment areas.

35 1. The division shall collaborate with affected
36 counties in identifying community mental health center
37 catchment areas in accordance with this section.

38 2. a. Unless the division has determined that
39 exceptional circumstances exist, a catchment area
40 shall be served by one community mental health center.
41 The purpose of this general limitation is to clearly
42 designate the center responsible and accountable for
43 providing core mental health services to the target
44 population in the catchment area and to protect the
45 financial viability of the centers comprising the
46 mental health services system in the state.

47 b. A formal review process shall be used in
48 determining whether exceptional circumstances exist
49 that justify designating more than one center to
50 serve a catchment area. The criteria for the review

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1 process shall include but are not limited to a means
2 of determining whether the catchment area can support
3 more than one center.

4 c. Criteria shall be provided that would allow
5 the designation of more than one center for all
6 or a portion of a catchment area if designation or
7 approval for more than one center was provided by the
8 division as of October 1, 2010. The criteria shall
9 require a determination that all such centers would be
10 financially viable if designation is provided for all.

11 Sec. 14. NEW SECTION. 230A.105 Target population
12 — eligibility.

13 1. The target population residing in a catchment
14 area to be served by a community mental health
15 center shall include but is not limited to all of the
16 following:

17 a. Individuals of any age who are experiencing a
18 mental health crisis.

19 b. Individuals of any age who have a mental health
20 disorder.

21 c. Adults who have a serious mental illness or
22 chronic mental illness.

23 d. Children and youth who are experiencing a
24 serious emotional disturbance.

25 e. Individuals described in paragraph “a”, “b”,
26 “c”, or “d” who have a co-occurring disorder, including
27 but not limited to substance abuse, mental retardation,
28 a developmental disability, brain injury, autism
29 spectrum disorder, or another disability or special
30 health care need.

31 2. Specific eligibility criteria for members of the
32 target population shall be identified in administrative
33 rules adopted by the commission. The eligibility
34 criteria shall address both clinical and financial
35 eligibility.

36 Sec. 15. NEW SECTION. 230A.106 Services offered.

37 1. A community mental health center designated
38 in accordance with this chapter shall offer core
39 services and support addressing the basic mental health
40 and safety needs of the target population and other
41 residents of the catchment area served by the center
42 and may offer other services and support. The core
43 services shall be identified in administrative rules
44 adopted by the commission for this purpose.

45 2. The initial core services identified shall
46 include all of the following:

47 a. Outpatient services. Outpatient services shall
48 consist of evaluation and treatment services provided
49 on an ambulatory basis for the target population.

50 Outpatient services include psychiatric evaluations,

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1 medication management, and individual, family, and
2 group therapy. In addition, outpatient services shall
3 include specialized outpatient services directed to the
4 following segments of the target population: children,
5 elderly, individuals who have serious and persistent
6 mental illness, and residents of the service area
7 who have been discharged from inpatient treatment
8 at a mental health facility. Outpatient services
9 shall provide elements of diagnosis, treatment, and
10 appropriate follow-up. The provision of only screening
11 and referral services does not constitute outpatient
12 services.

13 b. Twenty-four-hour emergency services.
14 Twenty-four-hour emergency services shall be
15 provided through a system that provides access to a
16 clinician and appropriate disposition with follow-up
17 documentation of the emergency service provided.
18 A patient shall have access to evaluation and
19 stabilization services after normal business hours.
20 The range of emergency services that shall be available
21 to a patient may include but are not limited to direct
22 contact with a clinician, medication evaluation,
23 and hospitalization. The emergency services may be
24 provided directly by the center or in collaboration
25 or affiliation with other appropriately accredited
26 providers.

27 c. Day treatment, partial hospitalization, or
28 psychosocial rehabilitation services. Such services
29 shall be provided as structured day programs in
30 segments of less than twenty-four hours using a
31 multidisciplinary team approach to develop treatment
32 plans that vary in intensity of services and the
33 frequency and duration of services based on the needs
34 of the patient. These services may be provided
35 directly by the center or in collaboration or
36 affiliation with other appropriately accredited
37 providers.

38 d. Admission screening for voluntary patients.
39 Admission screening services shall be available for
40 patients considered for voluntary admission to a state
41 mental health institute to determine the patient's
42 appropriateness for admission.

43 e. Community support services. Community support
44 services shall consist of support and treatment
45 services focused on enhancing independent functioning
46 and assisting persons in the target population who
47 have a serious and persistent mental illness to live
48 and work in their community setting, by reducing or
49 managing mental illness symptoms and the associated
50 functional disabilities that negatively impact such

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1 persons' community integration and stability.
2 f. Consultation services. Consultation services
3 may include provision of professional assistance and
4 information about mental health and mental illness to
5 individuals, service providers, or groups to increase
6 such persons' effectiveness in carrying out their
7 responsibilities for providing services. Consultations
8 may be case-specific or program-specific.

9 g. Education services. Education services may
10 include information and referral services regarding
11 available resources and information and training
12 concerning mental health, mental illness, availability
13 of services and other support, the promotion
14 of mental health, and the prevention of mental
15 illness. Education services may be made available to
16 individuals, groups, organizations, and the community
17 in general.

18 3. A community mental health center shall be
19 responsible for coordinating with associated services
20 provided by other unaffiliated agencies to members
21 of the target population in the catchment area and
22 to integrate services in the community with services
23 provided to the target population in residential or
24 inpatient settings.

25 Sec. 16. NEW SECTION. 230A.107 Form of
26 organization.

27 1. Except as authorized in subsection 2, a
28 community mental health center designated in accordance
29 with this chapter shall be organized and administered
30 as a nonprofit corporation.

31 2. A for-profit corporation, nonprofit corporation,
32 or county hospital providing mental health services to
33 county residents pursuant to a waiver approved under
34 section 225C.7, subsection 3, Code 2011, as of October
35 1, 2010, may also be designated as a community mental
36 health center.

37 Sec. 17. NEW SECTION. 230A.108 Administrative,
38 diagnostic, and demographic information.

39 Release of administrative and diagnostic
40 information, as defined in section 228.1, and
41 demographic information necessary for aggregated
42 reporting to meet the data requirements established by
43 the division, relating to an individual who receives
44 services from a community mental health center, may
45 be made a condition of support of that center by the
46 division.

47 Sec. 18. NEW SECTION. 230A.109 Funding —
48 legislative intent.

49 1. It is the intent of the general assembly that
50 public funding for community mental health centers

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1 designated in accordance with this chapter shall be
2 provided as a combination of federal and state funding.

3 2. It is the intent of the general assembly that
4 the state funding provided to centers be a sufficient
5 amount for the core services and support addressing the
6 basic mental health and safety needs of the residents
7 of the catchment area served by each center to be
8 provided regardless of individual ability to pay for
9 the services and support.

10 3. While a community mental health center must
11 comply with the core services requirements and other
12 standards associated with designation, provision of
13 services is subject to the availability of a payment
14 source for the services.

15 Sec. 19. NEW SECTION. 230A.110 Standards.

16 1. The division shall recommend and the commission
17 shall adopt standards for designated community
18 mental health centers and comprehensive community
19 mental health programs, with the overall objective of
20 ensuring that each center and each affiliate providing
21 services under contract with a center furnishes
22 high-quality mental health services within a framework
23 of accountability to the community it serves. The
24 standards adopted shall conform with federal standards
25 applicable to community mental health centers and
26 shall be in substantial conformity with the applicable
27 behavioral health standards adopted by the joint
28 commission, formerly known as the joint commission
29 on accreditation of health care organizations, and
30 other recognized national standards for evaluation of
31 psychiatric facilities unless in the judgment of the
32 division, with approval of the commission, there are
33 sound reasons for departing from the standards.

34 2. When recommending standards under this section,
35 the division shall designate an advisory committee
36 representing boards of directors and professional
37 staff of designated community mental health centers to
38 assist in the formulation or revision of standards.
39 The membership of the advisory committee shall include
40 representatives of professional and nonprofessional
41 staff and other appropriate individuals.

42 3. The standards recommended under this section
43 shall include requirements that each community mental
44 health center designated under this chapter do all of
45 the following:

46 a. Maintain and make available to the public a
47 written statement of the services the center offers
48 to residents of the catchment area being served. The
49 center shall employ or contract for services with
50 affiliates to employ staff who are appropriately

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1 credentialed or meet other qualifications in order to
2 provide services.

3 b. If organized as a nonprofit corporation, be
4 governed by a board of directors which adequately
5 represents interested professions, consumers of
6 the center's services, socioeconomic, cultural, and
7 age groups, and various geographical areas in the
8 catchment area served by the center. If organized
9 as a for-profit corporation, the corporation's policy
10 structure shall incorporate such representation.

11 c. Arrange for the financial condition and
12 transactions of the community mental health center to
13 be audited once each year by the auditor of state.
14 However, in lieu of an audit by state accountants,
15 the local governing body of a community mental health
16 center organized under this chapter may contract with
17 or employ certified public accountants to conduct the
18 audit, pursuant to the applicable terms and conditions
19 prescribed by sections 11.6 and 11.19 and audit format
20 prescribed by the auditor of state. Copies of each
21 audit shall be furnished by the accountant to the
22 administrator of the division of mental health and
23 disability services.

24 d. Comply with the accreditation standards
25 applicable to the center.

26 Sec. 20. NEW SECTION. 230A.111 Review and
27 evaluation.

28 1. The review and evaluation of designated centers
29 shall be performed through a formal accreditation
30 review process as recommended by the division and
31 approved by the commission. The accreditation process
32 shall include all of the following:

33 a. Specific time intervals for full accreditation
34 reviews based upon levels of accreditation.

35 b. Use of random or complaint-specific, on-site
36 limited accreditation reviews in the interim between
37 full accreditation reviews, as a quality review
38 approach. The results of such reviews shall be
39 presented to the commission.

40 c. Use of center accreditation self-assessment
41 tools to gather data regarding quality of care and
42 outcomes, whether used during full or limited reviews
43 or at other times.

44 2. The accreditation process shall include but is
45 not limited to addressing all of the following:

46 a. Measures to address centers that do not meet
47 standards, including authority to revoke accreditation.

48 b. Measures to address noncompliant centers that
49 do not develop a corrective action plan or fail to
50 implement steps included in a corrective action plan

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1 accepted by the division.
2 c. Measures to appropriately recognize centers that
3 successfully complete a corrective action plan.
4 d. Criteria to determine when a center's
5 accreditation should be denied, revoked, suspended, or
6 made provisional.
7 Sec. 21. REPEAL. Sections 230A.1 through 230A.18,
8 Code 2011, are repealed.
9 Sec. 22. IMPLEMENTATION — EFFECTIVE DATE.
10 1. Community mental health centers operating
11 under the provisions of chapter 230A, Code 2011, and
12 associated standards, rules, and other requirements as
13 of June 30, 2012, may continue to operate under such
14 requirements until the department of human services,
15 division of mental health and disability services, and
16 the mental health and disability services commission
17 have completed the rules adoption process to implement
18 the amendments to chapter 230A enacted by this Act,
19 identified catchment areas, and completed designations
20 of centers.
21 2. The division and the commission shall complete
22 the rules adoption process and other requirements
23 addressed in subsection 1 on or before June 30, 2012.
24 3. Except for this section, which shall take effect
25 July 1, 2011, this division of this Act takes effect
26 July 1, 2012.

27 DIVISION V

28 PERSONS WITH SUBSTANCE-RELATED DISORDERS 29 AND PERSONS WITH MENTAL ILLNESS

30 Sec. 23. Section 125.1, subsection 1, Code 2011, is
31 amended to read as follows:
32 1. That ~~substance abusers and persons suffering~~
33 ~~from chemical dependency~~ persons with substance-related
34 disorders be afforded the opportunity to receive
35 quality treatment and directed into rehabilitation
36 services which will help them resume a socially
37 acceptable and productive role in society.
38 Sec. 24. Section 125.2, subsection 2, Code 2011, is
39 amended by striking the subsection.
40 Sec. 25. Section 125.2, subsection 5, Code 2011,
41 is amended by striking the subsection and inserting in
42 lieu thereof the following:
43 5. "Substance-related disorder" means a diagnosable
44 substance abuse disorder of sufficient duration to meet
45 diagnostic criteria specified within the most current
46 diagnostic and statistical manual of mental disorders
47 published by the American psychiatric association that
48 results in a functional impairment.
49 Sec. 26. Section 125.2, subsection 9, Code 2011, is
50 amended to read as follows:

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1 9. "Facility" means an institution, a
2 detoxification center, or an installation providing
3 care, maintenance and treatment for ~~substance abusers~~
4 persons with substance-related disorders licensed
5 by the department under section 125.13, hospitals
6 licensed under chapter 135B, or the state mental health
7 institutes designated by chapter 226.

8 Sec. 27. Section 125.2, subsections 13, 17, and 18,
9 Code 2011, are amended by striking the subsections.

10 Sec. 28. Section 125.9, subsections 2 and 4, Code
11 2011, are amended to read as follows:

12 2. Make contracts necessary or incidental to the
13 performance of the duties and the execution of the
14 powers of the director, including contracts with public
15 and private agencies, organizations and individuals
16 to pay them for services rendered or furnished to
17 ~~substance abusers, chronic substance abusers, or~~
18 ~~intoxicated persons~~ persons with substance-related
19 disorders.

20 4. Coordinate the activities of the department and
21 cooperate with substance abuse programs in this and
22 other states, and make contracts and other joint or
23 cooperative arrangements with state, local or private
24 agencies in this and other states for the treatment
25 of ~~substance abusers, chronic substance abusers, and~~
26 ~~intoxicated persons~~ persons with substance-related
27 disorders and for the common advancement of substance
28 abuse programs.

29 Sec. 29. Section 125.10, subsections 2, 3, 4, 5,
30 7, 8, 9, 11, 13, 15, and 17, Code 2011, are amended to
31 read as follows:

32 2. Develop, encourage, and foster statewide,
33 regional and local plans and programs for the
34 prevention of substance ~~abuse misuse~~ and the treatment
35 of ~~substance abusers, chronic substance abusers, and~~
36 ~~intoxicated persons~~ persons with substance-related
37 disorders in cooperation with public and private
38 agencies, organizations and individuals, and provide
39 technical assistance and consultation services for
40 these purposes.

41 3. Coordinate the efforts and enlist the assistance
42 of all public and private agencies, organizations and
43 individuals interested in the prevention of substance
44 abuse and the treatment of ~~substance abusers, chronic~~
45 ~~substance abusers, and intoxicated persons~~ persons with
46 substance-related disorders.

47 4. Cooperate with the department of human
48 services and the Iowa department of public health
49 in establishing and conducting programs to provide
50 treatment for ~~substance abusers, chronic substance~~

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1 ~~abusers, and intoxicated persons~~ persons with
2 substance-related disorders.
3 5. Cooperate with the department of education,
4 boards of education, schools, police departments,
5 courts, and other public and private agencies,
6 organizations, and individuals in establishing programs
7 for the prevention of substance abuse and the treatment
8 of ~~substance abusers, chronic substance abusers, and~~
9 ~~intoxicated persons~~ persons with substance-related
10 disorders, and in preparing relevant curriculum
11 materials for use at all levels of school education.
12 7. Develop and implement, as an integral part
13 of treatment programs, an educational program for
14 use in the treatment of ~~substance abusers, chronic~~
15 ~~substance abusers, and intoxicated persons~~ persons
16 with substance-related disorders, which program shall
17 include the dissemination of information concerning the
18 nature and effects of ~~chemical~~ substances.
19 8. Organize and implement, in cooperation with
20 local treatment programs, training programs for all
21 persons engaged in treatment of ~~substance abusers,~~
22 ~~chronic substance abusers, and intoxicated persons~~
23 persons with substance-related disorders.
24 9. Sponsor and implement research in cooperation
25 with local treatment programs into the causes and
26 nature of substance ~~abuse~~ misuse and treatment of
27 ~~substance abusers, chronic substance abusers, and~~
28 ~~intoxicated persons~~ persons with substance-related
29 disorders, and serve as a clearing house for
30 information relating to substance abuse.
31 11. Develop and implement, with the counsel and
32 approval of the board, the comprehensive plan for
33 treatment of ~~substance abusers, chronic substance~~
34 ~~abusers, and intoxicated persons~~ persons with
35 substance-related disorders in accordance with this
36 chapter.
37 13. Utilize the support and assistance of
38 interested persons in the community, particularly
39 ~~recovered substance abusers and chronic substance~~
40 ~~abusers,~~ persons who are recovering from
41 substance-related disorders to encourage ~~substance~~
42 ~~abusers and chronic substance abusers~~ persons with
43 substance-related disorders to voluntarily undergo
44 treatment.
45 15. Encourage general hospitals and other
46 appropriate health facilities to admit without
47 discrimination ~~substance abusers, chronic substance~~
48 ~~abusers, and intoxicated persons~~ persons with
49 substance-related disorders and to provide them with
50 adequate and appropriate treatment. The director may

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1 negotiate and implement contracts with hospitals and
2 other appropriate health facilities with adequate
3 detoxification facilities.

4 17. Review all state health, welfare, education and
5 treatment proposals to be submitted for federal funding
6 under federal legislation, and advise the governor on
7 provisions to be included relating to substance abuse,
8 ~~substance abusers, chronic substance abusers, and~~
9 ~~intoxicated persons and persons with substance-related~~
10 ~~disorders.~~

11 Sec. 30. Section 125.12, subsections 1 and 3, Code
12 2011, are amended to read as follows:

13 1. The board shall review the comprehensive
14 substance abuse program implemented by the department
15 for the treatment of ~~substance abusers, chronic~~
16 ~~substance abusers, intoxicated persons~~ persons with
17 substance-related disorders, and concerned family
18 members. Subject to the review of the board, the
19 director shall divide the state into appropriate
20 regions for the conduct of the program and establish
21 standards for the development of the program on
22 the regional level. In establishing the regions,
23 consideration shall be given to city and county lines,
24 population concentrations, and existing substance abuse
25 treatment services.

26 3. The director shall provide for adequate and
27 appropriate treatment for ~~substance abusers, chronic~~
28 ~~substance abusers, intoxicated persons~~ persons with
29 substance-related disorders, and concerned family
30 members admitted under sections 125.33 and 125.34, or
31 under section 125.75, 125.81, or 125.91. Treatment
32 shall not be provided at a correctional institution
33 except for inmates.

34 Sec. 31. Section 125.13, subsection 1, paragraph a,
35 Code 2011, is amended to read as follows:

36 a. Except as provided in subsection 2, a person
37 shall not maintain or conduct any chemical substitutes
38 or antagonists program, residential program, or
39 nonresidential outpatient program, the primary purpose
40 of which is the treatment and rehabilitation of
41 ~~substance abusers or chronic substance abusers~~ persons
42 with substance-related disorders without having first
43 obtained a written license for the program from the
44 department.

45 Sec. 32. Section 125.13, subsection 2, paragraphs a
46 and c, Code 2011, are amended to read as follows:

47 a. A hospital providing care or treatment to
48 ~~substance abusers or chronic substance abusers~~ persons
49 with substance-related disorders licensed under chapter
50 135B which is accredited by the joint commission

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1 on the accreditation of health care organizations,
 2 the commission on accreditation of rehabilitation
 3 facilities, the American osteopathic association, or
 4 another recognized organization approved by the board.
 5 All survey reports from the accrediting or licensing
 6 body must be sent to the department.

7 c. Private institutions conducted by and
 8 for persons who adhere to the faith of any well
 9 recognized church or religious denomination for the
 10 purpose of providing care, treatment, counseling,
 11 or rehabilitation to ~~substance abusers or chronic~~
 12 ~~substance abusers~~ persons with substance-related
 13 disorders and who rely solely on prayer or other
 14 spiritual means for healing in the practice of religion
 15 of such church or denomination.

16 Sec. 33. Section 125.15, Code 2011, is amended to
 17 read as follows:

18 125.15 Inspections.

19 The department may inspect the facilities and review
 20 the procedures utilized by any chemical substitutes
 21 or antagonists program, residential program, or
 22 nonresidential outpatient program that has as a
 23 primary purpose the treatment and rehabilitation of
 24 ~~substance abusers or chronic substance abusers~~ persons
 25 with substance-related disorders, for the purpose of
 26 ensuring compliance with this chapter and the rules
 27 adopted pursuant to this chapter. The examination
 28 and review may include case record audits and
 29 interviews with staff and patients, consistent with the
 30 confidentiality safeguards of state and federal law.

31 Sec. 34. Section 125.32, unnumbered paragraph 1,
 32 Code 2011, is amended to read as follows:

33 The department shall adopt and may amend and repeal
 34 rules for acceptance of persons into the treatment
 35 program, subject to chapter 17A, considering available
 36 treatment resources and facilities, for the purpose of
 37 early and effective treatment of ~~substance abusers,~~
 38 ~~chronic substance abusers, intoxicated persons, persons~~
 39 with substance-related disorders and concerned family
 40 members. In establishing the rules the department
 41 shall be guided by the following standards:

42 Sec. 35. Section 125.33, subsections 1, 3, and 4,
 43 Code 2011, are amended to read as follows:

44 1. A ~~substance abuser or chronic substance abuser~~
 45 person with a substance-related disorder may apply
 46 for voluntary treatment or rehabilitation services
 47 directly to a facility or to a licensed physician and
 48 surgeon or osteopathic physician and surgeon. If the
 49 proposed patient is a minor or an incompetent person, a
 50 parent, a legal guardian or other legal representative

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1 may make the application. The licensed physician
2 and surgeon or osteopathic physician and surgeon or
3 any employee or person acting under the direction or
4 supervision of the physician and surgeon or osteopathic
5 physician and surgeon, or the facility shall not
6 report or disclose the name of the person or the fact
7 that treatment was requested or has been undertaken
8 to any law enforcement officer or law enforcement
9 agency; nor shall such information be admissible as
10 evidence in any court, grand jury, or administrative
11 proceeding unless authorized by the person seeking
12 treatment. If the person seeking such treatment or
13 rehabilitation is a minor who has personally made
14 application for treatment, the fact that the minor
15 sought treatment or rehabilitation or is receiving
16 treatment or rehabilitation services shall not be
17 reported or disclosed to the parents or legal guardian
18 of such minor without the minor's consent, and the
19 minor may give legal consent to receive such treatment
20 and rehabilitation.

21 3. A ~~substance abuser or chronic substance abuser~~
22 person with a substance-related disorder seeking
23 treatment or rehabilitation and who is either addicted
24 or dependent on a chemical substance may first be
25 examined and evaluated by a licensed physician and
26 surgeon or osteopathic physician and surgeon who may
27 prescribe a proper course of treatment and medication,
28 if needed. The licensed physician and surgeon
29 or osteopathic physician and surgeon may further
30 prescribe a course of treatment or rehabilitation
31 and authorize another licensed physician and surgeon
32 or osteopathic physician and surgeon or facility to
33 provide the prescribed treatment or rehabilitation
34 services. Treatment or rehabilitation services may
35 be provided to a person individually or in a group.
36 A facility providing or engaging in treatment or
37 rehabilitation shall not report or disclose to a law
38 enforcement officer or law enforcement agency the name
39 of any person receiving or engaged in the treatment
40 or rehabilitation; nor shall a person receiving or
41 participating in treatment or rehabilitation report
42 or disclose the name of any other person engaged in
43 or receiving treatment or rehabilitation or that the
44 program is in existence, to a law enforcement officer
45 or law enforcement agency. Such information shall
46 not be admitted in evidence in any court, grand jury,
47 or administrative proceeding. However, a person
48 engaged in or receiving treatment or rehabilitation
49 may authorize the disclosure of the person's name and
50 individual participation.

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1 4. If a patient receiving inpatient or residential
2 care leaves a facility, the patient shall be encouraged
3 to consent to appropriate outpatient or halfway house
4 treatment. If it appears to the administrator in
5 charge of the facility that the patient is a ~~substance~~
6 ~~abuser or chronic substance abuser~~ person with a
7 substance-related disorder who requires help, the
8 director may arrange for assistance in obtaining
9 supportive services.

10 Sec. 36. Section 125.34, Code 2011, is amended to
11 read as follows:

12 125.34 Treatment and services for ~~intoxicated~~
13 ~~persons and persons incapacitated by alcohol~~ persons
14 with substance-related disorders due to intoxication and
15 substance-induced incapacitation.

16 1. ~~An intoxicated~~ A person with a substance-related
17 disorder due to intoxication or substance-induced
18 incapacitation may come voluntarily to a facility
19 for emergency treatment. A person who appears to be
20 intoxicated or incapacitated by a ~~chemical~~ substance
21 in a public place and in need of help may be taken to a
22 facility by a peace officer under section 125.91. If
23 the person refuses the proffered help, the person may
24 be arrested and charged with intoxication under section
25 123.46, if applicable.

26 2. If no facility is readily available the
27 person may be taken to an emergency medical service
28 customarily used for incapacitated persons. The
29 peace officer in detaining the person and in taking
30 the person to a facility shall make every reasonable
31 effort to protect the person's health and safety. In
32 detaining the person the detaining officer may take
33 reasonable steps for self-protection. Detaining a
34 person under section 125.91 is not an arrest and no
35 entry or other record shall be made to indicate that
36 the person who is detained has been arrested or charged
37 with a crime.

38 3. A person who arrives at a facility and
39 voluntarily submits to examination shall be examined
40 by a licensed physician as soon as possible after the
41 person arrives at the facility. The person may then
42 be admitted as a patient or referred to another health
43 facility. The referring facility shall arrange for
44 transportation.

45 4. If a person is voluntarily admitted to a
46 facility, the person's family or next of kin shall be
47 notified as promptly as possible. If an adult patient
48 who is not incapacitated requests that there be no
49 notification, the request shall be respected.

50 5. A peace officer who acts in compliance with

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1 this section is acting in the course of the officer's
2 official duty and is not criminally or civilly liable
3 therefore, unless such acts constitute willful malice
4 or abuse.

5 6. If the physician in charge of the facility
6 determines it is for the patient's benefit, the patient
7 shall be encouraged to agree to further diagnosis and
8 appropriate voluntary treatment.

9 7. A licensed physician and surgeon or osteopathic
10 physician and surgeon, facility administrator, or an
11 employee or a person acting as or on behalf of the
12 facility administrator, is not criminally or civilly
13 liable for acts in conformity with this chapter, unless
14 the acts constitute willful malice or abuse.

15 Sec. 37. Section 125.43, Code 2011, is amended to
16 read as follows:

17 125.43 Funding at mental health institutes.
18 Chapter 230 governs the determination of the
19 costs and payment for treatment provided to ~~substance~~
20 ~~abusers or chronic substance abusers~~ persons with
21 substance-related disorders in a mental health
22 institute under the department of human services,
23 except that the charges are not a lien on real estate
24 owned by persons legally liable for support of the
25 ~~substance abuser or chronic substance abuser person~~
26 with a substance-related disorder and the daily per
27 diem shall be billed at twenty-five percent. The
28 superintendent of a state hospital shall total only
29 those expenditures which can be attributed to the
30 cost of providing inpatient treatment to ~~substance~~
31 ~~abusers or chronic substance abusers~~ persons with
32 substance-related disorders for purposes of determining
33 the daily per diem. Section 125.44 governs the
34 determination of who is legally liable for the cost
35 of care, maintenance, and treatment of a ~~substance~~
36 ~~abuser or chronic substance abuser person with a~~
37 substance-related disorder and of the amount for which
38 the person is liable.

39 Sec. 38. Section 125.43A, Code 2011, is amended to
40 read as follows:

41 125.43A Prescreening — exception.
42 Except in cases of medical emergency or
43 court-ordered admissions, a person shall be admitted
44 to a state mental health institute for substance
45 abuse treatment only after a preliminary intake and
46 assessment by a department-licensed treatment facility
47 or a hospital providing care or treatment for ~~substance~~
48 ~~abusers~~ persons with substance-related disorders
49 licensed under chapter 135B and accredited by the
50 joint commission on the accreditation of health care

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1 organizations, the commission on accreditation of
2 rehabilitation facilities, the American osteopathic
3 association, or another recognized organization
4 approved by the board, or by a designee of a
5 department-licensed treatment facility or a hospital
6 other than a state mental health institute, which
7 confirms that the admission is appropriate to the
8 person's substance abuse service needs. A county board
9 of supervisors may seek an admission of a patient
10 to a state mental health institute who has not been
11 confirmed for appropriate admission and the county
12 shall be responsible for one hundred percent of the
13 cost of treatment and services of the patient.

14 Sec. 39. Section 125.44, Code 2011, is amended to
15 read as follows:

16 125.44 Agreements with facilities — liability for
17 costs.

18 The director may, consistent with the comprehensive
19 substance abuse program, enter into written
20 agreements with a facility as defined in section
21 125.2 to pay for one hundred percent of the cost of
22 the care, maintenance, and treatment of ~~substance~~
23 ~~abusers and chronic substance abusers~~ persons with
24 substance-related disorders, except when section
25 125.43A applies. All payments for state patients shall
26 be made in accordance with the limitations of this
27 section. Such contracts shall be for a period of no
28 more than one year.

29 The contract may be in the form and contain
30 provisions as agreed upon by the parties. The contract
31 shall provide that the facility shall admit and
32 treat ~~substance abusers and chronic substance abusers~~
33 persons with substance-related disorders regardless
34 of where they have residence. If one payment for
35 care, maintenance, and treatment is not made by the
36 patient or those legally liable for the patient, the
37 payment shall be made by the department directly to
38 the facility. Payments shall be made each month and
39 shall be based upon the rate of payment for services
40 negotiated between the department and the contracting
41 facility. If a facility projects a temporary cash flow
42 deficit, the department may make cash advances at the
43 beginning of each fiscal year to the facility. The
44 repayment schedule for advances shall be part of the
45 contract between the department and the facility. This
46 section does not pertain to patients treated at the
47 mental health institutes.

48 If the appropriation to the department is
49 insufficient to meet the requirements of this section,
50 the department shall request a transfer of funds and

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1 section 8.39 shall apply.

2 The ~~substance abuser or chronic substance abuser~~
3 person with a substance-related disorder is legally
4 liable to the facility for the total amount of the cost
5 of providing care, maintenance, and treatment for the
6 ~~substance abuser or chronic substance abuser person~~
7 with a substance-related disorder while a voluntary or
8 committed patient in a facility. This section does not
9 prohibit any individual from paying any portion of the
10 cost of treatment.

11 The department is liable for the cost of
12 care, treatment, and maintenance of ~~substance~~
13 ~~abusers and chronic substance abusers persons with~~
14 substance-related disorders admitted to the facility
15 voluntarily or pursuant to section 125.75, 125.81,
16 or 125.91 or section 321J.3 or 124.409 only to those
17 facilities that have a contract with the department
18 under this section, only for the amount computed
19 according to and within the limits of liability
20 prescribed by this section, and only when the ~~substance~~
21 ~~abuser or chronic substance abuser person with a~~
22 substance-related disorder is unable to pay the costs
23 and there is no other person, firm, corporation, or
24 insurance company bound to pay the costs.

25 The department's maximum liability for the costs
26 of care, treatment, and maintenance of ~~substance~~
27 ~~abusers and chronic substance abusers persons with~~
28 substance-related disorders in a contracting facility
29 is limited to the total amount agreed upon by the
30 parties and specified in the contract under this
31 section.

32 Sec. 40. Section 125.46, Code 2011, is amended to
33 read as follows:

34 125.46 County of residence determined.

35 The facility shall, when a ~~substance abuser~~
36 ~~or chronic substance abuser person with a~~
37 substance-related disorder is admitted, or as
38 soon thereafter as it receives the proper information,
39 determine and enter upon its records the Iowa county of
40 residence of the ~~substance abuser or chronic substance~~
41 ~~abuser person with a substance-related disorder~~, or
42 that the person resides in some other state or country,
43 or that the person is unclassified with respect to
44 residence.

45 Sec. 41. Section 125.75, unnumbered paragraph 1,
46 Code 2011, is amended to read as follows:

47 Proceedings for the involuntary commitment or
48 treatment of a ~~chronic substance abuser person with~~
49 a substance-related disorder to a facility may be
50 commenced by the county attorney or an interested

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1 person by filing a verified application with the
2 clerk of the district court of the county where
3 the respondent is presently located or which is
4 the respondent's place of residence. The clerk or
5 the clerk's designee shall assist the applicant in
6 completing the application. The application shall:

7 Sec. 42. Section 125.75, subsection 1, Code 2011,
8 is amended to read as follows:

9 1. State the applicant's belief that the
10 respondent is a ~~chronic substance abuser~~ person with a
11 substance-related disorder.

12 Sec. 43. Section 125.80, subsections 3 and 4, Code
13 2011, are amended to read as follows:

14 3. If the report of a court-designated physician
15 is to the effect that the respondent is not a ~~chronic~~
16 ~~substance abuser~~ person with a substance-related
17 disorder, the court, without taking further action, may
18 terminate the proceeding and dismiss the application on
19 its own motion and without notice.

20 4. If the report of a court-designated physician
21 is to the effect that the respondent is a ~~chronic~~
22 ~~substance abuser~~ person with a substance-related
23 disorder, the court shall schedule a commitment
24 hearing as soon as possible. The hearing shall be
25 held not more than forty-eight hours after the report
26 is filed, excluding Saturdays, Sundays, and holidays,
27 unless an extension for good cause is requested by
28 the respondent, or as soon thereafter as possible if
29 the court considers that sufficient grounds exist for
30 delaying the hearing.

31 Sec. 44. Section 125.81, subsection 1, Code 2011,
32 is amended to read as follows:

33 1. If a person filing an application requests that
34 a respondent be taken into immediate custody, and the
35 court upon reviewing the application and accompanying
36 documentation, finds probable cause to believe that the
37 respondent is a ~~chronic substance abuser~~ person with
38 a substance-related disorder who is likely to injure
39 the person or other persons if allowed to remain at
40 liberty, the court may enter a written order directing
41 that the respondent be taken into immediate custody
42 by the sheriff, and be detained until the commitment
43 hearing, which shall be held no more than five days
44 after the date of the order, except that if the fifth
45 day after the date of the order is a Saturday, Sunday,
46 or a holiday, the hearing may be held on the next
47 business day. The court may order the respondent
48 detained for the period of time until the hearing is
49 held, and no longer except as provided in section
50 125.88, in accordance with subsection 2, paragraph

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1 “a”, if possible, and if not, then in accordance with
2 subsection 2, paragraph “b”, or, only if neither of
3 these alternatives is available in accordance with
4 subsection 2, paragraph “c”.

5 Sec. 45. Section 125.82, subsection 4, Code 2011,
6 is amended to read as follows:

7 4. The respondent’s welfare is paramount, and the
8 hearing shall be tried as a civil matter and conducted
9 in as informal a manner as is consistent with orderly
10 procedure. Discovery as permitted under the Iowa rules
11 of civil procedure is available to the respondent. The
12 court shall receive all relevant and material evidence,
13 but the court is not bound by the rules of evidence.
14 A presumption in favor of the respondent exists, and
15 the burden of evidence and support of the contentions
16 made in the application shall be upon the person who
17 filed the application. If upon completion of the
18 hearing the court finds that the contention that the
19 respondent is a ~~chronic substance abuser~~ person with a
20 substance-related disorder has not been sustained by
21 clear and convincing evidence, the court shall deny the
22 application and terminate the proceeding.

23 Sec. 46. Section 125.83, Code 2011, is amended to
24 read as follows:

25 125.83 Placement for evaluation.

26 If upon completion of the commitment hearing,
27 the court finds that the contention that the
28 respondent is a ~~chronic substance abuser~~ person with
29 a substance-related disorder has been sustained by
30 clear and convincing evidence, the court shall order
31 the respondent placed at a facility or under the
32 care of a suitable facility on an outpatient basis as
33 expeditiously as possible for a complete evaluation
34 and appropriate treatment. The court shall furnish to
35 the facility at the time of admission or outpatient
36 placement, a written statement of facts setting forth
37 the evidence on which the finding is based. The
38 administrator of the facility shall report to the court
39 no more than fifteen days after the individual is
40 admitted to or placed under the care of the facility,
41 which shall include the chief medical officer’s
42 recommendation concerning substance abuse treatment.
43 An extension of time may be granted for a period not
44 to exceed seven days upon a showing of good cause. A
45 copy of the report shall be sent to the respondent’s
46 attorney who may contest the need for an extension of
47 time if one is requested. If the request is contested,
48 the court shall make an inquiry as it deems appropriate
49 and may either order the respondent released from
50 the facility or grant extension of time for further

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1 evaluation. If the administrator fails to report to
2 the court within fifteen days after the individual is
3 admitted to the facility, and no extension of time has
4 been requested, the administrator is guilty of contempt
5 and shall be punished under chapter 665. The court
6 shall order a rehearing on the application to determine
7 whether the respondent should continue to be held at
8 the facility.

9 Sec. 47. Section 125.83A, subsection 1, Code 2011,
10 is amended to read as follows:

11 1. If upon completion of the commitment hearing,
12 the court finds that the contention that the
13 respondent is a ~~chronic substance abuser~~ person with a
14 substance-related disorder has been sustained by clear
15 and convincing evidence, and the court is furnished
16 evidence that the respondent is eligible for care
17 and treatment in a facility operated by the United
18 States department of veterans affairs or another
19 agency of the United States government and that the
20 facility is willing to receive the respondent, the
21 court may so order. The respondent, when so placed in
22 a facility operated by the United States department
23 of veterans affairs or another agency of the United
24 States government within or outside of this state,
25 shall be subject to the rules of the United States
26 department of veterans affairs or other agency, but
27 shall not lose any procedural rights afforded the
28 respondent by this chapter. The chief officer of the
29 facility shall have, with respect to the respondent
30 so placed, the same powers and duties as the chief
31 medical officer of a hospital in this state would
32 have in regard to submission of reports to the court,
33 retention of custody, transfer, convalescent leave, or
34 discharge. Jurisdiction is retained in the court to
35 maintain surveillance of the respondent's treatment and
36 care, and at any time to inquire into the respondent's
37 condition and the need for continued care and custody.

38 Sec. 48. Section 125.84, subsections 2, 3, and 4,
39 Code 2011, are amended to read as follows:

40 2. That the respondent is a ~~chronic substance~~
41 ~~abuser~~ person with a substance-related disorder who
42 is in need of full-time custody, care, and treatment
43 in a facility, and is considered likely to benefit
44 from treatment. If the report so states, the court
45 shall enter an order which may require the respondent's
46 continued placement and commitment to a facility for
47 appropriate treatment.

48 3. That the respondent is a ~~chronic substance~~
49 ~~abuser~~ person with a substance-related disorder who is
50 in need of treatment, but does not require full-time

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1 placement in a facility. If the report so states,
2 the report shall include the chief medical officer's
3 recommendation for treatment of the respondent on an
4 outpatient or other appropriate basis, and the court
5 shall enter an order which may direct the respondent to
6 submit to the recommended treatment. The order shall
7 provide that if the respondent fails or refuses to
8 submit to treatment, as directed by the court's order,
9 the court may order that the respondent be taken into
10 immediate custody as provided by section 125.81 and,
11 following notice and hearing held in accordance with
12 the procedures of sections 125.77 and 125.82, may order
13 the respondent treated as a patient requiring full-time
14 custody, care, and treatment as provided in subsection
15 2, and may order the respondent involuntarily committed
16 to a facility.

17 4. That the respondent is a ~~chronic substance~~
18 ~~abuser~~ person with a substance-related disorder who is
19 in need of treatment, but in the opinion of the chief
20 medical officer is not responding to the treatment
21 provided. If the report so states, the report shall
22 include the facility administrator's recommendation
23 for alternative placement, and the court shall enter
24 an order which may direct the respondent's transfer
25 to the recommended placement or to another placement
26 after consultation with respondent's attorney and the
27 facility administrator who made the report under this
28 subsection.

29 Sec. 49. Section 125.91, subsections 1, 2, and 3,
30 Code 2011, are amended to read as follows:

31 1. The procedure prescribed by this section
32 shall only be used for ~~an intoxicated~~ a person with
33 a substance-related disorder due to intoxication or
34 substance-induced incapacitation who has threatened,
35 attempted, or inflicted physical self-harm or harm on
36 another, and is likely to inflict physical self-harm or
37 harm on another unless immediately detained, or who is
38 incapacitated by a ~~chemical~~ substance, if that person
39 cannot be taken into immediate custody under sections
40 125.75 and 125.81 because immediate access to the court
41 is not possible.

42 2. a. A peace officer who has reasonable
43 grounds to believe that the circumstances described
44 in subsection 1 are applicable may, without a
45 warrant, take or cause that person to be taken to the
46 nearest available facility referred to in section
47 125.81, subsection 2, paragraph "b" or "c". Such
48 ~~an intoxicated or incapacitated~~ a person with a
49 substance-related disorder due to intoxication or
50 substance-induced incapacitation who also demonstrates

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1 a significant degree of distress or dysfunction may
2 also be delivered to a facility by someone other than
3 a peace officer upon a showing of reasonable grounds.
4 Upon delivery of the person to a facility under this
5 section, the examining physician may order treatment
6 of the person, but only to the extent necessary to
7 preserve the person's life or to appropriately control
8 the person's behavior if the behavior is likely to
9 result in physical injury to the person or others
10 if allowed to continue. The peace officer or other
11 person who delivered the person to the facility
12 shall describe the circumstances of the matter to
13 the examining physician. If the person is a peace
14 officer, the peace officer may do so either in person
15 or by written report. If the examining physician has
16 reasonable grounds to believe that the circumstances in
17 subsection 1 are applicable, the examining physician
18 shall at once communicate with the nearest available
19 magistrate as defined in section 801.4, subsection 10.
20 The magistrate shall, based upon the circumstances
21 described by the examining physician, give the
22 examining physician oral instructions either directing
23 that the person be released forthwith, or authorizing
24 the person's detention in an appropriate facility.
25 The magistrate may also give oral instructions and
26 order that the detained person be transported to an
27 appropriate facility.

28 b. If the magistrate orders that the person be
29 detained, the magistrate shall, by the close of
30 business on the next working day, file a written order
31 with the clerk in the county where it is anticipated
32 that an application may be filed under section 125.75.
33 The order may be filed by facsimile if necessary. The
34 order shall state the circumstances under which the
35 person was taken into custody or otherwise brought to
36 a facility and the grounds supporting the finding of
37 probable cause to believe that the person is a ~~chronic~~
38 ~~substance abuser~~ person with a substance-related
39 disorder likely to result in physical injury to the
40 person or others if not detained. The order shall
41 confirm the oral order authorizing the person's
42 detention including any order given to transport the
43 person to an appropriate facility. The clerk shall
44 provide a copy of that order to the ~~chief medical~~
45 ~~officer of the facility~~ attending physician, to
46 which the person was originally taken, any subsequent
47 facility to which the person was transported, and
48 to any law enforcement department or ambulance
49 service that transported the person pursuant to the
50 magistrate's order.

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1 3. The ~~chief medical officer of the facility~~
2 attending physician shall examine and may detain the
3 person pursuant to the magistrate's order for a period
4 not to exceed forty-eight hours from the time the order
5 is dated, excluding Saturdays, Sundays, and holidays,
6 unless the order is dismissed by a magistrate. The
7 facility may provide treatment which is necessary to
8 preserve the person's life or to appropriately control
9 the person's behavior if the behavior is likely to
10 result in physical injury to the person or others if
11 allowed to continue or is otherwise deemed medically
12 necessary by the ~~chief medical officer~~ attending
13 physician, but shall not otherwise provide treatment to
14 the person without the person's consent. The person
15 shall be discharged from the facility and released
16 from detention no later than the expiration of the
17 forty-eight-hour period, unless an application for
18 involuntary commitment is filed with the clerk pursuant
19 to section 125.75. The detention of a person by the
20 procedure in this section, and not in excess of the
21 period of time prescribed by this section, shall not
22 render the peace officer, attending physician, or
23 facility detaining the person liable in a criminal or
24 civil action for false arrest or false imprisonment
25 if the peace officer, physician, or facility had
26 reasonable grounds to believe that the circumstances
27 described in subsection 1 were applicable.

28 Sec. 50. Section 226.9C, subsection 2, paragraph c,
29 Code 2011, is amended to read as follows:

30 c. (1) Prior to an individual's admission for dual
31 diagnosis treatment, the individual shall have been
32 prescreened. The person performing the prescreening
33 shall be either the mental health professional, as
34 defined in section 228.1, who is contracting with the
35 county central-point-of-coordination process to provide
36 the prescreening or a mental health professional
37 with the requisite qualifications. A mental health
38 professional with the requisite qualifications shall
39 meet all of the following qualifications: is a mental
40 health professional as defined in section 228.1, is
41 a certified alcohol and drug counselor certified by
42 the nongovernmental Iowa board of substance abuse
43 certification, and is employed by or providing services
44 for a facility, as defined in section 125.2.

45 (2) Prior to an individual's admission for dual
46 diagnosis treatment, the individual shall have
47 been screened through a county's central point of
48 coordination process implemented pursuant to section
49 331.440 to determine the appropriateness of the
50 treatment.

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1 Sec. 51. Section 229.1, subsection 12, Code 2011,
2 is amended to read as follows:

3 12. "Psychiatric advanced registered nurse
4 practitioner" means an individual currently licensed as
5 a registered nurse under chapter 152 or 152E who holds
6 a national certification in psychiatric mental health
7 care and who is registered with the board of nursing as
8 an advanced registered nurse practitioner.

9 Sec. 52. Section 229.15, subsection 3, paragraph a,
10 Code 2011, is amended to read as follows:

11 a. A psychiatric advanced registered nurse
12 practitioner treating a patient previously hospitalized
13 under this chapter may complete periodic reports
14 pursuant to this section on the patient if the patient
15 has been recommended for treatment on an outpatient or
16 other appropriate basis pursuant to section 229.14,
17 subsection 1, paragraph "c", ~~and if a psychiatrist~~
18 ~~licensed pursuant to chapter 148 personally evaluates~~
19 ~~the patient on at least an annual basis.~~

20 Sec. 53. Section 229.21, subsection 2, Code 2011,
21 is amended to read as follows:

22 2. When an application for involuntary
23 hospitalization under this chapter or an application
24 for involuntary commitment or treatment of ~~chronic~~
25 ~~substance abusers~~ persons with substance-related
26 disorders under sections 125.75 to 125.94 is filed with
27 the clerk of the district court in any county for which
28 a judicial hospitalization referee has been appointed,
29 and no district judge, district associate judge, or
30 magistrate who is admitted to the practice of law in
31 this state is accessible, the clerk shall immediately
32 notify the referee in the manner required by section
33 229.7 or section 125.77. The referee shall discharge
34 all of the duties imposed upon the court by sections
35 229.7 to 229.22 or sections 125.75 to 125.94 in the
36 proceeding so initiated. Subject to the provisions of
37 subsection 4, orders issued by a referee, in discharge
38 of duties imposed under this section, shall have the
39 same force and effect as if ordered by a district
40 judge. However, any commitment to a facility regulated
41 and operated under chapter 135C, shall be in accordance
42 with section 135C.23.

43 Sec. 54. Section 229.21, subsection 3, paragraphs a
44 and b, Code 2011, are amended to read as follows:

45 a. Any respondent with respect to whom the
46 magistrate or judicial hospitalization referee has
47 found the contention that the respondent is seriously
48 mentally impaired or a ~~chronic substance abuser~~ person
49 with a substance-related disorder sustained by clear
50 and convincing evidence presented at a hearing held

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1 under section 229.12 or section 125.82, may appeal from
2 the magistrate's or referee's finding to a judge of the
3 district court by giving the clerk notice in writing,
4 within ten days after the magistrate's or referee's
5 finding is made, that an appeal is taken. The appeal
6 may be signed by the respondent or by the respondent's
7 next friend, guardian, or attorney.

8 b. An order of a magistrate or judicial
9 hospitalization referee with a finding that the
10 respondent is seriously mentally impaired or a ~~chronic~~
11 ~~substance abuser~~ person with a substance-related
12 disorder shall include the following notice, located
13 conspicuously on the face of the order:

14 NOTE: The respondent may appeal from this order to a
15 judge of the district court by giving written notice of
16 the appeal to the clerk of the district court within
17 ten days after the date of this order. The appeal may
18 be signed by the respondent or by the respondent's next
19 friend, guardian, or attorney. For a more complete
20 description of the respondent's appeal rights, consult
21 section 229.21 of the Code of Iowa or an attorney.

22 Sec. 55. Section 229.21, subsection 4, Code 2011,
23 is amended to read as follows:

24 4. If the appellant is in custody under the
25 jurisdiction of the district court at the time
26 of service of the notice of appeal, the appellant
27 shall be discharged from custody unless an order
28 that the appellant be taken into immediate custody
29 has previously been issued under section 229.11 or
30 section 125.81, in which case the appellant shall
31 be detained as provided in that section until the
32 hospitalization or commitment hearing before the
33 district judge. If the appellant is in the custody of
34 a hospital or facility at the time of service of the
35 notice of appeal, the appellant shall be discharged
36 from custody pending disposition of the appeal unless
37 the chief medical officer, not later than the end of
38 the next secular day on which the office of the clerk
39 is open and which follows service of the notice of
40 appeal, files with the clerk a certification that in
41 the chief medical officer's opinion the appellant is
42 seriously mentally ill or a ~~substance abuser~~ person
43 with a substance-related disorder. In that case, the
44 appellant shall remain in custody of the hospital
45 or facility until the hospitalization or commitment
46 hearing before the district court.

47 Sec. 56. Section 230.15, unnumbered paragraph 2,
48 Code 2011, is amended to read as follows:

49 A ~~substance abuser or chronic substance abuser~~
50 person with a substance-related disorder is legally

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1 liable for the total amount of the cost of providing
2 care, maintenance, and treatment for the ~~substance~~
3 ~~abuser or chronic substance abuser~~ person with a
4 substance-related disorder while a voluntary or
5 committed patient. When a portion of the cost is paid
6 by a county, the ~~substance abuser or chronic substance~~
7 ~~abuser~~ person with a substance-related disorder is
8 legally liable to the county for the amount paid.
9 The ~~substance abuser or chronic substance abuser~~
10 ~~person with a substance-related disorder~~ shall assign
11 any claim for reimbursement under any contract of
12 indemnity, by insurance or otherwise, providing for
13 the ~~abuser's person's~~ care, maintenance, and treatment
14 in a state hospital to the state. Any payments
15 received by the state from or on behalf of a ~~substance~~
16 ~~abuser or chronic substance abuser~~ person with a
17 substance-related disorder shall be in part credited
18 to the county in proportion to the share of the costs
19 paid by the county. Nothing in this section shall be
20 construed to prevent a relative or other person from
21 voluntarily paying the full actual cost or any portion
22 of the care and treatment of any person with mental
23 illness, ~~substance abuser, or chronic substance abuser~~
24 or a substance-related disorder as established by the
25 department of human services.

26 Sec. 57. Section 232.116, subsection 1, paragraph
27 1, subparagraph (2), Code 2011, is amended to read as
28 follows:

29 (2) The parent has a severe, ~~chronic substance~~
30 ~~abuse problem,~~ substance-related disorder and presents
31 a danger to self or others as evidenced by prior acts.

32 Sec. 58. Section 600A.8, subsection 8, paragraph a,
33 Code 2011, is amended to read as follows:

34 a. The parent has been determined to be a ~~chronic~~
35 ~~substance abuser~~ person with a substance-related
36 disorder as defined in section 125.2 and the parent has
37 committed a second or subsequent domestic abuse assault
38 pursuant to section 708.2A.

39 Sec. 59. Section 602.4201, subsection 3, paragraph
40 h, Code 2011, is amended to read as follows:

41 h. Involuntary commitment or treatment of ~~substance~~
42 ~~abusers~~ persons with a substance-related disorders.

43 Sec. 60. IMPLEMENTATION OF ACT. Section 25B.2,
44 subsection 3, shall not apply to this division of this
45 Act.

46 Sec. 61. EFFECTIVE DATE. This division of this Act
47 takes effect July 1, 2012.>

S-3336

HOUSE AMENDMENT TO
SENATE FILE 522

1 Amend Senate File 522, as passed by the Senate, as
2 follows:

3 1. By striking everything after the enacting clause
4 and inserting:

<DIVISION I

EDUCATION FINANCE

7 Section 1. Section 257.1, subsection 2, paragraph
8 b, Code 2011, is amended by striking the paragraph and
9 inserting in lieu thereof the following:

10 b. (1) The regular program foundation base per
11 pupil is the following:

12 (a) For the budget year commencing July 1, 2011,
13 the regular program foundation base per pupil is
14 eighty-seven and five-tenths percent of the regular
15 program state cost per pupil.

16 (b) For the budget year commencing July 1, 2012,
17 the regular program foundation base per pupil is
18 eighty-nine and twenty-eight hundredths percent of the
19 regular program state cost per pupil.

20 (c) For the budget year commencing July 1, 2013,
21 the regular program foundation base per pupil is
22 ninety-one and six hundredths percent of the regular
23 program state cost per pupil.

24 (d) For the budget year commencing July 1, 2014,
25 the regular program foundation base per pupil is
26 ninety-two and eighty-four hundredths percent of the
27 regular program state cost per pupil.

28 (e) For the budget year commencing July 1, 2015,
29 the regular program foundation base per pupil is
30 ninety-four and sixty-two hundredths percent of the
31 regular program state cost per pupil.

32 (f) For the budget year commencing July 1, 2016,
33 the regular program foundation base per pupil is
34 ninety-six and forty hundredths percent of the regular
35 program state cost per pupil.

36 (g) For the budget year commencing July 1, 2017,
37 the regular program foundation base per pupil is
38 ninety-eight and eighteen hundredths percent of the
39 regular program state cost per pupil.

40 (h) For the budget year commencing July 1, 2018,
41 and succeeding budget years, the regular program
42 foundation base per pupil is one hundred percent of the
43 regular program state cost per pupil.

44 (2) For each budget year, the special education
45 support services foundation base is seventy-nine
46 percent of the special education support services state
47 cost per pupil. The combined foundation base is the

48 sum of the regular program foundation base, the special
49 education support services foundation base, the total
50 teacher salary supplement district cost, the total

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1 professional development supplement district cost, the
2 total early intervention supplement district cost, the
3 total area education agency teacher salary supplement
4 district cost, and the total area education agency
5 professional development supplement district cost.

6 DIVISION II

7 PROPERTY ASSESSMENT LIMITATIONS

8 Sec. 2. Section 441.21, subsection 4, Code 2011, is
9 amended to read as follows:

10 4. For valuations established as of January
11 1, 1979, the percentage of actual value at which
12 agricultural and residential property shall be assessed
13 shall be the quotient of the dividend and divisor as
14 defined in this section. The dividend for each class
15 of property shall be the dividend as determined for
16 each class of property for valuations established as
17 of January 1, 1978, adjusted by the product obtained
18 by multiplying the percentage determined for that year
19 by the amount of any additions or deletions to actual
20 value, excluding those resulting from the revaluation
21 of existing properties, as reported by the assessors
22 on the abstracts of assessment for 1978, plus six
23 percent of the amount so determined. However, if the
24 difference between the dividend so determined for
25 either class of property and the dividend for that
26 class of property for valuations established as of
27 January 1, 1978, adjusted by the product obtained by
28 multiplying the percentage determined for that year
29 by the amount of any additions or deletions to actual
30 value, excluding those resulting from the revaluation
31 of existing properties, as reported by the assessors
32 on the abstracts of assessment for 1978, is less than
33 six percent, the 1979 dividend for the other class of
34 property shall be the dividend as determined for that
35 class of property for valuations established as of
36 January 1, 1978, adjusted by the product obtained by
37 multiplying the percentage determined for that year
38 by the amount of any additions or deletions to actual
39 value, excluding those resulting from the revaluation
40 of existing properties, as reported by the assessors on
41 the abstracts of assessment for 1978, plus a percentage
42 of the amount so determined which is equal to the
43 percentage by which the dividend as determined for the
44 other class of property for valuations established as
45 of January 1, 1978, adjusted by the product obtained
46 by multiplying the percentage determined for that year

47 by the amount of any additions or deletions to actual
48 value, excluding those resulting from the revaluation
49 of existing properties, as reported by the assessors
50 on the abstracts of assessment for 1978, is increased

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1 in arriving at the 1979 dividend for the other class
2 of property. The divisor for each class of property
3 shall be the total actual value of all such property
4 in the state in the preceding year, as reported by the
5 assessors on the abstracts of assessment submitted
6 for 1978, plus the amount of value added to said
7 total actual value by the revaluation of existing
8 properties in 1979 as equalized by the director of
9 revenue pursuant to section 441.49. The director shall
10 utilize information reported on abstracts of assessment
11 submitted pursuant to section 441.45 in determining
12 such percentage. For valuations established as of
13 January 1, 1980, and each assessment year thereafter
14 beginning before January 1, 2012, the percentage of
15 actual value as equalized by the director of revenue
16 as provided in section 441.49 at which agricultural
17 and residential property shall be assessed shall be
18 calculated in accordance with the methods provided
19 herein including the limitation of increases in
20 agricultural and residential assessed values to the
21 percentage increase of the other class of property if
22 the other class increases less than the allowable limit
23 adjusted to include the applicable and current values
24 as equalized by the director of revenue, except that
25 any references to six percent in this subsection shall
26 be four percent. For valuations established as of
27 January 1, 2012, and each assessment year thereafter,
28 the percentage of actual value as equalized by the
29 director of revenue as provided in section 441.49 at
30 which agricultural and residential property shall be
31 assessed shall be calculated in accordance with the
32 methods provided herein including the limitation of
33 increases in agricultural and residential assessed
34 values to the percentage increase of the other class
35 of property if the other class increases less than the
36 allowable limit adjusted to include the applicable and
37 current values as equalized by the director of revenue,
38 except that any references to six percent in this
39 subsection shall be two percent.

40 Sec. 3. Section 441.21, subsection 5, Code 2011, is
41 amended to read as follows:

42 5. a. For valuations established as of January
43 1, 1979, commercial property and industrial property,
44 excluding properties referred to in section 427A.1,
45 subsection 8, shall be assessed as a percentage of

46 the actual value of each class of property. The
47 percentage shall be determined for each class of
48 property by the director of revenue for the state in
49 accordance with the provisions of this section. For
50 valuations established as of January 1, 1979, the

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1 percentage shall be the quotient of the dividend and
2 divisor as defined in this section. The dividend
3 for each class of property shall be the total actual
4 valuation for each class of property established for
5 1978, plus six percent of the amount so determined.
6 The divisor for each class of property shall be the
7 valuation for each class of property established for
8 1978, as reported by the assessors on the abstracts
9 of assessment for 1978, plus the amount of value
10 added to the total actual value by the revaluation
11 of existing properties in 1979 as equalized by the
12 director of revenue pursuant to section 441.49. For
13 valuations established as of January 1, 1979, property
14 valued by the department of revenue pursuant to
15 chapters 428, 433, 437, and 438 shall be considered
16 as one class of property and shall be assessed as a
17 percentage of its actual value. The percentage shall
18 be determined by the director of revenue in accordance
19 with the provisions of this section. For valuations
20 established as of January 1, 1979, the percentage
21 shall be the quotient of the dividend and divisor as
22 defined in this section. The dividend shall be the
23 total actual valuation established for 1978 by the
24 department of revenue, plus ten percent of the amount
25 so determined. The divisor for property valued by
26 the department of revenue pursuant to chapters 428,
27 433, 437, and 438 shall be the valuation established
28 for 1978, plus the amount of value added to the total
29 actual value by the revaluation of the property by
30 the department of revenue as of January 1, 1979.
31 For valuations established as of January 1, 1980,
32 commercial property and industrial property, excluding
33 properties referred to in section 427A.1, subsection
34 8, shall be assessed at a percentage of the actual
35 value of each class of property. The percentage
36 shall be determined for each class of property by
37 the director of revenue for the state in accordance
38 with the provisions of this section. For valuations
39 established as of January 1, 1980, the percentage
40 shall be the quotient of the dividend and divisor as
41 defined in this section. The dividend for each class
42 of property shall be the dividend as determined for
43 each class of property for valuations established as
44 of January 1, 1979, adjusted by the product obtained

45 by multiplying the percentage determined for that year
46 by the amount of any additions or deletions to actual
47 value, excluding those resulting from the revaluation
48 of existing properties, as reported by the assessors
49 on the abstracts of assessment for 1979, plus four
50 percent of the amount so determined. The divisor

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1 for each class of property shall be the total actual
2 value of all such property in 1979, as equalized by
3 the director of revenue pursuant to section 441.40,
4 plus the amount of value added to the total actual
5 value by the revaluation of existing properties in
6 1980. The director shall utilize information reported
7 on the abstracts of assessment submitted pursuant
8 to section 441.45 in determining such percentage.
9 For valuations established as of January 1, 1980,
10 property valued by the department of revenue pursuant
11 to chapters 428, 433, 437, and 438 shall be assessed
12 at a percentage of its actual value. The percentage
13 shall be determined by the director of revenue in
14 accordance with the provisions of this section. For
15 valuations established as of January 1, 1980, the
16 percentage shall be the quotient of the dividend and
17 divisor as defined in this section. The dividend shall
18 be the total actual valuation established for 1979 by
19 the department of revenue, plus eight percent of the
20 amount so determined. The divisor for property valued
21 by the department of revenue pursuant to chapters 428,
22 433, 437, and 438 shall be the valuation established
23 for 1979, plus the amount of value added to the total
24 actual value by the revaluation of the property by
25 the department of revenue as of January 1, 1980. ~~For~~
26 ~~valuations established as of January 1, 1981, and~~
27 ~~each year thereafter, the percentage of actual value~~
28 ~~as equalized by the director of revenue as provided~~
29 ~~in section 441.40 at which commercial property and~~
30 ~~industrial property, excluding properties referred to~~
31 ~~in section 427A.1, subsection 8, shall be assessed~~
32 ~~shall be calculated in accordance with the methods~~
33 ~~provided herein, except that any references to six~~
34 ~~percent in this subsection shall be four percent.~~ For
35 valuations established as of January 1, 1981, and
36 each year thereafter, the percentage of actual value
37 at which property valued by the department of revenue
38 pursuant to chapters 428, 433, 437, and 438 shall be
39 assessed shall be calculated in accordance with the
40 methods provided herein, except that any references
41 to ten percent in this subsection shall be eight
42 percent. Beginning with valuations established as of
43 January 1, 1979, and each assessment year thereafter

44 beginning before January 1, 2012, property valued
45 by the department of revenue pursuant to chapter 434
46 shall also be assessed at a percentage of its actual
47 value which percentage shall be equal to the percentage
48 determined by the director of revenue for commercial
49 property, industrial property, or property valued by
50 the department of revenue pursuant to chapters 428,

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1 433, 437, and 438, whichever is lowest. Beginning
2 with valuations established as of January 1, 2012,
3 but before January 1, 2016, property valued by the
4 department of revenue pursuant to chapter 434 that
5 is not new railway property shall be assessed at a
6 percentage of its actual value equal to the percentage
7 of actual value at which commercial property that
8 is not new commercial property is assessed for the
9 same assessment year. For valuations established
10 on or after January 1, 2012, but before January 1,
11 2016, property valued by the department of revenue
12 pursuant to chapter 434 that is new railway property
13 shall be assessed at a percentage of its actual value
14 equal to the percentage of actual value at which
15 commercial property that is new commercial property,
16 as defined in paragraph "c", is assessed for the same
17 assessment year. For purposes of this section, "new
18 railway property" means that portion of the actual
19 value of property assessed by the director of revenue
20 under chapter 434 in excess of one hundred fifty
21 percent of such property's value for the assessment
22 year beginning January 1, 2011, attributable to new
23 construction, renovation, or rehabilitation of the
24 property occurring on or after the effective date of
25 this division of this Act. "New railway property" shall
26 be considered a subclassification of property assessed
27 by the director of revenue under chapter 434 for the
28 assessment years beginning on or after January 1, 2012,
29 but before January 1, 2016. For valuations established
30 on or after January 1, 2016, property valued by the
31 department of revenue pursuant to chapter 434 shall
32 be assessed at a percentage of its actual value equal
33 to the percentage of actual value at which commercial
34 property is assessed for the same assessment year.
35 b. For valuations established on or after January
36 1, 2012, commercial property that is not new commercial
37 property as defined in paragraph "c", excluding
38 properties referred to in section 427A.1, subsection 8,
39 shall be assessed as a percentage of the actual value,
40 as determined in this paragraph.
41 (1) For valuations established for the assessment
42 year beginning January 1, 2012, the percentage of

43 actual value as equalized by the director of revenue as
44 provided in section 441.49 at which commercial property
45 that is not new commercial property shall be assessed
46 shall be ninety-two percent.
47 (2) For valuations established for the assessment
48 year beginning January 1, 2013, the percentage of
49 actual value as equalized by the director of revenue as
50 provided in section 441.49 at which commercial property

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1 that is not new commercial property shall be assessed
2 shall be eighty-four percent.
3 (3) For valuations established for the assessment
4 year beginning January 1, 2014, the percentage of
5 actual value as equalized by the director of revenue as
6 provided in section 441.49 at which commercial property
7 that is not new commercial property shall be assessed
8 shall be seventy-six percent.
9 (4) For valuations established for the assessment
10 year beginning January 1, 2015, the percentage of
11 actual value as equalized by the director of revenue as
12 provided in section 441.49 at which commercial property
13 that is not new commercial property shall be assessed
14 shall be sixty-eight percent.
15 c. (1) For valuations established on or after
16 January 1, 2012, but before January 1, 2016, new
17 commercial property, excluding properties referred to
18 in section 427A.1, subsection 8, shall be assessed as a
19 percentage of the actual value, as determined in this
20 paragraph "c".
21 (2) For valuations established for assessment years
22 beginning on or after January 1, 2012, but before
23 January 1, 2016, the percentage of actual value as
24 equalized by the director of revenue as provided in
25 section 441.49 at which commercial property that is new
26 commercial property shall be assessed shall be sixty
27 percent.
28 (3) For purposes of this section, "new commercial
29 property" means that portion of the actual value of
30 property in excess of one hundred fifty percent of such
31 property's value for the assessment year beginning
32 January 1, 2011, attributable to new construction,
33 renovation, or rehabilitation of the property occurring
34 on or after the effective date of this division of
35 this Act, and but for this paragraph would be assessed
36 under paragraph "b". "New commercial property" shall be
37 considered a subclassification of commercial property
38 for the assessment years beginning on or after January
39 1, 2012, but before January 1, 2016.
40 d. (1) For valuations established on or after
41 January 1, 2016, commercial property, excluding

42 properties referred to in section 427A.1, subsection 8,
43 shall be assessed as a percentage of the actual value
44 as determined in this paragraph “d”.

45 (2) For valuations established for the assessment
46 year beginning January 1, 2016, and each assessment
47 year thereafter, the percentage of actual value as
48 equalized by the director of revenue as provided in
49 section 441.49 at which commercial property shall be
50 assessed shall be sixty percent.

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1 e. For valuations established on or after January
2 1, 2012, industrial property that is not new industrial
3 property as defined in paragraph “f”, excluding
4 properties referred to in section 427A.1, subsection 8,
5 shall be assessed as a percentage of the actual value,
6 as determined in this paragraph.

7 (1) For valuations established for the assessment
8 year beginning January 1, 2012, the percentage of
9 actual value as equalized by the director of revenue as
10 provided in section 441.49 at which industrial property
11 that is not new industrial property, shall be assessed
12 shall be ninety-two percent.

13 (2) For valuations established for the assessment
14 year beginning January 1, 2013, the percentage of
15 actual value as equalized by the director of revenue as
16 provided in section 441.49 at which industrial property
17 that is not new industrial property shall be assessed
18 shall be eighty-four percent.

19 (3) For valuations established for the assessment
20 year beginning January 1, 2014, the percentage of
21 actual value as equalized by the director of revenue as
22 provided in section 441.49 at which industrial property
23 that is not new industrial property shall be assessed
24 shall be seventy-six percent.

25 (4) For valuations established for the assessment
26 year beginning January 1, 2015, the percentage of
27 actual value as equalized by the director of revenue as
28 provided in section 441.49 at which industrial property
29 that is not new industrial property shall be assessed
30 shall be sixty-eight percent.

31 f. (1) For valuations established on or after
32 January 1, 2012, but before January 1, 2016, new
33 industrial property, excluding properties referred to
34 in section 427A.1, subsection 8, shall be assessed as
35 a percentage of the actual value as determined in this
36 paragraph “f”.

37 (2) For valuations established for assessment years
38 beginning on or after January 1, 2012, but before
39 January 1, 2016, the percentage of actual value as
40 equalized by the director of revenue as provided in

41 section 441.49 at which industrial property that is new
42 industrial property shall be assessed shall be sixty
43 percent.

44 (3) For purposes of this section, “new industrial
45 property” means that portion of the actual value of
46 property in excess of one hundred fifty percent of such
47 property’s value for the assessment year beginning
48 January 1, 2011, attributable to new construction,
49 renovation, or rehabilitation of the property occurring
50 on or after the effective date of this division of

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1 this Act, and but for this paragraph would be assessed
2 under paragraph “e”. “New industrial property” shall be
3 considered a subclassification of industrial property
4 for the assessment years beginning on or after January
5 1, 2012, but before January 1, 2016.

6 g. (1) For valuations established on or after
7 January 1, 2016, industrial property, excluding
8 properties referred to in section 427A.1, subsection 8,
9 shall be assessed as a percentage of the actual value
10 as determined in this paragraph “g”.

11 (2) For valuations established for the assessment
12 year beginning January 1, 2016, and each assessment
13 year thereafter, the percentage of actual value as
14 equalized by the director of revenue as provided in
15 section 441.49 at which industrial property shall be
16 assessed shall be sixty percent.

17 Sec. 4. Section 441.21, subsections 9 and 10, Code
18 2011, are amended to read as follows:

19 9. Not later than November 1, 1979, and November
20 1 of each subsequent year, the director shall
21 certify to the county auditor of each county the
22 percentages of actual value at which residential
23 property, agricultural property, commercial property,
24 new commercial property, industrial property, ~~and~~
25 new industrial property, property valued by the
26 department of revenue pursuant to chapters 428, 433,
27 434, 437, and 438, and new railway property in each
28 assessing jurisdiction in the county shall be assessed
29 for taxation. The county auditor shall proceed
30 to determine the assessed values of agricultural
31 property, residential property, commercial property,
32 new commercial property, industrial property, ~~and new~~
33 industrial property, property valued by the department
34 of revenue pursuant to chapters 428, 433, 434, 437,
35 and 438, and new railway property by applying such
36 percentages to the current actual value of such
37 property, as reported to the county auditor by the
38 assessor, and the assessed values so determined shall
39 be the taxable values of such properties upon which the

40 levy shall be made.

41 10. The percentage of actual value computed by
 42 the director for agricultural property, residential
 43 property, commercial property, new commercial property,
 44 industrial property ~~and~~, new industrial property,
 45 property valued by the department of revenue pursuant
 46 to chapters 428, 433, 434, 437, and 438, and new
 47 railway property and used to determine assessed values
 48 of those classes of property does not constitute a rule
 49 as defined in section 17A.2, subsection 11.

50 Sec. 5. Section 441.21, Code 2011, is amended by

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1 adding the following new subsection:
 2 NEW SUBSECTION. 13. Notwithstanding any provision
 3 of law to the contrary, beginning with valuations
 4 established on or after January 1, 2012, as used in
 5 this section, "residential property" includes that
 6 portion of a building or structure and a proportionate
 7 share of the land upon which the building or structure
 8 is situated that is used as a primary residence by
 9 the person who owns the building even if the use as
 10 a primary residence is not the primary use of the
 11 building or structure. Accordingly, the assessor
 12 may assign more than one classification to a parcel
 13 of property satisfying the requirements of this
 14 subsection.

15 Sec. 6. NEW SECTION. 441.21A Legislative intent.

16 1. It is the intent of the general assembly that
 17 appropriations be made annually to reimburse local
 18 taxing authorities in this state for reductions in
 19 property tax collections on commercial, new commercial,
 20 industrial, new industrial, railway, and new railway
 21 property as a result of the assessment limitations
 22 on such property established under section 441.21,
 23 subsection 5, in the following amounts:

- 24 a. For the fiscal year beginning July 1, 2013,
 25 fifty million dollars.
- 26 b. For the fiscal year beginning July 1, 2014, one
 27 hundred million dollars.
- 28 c. For the fiscal year beginning July 1, 2015, one
 29 hundred fifty million dollars.
- 30 d. For the fiscal year beginning July 1, 2016, two
 31 hundred million dollars.
- 32 e. For the fiscal year beginning July 1, 2017, and
 33 each fiscal year thereafter, two hundred fifty million
 34 dollars.

35 2. The committee on ways and means of the senate
 36 and the committee on ways and means of the house of
 37 representatives shall each conduct an annual review of
 38 the implementation and fiscal impact of the commercial,

39 new commercial, industrial, new industrial, railway,
 40 and new railway property assessment limitations
 41 established under section 441.21, subsection 5, on
 42 local taxing authorities in this state.

43 Sec. 7. SAVINGS PROVISION. This division of this
 44 Act, pursuant to section 4.13, does not affect the
 45 operation of, or prohibit the application of, prior
 46 provisions of section 441.21, or rules adopted under
 47 chapter 17A to administer prior provisions of section
 48 441.21, for assessment years beginning before January
 49 1, 2012, and for duties, powers, protests, appeals,
 50 proceedings, actions, or remedies attributable to an

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1 assessment year beginning before January 1, 2012.

2 Sec. 8. APPLICABILITY. This division of this Act
 3 applies to property tax assessment years beginning on
 4 or after January 1, 2012.

5 DIVISION III

6 COUNTY AND CITY BUDGET LIMITATION

7 Sec. 9. Section 23A.2, subsection 10, paragraph h,
 8 Code 2011, is amended to read as follows:

9 h. The performance of an activity listed in
 10 section 331.424, Code 2011, as a service ~~for~~ which a
 11 ~~supplemental levy county may be certified include in~~
 12 its budget.

13 Sec. 10. Section 28M.5, subsection 2, Code 2011, is
 14 amended to read as follows:

15 2. If a regional transit district budget allocates
 16 revenue responsibilities to the board of supervisors
 17 of a participating county, the amount of the regional
 18 transit district levy that is the responsibility of the
 19 participating county shall be deducted from the maximum
 20 ~~rates amount~~ of taxes authorized to be levied by the
 21 county pursuant to section 331.423, ~~subsections 1 and~~
 22 2 subsection 3, paragraphs "b" and "c", as applicable,
 23 unless the county meets its revenue responsibilities as
 24 allocated in the budget from other available revenue
 25 sources. However, for a regional transit district
 26 that includes a county with a population of less than
 27 three hundred thousand, the amount of the regional
 28 transit district levy that is the responsibility of
 29 such participating county shall be deducted from the
 30 maximum ~~rate amount~~ of taxes authorized to be levied
 31 by the county pursuant to section 331.423, subsection
 32 ~~1 3, paragraph "b"~~.

33 Sec. 11. Section 123.38, subsection 2, Code 2011,
 34 is amended to read as follows:

35 2. Any licensee or permittee, or the licensee's
 36 or permittee's executor or administrator, or any
 37 person duly appointed by the court to take charge of

38 and administer the property or assets of the licensee
39 or permittee for the benefit of the licensee's or
40 permittee's creditors, may voluntarily surrender a
41 license or permit to the division. When a license
42 or permit is surrendered the division shall notify
43 the local authority, and the division or the local
44 authority shall refund to the person surrendering the
45 license or permit, a proportionate amount of the fee
46 received by the division or the local authority for
47 the license or permit as follows: if a license or
48 permit is surrendered during the first three months
49 of the period for which it was issued, the refund
50 shall be three-fourths of the amount of the fee;

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1 if surrendered more than three months but not more
2 than six months after issuance, the refund shall be
3 one-half of the amount of the fee; if surrendered more
4 than six months but not more than nine months after
5 issuance, the refund shall be one-fourth of the amount
6 of the fee. No refund shall be made, however, for
7 any special liquor permit, nor for a liquor control
8 license, wine permit, or beer permit surrendered more
9 than nine months after issuance. For purposes of this
10 subsection, any portion of license or permit fees
11 used for the purposes authorized in section 331.424,
12 subsection 1, paragraph "a", subparagraphs (1) and
13 (2), Code 2011, and in section 331.424A, shall not be
14 deemed received either by the division or by a local
15 authority. No refund shall be made to any licensee or
16 permittee, upon the surrender of the license or permit,
17 if there is at the time of surrender, a complaint filed
18 with the division or local authority, charging the
19 licensee or permittee with a violation of this chapter.
20 If upon a hearing on a complaint the license or permit
21 is not revoked or suspended, then the licensee or
22 permittee is eligible, upon surrender of the license
23 or permit, to receive a refund as provided in this
24 section; but if the license or permit is revoked or
25 suspended upon hearing the licensee or permittee is not
26 eligible for the refund of any portion of the license
27 or permit fee.

28 Sec. 12. Section 218.99, Code 2011, is amended to
29 read as follows:

30 218.99 Counties to be notified of patients' personal
31 accounts.

32 The administrator in control of a state institution
33 shall direct the business manager of each institution
34 under the administrator's jurisdiction ~~which is~~
35 ~~mentioned in section 331.424, subsection 1, paragraph~~
36 ~~"a", subparagraphs (1) and (2), and for which services~~

37 are paid under section 331.424A, to quarterly inform
38 the county of legal settlement's entity designated to
39 perform the county's central point of coordination
40 process of any patient or resident who has an amount
41 in excess of two hundred dollars on account in the
42 patients' personal deposit fund and the amount on
43 deposit. The administrators shall direct the business
44 manager to further notify the entity designated to
45 perform the county's central point of coordination
46 process at least fifteen days before the release of
47 funds in excess of two hundred dollars or upon the
48 death of the patient or resident. If the patient or
49 resident has no county of legal settlement, notice
50 shall be made to the director of human services and the

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1 administrator in control of the institution involved.
2 Sec. 13. Section 331.263, subsection 2, Code 2011,
3 is amended to read as follows:
4 2. The governing body of the community commonwealth
5 shall have the authority to levy county taxes and shall
6 have the authority to levy city taxes to the extent the
7 city tax levy authority is transferred by the charter
8 to the community commonwealth. A city participating
9 in the community commonwealth shall transfer a portion
10 of the city's tax levy authorized under section 384.1
11 or 384.12, whichever is applicable, to the governing
12 body of the community commonwealth. The maximum
13 ~~rates amount~~ of taxes authorized to be levied under
14 ~~sections section~~ 384.1 and the maximum amount of taxes
15 authorized to be levied under section384.12 by a city
16 participating in the community commonwealth shall be
17 reduced by an amount equal to the rates of the same or
18 similar taxes levied in the city by the governing body
19 of the community commonwealth.
20 Sec. 14. Section 331.301, subsection 12, Code 2011,
21 is amended to read as follows:
22 12. The board of supervisors may credit funds to
23 a reserve for the purposes authorized by subsection
24 11 of this section; ~~section 331.424, subsection 1,~~
25 ~~paragraph "a", subparagraph (6); and section 331.441,~~
26 subsection 2, paragraph "b". Moneys credited to the
27 reserve, and interest earned on such moneys, shall
28 remain in the reserve until expended for purposes
29 authorized by subsection 11 of this section; ~~section~~
30 ~~331.424, subsection 1, paragraph "a", subparagraph (6);~~
31 or section 331.441, subsection 2, paragraph "b".
32 Sec. 15. Section 331.421, subsections 1 and 10,
33 Code 2011, are amended by striking the subsections.
34 Sec. 16. Section 331.421, Code 2011, is amended by
35 adding the following new subsection:

36 NEW SUBSECTION. 7A. “Item” means a budgeted
37 expenditure, appropriation, or cash reserve from a
38 fund for a service area, program, program element, or
39 purpose.

40 Sec. 17. Section 331.423, Code 2011, is amended by
41 striking the section and inserting in lieu thereof the
42 following:

43 331.423 Property tax dollars — maximums.

44 1. Annually, the board shall determine separate
45 property tax levy limits to pay for general county
46 services and rural county services in accordance with
47 this section. The property tax levies separately
48 certified for general county services and rural county
49 services under section 331.434 shall not raise property
50 tax dollars that exceed the amount determined under

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1 this section.

2 2. For purposes of this section and section
3 331.423B, unless the context otherwise requires:

4 a. “Annual growth factor” means an index, expressed
5 as a percentage, determined by the department of
6 management by January 1 of the calendar year in which
7 the budget year begins. In determining the annual
8 growth factor, the department shall calculate the
9 average of the preceding twelve-month percentage
10 change, which shall be computed on a monthly basis,
11 in the midwest consumer price index, ending with the
12 percentage change for the month of November. The
13 department shall then add that average percentage
14 change to one hundred percent. In no case, however,
15 shall the annual growth factor exceed one hundred four
16 percent.

17 b. “Boundary adjustment” means annexation,
18 severance, incorporation, or discontinuance as those
19 terms are defined in section 368.1.

20 c. “Budget year” is the fiscal year beginning
21 during the calendar year in which a budget is
22 certified.

23 d. “Current fiscal year” is the fiscal year
24 ending during the calendar year in which a budget is
25 certified.

26 e. “Net new valuation taxes” means the amount of
27 property tax dollars equal to the current fiscal year’s
28 levy rate in the county for general county services or
29 for rural county services, as applicable, multiplied by
30 the increase from the current fiscal year to the budget
31 year in taxable valuation due to the following:

32 (1) Net new construction, excluding all incremental
33 valuation that is released in any one year from a
34 division of revenue under section 260E.4 or an urban

35 renewal area for which taxes were being divided under
36 section 403.19 if the property for the valuation being
37 released remains subject to the division of revenue
38 under section 260E.4 or remains part of the urban
39 renewal area that is subject to a division of revenue
40 under section 403.19.

41 (2) Additions or improvements to existing
42 structures.

43 (3) Remodeling of existing structures for which a
44 building permit is required.

45 (4) Net boundary adjustment.

46 (5) A municipality no longer dividing tax revenues
47 in an urban renewal area as provided in section 403.19
48 or a community college no longer dividing revenues as
49 provided in section 260E.4.

50 (6) That portion of taxable property located in an

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1 urban revitalization area on which an exemption was
2 allowed and such exemption has expired.

3 3. a. For the fiscal year beginning July 1, 2012,
4 and subsequent fiscal years, the maximum amount of
5 property tax dollars which may be certified for levy by
6 a county for general county services and rural county
7 services shall be the maximum property tax dollars
8 calculated under paragraphs "b" and "c", respectively.

9 b. The maximum property tax dollars that may be
10 levied for general county services is an amount equal
11 to the sum of the following:

12 (1) The annual growth factor times the current
13 fiscal year's maximum property tax dollars for general
14 county services.

15 (2) The amount of net new valuation taxes in the
16 county.

17 c. The maximum property tax dollars that may be
18 levied for rural county services is an amount equal to
19 the sum of the following:

20 (1) The annual growth factor times the current
21 fiscal year's maximum property tax dollars for rural
22 county services.

23 (2) The amount of net new valuation taxes in the
24 unincorporated area of the county.

25 4. a. For purposes of calculating maximum property
26 tax dollars for general county services for the fiscal
27 year beginning July 1, 2012, only, the term "current
28 fiscal year's maximum property tax dollars" shall mean
29 the total amount of property tax dollars certified by
30 the county for general county services for the fiscal
31 year beginning July 1, 2011.

32 b. For purposes of calculating maximum property tax
33 dollars for rural county services for the fiscal year

34 beginning July 1, 2012, only, the term “current fiscal
 35 year’s maximum property tax dollars” shall mean the
 36 total amount of property tax dollars certified by the
 37 county for rural county services for the fiscal year
 38 beginning July 1, 2011.

39 5. Property taxes certified for deposit in the
 40 mental health, mental retardation, and developmental
 41 disabilities services fund in section 331.424A, the
 42 emergency services fund in section 331.424C, the debt
 43 service fund in section 331.430, any capital projects
 44 fund established by the county for deposit of bond,
 45 loan, or note proceeds, and any temporary increase
 46 approved pursuant to section 331.424, are not included
 47 in the maximum amount of property tax dollars that may
 48 be certified for a budget year under subsection 3.

49 6. The department of management, in consultation
 50 with the county finance committee, shall adopt rules

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1 to administer this section. The department shall
 2 prescribe forms to be used by counties when making
 3 calculations required by this section.

4 Sec. 18. NEW SECTION. 331.423B Ending fund
 5 balance.

6 1. a. Budgeted ending fund balances for a budget
 7 year in excess of twenty-five percent of budgeted
 8 expenditures in either the general fund or rural
 9 services fund for that budget year shall be explicitly
 10 reserved or designated for a specific purpose.

11 b. A county is encouraged, but not required, to
 12 reduce budgeted, unreserved, or undesignated ending
 13 fund balances for the budget year to an amount equal
 14 to approximately twenty-five percent of budgeted
 15 expenditures and transfers from the general fund
 16 and rural services fund for that budget year unless
 17 a decision is certified by the state appeal board
 18 ordering a reduction in the ending fund balance of any
 19 of those funds.

20 c. In a protest to the county budget under section
 21 331.436, the county shall have the burden of proving
 22 that the budgeted balances in excess of twenty-five
 23 percent are reasonably likely to be appropriated for
 24 the explicitly reserved or designated specific purpose.
 25 The excess budgeted balance for the specific purpose
 26 shall be considered an increase in an item in the
 27 budget for purposes of section 24.28.

28 2. a. For a county that has, as of June 30, 2011,
 29 reduced its actual ending fund balance to less than
 30 twenty-five percent of actual expenditures, additional
 31 property taxes may be computed and levied as provided
 32 in this subsection. The additional property tax levy

33 amount is an amount not to exceed twenty-five percent
34 of actual expenditures from the general fund and rural
35 services fund for the fiscal year beginning July 1,
36 2010, minus the combined ending fund balances for those
37 funds for that year.

38 b. The amount of the additional property taxes
39 shall be apportioned between the general fund and the
40 rural services fund. However, the amount apportioned
41 for general county services and for rural county
42 services shall not exceed for each fund twenty-five
43 percent of actual expenditures for the fiscal year
44 beginning July 1, 2010.

45 c. All or a portion of additional property tax
46 dollars may be levied for the purpose of increasing
47 cash reserves for general county services and rural
48 county services in the budget year. The additional
49 property tax dollars authorized under this subsection
50 but not levied may be carried forward as unused ending

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1 fund balance taxing authority until and for the fiscal
2 year beginning July 1, 2017. The amount carried
3 forward shall not exceed twenty-five percent of the
4 maximum amount of property tax dollars available in
5 the current fiscal year. Additionally, property taxes
6 that are levied as unused ending fund balance taxing
7 authority under this subsection may be the subject of
8 a protest under section 331.436, and the amount will
9 be considered an increase in an item in the budget for
10 purposes of section 24.28. The amount of additional
11 property taxes levied under this subsection shall not
12 be included in the computation of the maximum amount of
13 property tax dollars which may be certified and levied
14 under section 331.423.

15 Sec. 19. Section 331.424, Code 2011, is amended by
16 striking the section and inserting in lieu thereof the
17 following:

18 331.424 Authority to levy beyond maximum property
19 tax dollars.

20 1. The board may certify additions to the maximum
21 amount of property tax dollars to be levied for
22 a period of time not to exceed two years if the
23 proposition has been submitted at a special election
24 and received a favorable majority of the votes cast on
25 the proposition.

26 2. The special election is subject to the
27 following:

28 a. The board must give at least thirty-two days'
29 notice to the county commissioner of elections that the
30 special election is to be held. In no case, however,
31 shall a notice be given to the county commissioner

32 of elections after December 31 for an election on a
33 proposition to exceed the statutory limits during the
34 fiscal year beginning in the next calendar year.
35 b. The special election shall be conducted by the
36 county commissioner of elections in accordance with
37 law.
38 c. The proposition to be submitted shall be
39 substantially in the following form:
40 Vote "yes" or "no" on the following: Shall the
41 county of _____ levy for an additional \$_____ each
42 year for ___ years beginning July 1, _____, in excess
43 of the statutory limits otherwise applicable for the
44 (general county services or rural services) fund?
45 d. The canvass shall be held beginning at 1:00 p.m.
46 on the second day which is not a holiday following the
47 special election.
48 e. Notice of the special election shall be
49 published at least once in a newspaper as specified
50 in section 331.305 prior to the date of the special

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1 election. The notice shall appear as early as
2 practicable after the board has voted to submit a
3 proposition to the voters to levy additional property
4 tax dollars.
5 3. Registered voters in the county may vote on the
6 proposition to increase property taxes for the general
7 fund in excess of the statutory limit. Registered
8 voters residing outside the corporate limits of a
9 city within the county may vote on the proposition to
10 increase property taxes for the rural services fund in
11 excess of the statutory limit.
12 4. The amount of additional property tax dollars
13 certified under this section shall not be included in
14 the computation of the maximum amount of property tax
15 dollars which may be certified and levied under section
16 331.423.
17 Sec. 20. Section 331.424A, subsection 4, Code 2011,
18 is amended to read as follows:
19 4. For the fiscal year beginning July 1, 1996,
20 and for each subsequent fiscal year, the county shall
21 certify a levy for payment of services. For each
22 fiscal year, county revenues from taxes imposed by the
23 county credited to the services fund shall not exceed
24 an amount equal to the amount of base year expenditures
25 for services as defined in section 331.438, less the
26 amount of property tax relief to be received pursuant
27 to section 426B.2, in the fiscal year for which the
28 budget is certified. The county auditor and the
29 board of supervisors shall reduce the amount of the
30 levy certified for the services fund by the amount of

31 property tax relief to be received. A levy certified
 32 under this section is not subject to ~~the appeal~~
 33 ~~provisions of section 331.426 or to~~ any other provision
 34 in law authorizing a county to exceed, increase, or
 35 appeal a property tax levy limit.

36 Sec. 21. Section 331.427, subsection 3, paragraph
 37 1, Code 2011, is amended to read as follows:

38 1. Services listed in section 331.424, subsection
 39 1, Code 2011, and section 331.554.

40 Sec. 22. Section 331.428, subsection 2, paragraph
 41 d, Code 2011, is amended to read as follows:

42 d. Services listed under section 331.424,
 43 subsection 2, Code 2011.

44 Sec. 23. Section 331.434, subsection 1, Code 2011,
 45 is amended to read as follows:

46 1. The budget shall show the amount required for
 47 each class of proposed expenditures, a comparison of
 48 the amounts proposed to be expended with the amounts
 49 expended for like purposes for the two preceding years,
 50 the revenues from sources other than property taxation,

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1 and the amount to be raised by property taxation, in
 2 the detail and form prescribed by the director of the
 3 department of management. For each county that has
 4 established an urban renewal area, the budget shall
 5 include estimated and actual tax increment financing
 6 revenues and all estimated and actual expenditures of
 7 the revenues, proceeds from debt and all estimated
 8 and actual expenditures of the debt proceeds, and
 9 identification of any entity receiving a direct payment
 10 of taxes funded by tax increment financing revenues
 11 and shall include the total amount of loans, advances,
 12 indebtedness, or bonds outstanding at the close of
 13 the most recently ended fiscal year, which qualify
 14 for payment from the special fund created in section
 15 403.19, including interest negotiated on such loans,
 16 advances, indebtedness, or bonds. For purposes of this
 17 subsection, "indebtedness" includes written agreements
 18 whereby the county agrees to suspend, abate, exempt,
 19 rebate, refund, or reimburse property taxes, provide a
 20 grant for property taxes paid, or make a direct payment
 21 of taxes, with moneys in the special fund. The amount
 22 of loans, advances, indebtedness, or bonds shall be
 23 listed in the aggregate for each county reporting. ~~The~~
 24 ~~county finance committee, in consultation with the~~
 25 ~~department of management and the legislative services~~
 26 ~~agency, shall determine reporting criteria and shall~~
 27 ~~prepare a form for reports filed with the department~~
 28 ~~pursuant to this section. The department shall make~~
 29 ~~the information available by electronic means.~~

30 Sec. 24. Section 373.10, Code 2011, is amended to
31 read as follows:

32 373.10 Taxing authority.

33 The metropolitan council shall have the authority
34 to levy city taxes to the extent the city tax levy
35 authority is transferred by the charter to the
36 metropolitan council. A member city shall transfer
37 a portion of the city's tax levy authorized under
38 section 384.1 or 384.12, whichever is applicable, to
39 the metropolitan council. The maximum ~~rates~~ amount of
40 taxes authorized to be levied under ~~sections~~ section
41 384.1 and ~~the taxes authorized to be levied under~~
42 section 384.12 by a member city shall be reduced by an
43 amount equal to the rates of the same or similar taxes
44 levied in the city by the metropolitan council.

45 Sec. 25. Section 384.1, Code 2011, is amended by
46 striking the section and inserting in lieu thereof the
47 following:

48 384.1 Property tax dollars — maximums.

49 1. A city shall certify taxes to be levied by the
50 city on all taxable property within the city limits,

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1 for all city government purposes. Annually, the city
2 council may certify basic levies for city government
3 purposes, subject to the limitation on property tax
4 dollars provided in this section.

5 2. For purposes of this section and section 384.1B,
6 unless the context otherwise requires:

7 a. "Annual growth factor" means an index, expressed
8 as a percentage, determined by the department of
9 management by January 1 of the calendar year in which
10 the budget year begins. In determining the annual
11 growth factor, the department shall calculate the
12 average of the preceding twelve-month percentage
13 change, which shall be computed on a monthly basis,
14 in the midwest consumer price index, ending with the
15 percentage change for the month of November. The
16 department shall then add that average percentage
17 change to one hundred percent. In no case, however,
18 shall the annual growth factor exceed one hundred four
19 percent.

20 b. "Boundary adjustment" means annexation,
21 severance, incorporation, or discontinuance as those
22 terms are defined in section 368.1.

23 c. "Budget year" is the fiscal year beginning
24 during the calendar year in which a budget is
25 certified.

26 d. "Current fiscal year" is the fiscal year
27 ending during the calendar year in which a budget is
28 certified.

29 e. "Net new valuation taxes" means the amount of
30 property tax dollars equal to the current fiscal year's
31 levy rate in the city for the general fund multiplied
32 by the increase from the current fiscal year to the
33 budget year in taxable valuation due to the following:
34 (1) Net new construction, excluding all incremental
35 valuation that is released in any one year from a
36 division of revenue under section 260E.4 or an urban
37 renewal area for which taxes were being divided under
38 section 403.19 if the property for the valuation being
39 released remains subject to the division of revenue
40 under section 260E.4 or remains part of the urban
41 renewal area that is subject to a division of revenue
42 under section 403.19.
43 (2) Additions or improvements to existing
44 structures.
45 (3) Remodeling of existing structures for which a
46 building permit is required.
47 (4) Net boundary adjustment.
48 (5) A municipality no longer dividing tax revenues
49 in an urban renewal area as provided in section 403.19
50 or a community college no longer dividing revenues as

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1 provided in section 260E.4.
2 (6) That portion of taxable property located in an
3 urban revitalization area on which an exemption was
4 allowed and such exemption has expired.
5 3. a. For the fiscal year beginning July 1, 2012,
6 and subsequent fiscal years, the maximum amount of
7 property tax dollars which may be certified for levy
8 by a city for the general fund shall be the maximum
9 property tax dollars calculated under paragraph "b".
10 b. The maximum property tax dollars that may be
11 levied for deposit in the general fund is an amount
12 equal to the sum of the following:
13 (1) The annual growth factor times the current
14 fiscal year's maximum property tax dollars for the
15 general fund.
16 (2) The amount of net new valuation taxes in the
17 city.
18 4. For purposes of calculating maximum property tax
19 dollars for the city general fund for the fiscal year
20 beginning July 1, 2012, only, the term "current fiscal
21 year's maximum property tax dollars" shall mean the
22 total amount of property tax dollars certified by the
23 city for the city's general fund for the fiscal year
24 beginning July 1, 2011.
25 5. Property taxes certified for deposit in the
26 debt service fund in section 384.4, trust and agency
27 funds in section 384.6, capital improvements reserve

28 fund in section 384.7, the emergency fund in section
29 384.8, any capital projects fund established by the
30 city for deposit of bond, loan, or note proceeds,
31 any temporary increase approved pursuant to section
32 384.12A, property taxes collected from a voted levy
33 in section 384.12, and property taxes levied under
34 section 384.12, subsection 18, are not counted against
35 the maximum amount of property tax dollars that may be
36 certified for a fiscal year under subsection 3.

37 6. Notwithstanding the maximum amount of taxes
38 a city may certify for levy, the tax levied by a
39 city on tracts of land and improvements on the
40 tracts of land used and assessed for agricultural or
41 horticultural purposes shall not exceed three dollars
42 and three-eighths cents per thousand dollars of
43 assessed value in any year. Improvements located on
44 such tracts of land and not used for agricultural or
45 horticultural purposes and all residential dwellings
46 are subject to the same rate of tax levied by the city
47 on all other taxable property within the city.

48 7. The department of management, in consultation
49 with the city finance committee, shall adopt rules
50 to administer this section. The department shall

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1 prescribe forms to be used by cities when making
2 calculations required by this section.
3 Sec. 26. NEW SECTION. 384.1B Ending fund balance.
4 1. a. Budgeted ending fund balances for a budget
5 year in excess of twenty-five percent of budgeted
6 expenditures from the general fund for that budget
7 year shall be explicitly reserved or designated for a
8 specific purpose.
9 b. A city is encouraged, but not required, to
10 reduce budgeted, unreserved, or undesignated ending
11 fund balances for the budget year to an amount equal
12 to approximately twenty-five percent of budgeted
13 expenditures and transfers from the general fund for
14 that budget year unless a decision is certified by the
15 state appeal board ordering a reduction in the ending
16 fund balance of the fund.
17 c. In a protest to the city budget under section
18 384.19, the city shall have the burden of proving
19 that the budgeted balances in excess of twenty-five
20 percent are reasonably likely to be appropriated for
21 the explicitly reserved or designated specific purpose.
22 The excess budgeted balance for the specific purpose
23 shall be considered an increase in an item in the
24 budget for purposes of section 24.28.
25 2. a. For a city that has, as of June 30,
26 2011, reduced its ending fund balance to less than

27 twenty-five percent of actual expenditures, additional
28 property taxes may be computed and levied as provided
29 in this subsection. The additional property tax levy
30 amount is an amount not to exceed the difference
31 between twenty-five percent of actual expenditures for
32 city government purposes for the fiscal year beginning
33 July 1, 2010, minus the ending fund balance for that
34 year.

35 b. All or a portion of additional property tax
36 dollars may be levied for the purpose of increasing
37 cash reserves for city government purposes in the
38 budget year. The additional property tax dollars
39 authorized under this subsection but not levied may be
40 carried forward as unused ending fund balance taxing
41 authority until and for the fiscal year beginning
42 July 1, 2017. The amount carried forward shall not
43 exceed twenty-five percent of the maximum amount of
44 property tax dollars available in the current fiscal
45 year. Additionally, property taxes that are levied
46 as unused ending fund balance taxing authority under
47 this subsection may be the subject of a protest under
48 section 384.19, and the amount will be considered an
49 increase in an item in the budget for purposes of
50 section 24.28. The amount of additional property tax

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1 dollars levied under this subsection shall not be
2 included in the computation of the maximum amount of
3 property tax dollars which may be certified and levied
4 under section 384.1.

5 Sec. 27. Section 384.12, subsection 20, Code 2011,
6 is amended by striking the subsection.

7 Sec. 28. NEW SECTION. 384.12A Authority to levy
8 beyond maximum property tax dollars.

9 1. The city council may certify additions to the
10 maximum amount of property tax dollars to be levied
11 for a period of time not to exceed two years if the
12 proposition has been submitted at a special election
13 and received a favorable majority of the votes cast on
14 the proposition.

15 2. The special election is subject to the
16 following:

17 a. The city council must give at least thirty-two
18 days' notice to the county commissioner of elections
19 that the special election is to be held. In no
20 case, however, shall a notice be given to the county
21 commissioner of elections after December 31 for an
22 election on a proposition to exceed the statutory
23 limits during the fiscal year beginning in the next
24 calendar year.

25 b. The special election shall be conducted by the

26 county commissioner of elections in accordance with
27 law.

28 c. The proposition to be submitted shall be
29 substantially in the following form:

30 Vote “yes” or “no” on the following: Shall the city
31 of _____ levy for an additional \$ _____ each year
32 for ___ years beginning next July 1, ____, in excess of
33 the statutory limits otherwise applicable for the city
34 general fund?

35 d. The canvass shall be held beginning at 1:00 p.m.
36 on the second day which is not a holiday following the
37 special election.

38 e. Notice of the special election shall be
39 published at least once in a newspaper as specified
40 in section 362.3 prior to the date of the special
41 election. The notice shall appear as early as
42 practicable after the city council has voted to submit
43 a proposition to the voters to levy additional property
44 tax dollars.

45 3. The amount of additional property tax dollars
46 certified under this section shall not be included in
47 the computation of the maximum amount of property tax
48 dollars which may be certified and levied under section
49 384.1.

50 Sec. 29. Section 384.16, subsection 1, paragraph b,

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1 Code 2011, is amended to read as follows:
2 b. A budget must show comparisons between the
3 estimated expenditures in each program in the following
4 year, the latest estimated expenditures in each program
5 in the current year, and the actual expenditures in
6 each program from the annual report as provided in
7 section 384.22, or as corrected by a subsequent audit
8 report. Wherever practicable, as provided in rules
9 of the committee, a budget must show comparisons
10 between the levels of service provided by each program
11 as estimated for the following year, and actual
12 levels of service provided by each program during
13 the two preceding years. For each city that has
14 established an urban renewal area, the budget shall
15 include estimated and actual tax increment financing
16 revenues and all estimated and actual expenditures of
17 the revenues, proceeds from debt and all estimated
18 and actual expenditures of the debt proceeds, and
19 identification of any entity receiving a direct payment
20 of taxes funded by tax increment financing revenues
21 and shall include the total amount of loans, advances,
22 indebtedness, or bonds outstanding at the close of
23 the most recently ended fiscal year, which qualify
24 for payment from the special fund created in section

25 403.19, including interest negotiated on such loans,
 26 advances, indebtedness, or bonds. The amount of loans,
 27 advances, indebtedness, or bonds shall be listed in the
 28 aggregate for each city reporting. ~~The city finance~~
 29 ~~committee, in consultation with the department of~~
 30 ~~management and the legislative services agency, shall~~
 31 ~~determine reporting criteria and shall prepare a form~~
 32 ~~for reports filed with the department pursuant to this~~
 33 ~~section. The department shall make the information~~
 34 ~~available by electronic means.~~

35 Sec. 30. Section 384.19, Code 2011, is amended by
 36 adding the following new unnumbered paragraph:
 37 NEW UNNUMBERED PARAGRAPH. For purposes of a tax
 38 protest filed under this section, "item" means a
 39 budgeted expenditure, appropriation, or cash reserve
 40 from a fund for a service area, program, program
 41 element, or purpose.

42 Sec. 31. Section 386.8, Code 2011, is amended to
 43 read as follows:

44 386.8 Operation tax.

45 A city may establish a self-supported improvement
 46 district operation fund, and may certify taxes not
 47 to exceed the rate limitation as established in the
 48 ordinance creating the district, or any amendment
 49 thereto, each year to be levied for the fund against
 50 all of the property in the district, for the purpose

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1 of paying the administrative expenses of the district,
 2 which may include but are not limited to administrative
 3 personnel salaries, a separate administrative office,
 4 planning costs including consultation fees, engineering
 5 fees, architectural fees, and legal fees and all other
 6 expenses reasonably associated with the administration
 7 of the district and the fulfilling of the purposes of
 8 the district. The taxes levied for this fund may also
 9 be used for the purpose of paying maintenance expenses
 10 of improvements or self-liquidating improvements for a
 11 specified length of time with one or more options to
 12 renew if such is clearly stated in the petition which
 13 requests the council to authorize construction of the
 14 improvement or self-liquidating improvement, whether
 15 or not such petition is combined with the petition
 16 requesting creation of a district. Parcels of property
 17 which are assessed as residential property for property
 18 tax purposes are exempt from the tax levied under this
 19 section except residential properties within a duly
 20 designated historic district. A tax levied under
 21 this section is not subject to the ~~levy~~ limitation in
 22 section 384.1.

23 Sec. 32. Section 386.9, Code 2011, is amended to

24 read as follows:

25 386.9 Capital improvement tax.

26 A city may establish a capital improvement fund
 27 for a district and may certify taxes, not to exceed
 28 the rate established by the ordinance creating the
 29 district, or any subsequent amendment thereto,
 30 each year to be levied for the fund against all of
 31 the property in the district, for the purpose of
 32 accumulating moneys for the financing or payment
 33 of a part or all of the costs of any improvement or
 34 self-liquidating improvement. However, parcels of
 35 property which are assessed as residential property
 36 for property tax purposes are exempt from the tax
 37 levied under this section except residential properties
 38 within a duly designated historic district. A tax
 39 levied under this section is not subject to the ~~levy~~
 40 limitations in section 384.1 or 384.7.

41 Sec. 33. REPEAL. Sections 331.425 and 331.426,
 42 Code 2011, are repealed.

43 Sec. 34. APPLICABILITY. This division of this Act
 44 applies to fiscal years beginning on or after July 1,
 45 2012.>

46 2. Title page, by striking lines 1 through 3
 47 and inserting <An Act relating to state and local
 48 government finances by increasing the regular program
 49 foundation base, establishing property tax levy limits
 50 for cities and counties, establishing certain property

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- 1 subclassifications, establishing certain property
- 2 assessment limitations, modifying certain property
- 3 tax classifications, and including applicability
- 4 provisions.>

S-3337

1 Amend House File 649, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 48, after line 29 by inserting:
 4 <__. The department shall submit a request to
 5 the United States department of agriculture for
 6 authorization for a waiver, pilot project, or other
 7 approach for restricting the use of food assistance
 8 benefits, as administered by the state under the
 9 federal supplemental nutrition assistance program, for
 10 both of the following: food items that are taxable and
 11 the deposit portion of the cost of food items sold in a
 12 container that is subject to a deposit. The request
 13 shall be submitted on or before September 1, 2011. The
 14 department shall regularly report on the status of the

15 request to the individuals specified by this Act for
16 submission of reports.>
17 2. By renumbering as necessary.

MERLIN BARTZ
BRAD ZAUN

S-3338

1 Amend the amendment, S-3287, to House File 645,
2 as amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 8, by striking lines 11 through 18.
5 2. Page 8, by striking lines 32 through 37 and
6 inserting <transfer the amount of \$523,098 to the
7 college student aid commission for purposes of
8 providing national guard educational assistance
9 under the program established in section 261.86.
10 Notwithstanding section 8.33, funds transferred for
11 purposes of this section which remain unencumbered or
12 unobligated at the close of the fiscal year ending June
13 30, 2012, shall not revert but shall be available for
14 expenditure for the fiscal year beginning July 1, 2012,
15 for purposes of section 261.86.>
16 3. Page 14, by striking lines 17 through 38 and
17 inserting:
18 <Sec. ____ Section 261.6, subsection 2, Code 2011,
19 is amended by adding the following new paragraph:
20 NEW PARAGRAPH. d. (1) Is a resident of Iowa; is,
21 notwithstanding subsection 3, paragraph “c”, under the
22 age of twenty-six; is not a convicted felon as defined
23 in section 910.15; and meets the following criteria:
24 (a) Is the child of a peace officer, as defined
25 in section 97A.1, who is permanently and totally
26 disabled and who receives benefits under section
27 97A.6, subsection 5, or was killed in the line of duty
28 as determined by the board of trustees of the Iowa
29 department of public safety peace officers’ retirement,
30 accident, and disability system in accordance with
31 section 97A.6, subsection 16.
32 (b) Is the child of a police officer or a
33 fire fighter, as defined in section 411.1, who is
34 permanently and totally disabled and who receives
35 benefits under section 411.6, subsection 5, or
36 was killed in the line of duty as determined by
37 the statewide fire and police retirement system in
38 accordance with section 411.6, subsection 15.
39 (c) Is the child of a person described as a peace
40 officer under section 97B.49B or is the child of
41 a sheriff or deputy sheriff as defined in section
42 97B.49C, who is permanently and totally disabled and
43 who receives an in-service disability retirement

44 allowance under section 97B.50A, subsection 2, or is
 45 killed in the line of duty as determined by the Iowa
 46 public employees' retirement system in accordance with
 47 section 97B.52, subsection 2.

48 (2) If a student receives financial aid under any
 49 other federal, state, or institutional scholarship or
 50 grant program, the full amount of the other financial

Page 2

1 aid shall be applied to the student's expenses first
 2 and shall be considered part of the student's available
 3 financial resources in determining the amount of the
 4 student's award under this paragraph "d". The total
 5 financial aid for the student's education, including
 6 financial aid under any other program, shall not exceed
 7 the student's cost of attendance at the institution
 8 which the student attends.

9 (3) For purposes of this paragraph "d":

10 (a) "Approved postsecondary education or training
 11 program" means a program offered by an Iowa community
 12 college or institution of higher education governed by
 13 the state board of regents.

14 (b) "Permanently and totally disabled" means the
 15 individual is unable to engage in any substantial
 16 gainful activity by reason of a medically determinable
 17 physical impairment which can be expected to last
 18 for a continuous period or can be expected to result
 19 in death. A certificate from a qualified physician
 20 attesting to the individual's permanent and total
 21 disability must be submitted to the commission. The
 22 certificate must include the name and address of
 23 the physician and contain an acknowledgment that the
 24 certificate will be used by the individual to qualify
 25 for educational assistance pursuant to this section.>

26 4. Page 17, line 27, after <proficiency> by
 27 inserting <by submitting the written recommendation
 28 of the licensed practitioner providing supervision to
 29 the student in accordance with section 299A.2: may
 30 demonstrate proficiency as evidenced by achievement
 31 scores on the annual achievement evaluation required
 32 under section 299A.4; or may demonstrate proficiency>

33 5. Page 19, by striking lines 5 through 28.

34 6. Page 21, line 15, by striking <and>

35 7. Page 21, line 18, by striking <six hundred
 36 thirty-eight> and inserting <four hundred eight>

37 8. Page 22, by striking lines 24 through 30.

38 9. Page 24, by striking lines 41 and 42 and
 39 inserting <section of this division>

40 10. Page 24, line 44, by striking <take effect on
 41 July 1, 2012, and are> and inserting <takes effect July
 42 1, 2012, and is>

43 11. By striking page 24, line 46, through page 25,
44 line 1, and inserting:
45 <Sec. ____ EFFECTIVE UPON ENACTMENT. The section
46 of this division of this Act amending section 261.6,
47 subsection 2, being deemed of immediate importance,
48 takes effect upon enactment.>
49 12. Page 25, line 2, by striking <sections> and
50 inserting <section>

Page 3

1 13. Page 25, line 3, by striking <amend section
2 298.3 apply> and inserting <amends section 298.3
3 applies>
4 14. Page 28, line 14, by striking <paragraph> and
5 inserting <paragraphs>
6 15. Page 28, after line 20 by inserting:
7 <NEW PARAGRAPH. 1. Allow a public library that
8 receives state assistance under section 256.57, or
9 financial support from a city or county pursuant
10 to section 256.69, to dispose of, through sale,
11 conveyance, or exchange, any library materials that may
12 be obsolete or worn out or that may no longer be needed
13 or appropriate to the mission of the public library.
14 These materials may be sold by the public library
15 directly or the governing body of the public library
16 may sell the materials by consignment to a public
17 agency or to a private agency organized to raise funds
18 solely for support of the public library. Proceeds
19 from the sale of the library materials may be remitted
20 to the public library and may be used by the public
21 library for the purchase of books and other library
22 materials or equipment, or for the provision of library
23 services.>
24 16. Page 33, after line 28 by inserting:
25 <Sec. ____ EFFECTIVE UPON ENACTMENT. The section
26 of this division of this Act enacting section 256.52,
27 subsection 3, paragraph "b", subparagraph (4A), being
28 deemed of immediate importance, takes effect upon
29 enactment.>
30 17. Page 36, line 44, by striking <economic
31 development> and inserting <education>
32 18. Page 36, line 46, by striking <education> and
33 inserting <economic development>
34 19. Page 37, line 15, by striking <economic
35 development> and inserting <education>
36 20. Page 37, line 16, by striking <education> and
37 inserting <economic development,>
38 21. Page 40, line 20, by striking <economic
39 development> and inserting <education>
40 22. Page 40, line 29, by striking <economic
41 development> and inserting <education>

- 42 23. Page 40, line 38, by striking <economic
 43 development> and inserting <education>
 44 24. Page 40, line 39, by striking <education> and
 45 inserting <economic development>
 46 25. By renumbering as necessary.

BRIAN SCHOENJAHN

S-3339

- 1 Amend the amendment, S-3293, to House File 649,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 52, after line 28 by inserting:
 5 <__. Page 83, after line 21 by inserting:
 6 <DIVISION ____
 7 FETICIDE
 8 Sec. ____. Section 707.7, subsections 1, 2, and 4,
 9 Code 2011, are amended to read as follows:
 10 1. Any person who intentionally terminates a human
 11 pregnancy, with the knowledge and voluntary consent
 12 of the pregnant person, after ~~the end of the second~~
 13 ~~trimester of the pregnancy~~ a gestation period of
 14 twenty completed weeks where death of the fetus results
 15 commits feticide. Feticide is a class “C” felony.
 16 2. Any person who attempts to intentionally
 17 terminate a human pregnancy, with the knowledge and
 18 voluntary consent of the pregnant person, after ~~the end~~
 19 ~~of the second trimester of the pregnancy~~ a gestation
 20 period of twenty completed weeks where death of the
 21 fetus does not result commits attempted feticide.
 22 Attempted feticide is a class “D” felony.
 23 4. This section shall not apply to the termination
 24 of a human pregnancy performed by a physician licensed
 25 in this state to practice medicine or surgery or
 26 osteopathic medicine or surgery when in the best
 27 clinical judgment of the physician the termination
 28 is performed to preserve the life ~~or health~~ of the
 29 pregnant person or of the fetus and every reasonable
 30 medical effort not inconsistent with preserving the
 31 life of the pregnant person is made to preserve the
 32 life of ~~a viable~~ the fetus.
 33 Sec. ____. EFFECTIVE UPON ENACTMENT. This division
 34 of this Act, being deemed of immediate importance,
 35 takes effect upon enactment. >>

DAVID JOHNSON

S-3340

- 1 Amend the amendment, S-3293, to House File 649,
 2 as amended, passed, and reprinted by the House, as
 3 follows:

- 4 1. Page 52, after line 28 by inserting:
5 <DIVISION ____
6 ABORTION LIMITATIONS
7 Sec. ____ FINDINGS. The general assembly finds all
8 of the following:
9 1. Abortion can cause serious short-term and
10 long-term physical and psychological complications for
11 women including but not limited to uterine perforation,
12 uterine scarring, cervical perforation or other
13 injury, infection, bleeding, hemorrhage, blood clots,
14 failure to actually terminate the pregnancy, incomplete
15 abortion or retained tissue, pelvic inflammatory
16 disease, endometritis, missed ectopic pregnancy,
17 cardiac arrest, respiratory arrest, renal failure,
18 metabolic disorder, shock, embolism, coma, placenta
19 previa in subsequent pregnancies, preterm delivery in
20 subsequent pregnancies, free fluid in the abdomen,
21 organ damage, adverse reactions to anesthesia and other
22 drugs, and psychological or emotional complications
23 such as depression, anxiety, sleeping disorders, and
24 death.
25 2. Abortion has a higher medical risk when the
26 procedure is performed later in the pregnancy.
27 Compared to an abortion at eight weeks' gestation or
28 earlier, the relative risk increases exponentially
29 at higher gestations. The incidence of major
30 complications is highest after twenty weeks of
31 gestation.
32 3. The state has a compelling interest in the
33 public's health and safety.
34 4. The state has a compelling interest from the
35 outset of pregnancy in protecting the health of the
36 woman. More specifically, the state has a compelling
37 interest in protecting the health of women who undergo
38 abortions.
39 5. There is substantial evidence that no later than
40 twenty weeks after fertilization, an unborn child has
41 the physical structures necessary to experience pain.
42 6. There is substantial evidence that by twenty
43 weeks after fertilization, an unborn child seeks to
44 evade certain stimuli in a manner which, in an infant
45 or an adult, would be interpreted as a response to
46 pain.
47 7. Anesthesia is routinely administered to an
48 unborn child twenty weeks or more after fertilization
49 when the unborn child undergoes prenatal surgery.
50 8. Even before twenty weeks after fertilization,

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1 the unborn child has been observed to exhibit hormonal
2 stress responses to painful stimuli, and a reduction
3 in such response results when pain medication is
4 administered directly to the unborn child.

5 9. It is the purpose of the state of Iowa to assert
6 a compelling state interest in protecting the unborn
7 child from the stage at which substantial medical
8 evidence indicates the unborn child is capable of
9 feeling pain.

10 Sec. ____ NEW SECTION. 146A.1 Definitions.

11 As used in this chapter, unless the context
12 otherwise requires:

13 1. "Abortion" means abortion as defined in section
14 146.1.

15 2. "Attempt an abortion" means an act, or an
16 omission of a statutorily required act, that, under
17 the circumstances as the actor believes them to be,
18 constitutes a substantial step in a course of conduct
19 planned to culminate in an abortion.

20 3. "Department" means the department of public
21 health.

22 4. "Fertilization" means the fusion of a human
23 spermatozoon with a human ovum.

24 5. "Medical emergency" means a condition which, in
25 reasonable medical judgment, so complicates the medical
26 condition of a pregnant woman as to necessitate the
27 termination of the human pregnancy to avoid a serious
28 risk of death or substantial and irreversible physical
29 impairment of a major bodily function. "Medical
30 emergency" does not include a condition which is based
31 on a claim or diagnosis that the pregnant woman will
32 engage in conduct which would result in the pregnant
33 woman's death or in substantial and irreversible
34 physical impairment of a major bodily function.

35 6. "Medical facility" means any public or private
36 hospital, clinic, center, medical school, medical
37 training institution, health care facility, physician's
38 office, infirmary, dispensary, ambulatory surgical
39 center, or other institution or location where medical
40 care is provided to any person.

41 7. "Physician" means a person licensed under
42 chapter 148.

43 8. "Postfertilization age" means the age of the
44 unborn child as calculated from the fertilization of
45 the human ovum.

46 9. "Probable postfertilization age" means what,
47 in reasonable medical judgment, will with reasonable
48 probability be the postfertilization age of the unborn
49 child at the time an abortion is to be performed.

50 10. "Reasonable medical judgment" means a medical

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1 judgment made by a reasonably prudent physician who
2 is knowledgeable about the case and the treatment
3 possibilities with respect to the medical conditions
4 involved.

5 11. "Unborn child" means an individual organism of
6 the species homo sapiens from fertilization until live
7 birth.

8 Sec. ____ NEW SECTION. 146A.2 Determination of
9 postfertilization age prior to abortion — abortion
10 prohibited at twenty weeks or more postfertilization age
11 — exceptions — reporting requirements — penalties.

12 1. Except in the case of a medical emergency,
13 an abortion shall not be performed, induced, or
14 attempted unless the physician performing, inducing, or
15 attempting the abortion has first made a determination
16 of the probable postfertilization age of the unborn
17 child or relied upon such a determination made by
18 another physician. In making such a determination, a
19 physician shall make such inquiries of the pregnant
20 woman and perform or cause to be performed such medical
21 examinations and tests a prudent physician would
22 consider necessary in making a reasonable medical
23 judgment to accurately determine the postfertilization
24 age of the unborn child.

25 2. A physician shall not perform, induce, or
26 attempt an abortion upon a pregnant woman when it has
27 been determined, by the physician performing, inducing,
28 or attempting the abortion or by another physician
29 upon whose determination that physician relies, that
30 the probable postfertilization age of the unborn child
31 is twenty weeks or more unless, in the physician's
32 reasonable medical judgment, any of the following
33 applies:

34 a. The pregnant woman has a condition which the
35 physician deems a medical emergency.

36 b. It is necessary to preserve the life of an
37 unborn child.

38 3. A physician who performs, induces, or attempts
39 an abortion shall report to the department, on a
40 schedule and in accordance with forms and rules adopted
41 by the department, all of the following:

42 a. If a determination of probable postfertilization
43 age of the unborn child was made, the probable
44 postfertilization age determined and the method and
45 basis of the determination.

46 b. If a determination of probable postfertilization
47 age of the unborn child was not made, the basis of the
48 determination that a medical emergency existed.

49 c. If the probable postfertilization age of the
50 unborn child was determined to be twenty weeks or more,

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1 the basis of the determination of a medical emergency,
2 or the basis of the determination that the abortion was
3 necessary to preserve the life of an unborn child.

4 4. a. By June 30, annually, the department shall
5 issue a public report providing statistics for the
6 previous calendar year, compiled from the reports for
7 that year submitted in accordance with subsection
8 3. The department shall ensure that none of the
9 information included in the public reports could
10 reasonably lead to the identification of any woman upon
11 whom an abortion was performed.

12 b. (1) A physician who fails to submit a report by
13 the end of thirty days following the due date shall be
14 subject to a late fee of five hundred dollars for each
15 additional thirty-day period or portion of a thirty-day
16 period the report is overdue.

17 (2) A physician required to report in accordance
18 with subsection 3 who has not submitted a report or who
19 has submitted only an incomplete report more than one
20 year following the due date, may, in an action brought
21 in the manner in which actions are brought to enforce
22 chapter 148, be directed by a court of competent
23 jurisdiction to submit a complete report within a time
24 period stated by court order or be subject to contempt
25 of court.

26 (3) A physician who intentionally or recklessly
27 falsifies a report required under this section is
28 subject to a civil penalty of one hundred dollars.

29 5. Any medical facility in which a physician is
30 authorized to perform an abortion shall implement
31 written medical policies and procedures consistent with
32 the requirements and prohibitions of this chapter.

33 6. The department shall adopt rules to administer
34 this section.

35 Sec. __. NEW SECTION. 146A.3 Civil and criminal
36 actions — penalties.

37 1. Failure of a physician to comply with any
38 provision of section 146A.2, with the exception of the
39 late filing of a report or failure to submit a complete
40 report in compliance with a court order, is grounds for
41 license discipline under chapter 148.

42 2. A physician who intentionally or recklessly
43 performs, induces, or attempts an abortion in violation
44 of this chapter is guilty of a class "C" felony.

45 3. A woman upon whom an abortion has been performed
46 or induced in violation of this chapter or the
47 biological father may maintain an action against the
48 physician who performed or induced the abortion in
49 intentional or reckless violation of this chapter
50 for actual damages. This subsection shall not be

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1 interpreted to apply to a biological father when the
2 pregnancy is the result of rape or incest.

3 4. A woman upon whom an abortion has been attempted
4 in violation of this chapter may maintain an action
5 against the physician who attempted the abortion in
6 intentional or reckless violation of this chapter for
7 actual damages.

8 5. A cause of action for injunctive relief to
9 prevent a physician from performing, inducing, or
10 attempting abortions may be maintained against a
11 physician who has intentionally violated this chapter
12 by the woman upon whom the abortion was performed,
13 induced, or attempted, by the spouse of the woman, by a
14 parent or guardian of the woman if the woman is less
15 than eighteen years of age or unmarried at the time
16 the abortion was performed, induced, or attempted,
17 by a current or former licensed health care provider
18 of the woman, by a county attorney with appropriate
19 jurisdiction, or by the attorney general.

20 6. A woman upon whom an abortion was performed,
21 induced, or attempted shall not be subject to
22 prosecution for a violation of this chapter.

23 7. If the plaintiff prevails in an action brought
24 under this section, the plaintiff shall be entitled to
25 an award for reasonable attorney fees.

26 8. If the defendant prevails in an action brought
27 under this section and the court finds that the
28 plaintiff's suit was frivolous and brought in bad
29 faith, the defendant shall be entitled to an award for
30 reasonable attorney fees.

31 9. Damages and attorney fees shall not be assessed
32 against the woman upon whom an abortion was performed,
33 induced, or attempted except as provided in subsection
34 8.

35 10. In a civil or criminal proceeding or action
36 brought under this chapter, the court shall rule
37 whether the identity of any woman upon whom an abortion
38 has been performed, induced, or attempted shall be
39 protected from public disclosure if the woman does
40 not provide consent to such disclosure. The court,
41 upon motion or on its own motion, shall make such a
42 ruling and, upon determining that the woman's identity
43 should be protected, shall issue orders to the parties,
44 witnesses, and counsel and shall direct the sealing
45 of the record and exclusion of individuals from
46 courtrooms or hearing rooms to the extent necessary to
47 safeguard the woman's privacy. Each such order shall
48 be accompanied by specific written findings explaining
49 why the identity of the woman should be protected
50 from public disclosure, why the order is essential to

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1 that end, how the order is narrowly tailored to serve
 2 that interest, and why no reasonable less restrictive
 3 alternative exists. In the absence of written consent
 4 of the woman upon whom an abortion has been performed,
 5 induced, or attempted, anyone, other than a public
 6 official, who brings an action under this section shall
 7 do so under a pseudonym. This subsection shall not be
 8 construed to conceal the identity of the plaintiff or
 9 of witnesses from the defendant or from attorneys for
 10 the defendant.

11 Sec. ____ NEW SECTION. 146A.4 Construction.
 12 Nothing in this chapter shall be construed as
 13 creating or recognizing a right to an abortion.

14 Sec. ____ NEW SECTION. 146A.5 Severability clause.

15 If any provision of this chapter or its application
 16 to any person or circumstance is held invalid,
 17 the invalidity does not affect other provisions or
 18 application of this chapter which can be given effect
 19 without the invalid provision or application, and to
 20 this end the provisions of this chapter are severable.

21 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
 22 of this Act, being deemed of immediate importance,
 23 takes effect upon enactment. >>

DAVID JOHNSON

S-3341

1 Amend House File 589, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking everything after the enacting clause
 4 and inserting:
 5 <Section 1. Section 717A.1, Code 2011, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 2A. "Agricultural production
 8 facility" means an animal facility as defined in
 9 subsection 4, paragraph "a", or a crop operation
 10 property.

11 Sec. 2. NEW SECTION. 717A.2A Agricultural
 12 production facility fraud and agricultural production
 13 facility offense.

14 1. A person is guilty of agricultural production
 15 facility fraud if the person willfully does any of the
 16 following:

17 a. Obtains access to an agricultural production
 18 facility by false pretenses.

19 b. Makes a false statement or representation as
 20 part of an application or agreement to be employed
 21 at an agricultural production facility, if the
 22 person knows the statement to be false, and makes

23 the statement with an intent to commit an act not
24 authorized by the owner of the agricultural production
25 facility, knowing that the act is not authorized.

26 2. A person is guilty of an agricultural production
27 facility offense if the person is an employee of
28 an agricultural production facility and personally
29 observes livestock abuse as defined in section 717.1A,
30 livestock neglect as defined in section 717.2, or
31 crop operation property damage as defined in 717A.3,
32 subsection 1, and willfully fails to comply with a
33 written policy of the agricultural production facility
34 requiring the reporting of such abuse, neglect, or
35 property damage.

36 3. a. A person who commits an offense described in
37 subsection 1 or 2 commits the following:

38 (1) For the first conviction, a serious
39 misdemeanor.

40 (2) For a second or subsequent conviction, an
41 aggravated misdemeanor.

42 b. A person who conspires to commit agricultural
43 production facility fraud under subsection 1 is subject
44 to the provisions of chapter 706.

45 c. A person who aids and abets in the commission of
46 agricultural production facility fraud under subsection
47 1, or a person who has knowledge that agricultural
48 production facility fraud under subsection 1 has been
49 committed and that a certain person committed the
50 agricultural production facility fraud, and who does

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1 not stand in relation of husband or wife to the person
2 committing the agricultural production facility fraud,
3 and who harbors, aids, or conceals a person committing
4 the agricultural production facility fraud, is subject
5 to the provisions of chapter 703. A trial information
6 or an indictment need not contain allegations of
7 vicarious liability as provided in chapter 703.>

8 2. Title page, line 2, by striking <and remedies>

TOM RIELLY
TIM L. KAPUCIAN

S-3342

1 Amend the amendment, S-3293, to House File 649,
2 as amended, passed, and reprinted by the House, as
3 follows:

4 1. By striking page 24, line 39, through page 25,
5 line 27, and inserting:

6 <Sec. ____. Section 135.24, subsection 2, Code 2011,
7 is amended by adding the following new paragraph:

8 NEW PARAGRAPH. e. Procedures for a hospital to
 9 register and act as a sponsor entity for the program.
 10 A hospital acting as a sponsor entity under this
 11 paragraph shall enter into an agreement with the
 12 program to allow an individual health care provider
 13 who registers and complies with the requirements of
 14 this section to deliver free health care services to
 15 uninsured and underinsured individuals at the sponsor
 16 entity location. The sponsor entity shall not bill,
 17 charge, or receive compensation and shall not be
 18 considered a state agency under chapter 669 when acting
 19 as a sponsor entity under this paragraph.
 20 Sec. ____ Section 135.24, subsection 3, paragraph
 21 b, Code 2011, is amended to read as follows:
 22 b. Provided medical, dental, chiropractic,
 23 pharmaceutical, nursing, optometric, psychological,
 24 social work, behavioral science, podiatric, physical
 25 therapy, occupational therapy, respiratory therapy, or
 26 emergency medical care services through a hospital,
 27 clinic, free clinic, field dental clinic, specialty
 28 health care provider office, or other health care
 29 facility, health care referral program, or charitable
 30 organization listed as eligible and participating by
 31 the department pursuant to subsection 1 or through
 32 a hospital that has entered into a sponsor entity
 33 agreement as described in subsection 2.>
 34 2. By renumbering as necessary.

HERMAN C. QUIRMBACH

S-3343

1 Amend the amendment, S-3293, to House File 649,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 4, line 16, after <abortions> by inserting
 5 <do not include terminations of human pregnancy under
 6 section 707.7 that constitute feticide, but>
 7 2. Page 11, line 1, after <abortion> by inserting
 8 <does not include a termination of human pregnancy
 9 under section 707.7 that constitutes feticide, but>
 10 3. Page 52, after line 28 by inserting:
 11 <____. Page 83, after line 21 by inserting:
 12 <DIVISION ____
 13 FETICIDE
 14 Sec. ____ Section 707.7, subsections 1, 2, and 4,
 15 Code 2011, are amended to read as follows:
 16 1. Any person who intentionally terminates a human
 17 pregnancy, with the knowledge and voluntary consent
 18 of the pregnant person, after ~~the end of the second~~
 19 ~~trimester of the pregnancy~~ a gestation period of
 20 twenty completed weeks where death of the fetus results

21 commits feticide. Feticide is a class "C" felony.

22 2. Any person who attempts to intentionally
23 terminate a human pregnancy, with the knowledge and
24 voluntary consent of the pregnant person, after ~~the end~~
25 ~~of the second trimester of the pregnancy a gestation~~
26 period of twenty completed weeks where death of the
27 fetus does not result commits attempted feticide.

28 Attempted feticide is a class "D" felony.

29 4. This section shall not apply to the termination
30 of a human pregnancy performed by a physician licensed
31 in this state to practice medicine or surgery or
32 osteopathic medicine or surgery when in the best
33 clinical judgment of the physician the termination
34 is performed to preserve the life ~~or health~~ of the
35 pregnant person or of the fetus and every reasonable
36 medical effort not inconsistent with preserving the
37 life of the pregnant person is made to preserve the
38 life of ~~a viable~~ the fetus.

39 Sec. __. EFFECTIVE UPON ENACTMENT. This division
40 of this Act, being deemed of immediate importance,
41 takes effect upon enactment. >>

DAVID JOHNSON

S-3344

1 Amend Senate File 534 as follows:

2 1. Page 1, by striking lines 9 through 13 and
3 inserting <hospital, in which surgical abortion
4 procedures are performed.>

JONI ERNST
BILL DIX

S-3345

1 Amend Senate File 534 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:
4 <Section 1. FINDINGS. The general assembly finds
5 all of the following:

6 1. Abortion can cause serious short-term and
7 long-term physical and psychological complications for
8 women including but not limited to uterine perforation,
9 uterine scarring, cervical perforation or other
10 injury, infection, bleeding, hemorrhage, blood clots,
11 failure to actually terminate the pregnancy, incomplete
12 abortion or retained tissue, pelvic inflammatory
13 disease, endometritis, missed ectopic pregnancy,
14 cardiac arrest, respiratory arrest, renal failure,
15 metabolic disorder, shock, embolism, coma, placenta
16 previa in subsequent pregnancies, preterm delivery in

17 subsequent pregnancies, free fluid in the abdomen,
18 organ damage, adverse reactions to anesthesia and other
19 drugs, and psychological or emotional complications
20 such as depression, anxiety, sleeping disorders, and
21 death.

22 2. Abortion has a higher medical risk when the
23 procedure is performed later in the pregnancy.
24 Compared to an abortion at eight weeks' gestation or
25 earlier, the relative risk increases exponentially
26 at higher gestations. The incidence of major
27 complications is highest after twenty weeks of
28 gestation.

29 3. The state has a legitimate concern for the
30 public's health and safety.

31 4. The state has a legitimate interest from the
32 outset of pregnancy in protecting the health of the
33 woman. More specifically, the state has a legitimate
34 concern with the health of women who undergo abortions.

35 5. There is substantial evidence that by at least
36 twenty weeks after fertilization, an unborn child has
37 the physical structures necessary to experience pain.

38 6. There is substantial evidence that by twenty
39 weeks after fertilization, an unborn child seeks to
40 evade certain stimuli in a manner which, in an infant
41 or an adult, would be interpreted as a response to
42 pain.

43 7. Anesthesia is routinely administered to an
44 unborn child twenty weeks or more after fertilization
45 when the unborn child undergoes prenatal surgery.

46 8. Even before twenty weeks after fertilization,
47 the unborn child has been observed to exhibit hormonal
48 stress responses to painful stimuli, and a reduction
49 in such response results when pain medication is
50 administered directly to the unborn child.

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1 9. It is the purpose of the state of Iowa to assert
2 a compelling state interest in protecting the unborn
3 child from the stage at which substantial medical
4 evidence indicates the unborn child is capable of
5 feeling pain.

6 Sec. 2. NEW SECTION. 146A.1 Definitions.

7 As used in this chapter, unless the context
8 otherwise requires:

9 1. "Abortion" means abortion as defined in section
10 146.1.

11 2. "Attempt to perform or induce an abortion" means
12 an act, or an omission of a statutorily required act,
13 that, under the circumstances as the actor believes
14 them to be, constitutes a substantial step in a course
15 of conduct planned to culminate in the performance or

16 inducing of an abortion.

17 3. "Department" means the department of public
18 health.

19 4. "Fertilization" means the fusion of a human
20 spermatozoon with a human ovum.

21 5. "Medical emergency" means a condition which, in
22 reasonable medical judgment, so complicates the medical
23 condition of a pregnant woman as to necessitate the
24 termination of the human pregnancy to avert the woman's
25 death or to avoid a serious risk of substantial and
26 irreversible physical impairment of a major bodily
27 function. "Medical emergency" does not include a
28 condition which is based on a claim or diagnosis that
29 the pregnant woman will engage in conduct which would
30 result in the pregnant woman's death or in substantial
31 and irreversible physical impairment of a major bodily
32 function.

33 6. "Medical facility" means any public or private
34 hospital, clinic, center, medical school, medical
35 training institution, health care facility, physician's
36 office, infirmary, dispensary, ambulatory surgical
37 center, or other institution or location where medical
38 care is provided to any person.

39 7. "Physician" means a person licensed under
40 chapter 148.

41 8. "Postfertilization age" means the age of the
42 unborn child as calculated from the fertilization of
43 the human ovum.

44 9. "Probable postfertilization age" means what,
45 in reasonable medical judgment, will with reasonable
46 probability be the postfertilization age of the unborn
47 child at the time an abortion is to be performed.

48 10. "Reasonable medical judgment" means a medical
49 judgment made by a reasonably prudent physician who
50 is knowledgeable about the case and the treatment

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1 possibilities with respect to the medical conditions
2 involved.

3 11. "Unborn child" means an individual organism of
4 the species homo sapiens from fertilization until live
5 birth.

6 Sec. 3. NEW SECTION. 146A.2 Determination of
7 postfertilization age prior to abortion — abortion
8 prohibited at twenty or more weeks postfertilization age
9 — exceptions — reporting requirements — penalties.

10 1. Except in the case of a medical emergency,
11 an abortion shall not be performed or induced or
12 be attempted to be performed or induced unless
13 the physician performing or inducing the abortion
14 has first made a determination of the probable

15 postfertilization age of the unborn child or relied
16 upon such a determination made by another physician.
17 In making such a determination, a physician shall make
18 such inquiries of the pregnant woman and perform or
19 cause to be performed such medical examinations and
20 tests the physician considers necessary in making a
21 reasonable medical judgment to accurately determine the
22 postfertilization age of the unborn child.

23 2. a. A physician shall not perform or induce
24 or attempt to perform or induce an abortion upon a
25 pregnant woman when it has been determined, by the
26 physician performing or inducing the abortion or
27 by another physician upon whose determination that
28 physician relies, that the probable postfertilization
29 age of the unborn child is twenty or more weeks unless,
30 in the physician's reasonable medical judgment, any of
31 the following applies:

32 (1) The pregnant woman has a condition which the
33 physician deems a medical emergency.

34 (2) It is necessary to preserve the life of an
35 unborn child.

36 b. An abortion performed or induced under this
37 subsection shall be performed or induced in a medical
38 facility that provides the appropriate level of
39 perinatal care as specified in 641 IAC 150.

40 3. A physician who performs or induces or attempts
41 to perform or induce an abortion shall report to
42 the department, on a schedule and in accordance with
43 forms and rules adopted by the department, all of the
44 following:

45 a. If a determination of probable postfertilization
46 age of the unborn child was made, the probable
47 postfertilization age determined and the method and
48 basis of the determination.

49 b. If a determination of probable postfertilization
50 age of the unborn child was not made, the basis of the

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1 determination that a medical emergency existed.

2 c. If the probable postfertilization age of the
3 unborn child was determined to be twenty or more weeks,
4 the basis of the determination of a medical emergency,
5 or the basis of the determination that the abortion was
6 necessary to preserve the life of an unborn child.

7 d. The method used for the abortion and, in the
8 case of an abortion performed when the probable
9 postfertilization age was determined to be twenty or
10 more weeks, whether the method of abortion used was one
11 that, in the physician's reasonable medical judgment,
12 provided the best opportunity for the unborn child to
13 survive or, if such a method was not used, the basis

14 of the determination that termination of the human
15 pregnancy in that manner would pose a greater risk than
16 would any other available method of the death of the
17 pregnant woman or of the substantial and irreversible
18 physical impairment of a major bodily function.

19 4. a. By June 30, annually, the department shall
20 issue a public report providing statistics for the
21 previous calendar year, compiled from the reports for
22 that year submitted in accordance with subsection

23 3. The department shall ensure that none of the
24 information included in the public reports could
25 reasonably lead to the identification of any woman upon
26 whom an abortion was performed.

27 b. (1) A physician who fails to submit a report by
28 the end of thirty days following the due date shall be
29 subject to a late fee of five hundred dollars for each
30 additional thirty-day period or portion of a thirty-day
31 period the report is overdue.

32 (2) A physician required to report in accordance
33 with subsection 3 who has not submitted a report or who
34 has submitted only an incomplete report more than one
35 year following the due date, may, in an action brought
36 in the manner in which actions are brought to enforce
37 chapter 148, be directed by a court of competent
38 jurisdiction to submit a complete report within a time
39 period stated by court order or be subject to contempt
40 of court.

41 (3) A physician who intentionally or recklessly
42 falsifies a report required under this section is
43 subject to a civil penalty of one hundred dollars.

44 5. Any medical facility in which a physician is
45 authorized to perform an abortion shall implement
46 written medical policies and procedures consistent with
47 the requirements and prohibitions of this chapter.

48 6. The department shall adopt rules to administer
49 this section.

50 Sec. 4. NEW SECTION. 146A.3 Civil and criminal

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1 actions — penalties.

2 1. Failure of a physician to comply with any
3 provision of section 146A.2, with the exception of the
4 late filing of a report or failure to submit a complete
5 report in compliance with a court order, is grounds for
6 license discipline under chapter 148.

7 2. A physician who intentionally or recklessly
8 performs or attempts to perform an abortion in
9 violation of this chapter is guilty of a class "C"
10 felony.

11 3. A woman upon whom an abortion has been performed
12 in violation of this chapter or the biological father

13 may maintain an action against the physician who
14 performed the abortion in intentional or reckless
15 violation of this chapter for actual damages. This
16 subsection shall not be interpreted to apply to a
17 biological father when the pregnancy is the result of
18 rape or incest.

19 4. A woman upon whom an abortion has been attempted
20 in violation of this chapter may maintain an action
21 against the physician who attempted to perform the
22 abortion in intentional or reckless violation of this
23 chapter for actual damages.

24 5. A cause of action for injunctive relief to
25 prevent a physician from performing abortions may be
26 maintained against a physician who has intentionally
27 violated this chapter by the woman upon whom the
28 abortion was performed or attempted to be performed,
29 by the spouse of the woman, by a parent or guardian of
30 the woman if the woman is less than eighteen years of
31 age or unmarried at the time the abortion was performed
32 or attempted to be performed, by a current or former
33 licensed health care provider of the woman, by a county
34 attorney with appropriate jurisdiction, or by the
35 attorney general.

36 6. A woman upon whom an abortion was performed or
37 was attempted to be performed shall not be subject to
38 prosecution for a violation of this chapter.

39 7. If the plaintiff prevails in an action brought
40 under this section, the plaintiff shall be entitled to
41 an award for reasonable attorney fees.

42 8. If the defendant prevails in an action brought
43 under this section and the court finds that the
44 plaintiff's suit was frivolous and brought in bad
45 faith, the defendant shall be entitled to an award for
46 reasonable attorney fees.

47 9. Damages and attorney fees shall not be assessed
48 against the woman upon whom an abortion was performed
49 or attempted to be performed except as provided in
50 subsection 8.

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1 10. In a civil or criminal proceeding or action
2 brought under this chapter, the court shall rule
3 whether the anonymity of any woman upon whom an
4 abortion has been performed or attempted shall be
5 preserved from public disclosure if the woman does
6 not provide consent to such disclosure. The court,
7 upon motion or on its own motion, shall make such a
8 ruling and, upon determining that the woman's anonymity
9 should be preserved, shall issue orders to the parties,
10 witnesses, and counsel and shall direct the sealing of
11 the record and exclusion of individuals from courtrooms

12 or hearing rooms to the extent necessary to safeguard
 13 the woman's identity from public disclosure. Each such
 14 order shall be accompanied by specific written findings
 15 explaining why the anonymity of the woman should
 16 be preserved from public disclosure, why the order
 17 is essential to that end, how the order is narrowly
 18 tailored to serve that interest, and why no reasonable
 19 less restrictive alternative exists. In the absence
 20 of written consent of the woman upon whom an abortion
 21 has been performed or attempted, anyone, other than
 22 a public official, who brings an action under this
 23 section shall do so under a pseudonym. This subsection
 24 shall not be construed to conceal the identity of the
 25 plaintiff or of witnesses from the defendant or from
 26 attorneys for the defendant.

27 Sec. 5. NEW SECTION. 146A.4 Construction.

28 Nothing in this chapter shall be construed as
 29 creating or recognizing a right to an abortion.

30 Sec. 6. NEW SECTION. 146A.5 Severability clause.

31 If any provision of this chapter or its application
 32 to any person or circumstance is held invalid,
 33 the invalidity does not affect other provisions or
 34 application of this chapter which can be given effect
 35 without the invalid provision or application, and to
 36 this end the provisions of this chapter are severable.

37 Sec. 7. EFFECTIVE UPON ENACTMENT. This Act, being
 38 deemed of immediate importance, takes effect upon
 39 enactment.>

40 2. Title page, by striking lines 1 through 4, and
 41 inserting <An Act relating to abortions, including
 42 late term abortions with certain exceptions, providing
 43 penalties, and including effective date provisions.>

MARK CHELGREN

S-3346

1 Amend Senate File 534 as follows:

2 1. By striking everything after the enacting clause
 3 and inserting:

4 <Section 1. Section 707.7, subsections 1, 2, and 4,
 5 Code 2011, are amended to read as follows:

6 1. Any person who intentionally terminates a human
 7 pregnancy, with the knowledge and voluntary consent
 8 of the pregnant person, after ~~the end of the second~~
 9 ~~trimester of the pregnancy~~ a gestation period of
 10 twenty completed weeks where death of the fetus results
 11 commits feticide. Feticide is a class "C" felony.

12 2. Any person who attempts to intentionally
 13 terminate a human pregnancy, with the knowledge and
 14 voluntary consent of the pregnant person, after ~~the end~~
 15 ~~of the second trimester of the pregnancy~~ a gestation

16 period of twenty completed weeks where death of the
17 fetus does not result commits attempted feticide.

18 Attempted feticide is a class "D" felony.

19 4. This section shall not apply to the termination
20 of a human pregnancy performed by a physician licensed
21 in this state to practice medicine or surgery or
22 osteopathic medicine or surgery when in the best
23 clinical judgment of the physician the termination
24 is performed to preserve the life ~~or health~~ of the
25 pregnant person or of the fetus and every reasonable
26 medical effort not inconsistent with preserving the
27 life of the pregnant person is made to preserve the
28 life of a ~~viable~~ the fetus.

29 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being
30 deemed of immediate importance, takes effect upon
31 enactment.>

32 2. Title page, by striking lines 1 through 4
33 and inserting <An Act relating to feticide, making
34 penalties applicable, and including effective date
35 provisions.>

MARK CHELGREN

S-3347

1 Amend Senate File 534 as follows:

2 1. Page 1, line 26, after <135B> by inserting <,
3 that is located in a county with a population under
4 four thousand one hundred based on the most recent
5 federal decennial census and>

6 2. Page 1, line 28, after <150> by inserting <,>

MERLIN BARTZ

S-3348

1 Amend Senate File 534 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. Section 135.63, subsection 2, Code
5 2011, is amended by adding the following new paragraph:
6 NEW PARAGRAPH. q. Terminations of human pregnancy
7 provided by a hospital or freestanding facility that
8 are performed in compliance with section 707.7.

9 Sec. 2. Section 707.7, subsections 1, 2, and 4,
10 Code 2011, are amended to read as follows:

11 1. Any person who intentionally terminates a human
12 pregnancy, with the knowledge and voluntary consent
13 of the pregnant person, after ~~the end of the second~~
14 ~~trimester of the pregnancy~~ a gestation period of
15 twenty completed weeks where death of the fetus results
16 commits feticide. Feticide is a class "C" felony.

17 2. Any person who attempts to intentionally
 18 terminate a human pregnancy, with the knowledge and
 19 voluntary consent of the pregnant person, after ~~the end~~
 20 ~~of the second trimester of the pregnancy a gestation~~
 21 period of twenty completed weeks where death of the
 22 fetus does not result commits attempted feticide.
 23 Attempted feticide is a class "D" felony.

24 4. This section shall not apply to the termination
 25 of a human pregnancy performed by a physician licensed
 26 in this state to practice medicine or surgery or
 27 osteopathic medicine or surgery when in the best
 28 clinical judgment of the physician the termination
 29 is performed to preserve the life ~~or health~~ of the
 30 pregnant person or of the fetus and every reasonable
 31 medical effort not inconsistent with preserving the
 32 life of the pregnant person is made to preserve the
 33 life of a ~~viable~~ the fetus.

34 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being
 35 deemed of immediate importance, takes effect upon
 36 enactment.>

37 2. Title page, line 1, after <to> by inserting
 38 <terminations of human pregnancy including>

39 3. Title page, by striking lines 2 through 4 and
 40 inserting <requirements, and including effective date
 41 provisions.>

MARK CHELGREN

S-3349

1 Amend the amendment, S-3335, to Senate File 525,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, after line 30 by inserting:

5 <d. Meeting the needs of consumers for disability
 6 services in a responsive and cost-effective manner.>

7 2. Page 1, by striking lines 36 through 41 and
 8 inserting <and propose legislation concerning the
 9 recommendations and proposals developed by the
 10 workgroups and other bodies addressed by this Act,
 11 particularly with regard to the identification of core
 12 services.>

13 3. Page 1, line 46, after <health> by inserting
 14 <and a representative of the Iowa state association of
 15 counties>

16 4. Page 2, line 9, after <229,> by inserting
 17 <recommend revisions to the chapter 230A amendments
 18 contained in this Act as necessary to conform with the
 19 system redesign proposed by the interim committee.>

20 5. Page 2, by striking lines 15 through 18 and
 21 inserting <Acts, Senate File 209. In addressing the
 22 repeal provisions, the interim committee shall provide

23 options for replacing the county authority to levy for
24 adult disability services with levy authority that is
25 adequate and fair and for revising the repeal dates
26 and making other statutory revisions as necessary to
27 be consistent with the system redesign proposed by the
28 interim committee.>

29 6. Page 2, line 32, after <providers,> by inserting
30 <county representatives,>

31 7. Page 4, by striking lines 18 through 22 and
32 inserting:

33 <g. Developing a proposal for addressing service
34 provider and other workforce shortages. The
35 development of the proposal shall incorporate an
36 examination of scope of practice limitations and
37 barriers to recruiting providers and maintaining the
38 workforce, including but not limited to engagement
39 of minorities and other cross-cultural diversity
40 considerations for the workforce in general and for
41 accrediting professional level providers, evaluating
42 the impact of inadequate reimbursement, identifying the
43 appropriate state role in providing the resources to
44 ensure an appropriately trained workforce is available,
45 and an examination of the variation in health>

46 8. Page 4, line 43, after <subcommittee> by
47 inserting <led by the department of human services, in
48 consultation with the department of public health,>

49 9. Page 4, by striking lines 45 and 46 and
50 inserting <section, the membership shall include

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1 the department of human services staff involved with
2 child welfare, children's mental health, and Medicaid
3 services, and education system and juvenile court
4 representatives. The proposal shall be integrated
5 with the transition plan developed pursuant to this
6 Act for transitioning psychiatric medical institution
7 for children services into the Iowa plan contract for
8 administering behavioral health services under the
9 Medicaid program. The preliminary>

10 10. Page 6, after line 37 by inserting:

11 <k. Incorporating into proposals any necessary
12 changes to the chapter 230A amendments contained in
13 this Act.

14 1. Providing cost estimates for the proposals.>

15 11. Page 7, line 16, after <order;> by inserting
16 <for implementing jail diversion programs,
17 comprehensive training of law enforcement in dealing
18 with individuals who are experiencing a mental health
19 crisis, mental health courts, and other promising
20 reforms involving mental health and the criminal
21 justice system;>

22 12. Page 8, after line 11 by inserting:
 23 <Sec. _____. 2010 Iowa Acts, chapter 1193, section
 24 99, is amended to read as follows:
 25 SEC. 99. MH/MR/DD SERVICES FUND
 26 TRANSFER. Notwithstanding section 331.424A, subsection
 27 5, and section 331.432, subsection 3, for the
 28 fiscal year beginning July 1, 2010, and ending June
 29 30, 2011, a county may transfer moneys from other
 30 funds of the county to the county's mental health,
 31 mental retardation, and developmental disabilities
 32 services fund created in section 331.424A. A county
 33 transferring moneys from other funds of the county to
 34 the county's services fund pursuant to this section
 35 shall submit a report detailing the transfers made and
 36 funds affected. The county shall submit the report
 37 along with the county expenditure and information
 38 report submitted by December 1, ~~2010~~ 2011, in
 39 accordance with section 331.439.>
 40 13. Page 9, line 42, after <guidelines.> by
 41 inserting <The transition plan shall be integrated with
 42 the proposal for redesign of publicly funded disability
 43 services developed by the workgroup implemented by the
 44 department pursuant to division I of this Act.>
 45 14. Page 11, by striking lines 4 through 6 and
 46 inserting <A preliminary plan shall be provided to
 47 the legislative interim committee authorized pursuant
 48 to division I of this Act for consideration by the
 49 committee in October 2011. The completed plan shall be
 50 provided to the interim committee by December 9, 2011,

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1 and any revisions to address concerns identified by the
 2 interim committee shall be incorporated into a final
 3 plan developed by December 31, 2011, which shall be
 4 submitted to the general assembly by January 16, 2012.
 5 The submitted plan shall include>
 6 15. Page 11, after line 41 by inserting:
 7 <Sec. _____. IMPLEMENTATION OF DIVISION —
 8 LEGISLATIVE INTENT. It is the intent of the general
 9 assembly that the statutory amendments contained in
 10 this division shall receive further consideration
 11 in the disability services system redesign process
 12 implemented pursuant to division I of this Act and
 13 by the general assembly during the 2012 legislative
 14 session. The purpose of the further consideration is
 15 to ensure that the statutory amendments are integrated
 16 with the system redesign provisions, including but not
 17 limited to the provisions involving meeting the needs
 18 of consumers, connecting the regional administration
 19 of the overall system with the catchment areas for
 20 community mental health services, involvement of

21 counties, terminology utilized, matching core services
 22 for centers with the core services for the overall
 23 system redesign, and matching accreditation standards,
 24 financing provisions, and accountability measures.>
 25 16. Page 12, by striking lines 29 and 30 and
 26 inserting <mental health center under this chapter for
 27 addressing the mental health needs of>
 28 17. Page 17, line 2, by striking <federal and
 29 state> and inserting <federal, state, and county>

JACK HATCH

S-3350

1 Amend the amendment, S-3299, to House File 590,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 2, line 5, by striking <Four> and inserting
 5 <Six>
 6 2. Page 2, line 32, after <Seven> by inserting
 7 <voting>
 8 3. Page 2, by striking lines 33 through 37 and
 9 inserting <a quorum.>
 10 4. Page 2, line 39, by striking <appointed members>
 11 and inserting <quorum described in paragraph "a">
 12 5. Page 3, before line 32 by inserting:
 13 <__. Page 12, before line 7 by inserting:
 14 <(5) A contract executed pursuant to this paragraph
 15 "d" shall be drafted, negotiated, and executed with the
 16 assistance and advice of the attorney general. >>
 17 6. Page 3, line 43, after <corporation's> by
 18 inserting <current fiscal year and its>
 19 7. Page 9, line 38, by striking <September 30> and
 20 inserting <December 1>
 21 8. By renumbering as necessary.

STEVEN J. SODDERS

S-3351

HOUSE AMENDMENT TO SENATE FILE 534

1 Amend Senate File 534, as passed by the Senate, as
 2 follows:
 3 1. By striking everything after the enacting clause
 4 and inserting:
 5 <Section 1. Section 707.7, subsections 1, 2, and 4,
 6 Code 2011, are amended to read as follows:
 7 1. Any person who intentionally terminates a human
 8 pregnancy, with the knowledge and voluntary consent
 9 of the pregnant person, after ~~the end of the second~~

10 ~~trimester of the pregnancy a gestation period of~~
 11 ~~twenty completed weeks~~ where death of the fetus results
 12 commits feticide. Feticide is a class "C" felony.
 13 2. Any person who attempts to intentionally
 14 terminate a human pregnancy, with the knowledge and
 15 voluntary consent of the pregnant person, after ~~the end~~
 16 ~~of the second trimester of the pregnancy a gestation~~
 17 ~~period of twenty completed weeks~~ where death of the
 18 fetus does not result commits attempted feticide.
 19 Attempted feticide is a class "D" felony.
 20 4. This section shall not apply to the termination
 21 of a human pregnancy performed by a physician licensed
 22 in this state to practice medicine or surgery or
 23 osteopathic medicine or surgery when in the best
 24 clinical judgment of the physician the termination
 25 is performed to preserve the life ~~or health~~ of the
 26 pregnant person or of the fetus and every reasonable
 27 medical effort not inconsistent with preserving the
 28 life of the pregnant person is made to preserve the
 29 life of a ~~viable~~ the fetus.
 30 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being
 31 deemed of immediate importance, takes effect upon
 32 enactment.>
 33 2. Title page, by striking lines 1 through 4
 34 and inserting <An Act relating to feticide, making
 35 penalties applicable, and including effective date
 36 provisions.>

S-3352

1 Amend the amendment, S-3299, to House File 590,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 2, line 5, by striking <Four> and inserting
 5 <Six>
 6 2. Page 2, line 32, after <Seven> by inserting
 7 <voting>
 8 3. Page 2, by striking lines 33 through 37 and
 9 inserting <a quorum.>
 10 4. Page 2, line 39, by striking <appointed members>
 11 and inserting <quorum described in paragraph "a">
 12 5. Page 3, before line 32 by inserting:
 13 <__. Page 12, before line 7 by inserting:
 14 <(5) A contract executed pursuant to this paragraph
 15 "d" shall be drafted and executed with the assistance
 16 and advice of the attorney general. >>
 17 6. Page 3, line 43, after <corporation's> by
 18 inserting <current fiscal year and its>
 19 7. Page 9, line 38, by striking <September 30> and
 20 inserting <December 1>
 21 8. Page 10, after line 3 by inserting:
 22 <__. Page 20, after line 30 by inserting:

23 <Sec. ____ ECONOMIC DEVELOPMENT AUTHORITY BOARD —
 24 TRANSITION PROVISION. Notwithstanding any provision
 25 of section 15.105, as amended by this Act, to the
 26 contrary, the initial board of the economic development
 27 authority shall consist of the members of the Iowa
 28 economic development board serving on the effective
 29 date of this Act. Said board members shall serve
 30 as members and fulfill the duties of the economic
 31 development authority board as created by this Act
 32 until such time as members of the economic development
 33 authority board are appointed as provided by section
 34 15.105, as amended by this Act. >>

35 9. Page 10, before line 5 by inserting:
 36 <____. Page 26, line 2, after <purposes.> by
 37 inserting <The board, as defined by section 15.102,
 38 may allocate an amount of repayments and recaptures
 39 for purposes of financial assistance or administrative
 40 costs of the economic development authority.>>

41 10. Page 10, after line 10 by inserting:

42 <____. Page 36, after line 11 by inserting:

43 <DIVISION VI
 44 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE
 45 APPLICABILITY

46 Sec. ____ EFFECTIVE DATE AND RETROACTIVE
 47 APPLICABILITY. Unless otherwise provided, this Act,
 48 if approved by the governor on or after July 1, 2011,
 49 takes effect upon enactment and applies retroactively
 50 to July 1, 2011. >>

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1 11. By renumbering as necessary.

STEVEN J. SODDERS

S-3353

1 Amend the amendment, S-3233, to Senate File 510, as
 2 passed by the Senate, as follows:

3 1. By striking page 1, line 7, through page 28,
 4 line 10, and inserting:

5 <Section 1. DEPARTMENT OF JUSTICE.

6 1. There is appropriated from the general fund
 7 of the state to the department of justice for the
 8 fiscal year beginning July 1, 2011, and ending June 30,
 9 2012, the following amounts, or so much thereof as is
 10 necessary, to be used for the purposes designated:

11 a. For the general office of attorney general for
 12 salaries, support, maintenance, and miscellaneous
 13 purposes, including the prosecuting attorneys training
 14 program, matching funds for federal violence against
 15 women grant programs, victim assistance grants, office

16 of drug control policy prosecuting attorney program,
17 and odometer fraud enforcement, and for not more than
18 the following full-time equivalent positions:

19	\$	7,942,930
20	FTEs	212.00

21 It is the intent of the general assembly that as
22 a condition of receiving the appropriation provided
23 in this lettered paragraph, the department of justice
24 shall maintain a record of the estimated time incurred
25 representing each agency or department.

26 b. For victim assistance grants: 27	\$	2,876,400
---	----	-----------

28 The funds appropriated in this lettered paragraph
29 shall be used to provide grants to care providers
30 providing services to crime victims of domestic abuse
31 or to crime victims of rape and sexual assault.

32 The balance of the victim compensation fund
33 established in section 915.94 may be used to provide
34 salary and support of not more than 24 FTEs and
35 to provide maintenance for the victim compensation
36 functions of the department of justice.

37 The department of justice shall transfer at least
38 \$150,000 from the victim compensation fund established
39 in section 915.94 to the victim assistance grant
40 program.

41 c. For legal services for persons in poverty grants 42 as provided in section 13.34: 43	\$	1,814,831
--	----	-----------

44 2. a. The department of justice, in submitting
45 budget estimates for the fiscal year commencing July
46 1, 2012, pursuant to section 8.23, shall include a
47 report of funding from sources other than amounts
48 appropriated directly from the general fund of the
49 state to the department of justice or to the office of
50 consumer advocate. These funding sources shall include

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1 but are not limited to reimbursements from other state
2 agencies, commissions, boards, or similar entities, and
3 reimbursements from special funds or internal accounts
4 within the department of justice. The department of
5 justice shall also report actual reimbursements for the
6 fiscal year commencing July 1, 2010, and actual and
7 expected reimbursements for the fiscal year commencing
8 July 1, 2011.

9 b. The department of justice shall include the
10 report required under paragraph "a", as well as
11 information regarding any revisions occurring as a
12 result of reimbursements actually received or expected
13 at a later date, in a report to the co-chairpersons
14 and ranking members of the joint appropriations

15 subcommittee on the justice system and the legislative
 16 services agency. The department of justice shall
 17 submit the report on or before January 15, 2012.
 18 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is
 19 appropriated from the department of commerce revolving
 20 fund created in section 546.12 to the office of
 21 consumer advocate of the department of justice for the
 22 fiscal year beginning July 1, 2011, and ending June 30,
 23 2012, the following amount, or so much thereof as is
 24 necessary, to be used for the purposes designated:
 25 For salaries, support, maintenance, miscellaneous
 26 purposes, and for not more than the following full-time
 27 equivalent positions:

28	\$	3,336,344
29	FTEs	22.00

30 Sec. 3. DEPARTMENT OF CORRECTIONS — FACILITIES.

31 1. There is appropriated from the general fund of
 32 the state to the department of corrections for the
 33 fiscal year beginning July 1, 2011, and ending June
 34 30, 2012, the following amounts, or so much thereof as
 35 is necessary, to be used for the operation of adult
 36 correctional institutions, reimbursement of counties
 37 for certain confinement costs, and federal prison
 38 reimbursement, to be allocated as follows:

39 a. For the operation of the Fort Madison 40 correctional facility, including salaries, support, 41 maintenance, and miscellaneous purposes:	42	\$	41,188,445
43 b. For the operation of the Anamosa correctional 44 facility, including salaries, support, maintenance, and 45 miscellaneous purposes:	46	\$	31,985,974
47 c. For the operation of the Oakdale correctional 48 facility, including salaries, support, maintenance, and 49 miscellaneous purposes:	50	\$	55,594,426

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1 d. For the operation of the Newton correctional 2 facility, including salaries, support, maintenance, and 3 miscellaneous purposes:	4	\$	25,958,757
5 e. For the operation of the Mt. Pleasant 6 correctional facility, including salaries, support, 7 maintenance, and miscellaneous purposes:	8	\$	25,917,815
9 f. For the operation of the Rockwell City 10 correctional facility, including salaries, support, 11 maintenance, and miscellaneous purposes:	12	\$	9,316,466
13 g. For the operation of the Clarinda correctional			

14 facility, including salaries, support, maintenance, and	
15 miscellaneous purposes:	
16	\$ 24,482,356
17 Monies received by the department of corrections as	
18 reimbursement for services provided to the Clarinda	
19 youth corporation are appropriated to the department	
20 and shall be used for the purpose of operating the	
21 Clarinda correctional facility.	
22 h. For the operation of the Mitchellville	
23 correctional facility, including salaries, support,	
24 maintenance, and miscellaneous purposes:	
25	\$ 15,615,374
26 i. For the operation of the Fort Dodge correctional	
27 facility, including salaries, support, maintenance, and	
28 miscellaneous purposes:	
29	\$ 29,062,235
30 j. For reimbursement of counties for temporary	
31 confinement of work release and parole violators, as	
32 provided in sections 901.7, 904.908, and 906.17, and	
33 for offenders confined pursuant to section 904.513:	
34	\$ 775,092
35 k. For federal prison reimbursement, reimbursements	
36 for out-of-state placements, and miscellaneous	
37 contracts:	
38	\$ 239,411

39 2. The department of corrections shall use moneys
 40 appropriated in subsection 1 to continue to contract
 41 for the services of a Muslim imam and a Native American
 42 spiritual leader.

43 Sec. 4. DEPARTMENT OF CORRECTIONS —
 44 ADMINISTRATION. There is appropriated from the general
 45 fund of the state to the department of corrections for
 46 the fiscal year beginning July 1, 2011, and ending June
 47 30, 2012, the following amounts, or so much thereof as
 48 is necessary, to be used for the purposes designated:

49 1. For general administration, including salaries,
 50 support, maintenance, employment of an education

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1 director to administer a centralized education	
2 program for the correctional system, and miscellaneous	
3 purposes:	
4	\$ 4,835,542
5 a. It is the intent of the general assembly	
6 that as a condition of receiving the appropriation	
7 provided in this lettered paragraph the department of	
8 corrections shall not, except as otherwise provided	
9 in paragraph “c”, enter into a new contract, unless	
10 the contract is a renewal of an existing contract,	
11 for the expenditure of moneys in excess of \$100,000	
12 during the fiscal year beginning July 1, 2011, for the	

13 privatization of services performed by the department
14 using state employees as of July 1, 2011, or for the
15 privatization of new services by the department without
16 prior consultation with any applicable state employee
17 organization affected by the proposed new contract and
18 prior notification of the co-chairpersons and ranking
19 members of the joint appropriations subcommittee on the
20 justice system.

21 b. It is the intent of the general assembly
22 that each lease negotiated by the department of
23 corrections with a private corporation for the purpose
24 of providing private industry employment of inmates in
25 a correctional institution shall prohibit the private
26 corporation from utilizing inmate labor for partisan
27 political purposes for any person seeking election to
28 public office in this state and that a violation of
29 this requirement shall result in a termination of the
30 lease agreement.

31 c. It is the intent of the general assembly that as
32 a condition of receiving the appropriation provided in
33 this subsection the department of corrections shall not
34 enter into a lease or contractual agreement pursuant to
35 section 904.809 with a private corporation for the use
36 of building space for the purpose of providing inmate
37 employment without providing that the terms of the
38 lease or contract establish safeguards to restrict, to
39 the greatest extent feasible, access by inmates working
40 for the private corporation to personal identifying
41 information of citizens.

42 2. For educational programs for inmates at state
43 penal institutions:
44 \$ 2,308,109

45 a. As a condition of receiving the appropriation in
46 this subsection, the department of corrections shall
47 transfer at least \$300,000 from the canteen operating
48 funds established pursuant to section 904.310 to be
49 used for correctional educational programs funded in
50 this subsection.

1 b. It is the intent of the general assembly that
2 moneys appropriated in this subsection shall be used
3 solely for the purpose indicated and that the moneys
4 shall not be transferred for any other purpose. In
5 addition, it is the intent of the general assembly
6 that the department shall consult with the community
7 colleges in the areas in which the institutions
8 are located to utilize moneys appropriated in this
9 subsection to fund the high school completion, high
10 school equivalency diploma, adult literacy, and adult
11 basic education programs in a manner so as to maintain

12 these programs at the institutions.

13 c. To maximize the funding for educational
 14 programs, the department shall establish guidelines
 15 and procedures to prioritize the availability of
 16 educational and vocational training for inmates based
 17 upon the goal of facilitating an inmate's successful
 18 release from the correctional institution.

19 d. The director of the department of corrections
 20 may transfer moneys from Iowa prison industries for use
 21 in educational programs for inmates.

22 e. Notwithstanding section 8.33, moneys
 23 appropriated in this subsection that remain unobligated
 24 or unexpended at the close of the fiscal year shall not
 25 revert but shall remain available to be used only for
 26 the purposes designated in this subsection until the
 27 close of the succeeding fiscal year.

28 3. For the development of the Iowa corrections
 29 offender network (ICON) data system:

30 \$ 424,364

31 4. For offender mental health and substance abuse
 32 treatment:

33 \$ 22,319

34 5. For viral hepatitis prevention and treatment:

35 \$ 167,881

36 6. It is the intent of the general assembly that
 37 for the fiscal year addressed by this section the
 38 department of corrections shall continue to operate the
 39 correctional farms under the control of the department
 40 at the same or greater level of participation and
 41 involvement as existed as of January 1, 2011; shall not
 42 enter into any rental agreement or contract concerning
 43 any farmland under the control of the department that
 44 is not subject to a rental agreement or contract as of
 45 January 1, 2011, without prior legislative approval;
 46 and shall further attempt to provide job opportunities
 47 at the farms for inmates. The department shall attempt
 48 to provide job opportunities at the farms for inmates
 49 by encouraging labor-intensive farming or gardening
 50 where appropriate; using inmates to grow produce

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1 and meat for institutional consumption; researching
 2 the possibility of instituting food canning and
 3 cook-and-chill operations; and exploring opportunities
 4 for organic farming and gardening, livestock ventures,
 5 horticulture, and specialized crops.

6 7. The department of corrections shall solicit
 7 requests for information to improve efficiencies at the
 8 pharmacy under the control of the department.

9 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF
 10 CORRECTIONAL SERVICES.

11 1. There is appropriated from the general fund of
 12 the state to the department of corrections for the
 13 fiscal year beginning July 1, 2011, and ending June
 14 30, 2012, for salaries, support, maintenance, and
 15 miscellaneous purposes, the following amounts, or
 16 so much thereof as is necessary, to be allocated as
 17 follows:

18 a. For the first judicial district department of 19 correctional services:		
20	\$	12,204,948
21 b. For the second judicial district department of 22 correctional services:		
23	\$	10,336,948
24 c. For the third judicial district department of 25 correctional services:		
26	\$	5,599,765
27 d. For the fourth judicial district department of 28 correctional services:		
29	\$	5,391,355
30 e. For the fifth judicial district department of 31 correctional services, including funding for electronic 32 monitoring devices for use on a statewide basis:		
33	\$	18,742,129
34 f. For the sixth judicial district department of 35 correctional services:		
36	\$	13,112,563
37 g. For the seventh judicial district department of 38 correctional services:		
39	\$	6,492,814
40 h. For the eighth judicial district department of 41 correctional services:		
42	\$	6,879,715

43 2. Each judicial district department of
 44 correctional services, within the funding available,
 45 shall continue programs and plans established within
 46 that district to provide for intensive supervision, sex
 47 offender treatment, diversion of low-risk offenders
 48 to the least restrictive sanction available, job
 49 development, and expanded use of intermediate criminal
 50 sanctions.

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1 3. Each judicial district department of
 2 correctional services shall provide alternatives to
 3 prison consistent with chapter 901B. The alternatives
 4 to prison shall ensure public safety while providing
 5 maximum rehabilitation to the offender. A judicial
 6 district department of correctional services may also
 7 establish a day program.

8 4. The governor's office of drug control policy
 9 or any succeeding entity of the governor's office of

10 drug control policy shall consider federal grants made
11 to the department of corrections for the benefit of
12 each of the eight judicial district departments of
13 correctional services as local government grants, as
14 defined pursuant to federal regulations.

15 5. The department of corrections shall continue
16 to contract with a judicial district department
17 of correctional services to provide for the rental
18 of electronic monitoring equipment which shall be
19 available statewide.

20 Sec. 6. DEPARTMENT OF CORRECTIONS — REALLOCATION
21 OF APPROPRIATIONS. Notwithstanding section 8.39,
22 within the moneys appropriated in this Act to the
23 department of corrections, the department may
24 reallocate the moneys appropriated and allocated as
25 necessary to best fulfill the needs of the correctional
26 institutions, administration of the department, and the
27 judicial district departments of correctional services.
28 However, in addition to complying with the requirements
29 of sections 904.116 and 905.8 and providing notice
30 to the legislative services agency, the department
31 of corrections shall also provide notice to the
32 department of management, prior to the effective date
33 of the revision or reallocation of an appropriation
34 made pursuant to this section. The department of
35 corrections shall not reallocate an appropriation or
36 allocation for the purpose of eliminating any program.

37 Sec. 7. INTENT — REPORTS.

38 1. The department of corrections in cooperation
39 with townships, the Iowa cemetery associations, and
40 other nonprofit or governmental entities may use inmate
41 labor during the fiscal year beginning July 1, 2011,
42 to restore or preserve rural cemeteries and historical
43 landmarks. The department in cooperation with the
44 counties may also use inmate labor to clean up roads,
45 major water sources, and other water sources around the
46 state.

47 2. On a quarterly basis the department shall
48 provide a status report regarding private-sector
49 employment to the legislative services agency beginning
50 on July 1, 2011. The report shall include the number

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1 of offenders employed in the private sector, the
2 combined number of hours worked by the offenders, the
3 total amount of allowances, and the distribution of
4 allowances pursuant to section 904.702, including any
5 moneys deposited in the general fund of the state.

6 Sec. 8. ELECTRONIC MONITORING REPORT. The
7 department of corrections shall submit a report on
8 electronic monitoring to the general assembly, to the

9 co-chairpersons and the ranking members of the joint
 10 appropriations subcommittee on the justice system, and
 11 to the legislative services agency by January 15, 2012.
 12 The report shall specifically address the number of
 13 persons being electronically monitored and break down
 14 the number of persons being electronically monitored
 15 by offense committed. The report shall also include a
 16 comparison of any data from the prior fiscal year with
 17 the current year.

18 Sec. 9. STATE AGENCY PURCHASES FROM PRISON
 19 INDUSTRIES.

20 1. As used in this section, unless the context
 21 otherwise requires, "state agency" means the government
 22 of the state of Iowa, including but not limited to
 23 all executive branch departments, agencies, boards,
 24 bureaus, and commissions, the judicial branch,
 25 the general assembly and all legislative agencies,
 26 institutions within the purview of the state board of
 27 regents, and any corporation whose primary function is
 28 to act as an instrumentality of the state.

29 2. State agencies are hereby encouraged to purchase
 30 products from Iowa state industries, as defined in
 31 section 904.802, when purchases are required and the
 32 products are available from Iowa state industries.
 33 State agencies shall obtain bids from Iowa state
 34 industries for purchases of office furniture during the
 35 fiscal year beginning July 1, 2011, exceeding \$5,000
 36 or in accordance with applicable administrative rules
 37 related to purchases for the agency.

38 Sec. 10. IOWA LAW ENFORCEMENT ACADEMY.

39 1. There is appropriated from the general fund of
 40 the state to the Iowa law enforcement academy for the
 41 fiscal year beginning July 1, 2011, and ending June 30,
 42 2012, the following amount, or so much thereof as is
 43 necessary, to be used for the purposes designated:

44 For salaries, support, maintenance, miscellaneous
 45 purposes, including jailer training and technical
 46 assistance, and for not more than the following
 47 full-time equivalent positions:

48	\$	868,698
49	FTEs	24.55

50 It is the intent of the general assembly that the

1 Iowa law enforcement academy may provide training of
 2 state and local law enforcement personnel concerning
 3 the recognition of and response to persons with
 4 Alzheimer's disease.

5 The Iowa law enforcement academy may temporarily
 6 exceed and draw more than the amount appropriated in
 7 this subsection and incur a negative cash balance as

8 long as there are receivables equal to or greater than
9 the negative balance and the amount appropriated in
10 this subsection is not exceeded at the close of the
11 fiscal year.

12 2. The Iowa law enforcement academy may select
13 at least five automobiles of the department of public
14 safety, division of state patrol, prior to turning over
15 the automobiles to the department of administrative
16 services to be disposed of by public auction, and
17 the Iowa law enforcement academy may exchange any
18 automobile owned by the academy for each automobile
19 selected if the selected automobile is used in training
20 law enforcement officers at the academy. However,
21 any automobile exchanged by the academy shall be
22 substituted for the selected vehicle of the department
23 of public safety and sold by public auction with the
24 receipts being deposited in the depreciation fund to
25 the credit of the department of public safety, division
26 of state patrol.

27 Sec. 11. STATE PUBLIC DEFENDER. There is
28 appropriated from the general fund of the state to the
29 office of the state public defender of the department
30 of inspections and appeals for the fiscal year
31 beginning July 1, 2011, and ending June 30, 2012, the
32 following amounts, or so much thereof as is necessary,
33 to be allocated as follows for the purposes designated:

34 1. For salaries, support, maintenance,		
35 miscellaneous purposes, and for not more than the		
36 following full-time equivalent positions:		
37	\$	24,083,182
38	FTEs	219.00

39 2. For the fees of court-appointed attorneys for		
40 indigent adults and juveniles, in accordance with		
41 section 232.141 and chapter 815:		
42	\$	31,680,929

43 Sec. 12. BOARD OF PAROLE. There is appropriated
44 from the general fund of the state to the board of
45 parole for the fiscal year beginning July 1, 2011, and
46 ending June 30, 2012, the following amount, or so much
47 thereof as is necessary, to be used for the purposes
48 designated:

49 For salaries, support, maintenance, miscellaneous
50 purposes, and for not more than the following full-time

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1 equivalent positions:		
2	\$	1,053,835
3	FTEs	12.50

4 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
5 appropriated from the general fund of the state to
6 the department of public defense for the fiscal year

7 beginning July 1, 2011, and ending June 30, 2012, the
8 following amounts, or so much thereof as is necessary,
9 to be used for the purposes designated:

10 1. MILITARY DIVISION

11 For salaries, support, maintenance, miscellaneous
12 purposes, and for not more than the following full-time
13 equivalent positions:

14	\$	5,527,042
15	FTEs	313.00

16 The military division may temporarily exceed
17 and draw more than the amount appropriated in this
18 subsection and incur a negative cash balance as long
19 as there are receivables of federal funds equal to
20 or greater than the negative balance and the amount
21 appropriated in this subsection is not exceeded at the
22 close of the fiscal year.

23 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
24 DIVISION

25 For salaries, support, maintenance, miscellaneous
26 purposes, and for not more than the following full-time
27 equivalent positions:

28	\$	1,836,877
29	FTEs	40.00

30 a. The homeland security and emergency management
31 division may temporarily exceed and draw more than the
32 amount appropriated in this subsection and incur a
33 negative cash balance as long as there are receivables
34 of federal funds equal to or greater than the negative
35 balance and the amount appropriated in this subsection
36 is not exceeded at the close of the fiscal year.

37 b. It is the intent of the general assembly that
38 the homeland security and emergency management division
39 work in conjunction with the department of public
40 safety, to the extent possible, when gathering and
41 analyzing information related to potential domestic
42 or foreign security threats, and when monitoring such
43 threats.

44 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is
45 appropriated from the general fund of the state to
46 the department of public safety for the fiscal year
47 beginning July 1, 2011, and ending June 30, 2012, the
48 following amounts, or so much thereof as is necessary,
49 to be used for the purposes designated:

50 1. For the department's administrative functions,

1 including the criminal justice information system, and
2 for not more than the following full-time equivalent
3 positions:

4	\$	4,007,075
5	FTEs	36.00

6 2. For the division of criminal investigation,
 7 including the state's contribution to the peace
 8 officers' retirement, accident, and disability system
 9 provided in chapter 97A in the amount of the state's
 10 normal contribution rate, as defined in section
 11 97A.8, multiplied by the salaries for which the
 12 funds are appropriated, to meet federal fund matching
 13 requirements, and for not more than the following
 14 full-time equivalent positions:

15	\$	12,533,931
16	FTEs	159.10

17 The department shall employ one additional special
 18 agent and one additional criminalist for the purpose
 19 of investigating cold cases. Prior to employing the
 20 additional special agent and criminalist authorized
 21 in this paragraph, the department shall provide a
 22 written statement to prospective employees that states
 23 to the effect that the positions are being funded by
 24 a temporary federal grant and there are no assurances
 25 that funds from other sources will be available after
 26 the federal funding expires. If the federal funding
 27 for the additional positions expires during the fiscal
 28 year, the number of full-time equivalent positions
 29 authorized in this subsection is reduced by 2.00 FTEs.

30 3. For the criminalistics laboratory fund created
 31 in section 691.9:

32	\$	302,345
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33 4. a. For the division of narcotics enforcement,
 34 including the state's contribution to the peace
 35 officers' retirement, accident, and disability system
 36 provided in chapter 97A in the amount of the state's
 37 normal contribution rate, as defined in section
 38 97A.8, multiplied by the salaries for which the
 39 funds are appropriated, to meet federal fund matching
 40 requirements, and for not more than the following
 41 full-time equivalent positions:

42	\$	6,353,345
43	FTEs	74.00

44 b. For the division of narcotics enforcement for
 45 undercover purchases:

46	\$	109,042
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47 5. For the division of state fire marshal, for fire
 48 protection services as provided through the state fire
 49 service and emergency response council as created in
 50 the department, and for the state's contribution to the

1 peace officers' retirement, accident, and disability
 2 system provided in chapter 97A in the amount of the
 3 state's normal contribution rate, as defined in section
 4 97A.8, multiplied by the salaries for which the funds

5 are appropriated, and for not more than the following
 6 full-time equivalent positions:
 7 \$ 4,298,707
 8 FTEs 55.00

9 6. For the division of state patrol, for salaries,
 10 support, maintenance, workers' compensation costs,
 11 and miscellaneous purposes, including the state's
 12 contribution to the peace officers' retirement,
 13 accident, and disability system provided in chapter 97A
 14 in the amount of the state's normal contribution rate,
 15 as defined in section 97A.8, multiplied by the salaries
 16 for which the funds are appropriated, and for not more
 17 than the following full-time equivalent positions:
 18 \$ 51,903,233
 19 FTEs 513.00

20 It is the intent of the general assembly that
 21 members of the state patrol be assigned to patrol
 22 the highways and roads in lieu of assignments for
 23 inspecting school buses for the school districts.

24 7. For deposit in the sick leave benefits fund
 25 established under section 80.42 for all departmental
 26 employees eligible to receive benefits for accrued sick
 27 leave under the collective bargaining agreement:
 28 \$ 279,517

29 8. For costs associated with the training and
 30 equipment needs of volunteer fire fighters:
 31 \$ 725,520

32 a. Notwithstanding section 8.33, moneys
 33 appropriated in this subsection that remain
 34 unencumbered or unobligated at the close of the fiscal
 35 year shall not revert but shall remain available for
 36 expenditure only for the purpose designated in this
 37 subsection until the close of the succeeding fiscal
 38 year.

39 b. Notwithstanding section 8.39, within the
 40 moneys appropriated in this section, the department
 41 of public safety may reallocate moneys as necessary
 42 to best fulfill the needs provided for in the
 43 appropriation. However, the department shall not
 44 reallocate an appropriation made to the department
 45 in this section unless notice of the reallocation
 46 is given to the legislative services agency and
 47 the department of management prior to the effective
 48 date of the reallocation. The notice shall include
 49 information regarding the rationale for reallocating
 50 the appropriation. The department shall not reallocate

1 an appropriation made in this section for the purpose
 2 of eliminating any program.
 3 Sec. 15. GAMING ENFORCEMENT.

4 1. There is appropriated from the gaming
 5 enforcement revolving fund created in section 80.43 to
 6 the department of public safety for the fiscal year
 7 beginning July 1, 2011, and ending June 30, 2012, the
 8 following amount, or so much thereof as is necessary,
 9 to be used for the purposes designated:

10 For any direct and indirect support costs for		
11 agents and officers of the division of criminal		
12 investigation's excursion gambling boat, gambling		
13 structure, and racetrack enclosure enforcement		
14 activities, including salaries, support, maintenance,		
15 miscellaneous purposes, and for not more than the		
16 following full-time equivalent positions:		
17	\$	9,836,306
18	FTEs	120.00

19 2. For each additional license to conduct gambling
 20 games on an excursion gambling boat, gambling
 21 structure, or racetrack enclosure issued during
 22 the fiscal year beginning July 1, 2011, there is
 23 appropriated from the gaming enforcement fund to
 24 the department of public safety for the fiscal year
 25 beginning July 1, 2011, and ending June 30, 2012, an
 26 additional amount of not more than \$521,000 to be used
 27 for not more than 6.00 additional full-time equivalent
 28 positions.

29 3. The department of public safety, with the
 30 approval of the department of management, may employ
 31 no more than two special agents and four gaming
 32 enforcement officers for each additional riverboat
 33 or gambling structure regulated after July 1, 2011,
 34 and one special agent for each racing facility which
 35 becomes operational during the fiscal year which
 36 begins July 1, 2011. One additional gaming enforcement
 37 officer, up to a total of four per riverboat or
 38 gambling structure, may be employed for each riverboat
 39 or gambling structure that has extended operations to
 40 24 hours and has not previously operated with a 24-hour
 41 schedule. Positions authorized in this subsection
 42 are in addition to the full-time equivalent positions
 43 otherwise authorized in this section.

44 Sec. 16. CIVIL RIGHTS COMMISSION. There is
 45 appropriated from the general fund of the state to the
 46 Iowa state civil rights commission for the fiscal year
 47 beginning July 1, 2011, and ending June 30, 2012, the
 48 following amount, or so much thereof as is necessary,
 49 to be used for the purposes designated:

50 For salaries, support, maintenance, miscellaneous

1 purposes, and for not more than the following full-time
2 equivalent positions:

3	\$	1,397,069
4	FTEs	28.00

5 The Iowa state civil rights commission may enter
6 into a contract with a nonprofit organization to
7 provide legal assistance to resolve civil rights
8 complaints.

9 Sec. 17. Section 654.4B, subsection 2, paragraph b,
10 Code 2011, is amended to read as follows:

11 b. This subsection is repealed July 1, ~~2011~~ 2012.

12 Sec. 18. Section 124.204, subsection 4, Code 2011,
13 is amended by adding the following new paragraph:

14 NEW PARAGRAPH. ai. (1) Mephedrone, also known as
15 4-methylmethcathinone,(RS)-2-methylamino-1-(4-methylphenyl)
16 propan-1-one.

17 (2) Methylene-dioxypyrovalerone(MDPV)[(1-(1,3-
18 Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone].

19 (3) Salvia divinorum.

20 (4) Salvinorin A.

21 (5) Any substance, compound, mixture or preparation
22 which contains any quantity of any synthetic
23 cannabinoid that is not approved as a pharmaceutical,
24 including but not limited to the following:

25 (a) CP 47, 497 and homologues 2-[(1R, 3S)-3-
26 hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol.

27 (b) HU-210[(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-
28 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[
29 chromen-1-ol]].

30 (c) HU-211(dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-
31 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[
32 chromen-1-ol]).

33 (d) JWH-018 1-Pentyl-3-(1-naphthoyl)indole.

34 (e) JWH-073 1-Butyl-3-(1-naphthoyl)indole.

35 (f) JWH-200 [1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl]-1-
36 naphthalenyl-methanone.

37 Sec. 19. Section 124.401, subsection 1, paragraph
38 c, subparagraph (8), Code 2011, is amended to read as
39 follows:

40 (8) Any other controlled substance, counterfeit
41 substance, or simulated controlled substance classified
42 in schedule I, II, or III, except as provided in
43 paragraph “d”.

44 Sec. 20. Section 124.401, subsection 1, paragraph
45 d, Code 2011, is amended to read as follows:

46 d. Violation of this subsection, with respect
47 to any other controlled substances, counterfeit
48 substances, or simulated controlled substances
49 classified in section 124.204, subsection 4,
50 paragraph “ai”, or classified in schedule IV or V is

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1 an aggravated misdemeanor. However, violation of
2 this subsection involving fifty kilograms or less of
3 marijuana or involving flunitrazepam is a class "D"
4 felony.

5 Sec. 21. 2009 Iowa Acts, chapter 178, section 20,
6 is amended to read as follows:

7 SEC. 20. CONSUMER EDUCATION AND LITIGATION
8 FUND. Notwithstanding section 714.16C, for each
9 fiscal year of the period beginning July 1, 2008, and
10 ending June 30, ~~2011~~ 2013, the annual appropriations
11 in section 714.16C, are increased from \$1,125,000 to
12 \$1,875,000, and \$75,000 to \$125,000 respectively.
13 Moneys appropriated from the consumer education and
14 litigation fund may be allocated for cash flow purposes
15 to the victim compensation fund established in section
16 915.94 during each of the fiscal years enumerated,
17 provided that any moneys so allocated are returned to
18 the consumer education and litigation fund by the end
19 of each fiscal year an allocation occurs.

20 Sec. 22. IOWA COMMUNICATIONS NETWORK. It is the
21 intent of the general assembly that the executive
22 branch agencies receiving an appropriation in this Act
23 utilize the Iowa communications network or secure other
24 electronic communications in lieu of traveling for the
25 fiscal year addressed by the appropriations.

26 Sec. 23. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
27 DIVISION. There is appropriated from the wireless
28 E911 emergency communications fund created in section
29 34A.7A to the administrator of the homeland security
30 and emergency management division of the department of
31 public defense for the fiscal year beginning July 1,
32 2011, and ending June 30, 2012, an amount not exceeding
33 \$200,000 to be used for implementation, support, and
34 maintenance of the functions of the administrator and
35 program manager under chapter 34A and to employ the
36 auditor of the state to perform an annual audit of the
37 wireless E911 emergency communications fund.

38 Sec. 24. GERIATRIC AND PSYCHIATRIC TREATMENT
39 — LEGISLATIVE STUDY. The legislative council is
40 requested to establish an interim study committee
41 to examine the treatment and placement options for
42 geriatric and psychiatric patients under the care,
43 custody, and control of the state, or for patients
44 who are otherwise specifically housed at the Iowa
45 medical and classification center at Oakdale or other
46 correctional facilities for geriatric or psychiatric
47 treatment purposes. The committee shall focus on
48 maximizing the availability of treatment options for
49 such patients while achieving fiscal efficiencies.
50 The committee shall review programs used in other

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1 states and by the federal government including but not
2 limited to the use of forensic hospitals, prison-based
3 hospice care, compassionate release, and the funding
4 mechanisms used to implement such programs. Members
5 of the interim study committee shall include the
6 co-chairpersons and the ranking members of the joint
7 appropriations subcommittee on justice system and
8 the co-chairpersons and the ranking members of the
9 joint appropriations subcommittee on human services.
10 The committee shall provide a report detailing the
11 findings of the committee to the general assembly for
12 consideration during the 2012 legislative session.

13 **Sec. 25. GERIATRIC AND PSYCHIATRIC TREATMENT**

14 **REPORT.** The departments of corrections, human
15 services, inspections and appeals, and public health,
16 and the board of parole, shall jointly study the
17 development and establishment of treatment options
18 for geriatric and psychiatric patients currently
19 under the care, custody, and control of the state
20 to provide maximum treatment opportunities for such
21 persons while achieving fiscal efficiencies. The
22 department of corrections in consultation with the
23 other departments and the board of parole, shall
24 provide a report detailing the results of the study
25 to the co-chairpersons and the ranking members of the
26 joint appropriations subcommittee on health and human
27 services, the co-chairpersons and ranking members
28 of the joint appropriations subcommittee on justice
29 system, the legislative interim study committee
30 examining such treatment options, if established by the
31 legislative council pursuant to this division of this
32 Act, and the legislative services agency by November
33 15, 2011.

34 **Sec. 26. CORRECTIONAL OFFICER AND PEACE OFFICER**

35 **POSITIONS — PRIORITY.** As a condition of receiving
36 an appropriation in this division of this Act, the
37 department of corrections and the department of public
38 safety shall make every effort to preserve correctional
39 officer and peace officer positions through the
40 reduction of administrative and related overhead costs.

41 **Sec. 27. SALARY INCREASES — CERTAIN REVOLVING**
42 **FUNDS.**

43 For the fiscal year beginning July 1, 2011, there is
44 appropriated from the gaming enforcement revolving fund
45 an amount necessary for funding annual pay adjustments
46 and related benefits for agents and officers of the
47 division of criminal investigation's racetrack,
48 excursion boat, or gambling structure enforcement
49 activities. Moneys appropriated pursuant to this
50 subsection shall be in addition to and supplement other

1 appropriations from the fund.
 2 Sec. 28. EFFECTIVE DATE. The following provision
 3 of this division of this Act takes effect thirty days
 4 after enactment, notwithstanding section 3.7:

5 The section of this division of this Act amending
 6 section 124.204, subsection 4, paragraph “ai”,
 7 subparagraphs (1) through (4).

8 Sec. 29. EFFECTIVE UPON ENACTMENT. The following
 9 provision of this division of this Act, being deemed of
 10 immediate importance, and notwithstanding section 3.7
 11 takes effect upon enactment:

12 The section of this Act amending section 124.204,
 13 subsection 4, paragraph “ai”, subparagraph (5).

14 Sec. 30. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
 15 APPLICABILITY. The following provision of this
 16 division of this Act takes effect upon enactment, and
 17 if approved by the governor on or after July 1, 2011,
 18 shall apply retroactively to June 30, 2011:

19 The section of this division of this Act amending
 20 section 654.4B.

21 DIVISION II
 22 FY 2012–2013

23 Sec. 31. DEPARTMENT OF JUSTICE.

24 1. There is appropriated from the general fund
 25 of the state to the department of justice for the
 26 fiscal year beginning July 1, 2012, and ending June 30,
 27 2013, the following amounts, or so much thereof as is
 28 necessary, to be used for the purposes designated:

29 a. For the general office of attorney general for
 30 salaries, support, maintenance, and miscellaneous
 31 purposes, including the prosecuting attorneys training
 32 program, matching funds for federal violence against
 33 women grant programs, victim assistance grants, office
 34 of drug control policy prosecuting attorney program,
 35 and odometer fraud enforcement, and for not more than
 36 the following full-time equivalent positions:

37	\$	3,971,465
38	FTEs	212.00

39 It is the intent of the general assembly that as
 40 a condition of receiving the appropriation provided
 41 in this lettered paragraph, the department of justice
 42 shall maintain a record of the estimated time incurred
 43 representing each agency or department.

44 b. For victim assistance grants:

45	\$	1,438,200
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46 The funds appropriated in this lettered paragraph
 47 shall be used to provide grants to care providers
 48 providing services to crime victims of domestic abuse
 49 or to crime victims of rape and sexual assault.

50 The balance of the victim compensation fund

1 established in section 915.94 may be used to provide
2 salary and support of not more than 24 FTEs and
3 to provide maintenance for the victim compensation
4 functions of the department of justice.

5 The department of justice shall transfer at least
6 \$150,000 from the victim compensation fund established
7 in section 915.94 to the victim assistance grant
8 program.

9 c. For legal services for persons in poverty grants
10 as provided in section 13.34:

11 \$ 907,416

12 2. a. The department of justice, in submitting
13 budget estimates for the fiscal year commencing July
14 1, 2013, pursuant to section 8.23, shall include a
15 report of funding from sources other than amounts
16 appropriated directly from the general fund of the
17 state to the department of justice or to the office of
18 consumer advocate. These funding sources shall include
19 but are not limited to reimbursements from other state
20 agencies, commissions, boards, or similar entities, and
21 reimbursements from special funds or internal accounts
22 within the department of justice. The department of
23 justice shall also report actual reimbursements for the
24 fiscal year commencing July 1, 2011, and actual and
25 expected reimbursements for the fiscal year commencing
26 July 1, 2012.

27 b. The department of justice shall include the
28 report required under paragraph "a", as well as
29 information regarding any revisions occurring as a
30 result of reimbursements actually received or expected
31 at a later date, in a report to the co-chairpersons
32 and ranking members of the joint appropriations
33 subcommittee on the justice system and the legislative
34 services agency. The department of justice shall
35 submit the report on or before January 15, 2013.

36 Sec. 32. OFFICE OF CONSUMER ADVOCATE. There is
37 appropriated from the department of commerce revolving
38 fund created in section 546.12 to the office of
39 consumer advocate of the department of justice for the
40 fiscal year beginning July 1, 2012, and ending June 30,
41 2013, the following amount, or so much thereof as is
42 necessary, to be used for the purposes designated:

43 For salaries, support, maintenance, miscellaneous
44 purposes, and for not more than the following full-time
45 equivalent positions:
46 \$ 1,668,172

47 FTEs 22.00

48 Sec. 33. DEPARTMENT OF CORRECTIONS — FACILITIES.

49 1. There is appropriated from the general fund of
50 the state to the department of corrections for the

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1	fiscal year beginning July 1, 2012, and ending June	
2	30, 2013, the following amounts, or so much thereof as	
3	is necessary, to be used for the operation of adult	
4	correctional institutions, reimbursement of counties	
5	for certain confinement costs, and federal prison	
6	reimbursement, to be allocated as follows:	
7	a. For the operation of the Fort Madison	
8	correctional facility, including salaries, support,	
9	maintenance, and miscellaneous purposes:	
10	.....	\$ 20,594,223
11	b. For the operation of the Anamosa correctional	
12	facility, including salaries, support, maintenance, and	
13	miscellaneous purposes:	
14	.....	\$ 15,992,987
15	c. For the operation of the Oakdale correctional	
16	facility, including salaries, support, maintenance, and	
17	miscellaneous purposes:	
18	.....	\$ 27,797,213
19	d. For the operation of the Newton correctional	
20	facility, including salaries, support, maintenance, and	
21	miscellaneous purposes:	
22	.....	\$ 12,979,379
23	e. For the operation of the Mt. Pleasant	
24	correctional facility, including salaries, support,	
25	maintenance, and miscellaneous purposes:	
26	.....	\$ 12,958,908
27	f. For the operation of the Rockwell City	
28	correctional facility, including salaries, support,	
29	maintenance, and miscellaneous purposes:	
30	.....	\$ 4,658,233
31	g. For the operation of the Clarinda correctional	
32	facility, including salaries, support, maintenance, and	
33	miscellaneous purposes:	
34	.....	\$ 12,241,178
35	Moneys received by the department of corrections as	
36	reimbursement for services provided to the Clarinda	
37	youth corporation are appropriated to the department	
38	and shall be used for the purpose of operating the	
39	Clarinda correctional facility.	
40	h. For the operation of the Mitchellville	
41	correctional facility, including salaries, support,	
42	maintenance, and miscellaneous purposes:	
43	.....	\$ 7,807,687
44	i. For the operation of the Fort Dodge correctional	
45	facility, including salaries, support, maintenance, and	
46	miscellaneous purposes:	
47	.....	\$ 14,531,118
48	j. For reimbursement of counties for temporary	
49	confinement of work release and parole violators, as	
50	provided in sections 901.7, 904.908, and 906.17, and	

1 for offenders confined pursuant to section 904.513:
2 \$ 387,546
3 k. For federal prison reimbursement, reimbursements
4 for out-of-state placements, and miscellaneous
5 contracts:
6 \$ 119,706
7 2. The department of corrections shall use moneys
8 appropriated in subsection 1 to continue to contract
9 for the services of a Muslim imam and a Native American
10 spiritual leader.
11 Sec. 34. DEPARTMENT OF CORRECTIONS —
12 ADMINISTRATION.
13 There is appropriated from the general fund of
14 the state to the department of corrections for the
15 fiscal year beginning July 1, 2012, and ending June 30,
16 2013, the following amounts, or so much thereof as is
17 necessary, to be used for the purposes designated:
18 1. For general administration, including salaries,
19 support, maintenance, employment of an education
20 director to administer a centralized education
21 program for the correctional system, and miscellaneous
22 purposes:
23 \$ 2,417,771
24 a. It is the intent of the general assembly
25 that as a condition of receiving the appropriation
26 provided in this lettered paragraph the department of
27 corrections shall not, except as otherwise provided
28 in paragraph “c”, enter into a new contract, unless
29 the contract is a renewal of an existing contract,
30 for the expenditure of moneys in excess of \$100,000
31 during the fiscal year beginning July 1, 2012, for the
32 privatization of services performed by the department
33 using state employees as of July 1, 2012, or for the
34 privatization of new services by the department without
35 prior consultation with any applicable state employee
36 organization affected by the proposed new contract and
37 prior notification of the co-chairpersons and ranking
38 members of the joint appropriations subcommittee on the
39 justice system.
40 b. It is the intent of the general assembly
41 that each lease negotiated by the department of
42 corrections with a private corporation for the purpose
43 of providing private industry employment of inmates in
44 a correctional institution shall prohibit the private
45 corporation from utilizing inmate labor for partisan
46 political purposes for any person seeking election to
47 public office in this state and that a violation of
48 this requirement shall result in a termination of the
49 lease agreement.
50 c. It is the intent of the general assembly that as

1 a condition of receiving the appropriation provided in
 2 this subsection the department of corrections shall not
 3 enter into a lease or contractual agreement pursuant to
 4 section 904.809 with a private corporation for the use
 5 of building space for the purpose of providing inmate
 6 employment without providing that the terms of the
 7 lease or contract establish safeguards to restrict, to
 8 the greatest extent feasible, access by inmates working
 9 for the private corporation to personal identifying
 10 information of citizens.

11 2. For educational programs for inmates at state
 12 penal institutions:

13 \$ 1,154,055

14 a. As a condition of receiving the appropriation in
 15 this subsection, the department of corrections shall
 16 transfer at least \$300,000 from the canteen operating
 17 funds established pursuant to section 904.310 to be
 18 used for correctional educational programs funded in
 19 this subsection.

20 b. It is the intent of the general assembly that
 21 moneys appropriated in this subsection shall be used
 22 solely for the purpose indicated and that the moneys
 23 shall not be transferred for any other purpose. In
 24 addition, it is the intent of the general assembly
 25 that the department shall consult with the community
 26 colleges in the areas in which the institutions
 27 are located to utilize moneys appropriated in this
 28 subsection to fund the high school completion, high
 29 school equivalency diploma, adult literacy, and adult
 30 basic education programs in a manner so as to maintain
 31 these programs at the institutions.

32 c. To maximize the funding for educational
 33 programs, the department shall establish guidelines
 34 and procedures to prioritize the availability of
 35 educational and vocational training for inmates based
 36 upon the goal of facilitating an inmate's successful
 37 release from the correctional institution.

38 d. The director of the department of corrections
 39 may transfer moneys from Iowa prison industries for use
 40 in educational programs for inmates.

41 e. Notwithstanding section 8.33, moneys
 42 appropriated in this subsection that remain unobligated
 43 or unexpended at the close of the fiscal year shall not
 44 revert but shall remain available to be used only for
 45 the purposes designated in this subsection until the
 46 close of the succeeding fiscal year.

47 3. For the development of the Iowa corrections
 48 offender network (ICON) data system:

49 \$ 212,182

50 4. For offender mental health and substance abuse

1 treatment:
2 \$ 11,160
3 5. For viral hepatitis prevention and treatment:
4 \$ 83,941
5 6. It is the intent of the general assembly that
6 for the fiscal year addressed by this section the
7 department of corrections shall continue to operate the
8 correctional farms under the control of the department
9 at the same or greater level of participation and
10 involvement as existed as of January 1, 2011; shall not
11 enter into any rental agreement or contract concerning
12 any farmland under the control of the department that
13 is not subject to a rental agreement or contract as of
14 January 1, 2011, without prior legislative approval;
15 and shall further attempt to provide job opportunities
16 at the farms for inmates. The department shall attempt
17 to provide job opportunities at the farms for inmates
18 by encouraging labor-intensive farming or gardening
19 where appropriate; using inmates to grow produce
20 and meat for institutional consumption; researching
21 the possibility of instituting food canning and
22 cook-and-chill operations; and exploring opportunities
23 for organic farming and gardening, livestock ventures,
24 horticulture, and specialized crops.
25 7. The department of corrections shall solicit
26 requests for information to improve efficiencies at the
27 pharmacy under the control of the department.
28 Sec. 35. JUDICIAL DISTRICT DEPARTMENTS OF
29 CORRECTIONAL SERVICES.
30 1. There is appropriated from the general fund of
31 the state to the department of corrections for the
32 fiscal year beginning July 1, 2012, and ending June
33 30, 2013, for salaries, support, maintenance, and
34 miscellaneous purposes, the following amounts, or
35 so much thereof as is necessary, to be allocated as
36 follows:
37 a. For the first judicial district department of
38 correctional services:
39 \$ 6,102,474
40 b. For the second judicial district department of
41 correctional services:
42 \$ 5,168,474
43 c. For the third judicial district department of
44 correctional services:
45 \$ 2,799,883
46 d. For the fourth judicial district department of
47 correctional services:
48 \$ 2,695,678
49 e. For the fifth judicial district department of
50 correctional services, including funding for electronic

1 monitoring devices for use on a statewide basis:		
2	\$	9,371,065
3 f. For the sixth judicial district department of		
4 correctional services:		
5	\$	6,556,282
6 g. For the seventh judicial district department of		
7 correctional services:		
8	\$	3,246,407
9 h. For the eighth judicial district department of		
10 correctional services:		
11	\$	3,439,858

12 2. Each judicial district department of
 13 correctional services, within the funding available,
 14 shall continue programs and plans established within
 15 that district to provide for intensive supervision, sex
 16 offender treatment, diversion of low-risk offenders
 17 to the least restrictive sanction available, job
 18 development, and expanded use of intermediate criminal
 19 sanctions.

20 3. Each judicial district department of
 21 correctional services shall provide alternatives to
 22 prison consistent with chapter 901B. The alternatives
 23 to prison shall ensure public safety while providing
 24 maximum rehabilitation to the offender. A judicial
 25 district department of correctional services may also
 26 establish a day program.

27 4. The governor's office of drug control policy
 28 or any succeeding entity of the governor's office of
 29 drug control policy shall consider federal grants made
 30 to the department of corrections for the benefit of
 31 each of the eight judicial district departments of
 32 correctional services as local government grants, as
 33 defined pursuant to federal regulations.

34 5. The department of corrections shall continue
 35 to contract with a judicial district department
 36 of correctional services to provide for the rental
 37 of electronic monitoring equipment which shall be
 38 available statewide.

39 Sec. 36. DEPARTMENT OF CORRECTIONS — REALLOCATION
 40 OF APPROPRIATIONS. Notwithstanding section 8.39,
 41 within the moneys appropriated in this division of this
 42 Act to the department of corrections, the department
 43 may reallocate the moneys appropriated and allocated as
 44 necessary to best fulfill the needs of the correctional
 45 institutions, administration of the department, and the
 46 judicial district departments of correctional services.
 47 However, in addition to complying with the requirements
 48 of sections 904.116 and 905.8 and providing notice
 49 to the legislative services agency, the department
 50 of corrections shall also provide notice to the

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1 department of management, prior to the effective date
2 of the revision or reallocation of an appropriation
3 made pursuant to this section. The department of
4 corrections shall not reallocate an appropriation or
5 allocation for the purpose of eliminating any program.

6 Sec. 37. INTENT — REPORTS.

7 1. The department of corrections in cooperation
8 with townships, the Iowa cemetery associations, and
9 other nonprofit or governmental entities may use inmate
10 labor during the fiscal year beginning July 1, 2012,
11 to restore or preserve rural cemeteries and historical
12 landmarks. The department in cooperation with the
13 counties may also use inmate labor to clean up roads,
14 major water sources, and other water sources around the
15 state.

16 2. On a quarterly basis the department shall
17 provide a status report regarding private-sector
18 employment to the legislative services agency beginning
19 on July 1, 2012. The report shall include the number
20 of offenders employed in the private sector, the
21 combined number of hours worked by the offenders, the
22 total amount of allowances, and the distribution of
23 allowances pursuant to section 904.702, including any
24 moneys deposited in the general fund of the state.

25 Sec. 38. ELECTRONIC MONITORING REPORT. The
26 department of corrections shall submit a report on
27 electronic monitoring to the general assembly, to the
28 co-chairpersons and the ranking members of the joint
29 appropriations subcommittee on the justice system, and
30 to the legislative services agency by January 15, 2013.

31 The report shall specifically address the number of
32 persons being electronically monitored and break down
33 the number of persons being electronically monitored
34 by offense committed. The report shall also include a
35 comparison of any data from the prior fiscal year with
36 the current year.

37 Sec. 39. STATE AGENCY PURCHASES FROM PRISON
38 INDUSTRIES.

39 1. As used in this section, unless the context
40 otherwise requires, "state agency" means the government
41 of the state of Iowa, including but not limited to
42 all executive branch departments, agencies, boards,
43 bureaus, and commissions, the judicial branch,
44 the general assembly and all legislative agencies,
45 institutions within the purview of the state board of
46 regents, and any corporation whose primary function is
47 to act as an instrumentality of the state.

48 2. State agencies are hereby encouraged to purchase
49 products from Iowa state industries, as defined in
50 section 904.802, when purchases are required and the

1 products are available from Iowa state industries.
 2 State agencies shall obtain bids from Iowa state
 3 industries for purchases of office furniture during the
 4 fiscal year beginning July 1, 2012, exceeding \$5,000
 5 or in accordance with applicable administrative rules
 6 related to purchases for the agency.

7 Sec. 40. IOWA LAW ENFORCEMENT ACADEMY.

8 1. There is appropriated from the general fund of
 9 the state to the Iowa law enforcement academy for the
 10 fiscal year beginning July 1, 2012, and ending June 30,
 11 2013, the following amount, or so much thereof as is
 12 necessary, to be used for the purposes designated:

13 For salaries, support, maintenance, miscellaneous
 14 purposes, including jailer training and technical
 15 assistance, and for not more than the following
 16 full-time equivalent positions:

17	\$	434,349
18	FTEs	24.55

19 It is the intent of the general assembly that the
 20 Iowa law enforcement academy may provide training of
 21 state and local law enforcement personnel concerning
 22 the recognition of and response to persons with
 23 Alzheimer's disease.

24 The Iowa law enforcement academy may temporarily
 25 exceed and draw more than the amount appropriated in
 26 this subsection and incur a negative cash balance as
 27 long as there are receivables equal to or greater than
 28 the negative balance and the amount appropriated in
 29 this subsection is not exceeded at the close of the
 30 fiscal year.

31 2. The Iowa law enforcement academy may select
 32 at least five automobiles of the department of public
 33 safety, division of state patrol, prior to turning over
 34 the automobiles to the department of administrative
 35 services to be disposed of by public auction, and
 36 the Iowa law enforcement academy may exchange any
 37 automobile owned by the academy for each automobile
 38 selected if the selected automobile is used in training
 39 law enforcement officers at the academy. However,
 40 any automobile exchanged by the academy shall be
 41 substituted for the selected vehicle of the department
 42 of public safety and sold by public auction with the
 43 receipts being deposited in the depreciation fund to
 44 the credit of the department of public safety, division
 45 of state patrol.

46 Sec. 41. STATE PUBLIC DEFENDER. There is
 47 appropriated from the general fund of the state to the
 48 office of the state public defender of the department
 49 of inspections and appeals for the fiscal year
 50 beginning July 1, 2012, and ending June 30, 2013, the

1 following amounts, or so much thereof as is necessary,
2 to be allocated as follows for the purposes designated:

3 1. For salaries, support, maintenance,
4 miscellaneous purposes, and for not more than the
5 following full-time equivalent positions:

6	\$	12,041,591
7	FTEs	219.00

8 2. For the fees of court-appointed attorneys for
9 indigent adults and juveniles, in accordance with
10 section 232.141 and chapter 815:

11	\$	15,840,465
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12 Sec. 42. BOARD OF PAROLE. There is appropriated
13 from the general fund of the state to the board of
14 parole for the fiscal year beginning July 1, 2012, and
15 ending June 30, 2013, the following amount, or so much
16 thereof as is necessary, to be used for the purposes
17 designated:

18 For salaries, support, maintenance, miscellaneous
19 purposes, and for not more than the following full-time
20 equivalent positions:

21	\$	526,918
22	FTEs	12.50

23 Sec. 43. DEPARTMENT OF PUBLIC DEFENSE. There is
24 appropriated from the general fund of the state to
25 the department of public defense for the fiscal year
26 beginning July 1, 2012, and ending June 30, 2013, the
27 following amounts, or so much thereof as is necessary,
28 to be used for the purposes designated:

29 1. MILITARY DIVISION

30 For salaries, support, maintenance, miscellaneous
31 purposes, and for not more than the following full-time
32 equivalent positions:

33	\$	2,763,521
34	FTEs	313.00

35 The military division may temporarily exceed
36 and draw more than the amount appropriated in this
37 subsection and incur a negative cash balance as long
38 as there are receivables of federal funds equal to
39 or greater than the negative balance and the amount
40 appropriated in this subsection is not exceeded at the
41 close of the fiscal year.

42 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
43 DIVISION

44 For salaries, support, maintenance, miscellaneous
45 purposes, and for not more than the following full-time
46 equivalent positions:

47	\$	918,439
48	FTEs	40.00

49 a. The homeland security and emergency management
50 division may temporarily exceed and draw more than the

1 amount appropriated in this subsection and incur a
2 negative cash balance as long as there are receivables
3 of federal funds equal to or greater than the negative
4 balance and the amount appropriated in this subsection
5 is not exceeded at the close of the fiscal year.

6 b. It is the intent of the general assembly that
7 the homeland security and emergency management division
8 work in conjunction with the department of public
9 safety, to the extent possible, when gathering and
10 analyzing information related to potential domestic
11 or foreign security threats, and when monitoring such
12 threats.

13 Sec. 44. DEPARTMENT OF PUBLIC SAFETY. There is
14 appropriated from the general fund of the state to
15 the department of public safety for the fiscal year
16 beginning July 1, 2012, and ending June 30, 2013, the
17 following amounts, or so much thereof as is necessary,
18 to be used for the purposes designated:

19 1. For the department's administrative functions,
20 including the criminal justice information system, and
21 for not more than the following full-time equivalent
22 positions:

23	\$	2,003,538
24	FTEs	36.00

25 2. For the division of criminal investigation,
26 including the state's contribution to the peace
27 officers' retirement, accident, and disability system
28 provided in chapter 97A in the amount of the state's
29 normal contribution rate, as defined in section
30 97A.8, multiplied by the salaries for which the
31 funds are appropriated, to meet federal fund matching
32 requirements, and for not more than the following
33 full-time equivalent positions:

34	\$	6,266,966
35	FTEs	159.10

36 The department shall employ one additional special
37 agent and one additional criminalist for the purpose
38 of investigating cold cases. Prior to employing the
39 additional special agent and criminalist authorized
40 in this paragraph, the department shall provide a
41 written statement to prospective employees that states
42 to the effect that the positions are being funded by
43 a temporary federal grant and there are no assurances
44 that funds from other sources will be available after
45 the federal funding expires. If the federal funding
46 for the additional positions expires during the fiscal
47 year, the number of full-time equivalent positions
48 authorized in this subsection is reduced by 2.00 FTEs.

49 3. For the criminalistics laboratory fund created
50 in section 691.9:

1	.....	\$	151,173
2	4. a. For the division of narcotics enforcement,		
3	including the state's contribution to the peace		
4	officers' retirement, accident, and disability system		
5	provided in chapter 97A in the amount of the state's		
6	normal contribution rate, as defined in section		
7	97A.8, multiplied by the salaries for which the		
8	funds are appropriated, to meet federal fund matching		
9	requirements, and for not more than the following		
10	full-time equivalent positions:		
11	.....	\$	3,176,673
12	.....	FTEs	74.00
13	b. For the division of narcotics enforcement for		
14	undercover purchases:		
15	.....	\$	54,521
16	5. For the division of state fire marshal, for fire		
17	protection services as provided through the state fire		
18	service and emergency response council as created in		
19	the department, and for the state's contribution to the		
20	peace officers' retirement, accident, and disability		
21	system provided in chapter 97A in the amount of the		
22	state's normal contribution rate, as defined in section		
23	97A.8, multiplied by the salaries for which the funds		
24	are appropriated, and for not more than the following		
25	full-time equivalent positions:		
26	.....	\$	2,149,354
27	.....	FTEs	55.00
28	6. For the division of state patrol, for salaries,		
29	support, maintenance, workers' compensation costs,		
30	and miscellaneous purposes, including the state's		
31	contribution to the peace officers' retirement,		
32	accident, and disability system provided in chapter 97A		
33	in the amount of the state's normal contribution rate,		
34	as defined in section 97A.8, multiplied by the salaries		
35	for which the funds are appropriated, and for not more		
36	than the following full-time equivalent positions:		
37	.....	\$	25,951,617
38	.....	FTEs	513.00
39	It is the intent of the general assembly that		
40	members of the state patrol be assigned to patrol		
41	the highways and roads in lieu of assignments for		
42	inspecting school buses for the school districts.		
43	7. For deposit in the sick leave benefits fund		
44	established under section 80.42 for all departmental		
45	employees eligible to receive benefits for accrued sick		
46	leave under the collective bargaining agreement:		
47	.....	\$	139,759
48	8. For costs associated with the training and		
49	equipment needs of volunteer fire fighters:		
50	.....	\$	362,760

1 a. Notwithstanding section 8.33, moneys
 2 appropriated in this subsection that remain
 3 unencumbered or unobligated at the close of the fiscal
 4 year shall not revert but shall remain available for
 5 expenditure only for the purpose designated in this
 6 subsection until the close of the succeeding fiscal
 7 year.

8 b. Notwithstanding section 8.39, within the
 9 moneys appropriated in this section, the department
 10 of public safety may reallocate moneys as necessary
 11 to best fulfill the needs provided for in the
 12 appropriation. However, the department shall not
 13 reallocate an appropriation made to the department
 14 in this section unless notice of the reallocation
 15 is given to the legislative services agency and
 16 the department of management prior to the effective
 17 date of the reallocation. The notice shall include
 18 information regarding the rationale for reallocating
 19 the appropriation. The department shall not reallocate
 20 an appropriation made in this section for the purpose
 21 of eliminating any program.

22 Sec. 45. GAMING ENFORCEMENT.

23 1. There is appropriated from the gaming
 24 enforcement revolving fund created in section 80.43 to
 25 the department of public safety for the fiscal year
 26 beginning July 1, 2012, and ending June 30, 2013, the
 27 following amount, or so much thereof as is necessary,
 28 to be used for the purposes designated:

29 For any direct and indirect support costs for
 30 agents and officers of the division of criminal
 31 investigation's excursion gambling boat, gambling
 32 structure, and racetrack enclosure enforcement
 33 activities, including salaries, support, maintenance,
 34 miscellaneous purposes, and for not more than the
 35 following full-time equivalent positions:

36	\$	4,918,153
37	FTEs	120.00

38 2. For each additional license to conduct gambling
 39 games on an excursion gambling boat, gambling
 40 structure, or racetrack enclosure issued during
 41 the fiscal year beginning July 1, 2012, there is
 42 appropriated from the gaming enforcement fund to
 43 the department of public safety for the fiscal year
 44 beginning July 1, 2012, and ending June 30, 2013, an
 45 additional amount of not more than \$521,000 to be used
 46 for not more than 6.00 additional full-time equivalent
 47 positions.

48 3. The department of public safety, with the
 49 approval of the department of management, may employ
 50 no more than two special agents and four gaming

1 enforcement officers for each additional riverboat
 2 or gambling structure regulated after July 1, 2012,
 3 and one special agent for each racing facility which
 4 becomes operational during the fiscal year which
 5 begins July 1, 2012. One additional gaming enforcement
 6 officer, up to a total of four per riverboat or
 7 gambling structure, may be employed for each riverboat
 8 or gambling structure that has extended operations to
 9 24 hours and has not previously operated with a 24-hour
 10 schedule. Positions authorized in this subsection
 11 are in addition to the full-time equivalent positions
 12 otherwise authorized in this section.

13 Sec. 46. CIVIL RIGHTS COMMISSION. There is
 14 appropriated from the general fund of the state to the
 15 Iowa state civil rights commission for the fiscal year
 16 beginning July 1, 2012, and ending June 30, 2013, the
 17 following amount, or so much thereof as is necessary,
 18 to be used for the purposes designated:

19 For salaries, support, maintenance, miscellaneous
 20 purposes, and for not more than the following full-time
 21 equivalent positions:

22	\$	698,535
23	FTEs	28.00

24 The Iowa state civil rights commission may enter
 25 into a contract with a nonprofit organization to
 26 provide legal assistance to resolve civil rights
 27 complaints.

28 Sec. 47. HOMELAND SECURITY AND EMERGENCY MANAGEMENT

29 DIVISION. There is appropriated from the wireless
 30 E911 emergency communications fund created in section
 31 34A.7A to the administrator of the homeland security
 32 and emergency management division of the department of
 33 public defense for the fiscal year beginning July 1,
 34 2012, and ending June 30, 2013, an amount not exceeding
 35 \$200,000 to be used for implementation, support, and
 36 maintenance of the functions of the administrator and
 37 program manager under chapter 34A and to employ the
 38 auditor of the state to perform an annual audit of the
 39 wireless E911 emergency communications fund.

40 Sec. 48. CORRECTIONAL OFFICER AND PEACE OFFICER
 41 POSITIONS — PRIORITY. As a condition of receiving
 42 an appropriation in this division of this Act, the
 43 department of corrections and the department of public
 44 safety shall make every effort to preserve correctional
 45 officer and peace officer positions through the
 46 reduction of administrative and related overhead costs.

47 DIVISION III
 48 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE
 49 APPLICABILITY

50 Sec. 49. EFFECTIVE DATE AND RETROACTIVE

1 APPLICABILITY. Unless otherwise provided, this Act,
 2 if approved by the governor on or after July 1, 2011,
 3 takes effect upon enactment and applies retroactively
 4 to July 1, 2011.>
 5 2. Title page, line 2, after <system> by inserting
 6 <, providing penalties, and including effective and
 7 retroactive applicability date provisions>

TOM HANCOCK

S-3354

1 Amend the House amendment, S-3285, to Senate File
 2 517, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. By striking page 1, line 5, through page 20,
 5 line 19, and inserting:

6 <<DIVISION I
 7 FY 2011-2012

8 Section 1. DEPARTMENT OF CULTURAL AFFAIRS. There
 9 is appropriated from the general fund of the state to
 10 the department of cultural affairs for the fiscal year
 11 beginning July 1, 2011, and ending June 30, 2012, the
 12 following amounts, or so much thereof as is necessary,
 13 to be used for the purposes designated:

14 1. ADMINISTRATION

15 For salaries, support, maintenance, miscellaneous
 16 purposes, and for not more than the following full-time
 17 equivalent positions for the department:

18	\$	181,813
19	FTEs	74.50

20 The department of cultural affairs shall coordinate
 21 activities with the tourism office of the department of
 22 economic development to promote attendance at the state
 23 historical building and at this state's historic sites.

24 Full-time equivalent positions authorized under
 25 this subsection shall be funded, in full or in part,
 26 using moneys appropriated under this subsection and
 27 subsections 3 through 7.

28 2. COMMUNITY CULTURAL GRANTS

29 For planning and programming for the community
 30 cultural grants program established under section
 31 303.3:

32	\$	172,090
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33 3. HISTORICAL DIVISION

34 For the support of the historical division:

35	\$	2,767,701
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36 4. HISTORIC SITES

37 For the administration and support of historic
 38 sites:

39	.....	\$	426,398
40	5. ARTS DIVISION		
41	For the support of the arts division:		
42	.....	\$	933,764
43	6. IOWA GREAT PLACES		
44	For the Iowa great places program established under		
45	section 303.3C:		
46	.....	\$	193,823
47	7. ARCHIVE IOWA GOVERNORS' RECORDS		
48	For archiving the records of Iowa governors:		
49	\$	65,933
50	8. RECORDS CENTER RENT		

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1	For payment of rent for the state records center:		
2	\$	227,243
3	9. BATTLE FLAGS		
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	.....	\$	60,000
8	Sec. 2. GOALS AND ACCOUNTABILITY — ECONOMIC		
9	DEVELOPMENT.		
10	1. For the fiscal year beginning July 1, 2011, the		
11	goals for the department of economic development shall		
12	be to expand and stimulate the state economy, increase		
13	the wealth of Iowans, and increase the population of		
14	the state.		
15	2. To achieve the goals in subsection 1, the		
16	department of economic development shall do all of the		
17	following for the fiscal year beginning July 1, 2011:		
18	a. Concentrate its efforts on programs and		
19	activities that result in commercially viable products		
20	and services.		
21	b. Adopt practices and services consistent with		
22	free market, private sector philosophies.		
23	c. Ensure economic growth and development		
24	throughout the state.		
25	d. Work with businesses and communities to		
26	continually improve the economic development climate		
27	along with the economic well-being and quality of life		
28	for Iowans.		
29	e. Coordinate with other state agencies to		
30	ensure that they are attentive to the needs of an		
31	entrepreneurial culture.		
32	f. Establish a strong and aggressive marketing		
33	image to showcase Iowa's workforce, existing industry,		
34	and potential. A priority shall be placed on		
35	recruiting new businesses, business expansion, and		
36	retaining existing Iowa businesses. Emphasis shall be		
37	placed on entrepreneurial development through helping		

38 entrepreneurs secure capital, and developing networks
39 and a business climate conducive to entrepreneurs and
40 small businesses.

41 g. Encourage the development of communities and
42 quality of life to foster economic growth.

43 h. Prepare communities for future growth and
44 development through development, expansion, and
45 modernization of infrastructure.

46 i. Develop public-private partnerships with
47 Iowa businesses in the tourism industry, Iowa tour
48 groups, Iowa tourism organizations, and political
49 subdivisions in this state to assist in the development
50 of advertising efforts.

Page 3

1 j. Develop, to the fullest extent possible,
2 cooperative efforts for advertising with contributions
3 from other sources.

4 Sec. 3. DEPARTMENT OF ECONOMIC DEVELOPMENT.

5 1. APPROPRIATION

6 There is appropriated from the general fund of the
7 state to the department of economic development for the
8 fiscal year beginning July 1, 2011, and ending June
9 30, 2012, the following amounts, or so much thereof as
10 is necessary, to be used for the purposes designated
11 in subsection 2, and for not more than the following
12 full-time equivalent positions:

13	\$	9,638,789
14	FTEs	149.00

15 2. DESIGNATED PURPOSES

16 a. For salaries, support, miscellaneous purposes,
17 programs, and the maintenance of an administration
18 division, a business development division, and a
19 community development division.

20 b. The full-time equivalent positions authorized
21 under this section shall be funded, in whole or in
22 part, by the moneys appropriated under subsection 1 or
23 by other moneys received by the department, including
24 certain federal moneys.

25 c. For business development operations and
26 programs, the film office, international trade, export
27 assistance, workforce recruitment, and the partner
28 state program.

29 d. For transfer to the strategic investment fund
30 created in section 15.313.

31 e. For transfer to the grow Iowa values fund
32 created in section 15G.111.

33 f. For community economic development programs,
34 tourism operations, community assistance, plans
35 for Iowa green corps and summer youth programs,
36 the mainstreet and rural mainstreet programs, the

37 school-to-career program, the community development
38 block grant, and housing and shelter-related programs.
39 g. For achieving the goals and accountability, and
40 fulfilling the requirements and duties required under
41 this Act.

42 3. NONREVERSION

43 Notwithstanding section 8.33, moneys appropriated in
44 subsection 1 that remain unencumbered or unobligated
45 at the close of the fiscal year shall not revert but
46 shall remain available for expenditure for the purposes
47 designated in subsection 2 until the close of the
48 succeeding fiscal year.

49 4. FINANCIAL ASSISTANCE RESTRICTIONS

50 a. A business creating jobs through moneys

Page 4

1 appropriated in this section shall be subject to
2 contract provisions requiring new and retained jobs to
3 be filled by individuals who are citizens of the United
4 States who reside within the United States or any
5 person authorized to work in the United States pursuant
6 to federal law, including legal resident aliens in the
7 United States.

8 b. Any vendor who receives moneys appropriated in
9 this section shall adhere to such contract provisions
10 and provide periodic assurances as the state shall
11 require that the jobs are filled solely by citizens of
12 the United States who reside within the United States
13 or any person authorized to work in the United States
14 pursuant to federal law, including legal resident
15 aliens in the United States.

16 c. A business that receives financial assistance
17 from the department from moneys appropriated in
18 this section shall only employ individuals legally
19 authorized to work in this state. In addition to all
20 other applicable penalties provided by current law, all
21 or a portion of the assistance received by a business
22 which is found to knowingly employ individuals not
23 legally authorized to work in this state is subject to
24 recapture by the department.

25 5. USES OF APPROPRIATIONS

26 a. From the moneys appropriated in this section,
27 the department may provide financial assistance in the
28 form of a grant to a community economic development
29 entity for conducting a local workforce recruitment
30 effort designed to recruit former citizens of the state
31 and former students at colleges and universities in the
32 state to meet the needs of local employers.

33 b. From the moneys appropriated in this section,
34 the department may provide financial assistance to
35 early stage industry companies being established by

36 women entrepreneurs.

37 c. From the moneys appropriated in this section,
38 the department may provide financial assistance in the
39 form of grants, loans, or forgivable loans for advanced
40 research and commercialization projects involving
41 value-added agriculture, advanced technology, or
42 biotechnology.

43 d. The department shall not use any moneys
44 appropriated in this section for purposes of providing
45 financial assistance for the Iowa green streets pilot
46 project or for any other program or project that
47 involves the installation of geothermal systems for
48 melting snow and ice from streets or sidewalks.

49 6. WORLD FOOD PRIZE

50 For allocating moneys for the world food prize and

Page 5

1	notwithstanding the standing appropriation in section		
2	15.368, subsection 1:		
3	.....	\$	500,000
4	7. IOWA COMMISSION ON VOLUNTEER SERVICE		
5	For allocation to the Iowa commission on volunteer		
6	service for the Iowa’s promise and mentoring		
7	partnership programs, for transfer to the Iowa state		
8	commission grant program, and for not more than the		
9	following full-time equivalent positions:		
10	.....	\$	178,133
11	.....	FTEs	7.00

12 Of the moneys appropriated in this subsection, the
13 department shall allocate \$75,000 for purposes of
14 the Iowa state commission grant program and \$103,133
15 for purposes of the Iowa’s promise and mentoring
16 partnership programs.

17 Notwithstanding section 8.33, moneys appropriated in
18 this subsection that remain unencumbered or unobligated
19 at the close of the fiscal year shall not revert but
20 shall remain available for expenditure for the purposes
21 designated until the close of the succeeding fiscal
22 year.

23 Sec. 4. VISION IOWA PROGRAM — FTE
24 AUTHORIZATION. For purposes of administrative
25 duties associated with the vision Iowa program for the
26 fiscal year beginning July 1, 2011, the department of
27 economic development is authorized an additional 2.25
28 FTEs above those otherwise authorized in this division
29 of this Act.

30 Sec. 5. INSURANCE ECONOMIC DEVELOPMENT. From
31 the moneys collected by the division of insurance in
32 excess of the anticipated gross revenues under section
33 505.7, subsection 3, during the fiscal year beginning
34 July 1, 2011, \$100,000 shall be transferred to the

35 department of economic development for insurance
 36 economic development and international insurance
 37 economic development.
 38 Sec. 6. COMMUNITY DEVELOPMENT LOAN
 39 FUND. Notwithstanding section 15E.120, subsection
 40 5, there is appropriated from the Iowa community
 41 development loan fund all moneys available during the
 42 fiscal year beginning July 1, 2011, and ending June 30,
 43 2012, to the department of economic development for
 44 purposes of the community development program.

45 Sec. 7. WORKFORCE DEVELOPMENT FUND. There is
 46 appropriated from the workforce development fund
 47 account created in section 15.342A to the workforce
 48 development fund created in section 15.343 for the
 49 fiscal year beginning July 1, 2011, and ending June
 50 30, 2012, the following amount, for purposes of the

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1 workforce development fund:
 2 \$ 4,000,000
 3 Sec. 8. WORKFORCE DEVELOPMENT ADMINISTRATION. From
 4 moneys appropriated or transferred to or receipts
 5 credited to the workforce development fund created in
 6 section 15.343, up to \$400,000 for the fiscal year
 7 beginning July 1, 2011, and ending June 30, 2012, are
 8 appropriated to the department of economic development
 9 for the administration of workforce development
 10 activities including salaries, support, maintenance,
 11 and miscellaneous purposes, and for not more than the
 12 following full-time equivalent positions:
 13 FTEs 4.00
 14 Sec. 9. JOB TRAINING FUND. Notwithstanding section
 15 15.251, all moneys in the job training fund on July 1,
 16 2011, and any moneys appropriated or credited to the
 17 fund during the fiscal year beginning July 1, 2011,
 18 shall be transferred to the workforce development fund
 19 established pursuant to section 15.343.
 20 Sec. 10. GREEN INITIATIVES EXPENDITURE REPORT. By
 21 January 1, 2012, the department of economic development
 22 shall submit a written report to the general assembly
 23 regarding all expenditures made during the previous
 24 fiscal year for purposes of green initiatives,
 25 sustainability programs, and all such similar efforts.
 26 The report shall identify such expenditures with a
 27 level of specificity sufficient to allow the general
 28 assembly to evaluate and assess the propriety of such
 29 expenditures under the spending authority given to the
 30 department for such purposes.
 31 Sec. 11. IOWA STATE UNIVERSITY.
 32 1. There is appropriated from the general fund
 33 of the state to Iowa state university of science

34 and technology for the fiscal year beginning July
 35 1, 2011, and ending June 30, 2012, the following
 36 amount, or so much thereof as is necessary, to be used
 37 for small business development centers, the science
 38 and technology research park, and the institute for
 39 physical research and technology, and for not more than
 40 the following full-time equivalent positions:

41	\$	2,424,302
42	FTEs	56.63

43 2. Of the moneys appropriated in subsection 1,
 44 Iowa state university of science and technology shall
 45 allocate at least \$936,345 for purposes of funding
 46 small business development centers. Iowa state
 47 university of science and technology may allocate
 48 moneys appropriated in subsection 1 to the various
 49 small business development centers in any manner
 50 necessary to achieve the purposes of this subsection.

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1 3. Iowa state university of science and technology
 2 shall do all of the following:
 3 a. Direct expenditures for research toward projects
 4 that will provide economic stimulus for Iowa.
 5 b. Provide emphasis to providing services to
 6 Iowa-based companies.

7 4. It is the intent of the general assembly
 8 that the industrial incentive program focus on Iowa
 9 industrial sectors and seek contributions and in-kind
 10 donations from businesses, industrial foundations, and
 11 trade associations, and that moneys for the institute
 12 for physical research and technology industrial
 13 incentive program shall be allocated only for projects
 14 which are matched by private sector moneys for directed
 15 contract research or for nondirected research. The
 16 match required of small businesses as defined in
 17 section 15.102, subsection 6, for directed contract
 18 research or for nondirected research shall be \$1 for
 19 each \$3 of state funds. The match required for other
 20 businesses for directed contract research or for
 21 nondirected research shall be \$1 for each \$1 of state
 22 funds. The match required of industrial foundations
 23 or trade associations shall be \$1 for each \$1 of state
 24 funds.

25 Iowa state university of science and technology
 26 shall report annually to the joint appropriations
 27 subcommittee on economic development and the
 28 legislative services agency the total amount of
 29 private contributions, the proportion of contributions
 30 from small businesses and other businesses, and
 31 the proportion for directed contract research and
 32 nondirected research of benefit to Iowa businesses and

33 industrial sectors.
 34 5. Notwithstanding section 8.33, moneys
 35 appropriated in this section that remain unencumbered
 36 or unobligated at the close of the fiscal year shall
 37 not revert but shall remain available for expenditure
 38 for the purposes designated until the close of the
 39 succeeding fiscal year.

40 Sec. 12. UNIVERSITY OF IOWA.

41 1. There is appropriated from the general fund
 42 of the state to the state university of Iowa for the
 43 fiscal year beginning July 1, 2011, and ending June
 44 30, 2012, the following amount, or so much thereof
 45 as is necessary, to be used for the state university
 46 of Iowa research park and for the advanced drug
 47 development program at the Oakdale research park,
 48 including salaries, support, maintenance, equipment,
 49 miscellaneous purposes, and for not more than the
 50 following full-time equivalent positions:

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1	\$	209,279
2	FTEs	6.00

3 2. The state university of Iowa shall do all of the
 4 following:
 5 a. Direct expenditures for research toward projects
 6 that will provide economic stimulus for Iowa.
 7 b. Provide emphasis to providing services to
 8 Iowa-based companies.

9 3. Notwithstanding section 8.33, moneys
 10 appropriated in this section that remain unencumbered
 11 or unobligated at the close of the fiscal year shall
 12 not revert but shall remain available for expenditure
 13 for the purposes designated until the close of the
 14 succeeding fiscal year.

15 Sec. 13. UNIVERSITY OF NORTHERN IOWA.

16 1. There is appropriated from the general fund of
 17 the state to the university of northern Iowa for the
 18 fiscal year beginning July 1, 2011, and ending June 30,
 19 2012, the following amount, or so much thereof as is
 20 necessary, to be used for the metal casting institute,
 21 the MyEntreNet internet application, and the institute
 22 of decision making, including salaries, support,
 23 maintenance, miscellaneous purposes, and for not more
 24 than the following full-time equivalent positions:

25	\$	574,716
26	FTEs	6.75

27 2. Of the moneys appropriated pursuant to
 28 subsection 1, the university of northern Iowa shall
 29 allocate at least \$117,639 for purposes of support
 30 of entrepreneurs through the university's regional
 31 business center.

32 3. The university of northern Iowa shall do all of
 33 the following:
 34 a. Direct expenditures for research toward projects
 35 that will provide economic stimulus for Iowa.
 36 b. Provide emphasis to providing services to
 37 Iowa-based companies.

38 4. Notwithstanding section 8.33, moneys
 39 appropriated in this section that remain unencumbered
 40 or unobligated at the close of the fiscal year shall
 41 not revert but shall remain available for expenditure
 42 for the purposes designated until the close of the
 43 succeeding fiscal year.

44 Sec. 14. BOARD OF REGENTS REPORT. The state board
 45 of regents shall submit a report on the progress of
 46 regents institutions in meeting the strategic plan for
 47 technology transfer and economic development to the
 48 secretary of the senate, the chief clerk of the house
 49 of representatives, and the legislative services agency
 50 by January 15, 2012.

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1 Sec. 15. DEPARTMENT OF WORKFORCE
 2 DEVELOPMENT. There is appropriated from the general
 3 fund of the state to the department of workforce
 4 development for the fiscal year beginning July 1, 2011,
 5 and ending June 30, 2012, the following amounts, or
 6 so much thereof as is necessary, for the purposes
 7 designated:

8 1. DIVISION OF LABOR SERVICES

9 a. For the division of labor services, including
 10 salaries, support, maintenance, miscellaneous
 11 purposes, and for not more than the following full-time
 12 equivalent positions:

13	\$	3,495,440
14	FTEs	64.00

15 b. From the contractor registration fees, the
 16 division of labor services shall reimburse the
 17 department of inspections and appeals for all costs
 18 associated with hearings under chapter 91C, relating
 19 to contractor registration.

20 2. DIVISION OF WORKERS' COMPENSATION

21 a. For the division of workers' compensation,
 22 including salaries, support, maintenance, miscellaneous
 23 purposes, and for not more than the following full-time
 24 equivalent positions:

25	\$	3,066,768
26	FTEs	30.00

27 b. The division of workers' compensation shall
 28 charge a \$100 filing fee for workers' compensation
 29 cases. The filing fee shall be paid by the petitioner
 30 of a claim. However, the fee can be taxed as a cost

31 and paid by the losing party, except in cases where
 32 it would impose an undue hardship or be unjust under
 33 the circumstances. The moneys generated by the filing
 34 fee allowed under this subsection are appropriated to
 35 the department of workforce development to be used for
 36 purposes of administering the division of workers'
 37 compensation.

38 3. WORKFORCE DEVELOPMENT OPERATIONS

39 a. For the operation of field offices, the
 40 workforce development board, and for not more than the
 41 following full-time equivalent positions:

42	\$	8,671,352
43	FTEs	130.00

44 b. Of the moneys appropriated in paragraph "a"
 45 of this subsection, the department shall allocate
 46 \$8,660,480 for the operation of field offices.

47 c. The department shall not reduce the number of
 48 field offices below the number of field offices being
 49 operated as of January 1, 2009.

50 4. OFFENDER REENTRY PROGRAM

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1 a. For the development and administration of an
 2 offender reentry program to provide offenders with
 3 employment skills, and for not more than the following
 4 full-time equivalent positions:

5	\$	284,464
6	FTEs	3.00

7 b. The department shall partner with the department
 8 of corrections to provide staff within the correctional
 9 facilities to improve offenders' abilities to find and
 10 retain productive employment.

11 5. DEFINITIONS

12 For purposes of this section:

13 a. "Field office" means a satellite office of
 14 a workforce development center through which the
 15 workforce development center maintains a physical
 16 presence in a county as described in section 84B.2.
 17 For purposes of this paragraph, a workforce development
 18 center maintains a physical presence in a county if the
 19 center employs a staff person. "Field office" does not
 20 include the presence of a workforce development center
 21 maintained by electronic means.

22 b. "Workforce development center" means a center
 23 at which state and federal employment and training
 24 programs are colocated and at which services are
 25 provided at a local level as described in section
 26 84B.1.

27 6. NONREVERSION

28 Notwithstanding section 8.33, moneys appropriated in
 29 this section that remain unencumbered or unobligated

30 at the close of the fiscal year shall not revert but
31 shall remain available for expenditure for the purposes
32 designated until the close of the succeeding fiscal
33 year.

34 Sec. 16. WORKERS' COMPENSATION CARRYFORWARD
35 APPROPRIATION.

36 1. There is appropriated from the general fund of
37 the state to the department of workforce development
38 for the fiscal year beginning July 1, 2010, and
39 ending June 30, 2011, the following amount, or so much
40 thereof as is necessary, to be used for the purposes
41 designated:

42 For expenditure in the fiscal year beginning July
43 1, 2011, for the division of workers' compensation,
44 including salaries, support, maintenance, and
45 miscellaneous purposes:

46 \$ 300,000

47 2. Notwithstanding section 8.33, moneys
48 appropriated in this section that remain unencumbered
49 or unobligated at the close of the fiscal year shall
50 not revert but shall remain available for expenditure

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1 for the purposes designated until the close of the
2 succeeding fiscal year.

3 Sec. 17. ACCOUNTABILITY — AUDIT. The auditor of
4 state shall annually conduct an audit of the department
5 of workforce development and shall report the findings
6 of such annual audit, including the accountability
7 of programs of the department, to the chairpersons
8 and ranking members of the joint appropriations
9 subcommittee on economic development. The department
10 shall pay for the costs associated with the audit.

11 Sec. 18. EMPLOYMENT SECURITY CONTINGENCY FUND.

12 1. There is appropriated from the special
13 employment security contingency fund to the department
14 of workforce development for the fiscal year beginning
15 July 1, 2011, and ending June 30, 2012, the following
16 amount, or so much thereof as is necessary, to be used
17 for field offices:

18 \$ 1,217,084

19 2. Any remaining additional penalty and interest
20 revenue collected by the department of workforce
21 development is appropriated to the department for the
22 fiscal year beginning July 1, 2011, and ending June 30,
23 2012, to accomplish the mission of the department.

24 Sec. 19. UNEMPLOYMENT COMPENSATION RESERVE FUND

25 — FIELD OFFICES. Notwithstanding section 96.9,
26 subsection 8, paragraph "e", there is appropriated
27 from interest earned on the unemployment compensation
28 reserve fund to the department of workforce development

29 for the fiscal year beginning July 1, 2011, and ending
 30 June 30, 2012, the following amount or so much thereof
 31 as is necessary, for the purposes designated:
 32 For the operation of field offices:
 33 \$ 4,238,260
 34 Sec. 20. GENERAL FUND — EMPLOYEE MISCLASSIFICATION
 35 PROGRAM. There is appropriated from the general fund
 36 of the state to the department of workforce development
 37 for the fiscal year beginning July 1, 2011, and
 38 ending June 30, 2012, the following amount, or so much
 39 thereof as is necessary, to be used for the purposes
 40 designated:
 41 For enhancing efforts to investigate employers that
 42 misclassify workers and for not more than the following
 43 full-time equivalent positions:
 44 \$ 451,458
 45 FTEs 8.10
 46 Sec. 21. APPROPRIATIONS RESTRICTED. The department
 47 of workforce development shall not use any of the
 48 moneys appropriated in this division of this Act for
 49 purposes of the national career readiness certificate
 50 program.

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1 Sec. 22. IOWA FINANCE AUTHORITY.
 2 1. There is appropriated from the general fund
 3 of the state to the Iowa finance authority for the
 4 fiscal year beginning July 1, 2011, and ending June 30,
 5 2012, the following amount, or so much thereof as is
 6 necessary, to be used to provide reimbursement for rent
 7 expenses to eligible persons under the rent subsidy
 8 program:
 9 \$ 658,000
 10 2. Participation in the rent subsidy program
 11 shall be limited to only those persons who meet the
 12 requirements for the nursing facility level of care for
 13 home and community-based services waiver services as in
 14 effect on July 1, 2011, and to those individuals who
 15 are eligible for the federal money follows the person
 16 grant program under the medical assistance program. Of
 17 the moneys appropriated in this section, not more than
 18 \$35,000 may be used for administrative costs.
 19 Sec. 23. IOWA FINANCE AUTHORITY AUDIT. The auditor
 20 of state is requested to review the audit of the Iowa
 21 finance authority performed by the auditor hired by the
 22 authority.
 23 Sec. 24. PUBLIC EMPLOYMENT RELATIONS BOARD.
 24 1. There is appropriated from the general fund of
 25 the state to the public employment relations board for
 26 the fiscal year beginning July 1, 2011, and ending June
 27 30, 2012, the following amount, or so much thereof as

28 is necessary, for the purposes designated:

29 For salaries, support, maintenance, miscellaneous
30 purposes, and for not more than the following full-time
31 equivalent positions:

32	\$	1,057,871
33	FTEs	10.00

34 2. Of the moneys appropriated in this section,
35 the board shall allocate \$15,000 for maintaining a
36 website that allows searchable access to a database of
37 collective bargaining information.

38 Sec. 25. UNEMPLOYMENT COMPENSATION PROGRAM. Notwithstanding
39 section 96.9, subsection 4, paragraph "a", moneys
40 credited to the state by the secretary of the treasury
41 of the United States pursuant to section 903 of
42 the Social Security Act are appropriated to the
43 department of workforce development and shall be
44 used by the department for the administration of
45 the unemployment compensation program only. This
46 appropriation shall not apply to any fiscal year
47 beginning after December 31, 2011.

48 Sec. 26. AGENCY APPEARANCES BEFORE APPROPRIATIONS
49 SUBCOMMITTEE. The directors, or the directors'
50 designees, of the Iowa finance authority and the

1 department of economic development, and any successor
2 entities, shall annually appear before the members
3 of the joint subcommittee on economic development
4 appropriations and present a proposed budget. The
5 proposed budget shall include a detailed accounting of
6 all moneys received, from any source, and all moneys
7 expended, for any purpose, during the current fiscal
8 year and the prior fiscal year. The proposed budget
9 shall also include a detailed expenditure plan for such
10 moneys during the next fiscal year.

11 Sec. 27. EFFECTIVE UPON ENACTMENT — RETROACTIVE
12 APPLICABILITY. The section of this Act appropriating
13 moneys from the general fund of the state to the
14 department of workforce development in the fiscal
15 year beginning July 1, 2010, for expenditure for the
16 fiscal year beginning July 1, 2011, for the division
17 of workers' compensation, being deemed of immediate
18 importance, takes effect upon enactment, and if
19 approved by the governor after July 1, 2011, applies
20 retroactively to June 30, 2011.

21 DIVISION II

22 MISCELLANEOUS PROVISIONS

23 Sec. 28. Section 15.301, subsection 1, paragraph
24 c, subparagraph (1), Code 2011, is amended to read as
25 follows:

26 (1) If, on March 31, 2011, there are unobligated

27 moneys in the fund, such unobligated moneys shall
 28 ~~revert to the general fund of the state be transferred~~
 29 and appropriated to the department of workforce
 30 development for the fiscal year beginning July 1, 2011,
 31 for purposes of providing funding for field offices.

32 Sec. 29. Section 15E.117, subsection 3, paragraph
 33 b, Code 2011, is amended by striking the paragraph.

34 Sec. 30. Section 16.41, subsection 1, Code 2011, is
 35 amended to read as follows:

36 1. A shelter assistance fund is created as a
 37 revolving fund in the state treasury under the control
 38 of the authority consisting of any moneys appropriated
 39 by the general assembly and received under section
 40 428A.8 for purposes of the rehabilitation, expansion,
 41 or costs of operations of group home shelters for the
 42 homeless and domestic violence shelters, evaluation
 43 of services for the homeless, and match moneys for
 44 federal funds for the homeless management information
 45 system. Each fiscal year, moneys in the fund, in an
 46 amount equal to not more than two percent of the total
 47 moneys distributed as grants from the fund during the
 48 fiscal year, may be used for purposes of administering
 49 the fund.

50 Sec. 31. Section 123.183, subsection 2, paragraph

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1 b, Code 2011, is amended by striking the paragraph and
 2 inserting in lieu thereof the following:

3 b. (1) A wine gallonage tax fund is created in the
 4 office of the treasurer of state.

5 (2) Moneys deposited in the fund are appropriated
 6 as follows:

7 (a) To the midwest grape and wine industry
 8 institute at Iowa state university of science and
 9 technology, one hundred twenty thousand dollars.

10 (b) To the department of economic development for
 11 purposes of section 15E.117, the balance of moneys
 12 in the fund after the appropriation in subparagraph
 13 subdivision (a).

14 (3) Moneys in the fund and moneys appropriated from
 15 the fund pursuant to subparagraph (2) are not subject
 16 to reversion under section 8.33.

17 Sec. 32. Section 404A.1, subsection 2, paragraph d,
 18 as enacted by 2011 Iowa Acts, Senate File 521, section
 19 1, is amended to read as follows:

20 d. "Rehabilitation period" means the period of time
 21 during which an eligible property is rehabilitated
 22 commencing from the date on which the first qualified
 23 rehabilitation cost is incurred and ending with the end
 24 of the taxable year in which the property is placed
 25 in service. A project's rehabilitation period may

26 include dates that precede approval of a project under
 27 section 404A.3, but any costs incurred prior to such
 28 approval must be qualified rehabilitation expenditures
 29 as defined in section 47(e)(2) of the Internal Revenue
 30 Code in order to be qualified rehabilitation costs
 31 under this
 32 chapter costs.

33 Sec. 33. Section 427.1, subsection 21, Code 2011,
 34 is amended to read as follows:

35 21. Low-rent housing. The property owned and
 36 operated or controlled by a nonprofit organization, as
 37 recognized by the internal revenue service, providing
 38 low-rent housing for persons who are elderly and
 39 persons with physical and mental disabilities. For
 40 the purposes of this subsection, the controlling
 41 nonprofit entity may serve as a general partner or
 42 managing member of a limited liability company or
 43 limited liability partnership which owns the property.
 44 The exemption granted under the provisions of this
 45 subsection shall apply only until the final payment
 46 due date of the borrower's original low-rent housing
 47 development mortgage or until the borrower's original
 48 low-rent housing development mortgage is paid in
 49 full or expires, whichever is sooner, subject to
 50 the provisions of subsection 14. However, if the

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1 borrower's original low-rent housing development
 2 mortgage is refinanced, the exemption shall apply
 3 only until the date that would have been the final
 4 payment due date under the terms of the borrower's
 5 original low-rent housing development mortgage or until
 6 the refinanced mortgage is paid in full or expires,
 7 whichever is sooner, subject to the provisions of
 8 subsection 14.

9 Sec. 34. 2008 Iowa Acts, chapter 1190, section 30,
 10 subsection 3, is amended to read as follows:

11 3. As part of the plan, the department of workforce
 12 development shall set a goal of having at least one
 13 certified one-stop center in each of the fifteen
 14 workforce regions by the year ~~2012~~ 2014.

15 Sec. 35. 2010 Iowa Acts, chapter 1184, section
 16 37, is amended by adding the following new unnumbered
 17 paragraph:

18 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
 19 8.33, moneys appropriated in this section shall not
 20 revert at the close of the fiscal year for which they
 21 are appropriated but shall remain available for the
 22 purposes designated until the close of the fiscal year
 23 that begins July 1, 2011. The full-time equivalent
 24 position authorized in this section shall continue to

25 be authorized until the close of the fiscal year that
26 begins July 1, 2011.

27 Sec. 36. 2010 Iowa Acts, chapter 1193, section 88,
28 is amended to read as follows:

29 SEC. 88. TAIWAN TRADE OFFICE — IOWA COMPREHENSIVE
30 PETROLEUM UNDERGROUND STORAGE TANK FUND. There is
31 appropriated from the Iowa comprehensive petroleum
32 underground storage tank fund to the department of
33 economic development for the fiscal year beginning
34 July 1, 2010, and ending June 30, 2011, the following
35 amount, or so much thereof as is necessary, to be used
36 for the purposes designated:

37 Notwithstanding section 455G.3, subsection 1, for
38 establishing a trade office in Taipei, Taiwan:
39 \$ 100,000

40 Notwithstanding section 8.33, moneys appropriated
41 in this section shall not revert at the close of the
42 fiscal year for which they are appropriated but shall
43 remain available for the purposes designated until the
44 close of the fiscal year that begins July 1, 2011.

45 If the department cannot arrange for matching moneys
46 from another source by June 30, 2012, in an amount at
47 least equal to the appropriation made in this section,
48 the moneys appropriated in this section shall revert to
49 the Iowa comprehensive petroleum underground storage
50 tank fund.

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1 Sec. 37. EFFECTIVE UPON ENACTMENT — RETROACTIVE
2 APPLICABILITY.

3 1. The section of this division of this Act
4 amending section 15.301, being deemed of immediate
5 importance, takes effect upon enactment and applies
6 retroactively to March 30, 2011.

7 2. The section of this division of this Act
8 amending section 404A.1, subsection 2, being deemed of
9 immediate importance, takes effect upon enactment and
10 applies retroactively to July 1, 2009, for projects
11 approved and tax credits reserved on or after that
12 date.

13 3. The section of this division of this Act
14 amending 2010 Iowa Acts, chapter 1193, being deemed of
15 immediate importance, takes effect upon enactment, and
16 if approved by the governor after July 1, 2011, applies
17 retroactively to June 30, 2011.

18 DIVISION III
19 TAX CREDITS

20 Sec. 38. Section 15.119, subsection 2, Code 2011,
21 is amended to read as follows:

22 2. The department, with the approval of the board,
23 shall adopt by rule a procedure for allocating the

24 aggregate tax credit limit established in this section
 25 among the following programs ~~administered by the~~
 26 ~~department:~~
 27 a. The high quality job creation program
 28 administered pursuant to sections 15.326 through
 29 15.336.
 30 b. The film, television, and video project
 31 promotion program administered pursuant to sections
 32 15.391 through 15.393.
 33 c. The corporate tax research credit under the
 34 quality jobs enterprise zone program pursuant to
 35 section 15A.9, subsection 8.
 36 d. The enterprise zones program administered
 37 pursuant to sections 15E.191 through 15E.197.
 38 e. The assistive device tax credit program
 39 administered pursuant to section 422.11E and section
 40 422.33, subsection 9.
 41 f. The tax credits for investments in qualifying
 42 businesses and community-based seed capital funds
 43 issued pursuant to section 15E.43. In allocating tax
 44 credits pursuant to this subsection, the department
 45 shall allocate two million dollars for purposes of this
 46 paragraph.
 47 g. The tax credits for investments in an innovation
 48 fund pursuant to section 15E.52. In allocating tax
 49 credits pursuant to this subsection, the department
 50 shall allocate eight million dollars for purposes of

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1 this paragraph.
 2 Sec. 39. Section 15E.42, subsection 2, Code 2011,
 3 is amended to read as follows:
 4 2. "Board" means the ~~Iowa capital investment~~
 5 economic development board created in section ~~15E.63~~
 6 15.103.
 7 Sec. 40. Section 15E.43, subsection 4, Code 2011,
 8 is amended by striking the subsection and inserting in
 9 lieu thereof the following:
 10 4. The board shall not issue tax credits under
 11 this section in excess of the amount approved by the
 12 department for any one fiscal year pursuant to section
 13 15.119.
 14 Sec. 41. Section 15E.44, subsection 2, paragraphs d
 15 and e, Code 2011, are amended to read as follows:
 16 d. The business is not a business engaged primarily
 17 in retail sales, real estate, or the provision of
 18 health care or other ~~professional~~ services that require
 19 a professional license.
 20 e. The business shall not have a net worth that
 21 exceeds ~~ten five~~ million dollars.
 22 Sec. 42. NEW SECTION. 15E.52 Innovation fund

23 investment tax credits.

24 1. For purposes of this section, unless the context
25 otherwise requires:

26 a. "Board" means the same as defined in section
27 15.102.

28 b. "Innovation fund" means one or more early-stage
29 capital funds certified by the board.

30 c. "Innovative business" means a business applying
31 novel or original methods to the manufacture of a
32 product or the delivery of a service. "Innovative
33 business" includes but is not limited to a business
34 engaged in a targeted industry as defined in section
35 15.411.

36 2. a. A tax credit shall be allowed against the
37 taxes imposed in chapter 422, divisions II, III, and V,
38 and in chapter 432, and against the moneys and credits
39 tax imposed in section 533.329, for a portion of a
40 taxpayer's equity investment in an innovation fund.

41 b. An individual may claim a tax credit under this
42 section of a partnership, limited liability company,
43 S corporation, estate, or trust electing to have
44 income taxed directly to the individual. The amount
45 claimed by the individual shall be based upon the
46 pro rata share of the individual's earnings from the
47 partnership, limited liability company, S corporation,
48 estate, or trust.

49 3. The amount of a tax credit allowed under
50 this section shall not exceed twenty percent of the

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1 taxpayer's equity investment in an innovation fund.

2 4. A taxpayer shall not claim a tax credit under
3 this section if the taxpayer is a venture capital
4 investment fund allocation manager for the Iowa fund
5 of funds created in section 15E.65 or an investor that
6 receives a tax credit for the same investment in a
7 qualifying business as described in section 15E.44 or
8 in a community-based seed capital fund as described in
9 section 15E.45.

10 5. a. The board shall issue certificates under
11 this section which may be redeemed for tax credits.
12 The board shall issue such certificates so that not
13 more than the amount allocated for such tax credits
14 under section 15.119, subsection 2, may be claimed.
15 The certificates shall not be transferable.

16 b. The board shall, in cooperation with the
17 department of revenue, establish criteria and
18 procedures for the allocation and issuance of tax
19 credits by means of certificates issued by the board.
20 The criteria shall include the contingencies that must
21 be met for a certificate to be redeemable in order

22 to receive a tax credit. The procedures established
23 by the board, in cooperation with the department
24 of revenue, shall relate to the procedures for the
25 issuance of the certificates and for the redemption of
26 a certificate and related tax credit.

27 6. A taxpayer shall not redeem a certificate
28 and related tax credit prior to the third tax year
29 following the tax year in which the investment is
30 made. Any tax credit in excess of the taxpayer's
31 liability for the tax year may be credited to the
32 tax liability for the following five years or until
33 depleted, whichever is earlier. A tax credit shall not
34 be carried back to a tax year prior to the tax year in
35 which the taxpayer claims the tax credit.

36 7. An innovation fund shall submit an application
37 for certification to the board. The board shall
38 approve the application and certify the innovation fund
39 if all of the following criteria are met:

40 a. The fund is organized for the purposes of making
41 investments in promising early-stage companies which
42 have a principal place of business in the state and for
43 using the profits from such investments to fund further
44 investments.

45 b. The fund proposes to make investments in
46 innovative businesses.

47 c. The fund seeks to secure private funding sources
48 for investment in such businesses.

49 Sec. 43. NEW SECTION. 422.11Y Innovation fund
50 investment tax credits.

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1 The taxes imposed under this division, less the
2 credits allowed under section 422.12, shall be reduced
3 by an innovation fund investment tax credit allowed
4 under section 15E.52.

5 Sec. 44. Section 422.33, Code 2011, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 13. The taxes imposed under
8 this division shall be reduced by an innovation fund
9 investment tax credit allowed under section 15E.52.

10 Sec. 45. Section 422.60, Code 2011, is amended by
11 adding the following new subsection:

12 NEW SUBSECTION. 13. The taxes imposed under
13 this division shall be reduced by an innovation fund
14 investment tax credit allowed under section 15E.52.

15 Sec. 46. NEW SECTION. 432.12M Innovation fund
16 investment tax credit.

17 The taxes imposed under this chapter shall be
18 reduced by an innovation fund investment tax credit
19 allowed under section 15E.52.

20 Sec. 47. Section 533.329, subsection 2, Code 2011,

21 is amended by adding the following new paragraph:
22 NEW PARAGRAPH. 1. The moneys and credits tax
23 imposed under this section shall be reduced by an
24 innovation fund investment tax credit allowed under
25 section 15E.52.

26 Sec. 48. CODE EDITOR DIRECTIVE. If 2011 Iowa Acts,
27 House File 590, is enacted, the Code editor is directed
28 to change references in this Act from “economic
29 development board” to “economic development authority.”

30 Sec. 49. RETROACTIVE APPLICABILITY. This division
31 of this Act applies retroactively to January 1, 2011,
32 for tax years beginning and investments made on or
33 after that date.

34 DIVISION IV
35 FY 2012–2013

36 Sec. 50. DEPARTMENT OF CULTURAL AFFAIRS. There
37 is appropriated from the general fund of the state to
38 the department of cultural affairs for the fiscal year
39 beginning July 1, 2012, and ending June 30, 2013, the
40 following amounts, or so much thereof as is necessary,
41 to be used for the purposes designated:

42 1. ADMINISTRATION

43 For salaries, support, maintenance, miscellaneous
44 purposes, and for not more than the following full-time
45 equivalent positions for the department:

46	\$	90,907
47	FTEs	74.50

48 The department of cultural affairs shall coordinate
49 activities with the tourism office of the department of
50 economic development to promote attendance at the state

1 historical building and at this state’s historic sites.

2 Full-time equivalent positions authorized under
3 this subsection shall be funded, in full or in part,
4 using moneys appropriated under this subsection and
5 subsections 3 through 7.

6 2. COMMUNITY CULTURAL GRANTS

7 For planning and programming for the community
8 cultural grants program established under section
9 303.3:

10	\$	86,045
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11 3. HISTORICAL DIVISION

12 For the support of the historical division:

13	\$	1,383,851
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14 4. HISTORIC SITES

15 For the administration and support of historic
16 sites:

17	\$	213,199
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18 5. ARTS DIVISION

19 For the support of the arts division:

20	\$	466,882
21	6. IOWA GREAT PLACES		
22	For the Iowa great places program established under		
23	section 303.3C:		
24	.....	\$	96,912
25	7. ARCHIVE IOWA GOVERNORS' RECORDS		
26	For archiving the records of Iowa governors:		
27	.....	\$	32,967
28	8. RECORDS CENTER RENT		
29	For payment of rent for the state records center:		
30	.....	\$	113,622
31	9. BATTLE FLAGS		
32	For continuation of the project recommended by the		
33	Iowa battle flag advisory committee to stabilize the		
34	condition of the battle flag collection:		
35	.....	\$	30,000
36	Sec. 51. GOALS AND ACCOUNTABILITY — ECONOMIC		
37	DEVELOPMENT.		
38	1. For the fiscal year beginning July 1, 2012, the		
39	goals for the department of economic development shall		
40	be to expand and stimulate the state economy, increase		
41	the wealth of Iowans, and increase the population of		
42	the state.		
43	2. To achieve the goals in subsection 1, the		
44	department of economic development shall do all of the		
45	following for the fiscal year beginning July 1, 2012:		
46	a. Concentrate its efforts on programs and		
47	activities that result in commercially viable products		
48	and services.		
49	b. Adopt practices and services consistent with		
50	free market, private sector philosophies.		

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- 1 c. Ensure economic growth and development
- 2 throughout the state.
- 3 d. Work with businesses and communities to
- 4 continually improve the economic development climate
- 5 along with the economic well-being and quality of life
- 6 for Iowans.
- 7 e. Coordinate with other state agencies to
- 8 ensure that they are attentive to the needs of an
- 9 entrepreneurial culture.
- 10 f. Establish a strong and aggressive marketing
- 11 image to showcase Iowa's workforce, existing industry,
- 12 and potential. A priority shall be placed on
- 13 recruiting new businesses, business expansion, and
- 14 retaining existing Iowa businesses. Emphasis shall be
- 15 placed on entrepreneurial development through helping
- 16 entrepreneurs secure capital, and developing networks
- 17 and a business climate conducive to entrepreneurs and
- 18 small businesses.

19 g. Encourage the development of communities and
20 quality of life to foster economic growth.

21 h. Prepare communities for future growth and
22 development through development, expansion, and
23 modernization of infrastructure.

24 i. Develop public-private partnerships with
25 Iowa businesses in the tourism industry, Iowa tour
26 groups, Iowa tourism organizations, and political
27 subdivisions in this state to assist in the development
28 of advertising efforts.

29 j. Develop, to the fullest extent possible,
30 cooperative efforts for advertising with contributions
31 from other sources.

32 Sec. 52. DEPARTMENT OF ECONOMIC DEVELOPMENT.

33 1. APPROPRIATION

34 There is appropriated from the general fund of the
35 state to the department of economic development for the
36 fiscal year beginning July 1, 2012, and ending June
37 30, 2013, the following amounts, or so much thereof as
38 is necessary, to be used for the purposes designated
39 in subsection 2, and for not more than the following
40 full-time equivalent positions:

41	\$	4,819,395
42	FTEs	149.00

43 2. DESIGNATED PURPOSES

44 a. For salaries, support, miscellaneous purposes,
45 programs, and the maintenance of an administration
46 division, a business development division, and a
47 community development division.

48 b. The full-time equivalent positions authorized
49 under this section shall be funded, in whole or in
50 part, by the moneys appropriated under subsection 1 or

1 by other moneys received by the department, including
2 certain federal moneys.

3 c. For business development operations and
4 programs, the film office, international trade, export
5 assistance, workforce recruitment, and the partner
6 state program.

7 d. For transfer to the strategic investment fund
8 created in section 15.313.

9 e. For transfer to the grow Iowa values fund
10 created in section 15G.111.

11 f. For community economic development programs,
12 tourism operations, community assistance, plans
13 for Iowa green corps and summer youth programs,
14 the mainstreet and rural mainstreet programs, the
15 school-to-career program, the community development
16 block grant, and housing and shelter-related programs.

17 g. For achieving the goals and accountability, and

18 fulfilling the requirements and duties required under
19 this Act.

20 3. NONREVERSION

21 Notwithstanding section 8.33, moneys appropriated in
22 subsection 1 that remain unencumbered or unobligated
23 at the close of the fiscal year shall not revert but
24 shall remain available for expenditure for the purposes
25 designated in subsection 2 until the close of the
26 succeeding fiscal year.

27 4. FINANCIAL ASSISTANCE RESTRICTIONS

28 a. A business creating jobs through moneys
29 appropriated in this section shall be subject to
30 contract provisions requiring new and retained jobs to
31 be filled by individuals who are citizens of the United
32 States who reside within the United States or any
33 person authorized to work in the United States pursuant
34 to federal law, including legal resident aliens in the
35 United States.

36 b. Any vendor who receives moneys appropriated in
37 this section shall adhere to such contract provisions
38 and provide periodic assurances as the state shall
39 require that the jobs are filled solely by citizens of
40 the United States who reside within the United States
41 or any person authorized to work in the United States
42 pursuant to federal law, including legal resident
43 aliens in the United States.

44 c. A business that receives financial assistance
45 from the department from moneys appropriated in
46 this section shall only employ individuals legally
47 authorized to work in this state. In addition to all
48 other applicable penalties provided by current law, all
49 or a portion of the assistance received by a business
50 which is found to knowingly employ individuals not

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1 legally authorized to work in this state is subject to
2 recapture by the department.

3 5. USES OF APPROPRIATIONS

4 a. From the moneys appropriated in this section,
5 the department may provide financial assistance in the
6 form of a grant to a community economic development
7 entity for conducting a local workforce recruitment
8 effort designed to recruit former citizens of the state
9 and former students at colleges and universities in the
10 state to meet the needs of local employers.

11 b. From the moneys appropriated in this section,
12 the department may provide financial assistance to
13 early stage industry companies being established by
14 women entrepreneurs.

15 c. From the moneys appropriated in this section,
16 the department may provide financial assistance in the

17 form of grants, loans, or forgivable loans for advanced
18 research and commercialization projects involving
19 value-added agriculture, advanced technology, or
20 biotechnology.

21 d. The department shall not use any moneys
22 appropriated in this section for purposes of providing
23 financial assistance for the Iowa green streets pilot
24 project or for any other program or project that
25 involves the installation of geothermal systems for
26 melting snow and ice from streets or sidewalks.

27 6. WORLD FOOD PRIZE

28 For allocating moneys for the world food prize and
29 notwithstanding the standing appropriation in section
30 15.368, subsection 1:

31 \$ 250,000

32 7. IOWA COMMISSION ON VOLUNTEER SERVICE

33 For allocation to the Iowa commission on volunteer
34 service for the Iowa’s promise and mentoring
35 partnership programs, for transfer to the Iowa state
36 commission grant program, and for not more than the
37 following full-time equivalent positions:

38 \$ 89,067

39 FTEs 7.00

40 Of the moneys appropriated in this subsection, the
41 department shall allocate \$37,500 for purposes of
42 the Iowa state commission grant program and \$51,567
43 for purposes of the Iowa’s promise and mentoring
44 partnership programs.

45 Notwithstanding section 8.33, moneys appropriated in
46 this subsection that remain unencumbered or unobligated
47 at the close of the fiscal year shall not revert but
48 shall remain available for expenditure for the purposes
49 designated until the close of the succeeding fiscal
50 year.

1 Sec. 53. VISION IOWA PROGRAM — FTE
2 AUTHORIZATION. For purposes of administrative
3 duties associated with the vision Iowa program for the
4 fiscal year beginning July 1, 2012, the department of
5 economic development is authorized an additional 2.25
6 FTEs above those otherwise authorized in this division
7 of this Act.

8 Sec. 54. INSURANCE ECONOMIC DEVELOPMENT. From
9 the moneys collected by the division of insurance in
10 excess of the anticipated gross revenues under section
11 505.7, subsection 3, during the fiscal year beginning
12 July 1, 2012, \$100,000 shall be transferred to the
13 department of economic development for insurance
14 economic development and international insurance
15 economic development.

16 Sec. 55. COMMUNITY DEVELOPMENT LOAN
 17 FUND. Notwithstanding section 15E.120, subsection
 18 5, there is appropriated from the Iowa community
 19 development loan fund all moneys available during the
 20 fiscal year beginning July 1, 2012, and ending June 30,
 21 2013, to the department of economic development for
 22 purposes of the community development program.

23 Sec. 56. WORKFORCE DEVELOPMENT FUND. There is
 24 appropriated from the workforce development fund
 25 account created in section 15.342A to the workforce
 26 development fund created in section 15.343 for the
 27 fiscal year beginning July 1, 2012, and ending June
 28 30, 2013, the following amount, for purposes of the
 29 workforce development fund:

30 \$ 2,000,000

31 Sec. 57. WORKFORCE DEVELOPMENT
 32 ADMINISTRATION. From moneys appropriated or
 33 transferred to or receipts credited to the workforce
 34 development fund created in section 15.343, up to
 35 \$400,000 for the fiscal year beginning July 1,
 36 2012, and ending June 30, 2013, are appropriated
 37 to the department of economic development for the
 38 administration of workforce development activities
 39 including salaries, support, maintenance, and
 40 miscellaneous purposes, and for not more than the
 41 following full-time equivalent positions:

42 FTEs 4.00

43 Sec. 58. JOB TRAINING FUND. Notwithstanding
 44 section 15.251, all moneys in the job training fund on
 45 July 1, 2012, and any moneys appropriated or credited
 46 to the fund during the fiscal year beginning July 1,
 47 2012, shall be transferred to the workforce development
 48 fund established pursuant to section 15.343.

49 Sec. 59. IOWA STATE UNIVERSITY.

50 1. There is appropriated from the general fund

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1 of the state to Iowa state university of science
 2 and technology for the fiscal year beginning July
 3 1, 2012, and ending June 30, 2013, the following
 4 amount, or so much thereof as is necessary, to be used
 5 for small business development centers, the science
 6 and technology research park, and the institute for
 7 physical research and technology, and for not more than
 8 the following full-time equivalent positions:

9 \$ 1,212,151

10 FTEs 56.63

11 2. Of the moneys appropriated in subsection 1,
 12 Iowa state university of science and technology shall
 13 allocate at least \$468,178 for purposes of funding
 14 small business development centers. Iowa state

15 university of science and technology may allocate
 16 moneys appropriated in subsection 1 to the various
 17 small business development centers in any manner
 18 necessary to achieve the purposes of this subsection.

19 3. Iowa state university of science and technology
 20 shall do all of the following:

21 a. Direct expenditures for research toward projects
 22 that will provide economic stimulus for Iowa.

23 b. Provide emphasis to providing services to
 24 Iowa-based companies.

25 4. It is the intent of the general assembly
 26 that the industrial incentive program focus on Iowa
 27 industrial sectors and seek contributions and in-kind
 28 donations from businesses, industrial foundations, and
 29 trade associations, and that moneys for the institute
 30 for physical research and technology industrial
 31 incentive program shall be allocated only for projects
 32 which are matched by private sector moneys for directed
 33 contract research or for nondirected research. The
 34 match required of small businesses as defined in
 35 section 15.102, subsection 6, for directed contract
 36 research or for nondirected research shall be \$1 for
 37 each \$3 of state funds. The match required for other
 38 businesses for directed contract research or for
 39 nondirected research shall be \$1 for each \$1 of state
 40 funds. The match required of industrial foundations
 41 or trade associations shall be \$1 for each \$1 of state
 42 funds.

43 Iowa state university of science and technology
 44 shall report annually to the joint appropriations
 45 subcommittee on economic development and the
 46 legislative services agency the total amount of
 47 private contributions, the proportion of contributions
 48 from small businesses and other businesses, and
 49 the proportion for directed contract research and
 50 nondirected research of benefit to Iowa businesses and

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1 industrial sectors.
 2 5. Notwithstanding section 8.33, moneys
 3 appropriated in this section that remain unencumbered
 4 or unobligated at the close of the fiscal year shall
 5 not revert but shall remain available for expenditure
 6 for the purposes designated until the close of the
 7 succeeding fiscal year.

8 Sec. 60. UNIVERSITY OF IOWA.

9 1. There is appropriated from the general fund
 10 of the state to the state university of Iowa for the
 11 fiscal year beginning July 1, 2012, and ending June
 12 30, 2013, the following amount, or so much thereof
 13 as is necessary, to be used for the state university

14 of Iowa research park and for the advanced drug
15 development program at the Oakdale research park,
16 including salaries, support, maintenance, equipment,
17 miscellaneous purposes, and for not more than the
18 following full-time equivalent positions:

19 \$ 104,640
20 FTEs 6.00

21 2. The state university of Iowa shall do all of the
22 following:

23 a. Direct expenditures for research toward projects
24 that will provide economic stimulus for Iowa.

25 b. Provide emphasis to providing services to
26 Iowa-based companies.

27 3. Notwithstanding section 8.33, moneys
28 appropriated in this section that remain unencumbered
29 or unobligated at the close of the fiscal year shall
30 not revert but shall remain available for expenditure
31 for the purposes designated until the close of the
32 succeeding fiscal year.

33 Sec. 61. UNIVERSITY OF NORTHERN IOWA.

34 1. There is appropriated from the general fund of
35 the state to the university of northern Iowa for the
36 fiscal year beginning July 1, 2012, and ending June 30,
37 2013, the following amount, or so much thereof as is
38 necessary, to be used for the metal casting institute,
39 the MyEntreNet internet application, and the institute
40 of decision making, including salaries, support,
41 maintenance, miscellaneous purposes, and for not more
42 than the following full-time equivalent positions:

43 \$ 287,358
44 FTEs 6.75

45 2. Of the moneys appropriated pursuant to
46 subsection 1, the university of northern Iowa shall
47 allocate at least \$58,820 for purposes of support
48 of entrepreneurs through the university's regional
49 business center.

50 3. The university of northern Iowa shall do all of

Page 27

1 the following:

2 a. Direct expenditures for research toward projects
3 that will provide economic stimulus for Iowa.

4 b. Provide emphasis to providing services to
5 Iowa-based companies.

6 4. Notwithstanding section 8.33, moneys
7 appropriated in this section that remain unencumbered
8 or unobligated at the close of the fiscal year shall
9 not revert but shall remain available for expenditure
10 for the purposes designated until the close of the
11 succeeding fiscal year.

12 Sec. 62. BOARD OF REGENTS REPORT. The state board

13 of regents shall submit a report on the progress of
14 regents institutions in meeting the strategic plan for
15 technology transfer and economic development to the
16 secretary of the senate, the chief clerk of the house
17 of representatives, and the legislative services agency
18 by January 15, 2013.

19 Sec. 63. DEPARTMENT OF WORKFORCE
20 DEVELOPMENT. There is appropriated from the general
21 fund of the state to the department of workforce
22 development for the fiscal year beginning July 1, 2012,
23 and ending June 30, 2013, the following amounts, or
24 so much thereof as is necessary, for the purposes
25 designated:

26 1. DIVISION OF LABOR SERVICES

27 a. For the division of labor services, including
28 salaries, support, maintenance, miscellaneous
29 purposes, and for not more than the following full-time
30 equivalent positions:

31	\$	1,747,720
32	FTEs	64.00

33 b. From the contractor registration fees, the
34 division of labor services shall reimburse the
35 department of inspections and appeals for all costs
36 associated with hearings under chapter 91C, relating
37 to contractor registration.

38 2. DIVISION OF WORKERS' COMPENSATION

39 a. For the division of workers' compensation,
40 including salaries, support, maintenance, miscellaneous
41 purposes, and for not more than the following full-time
42 equivalent positions:

43	\$	1,533,384
44	FTEs	30.00

45 b. The division of workers' compensation shall
46 charge a \$100 filing fee for workers' compensation
47 cases. The filing fee shall be paid by the petitioner
48 of a claim. However, the fee can be taxed as a cost
49 and paid by the losing party, except in cases where
50 it would impose an undue hardship or be unjust under

1 the circumstances. The moneys generated by the filing
2 fee allowed under this subsection are appropriated to
3 the department of workforce development to be used for
4 purposes of administering the division of workers'
5 compensation.

6 3. WORKFORCE DEVELOPMENT OPERATIONS

7 a. For the operation of field offices, the
8 workforce development board, and for not more than the
9 following full-time equivalent positions:

10	\$	4,335,676
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11 FTEs 130.00
12 b. Of the moneys appropriated in paragraph “a”
13 of this subsection, the department shall allocate
14 \$4,330,240 for the operation of field offices.
15 c. The department shall not reduce the number of
16 field offices below the number of field offices being
17 operated as of January 1, 2009.
18 4. OFFENDER REENTRY PROGRAM
19 a. For the development and administration of an
20 offender reentry program to provide offenders with
21 employment skills, and for not more than the following
22 full-time equivalent positions:
23 \$ 142,232
24 FTEs 3.00
25 b. The department shall partner with the department
26 of corrections to provide staff within the correctional
27 facilities to improve offenders’ abilities to find and
28 retain productive employment.
29 5. DEFINITIONS
30 For purposes of this section:
31 a. “Field office” means a satellite office of
32 a workforce development center through which the
33 workforce development center maintains a physical
34 presence in a county as described in section 84B.2.
35 For purposes of this paragraph, a workforce development
36 center maintains a physical presence in a county if the
37 center employs a staff person. “Field office” does not
38 include the presence of a workforce development center
39 maintained by electronic means.
40 b. “Workforce development center” means a center
41 at which state and federal employment and training
42 programs are colocated and at which services are
43 provided at a local level as described in section
44 84B.1.
45 6. NONREVERSION
46 Notwithstanding section 8.33, moneys appropriated in
47 this section that remain unencumbered or unobligated
48 at the close of the fiscal year shall not revert but
49 shall remain available for expenditure for the purposes
50 designated until the close of the succeeding fiscal

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1 year.
2 Sec. 64. ACCOUNTABILITY — AUDIT. The auditor of
3 state shall annually conduct an audit of the department
4 of workforce development and shall report the findings
5 of such annual audit, including the accountability
6 of programs of the department, to the chairpersons
7 and ranking members of the joint appropriations

8 subcommittee on economic development. The department
9 shall pay for the costs associated with the audit.

10 Sec. 65. EMPLOYMENT SECURITY CONTINGENCY FUND.
11 1. There is appropriated from the special
12 employment security contingency fund to the department
13 of workforce development for the fiscal year beginning
14 July 1, 2012, and ending June 30, 2013, the following
15 amount, or so much thereof as is necessary, to be used
16 for field offices:
17 \$ 608,542

18 2. Any remaining additional penalty and interest
19 revenue collected by the department of workforce
20 development is appropriated to the department for the
21 fiscal year beginning July 1, 2012, and ending June 30,
22 2013, to accomplish the mission of the department.

23 Sec. 66. UNEMPLOYMENT COMPENSATION RESERVE FUND
24 — FIELD OFFICES. Notwithstanding section 96.9,
25 subsection 8, paragraph “e”, there is appropriated
26 from interest earned on the unemployment compensation
27 reserve fund to the department of workforce development
28 for the fiscal year beginning July 1, 2012, and ending
29 June 30, 2013, the following amount or so much thereof
30 as is necessary, for the purposes designated:
31 For the operation of field offices:
32 \$ 1,200,000

33 Sec. 67. GENERAL FUND — EMPLOYEE MISCLASSIFICATION
34 PROGRAM. There is appropriated from the general fund
35 of the state to the department of workforce development
36 for the fiscal year beginning July 1, 2012, and
37 ending June 30, 2013, the following amount, or so much
38 thereof as is necessary, to be used for the purposes
39 designated:
40 For enhancing efforts to investigate employers that
41 misclassify workers and for not more than the following
42 full-time equivalent positions:
43 \$ 225,729
44 FTEs 8.10

45 Sec. 68. APPROPRIATIONS RESTRICTED. The department
46 of workforce development shall not use any of the
47 moneys appropriated in this division of this Act for
48 purposes of the national career readiness certificate
49 program.

50 Sec. 69. IOWA FINANCE AUTHORITY.

1 1. There is appropriated from the general fund
2 of the state to the Iowa finance authority for the
3 fiscal year beginning July 1, 2012, and ending June 30,
4 2013, the following amount, or so much thereof as is
5 necessary, to be used to provide reimbursement for rent

6 expenses to eligible persons under the rent subsidy
 7 program:
 8 \$ 329,000
 9 2. Participation in the rent subsidy program
 10 shall be limited to only those persons who meet the
 11 requirements for the nursing facility level of care for
 12 home and community-based services waiver services as in
 13 effect on July 1, 2011, and to those individuals who
 14 are eligible for the federal money follows the person
 15 grant program under the medical assistance program. Of
 16 the moneys appropriated in this section, not more than
 17 \$35,000 may be used for administrative costs.
 18 Sec. 70. IOWA FINANCE AUTHORITY AUDIT. The auditor
 19 of state is requested to review the audit of the Iowa
 20 finance authority performed by the auditor hired by the
 21 authority.
 22 Sec. 71. PUBLIC EMPLOYMENT RELATIONS BOARD.
 23 1. There is appropriated from the general fund of
 24 the state to the public employment relations board for
 25 the fiscal year beginning July 1, 2012, and ending June
 26 30, 2013, the following amount, or so much thereof as
 27 is necessary, for the purposes designated:
 28 For salaries, support, maintenance, miscellaneous
 29 purposes, and for not more than the following full-time
 30 equivalent positions:
 31 \$ 528,936
 32 FTEs 10.00
 33 2. Of the moneys appropriated in this section,
 34 the board shall allocate \$15,000 for maintaining a
 35 website that allows searchable access to a database of
 36 collective bargaining information.
 37 Sec. 72. UNEMPLOYMENT COMPENSATION PROGRAM. Notwithstanding
 38 section 96.9, subsection 4, paragraph "a", moneys
 39 credited to the state by the secretary of the treasury
 40 of the United States pursuant to section 903 of
 41 the Social Security Act are appropriated to the
 42 department of workforce development and shall be
 43 used by the department for the administration of
 44 the unemployment compensation program only. This
 45 appropriation shall not apply to any fiscal year
 46 beginning after December 31, 2012.
 47 DIVISION V
 48 CONDITIONAL EFFECTIVE DATE
 49 AND RETROACTIVE APPLICABILITY
 50 Sec. 73. EFFECTIVE DATE AND RETROACTIVE

1 APPLICABILITY. Unless otherwise provided, this Act,
 2 if approved by the governor on or after July 1, 2011,
 3 takes effect upon enactment and applies retroactively
 4 to July 1, 2011.>

- 5 2. Title page, line 5, by striking <and related
- 6 matters> and inserting <and addressing related matters
- 7 including tax credits>
- 8 3. By renumbering as necessary.

WILLIAM A. DOTZLER, JR.

S-3355

- 1 Amend the amendment, S-3354, to the House amendment,
- 2 S-3285, to Senate File 517, as amended, passed, and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 16, by striking lines 13 through 17 and
- 5 inserting:
- 6 <3. The sections of this division of this Act
- 7 amending 2010 Iowa Acts, chapter 1193, and 2010
- 8 Iowa Acts, chapter 1184, being deemed of immediate
- 9 importance, take effect upon enactment, and if approved
- 10 by the governor on or after July 1, 2011, apply
- 11 retroactively to June 30, 2011.>
- 12 2. Page 17, line 40, after <investment> by
- 13 inserting <in the form of cash>
- 14 3. Page 17, line 50, by striking <not exceed> and
- 15 inserting <equal>

WILLIAM A. DOTZLER, JR.

S-3356

- 1 Amend the House amendment, S-3227, to Senate File
- 2 509, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. By striking page 1, line 5, through page 21,
- 5 line 38, and inserting:

6 <<DIVISION I
7 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
8 GENERAL APPROPRIATIONS FOR FY 2011-2012
9 Section 1. GENERAL FUND — DEPARTMENT.

- 10 1. There is appropriated from the general fund of
- 11 the state to the department of agriculture and land
- 12 stewardship for the fiscal year beginning July 1, 2011,
- 13 and ending June 30, 2012, the following amount, or
- 14 so much thereof as is necessary, to be used for the
- 15 purposes designated:

- 16 For purposes of supporting the department, including
- 17 its divisions, for administration, regulation, and
- 18 programs; for salaries, support, maintenance, and
- 19 miscellaneous purposes; and for not more than the
- 20 following full-time equivalent positions:
- 21 \$ 16,497,308
- 22 FTEs 345.00

- 23 2. The department shall submit a report each

24 quarter of the fiscal year to the legislative services
25 agency, the department of management, the members of
26 the joint appropriations subcommittee on agriculture
27 and natural resources, and the chairpersons and
28 ranking members of the senate and house committees on
29 appropriations. The report shall describe in detail
30 the expenditure of moneys appropriated in this section
31 to support the department's administration, regulation,
32 and programs.

33 3. Of the amount appropriated in this section,
34 \$238,000 is transferred to Iowa state university of
35 science and technology, to be used for the university's
36 midwest grape and wine industry institute.

37 DESIGNATED APPROPRIATIONS — ANIMAL HUSBANDRY

38 Sec. 2. UNCLAIMED PARI-MUTUEL WAGERING WINNINGS —
39 HORSE AND DOG RACING. There is appropriated from the
40 moneys available under section 99D.13 to the department
41 of agriculture and land stewardship for the fiscal year
42 beginning July 1, 2011, and ending June 30, 2012, the
43 following amount, or so much thereof as is necessary,
44 to be used for the purposes designated:

45 For purposes of supporting the department's
46 administration and enforcement of horse and dog racing
47 law pursuant to section 99D.22, including for salaries,
48 support, maintenance, and miscellaneous purposes:

49 \$ 305,516
50 DESIGNATED APPROPRIATIONS — MOTOR FUEL

Page 2

1 Sec. 3. RENEWABLE FUEL INFRASTRUCTURE FUND —
2 MOTOR FUEL INSPECTION. There is appropriated from
3 the renewable fuel infrastructure fund created in
4 section 15G.205 to the department of agriculture and
5 land stewardship for the fiscal year beginning July 1,
6 2011, and ending June 30, 2012, the following amount,
7 or so much thereof as is necessary, to be used for the
8 purposes designated:

9 For purposes of the inspection of motor fuel,
10 including salaries, support, maintenance, and
11 miscellaneous purposes:

12 \$ 500,000

13 The department shall establish and administer
14 programs for the auditing of motor fuel including
15 biofuel processing and production plants, for screening
16 and testing motor fuel, including renewable fuel,
17 and for the inspection of motor fuel sold by dealers
18 including retail dealers who sell and dispense motor
19 fuel from motor fuel pumps.

20 DESIGNATED APPROPRIATIONS — LOCAL FOOD AND FARM
21 COORDINATOR

22 Sec. 4. APPROPRIATION — DEPARTMENT OF AGRICULTURE

23 AND LAND STEWARDSHIP — LOCAL FOOD AND FARM PROGRAM
24 COORDINATOR.

25 1. There is appropriated from the general fund of
26 the state to the department of agriculture and land
27 stewardship for the fiscal year beginning July 1, 2011,
28 and ending June 30, 2012, the following amount, or
29 so much thereof as is necessary, to be used for the
30 purposes designated:

31 For purposes of supporting a local food and farm		
32 program coordinator as provided in chapter 267A,		
33 as enacted by this Act, for salaries, support,		
34 maintenance, and miscellaneous purposes, and for not		
35 more than the following full-time equivalent positions:		
36	\$	75,000
37	FTEs	1.00

38 2. The department shall enter into a cost-sharing
39 agreement with Iowa state university to support
40 the local food and farm program coordinator. The
41 coordinator shall be stationed at Iowa state university
42 as provided in chapter 267A, as enacted by this Act.

43 DESIGNATED APPROPRIATIONS — AGRICULTURAL EDUCATION

44 Sec. 5. AGRICULTURAL EDUCATION. There is
45 appropriated from the general fund of the state to the
46 department of agriculture and land stewardship for the
47 fiscal year beginning July 1, 2011, and ending June 30,
48 2012, the following amount, or so much thereof as is
49 necessary, to be used for the purposes designated:

50 For purposes of allocating moneys to an Iowa

Page 3

1 association affiliated with a national organization		
2 which promotes agricultural education providing for		
3 future farmers:		
4	\$	25,000

5 DIVISION II

6 DEPARTMENT OF NATURAL RESOURCES

7 GENERAL APPROPRIATIONS FOR FY 2011–2012

8 Sec. 6. GENERAL FUND — DEPARTMENT.

9 1. There is appropriated from the general fund of
10 the state to the department of natural resources for
11 the fiscal year beginning July 1, 2011, and ending June
12 30, 2012, the following amount, or so much thereof as
13 is necessary, to be used for the purposes designated:

14 For purposes of supporting the department, including		
15 its divisions, for administration, regulation, and		
16 programs; for salaries, support, maintenance, and		
17 miscellaneous purposes; and for not more than the		
18 following full-time equivalent positions:		
19	\$	12,291,688
20	FTEs	1,145.95

21 2. Of the number of full-time equivalent positions

22 authorized to the department pursuant to subsection 1,
23 50.00 full-time equivalent positions shall be allocated
24 by the department for seasonal employees for purposes
25 of providing maintenance, upkeep, and sanitary services
26 at state parks.

27 3. The department shall submit a report each
28 quarter of the fiscal year to the legislative services
29 agency, the department of management, the members of
30 the joint appropriations subcommittee on agriculture
31 and natural resources, and the chairpersons and
32 ranking members of the senate and house committees on
33 appropriations. The report shall describe in detail
34 the expenditure of moneys appropriated under this
35 section to support the department's administration,
36 regulation, and programs.

37 Sec. 7. STATE FISH AND GAME PROTECTION FUND —
38 DIVISION OF FISH AND WILDLIFE.

39 1. There is appropriated from the state fish and
40 game protection fund to the department of natural
41 resources for the fiscal year beginning July 1, 2011,
42 and ending June 30, 2012, the following amount, or
43 so much thereof as is necessary, to be used for the
44 purposes designated:

45 For purposes of supporting the division of fish and
46 wildlife, including for administration, regulation,
47 and programs; and for salaries, support, maintenance,
48 equipment, and miscellaneous purposes:

49 \$ 38,793,154
50 2. Notwithstanding section 455A.10, the department

Page 4

1 may use the unappropriated balance remaining in the
2 state fish and game protection fund to provide for the
3 funding of health and life insurance premium payments
4 from unused sick leave balances of conservation peace
5 officers employed in a protection occupation who
6 retire, pursuant to section 97B.49B.

7 3. Notwithstanding section 455A.10, the department
8 of natural resources may use the unappropriated
9 balance remaining in the state fish and game protection
10 fund for the fiscal year beginning July 1, 2011,
11 and ending June 30, 2012, as is necessary to fund
12 salary adjustments for departmental employees which
13 the general assembly has made an operating budget
14 appropriation for in subsection 1.

15 Sec. 8. GROUNDWATER PROTECTION FUND — WATER
16 QUALITY. There is appropriated from the groundwater
17 protection fund created in section 455E.11 to the
18 department of natural resources for the fiscal year
19 beginning July 1, 2011, and ending June 30, 2012, from
20 those moneys which are not allocated pursuant to that

21 section, the following amount, or so much thereof as is
22 necessary, to be used for the purposes designated:

23 For purposes of supporting the department's
24 protection of the state's groundwater, including
25 for administration, regulation, and programs, and
26 for salaries, support, maintenance, equipment, and
27 miscellaneous purposes:

28 \$ 3,455,832

29 DESIGNATED APPROPRIATIONS — MISCELLANEOUS

30 Sec. 9. SPECIAL SNOWMOBILE FUND — SNOWMOBILE

31 PROGRAM. There is appropriated from the special
32 snowmobile fund created under section 321G.7 to the
33 department of natural resources for the fiscal year
34 beginning July 1, 2011, and ending June 30, 2012, the
35 following amount, or so much thereof as is necessary,
36 to be used for the purpose designated:

37 For purposes of administering and enforcing the
38 state snowmobile programs:

39 \$ 100,000

40 Sec. 10. UNASSIGNED REVENUE FUND — UNDERGROUND

41 STORAGE TANK SECTION EXPENSES. There is appropriated

42 from the unassigned revenue fund administered by the
43 Iowa comprehensive underground storage tank fund
44 board to the department of natural resources for the
45 fiscal year beginning July 1, 2011, and ending June 30,
46 2012, the following amount, or so much thereof as is
47 necessary, to be used for the purpose designated:

48 For purposes of paying for administration expenses
49 of the department's underground storage tank section:

50 \$ 200,000

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1 Sec. 11. STORM WATER DISCHARGE PERMIT FEES —
2 SUPPORT FOR SPECIAL PURPOSES. Notwithstanding any

3 contrary provision of state law, for the fiscal year
4 beginning July 1, 2011, and ending June 30, 2012, the
5 department of natural resources may use additional
6 moneys available to the department collected from
7 storm water discharge permit fees as provided in
8 sections 455B.103A and 455B.197 for the staffing of the
9 following additional full-time equivalent positions for
10 the purposes designated:

11 1. For purposes of reducing the department's
12 floodplain permit backlog:

13 FTEs 2.00

14 2. For purposes of implementing the federal total
15 maximum daily load program:

16 FTEs 2.00

20 Sec. 12. GENERAL FUND — VETERINARY DIAGNOSTIC
21 LABORATORY.

22 1. There is appropriated from the general fund
23 of the state to Iowa state university of science and
24 technology for the fiscal year beginning July 1, 2011,
25 and ending June 30, 2012, the following amount, or
26 so much thereof as is necessary, to be used for the
27 purposes designated:

28 For purposes of supporting the college of veterinary
29 medicine for the operation of the veterinary diagnostic
30 laboratory and for not more than the following
31 full-time equivalent positions:

32	\$	3,237,636
33	FTEs	50.00

34 2. a. Iowa state university of science and
35 technology shall not reduce the amount that it
36 allocates to support the college of veterinary medicine
37 from any other source due to the appropriation made in
38 this section.

39 b. Paragraph “a” does not apply to a reduction made
40 to support the college of veterinary medicine, if the
41 same percentage of reduction imposed on the college
42 of veterinary medicine is also imposed on all of Iowa
43 state university’s budget units.

44 3. If by June 30, 2012, Iowa state university
45 of science and technology fails to allocate the
46 moneys appropriated in this section to the college of
47 veterinary medicine in accordance with this section,
48 the moneys appropriated in this section for that fiscal
49 year shall revert to the general fund of the state.

50 Sec. 13. VETERINARY DIAGNOSTIC LABORATORY —

Page 6

1 FUTURE YEAR. This section applies if appropriations
2 made in this Act and all other Acts enacted by the
3 Eighty-fourth General Assembly during the 2011 regular
4 session and all extraordinary sessions, for the
5 fiscal year beginning July 1, 2011, and ending June
6 30, 2012, for purposes of supporting the operation
7 of the veterinary diagnostic laboratory associated
8 with the college of veterinary medicine at Iowa state
9 university, total less than \$4,000,000. It is the
10 intent of the general assembly that the amount of any
11 deficit will be appropriated by the general assembly
12 during its 2012 regular session for purposes of
13 supporting the operation of the veterinary diagnostic
14 laboratory for the fiscal year beginning July 1, 2012,
15 and ending June 30, 2013.

19 Sec. 14. DEPARTMENT OF AGRICULTURE AND LAND

20 STEWARDSHIP. There is appropriated from the
21 environment first fund created in section 8.57A to the
22 department of agriculture and land stewardship for the
23 fiscal year beginning July 1, 2011, and ending June 30,
24 2012, the following amounts, or so much thereof as is
25 necessary, to be used for the purposes designated:

26 1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

27 a. For the conservation reserve enhancement program
28 to restore and construct wetlands for the purposes of
29 intercepting tile line runoff, reducing nutrient loss,
30 improving water quality, and enhancing agricultural
31 production practices:

32 \$ 1,000,000

33 b. Not more than 10 percent of the moneys
34 appropriated in paragraph "a" may be used for costs of
35 administration and implementation of soil and water
36 conservation practices.

37 c. Notwithstanding any other provision in law,
38 the department may provide state resources from this
39 appropriation, in combination with other appropriate
40 environment first fund appropriations, for cost sharing
41 to match United States department of agriculture,
42 natural resources conservation service, wetlands
43 reserve enhancement program (WREP) funding available
44 to Iowa.

45 2. WATERSHED PROTECTION

46 a. For continuation of a program that provides
47 multiobjective resource protections for flood control,
48 water quality, erosion control, and natural resource
49 conservation:

50 \$ 900,000

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1 b. Not more than 10 percent of the moneys
2 appropriated in paragraph "a" may be used for costs of
3 administration and implementation of soil and water
4 conservation practices.

5 3. FARM MANAGEMENT DEMONSTRATION PROGRAM

6 a. For continuation of a statewide voluntary farm
7 management demonstration program to demonstrate the
8 effectiveness and adaptability of emerging practices in
9 agronomy that protect water resources and provide other
10 environmental benefits:

11 \$ 525,000

12 b. Not more than 10 percent of the moneys
13 appropriated in paragraph "a" may be used for costs of
14 administration and implementation of soil and water
15 conservation practices.

16 c. The department of agriculture and land
17 stewardship shall allocate an amount of moneys

18 appropriated in paragraph “a” to an organization
 19 representing soybean growers for purposes of supporting
 20 an agriculture and environment performance program in
 21 order to carry out the purposes of this subsection as
 22 specified in paragraph “a”. The amount of the moneys
 23 allocated shall be determined by the secretary of
 24 agriculture.

25 4. SOIL AND WATER CONSERVATION — ADMINISTRATION

26 For use by the department for costs of
 27 administration and implementation of soil and water
 28 conservation practices:

29 \$ 2,000,000

30 5. CONSERVATION RESERVE PROGRAM (CRP)

31 a. To encourage and assist farmers in enrolling
 32 in and the implementation of the federal conservation
 33 reserve program and to work with them to enhance their
 34 revegetation efforts to improve water quality and
 35 habitat:

36 \$ 1,000,000

37 b. Not more than 10 percent of the moneys
 38 appropriated in paragraph “a” may be used for costs of
 39 administration and implementation of soil and water
 40 conservation practices.

41 6. SOIL AND WATER CONSERVATION

42 a. For use by the department in providing for soil
 43 and water conservation administration, the conservation
 44 of soil and water resources, or the support of soil and
 45 water conservation district commissioners:

46 \$ 6,300,000

47 b. Not more than 5 percent of the moneys
 48 appropriated in paragraph “a” may be allocated for
 49 cost sharing to address complaints filed under section
 50 161A.47.

Page 8

1 c. Of the moneys appropriated in paragraph “a”,
 2 5 percent shall be allocated for financial incentives
 3 to establish practices to protect watersheds above
 4 publicly owned lakes of the state from soil erosion and
 5 sediment as provided in section 161A.73.

6 d. Not more than 30 percent of a soil and water
 7 conservation district’s allocation of moneys as
 8 financial incentives may be provided for the purpose
 9 of establishing management practices to control soil
 10 erosion on land that is row cropped, including but
 11 not limited to no-till planting, ridge-till planting,
 12 contouring, and contour strip-cropping as provided in
 13 section 161A.73.

14 e. The state soil conservation committee
 15 established by section 161A.4 may allocate moneys
 16 appropriated in paragraph “a” to conduct research and

17 demonstration projects to promote conservation tillage
 18 and nonpoint source pollution control practices.
 19 f. The allocation of moneys as financial incentives
 20 as provided in section 161A.73 may be used in
 21 combination with moneys allocated by the department of
 22 natural resources.

23 g. Not more than 15 percent of the moneys
 24 appropriated in paragraph "a" may be used for costs of
 25 administration and implementation of soil and water
 26 conservation practices.

27 h. In lieu of moneys appropriated in section
 28 466A.5, not more than \$50,000 of the moneys
 29 appropriated in paragraph "a" shall be used by the soil
 30 conservation division of the department of agriculture
 31 and land stewardship to provide administrative support
 32 to the watershed improvement review board established
 33 in section 466A.3.

34 Sec. 15. DEPARTMENT OF NATURAL RESOURCES. There is
 35 appropriated from the environment first fund created in
 36 section 8.57A to the department of natural resources
 37 for the fiscal year beginning July 1, 2011, and ending
 38 June 30, 2012, the following amounts, or so much
 39 thereof as is necessary, to be used for the purposes
 40 designated:

41 1. KEEPERS OF THE LAND

42 For statewide coordination of volunteer efforts
 43 under the water quality and keepers of the land
 44 programs:

45 \$ 100,000

46 2. STATE PARKS MAINTENANCE AND OPERATIONS

47 For regular maintenance of state parks and staff
 48 time associated with these activities:

49 \$ 3,410,000

50 3. FORESTRY HEALTH MANAGEMENT

Page 9

1 To provide for forestry health management programs:

2 \$ 100,000

3 4. GEOGRAPHIC INFORMATION SYSTEM (GIS)

4 To provide local watershed managers with geographic
 5 information system data for their use in developing,
 6 monitoring, and displaying results of their watershed
 7 work:

8 \$ 195,000

9 5. WATER QUALITY MONITORING

10 For continuing the establishment and operation of
 11 water quality monitoring stations:

12 \$ 2,955,000

13 6. PUBLIC WATER SUPPLY SYSTEM ACCOUNT

14 For deposit in the public water supply system
 15 account of the water quality protection fund created

16	in section 455B.183A:	
17	.....	\$ 500,000
18	7. REGULATION OF ANIMAL FEEDING OPERATIONS	
19	For the regulation of animal feeding operations,	
20	including as provided for in chapters 459 through 459B:	
21	.....	\$ 520,000
22	8. AMBIENT AIR QUALITY	
23	For the abatement, control, and prevention of	
24	ambient air pollution in this state, including measures	
25	as necessary to assure attainment and maintenance of	
26	ambient air quality standards from particulate matter:	
27	.....	\$ 425,000
28	9. WATER QUANTITY REGULATION	
29	For regulating water quantity from surface and	
30	subsurface sources by providing for the allocation and	
31	use of water resources, the protection and management	
32	of water resources, and the preclusion of conflicts	
33	among users of water resources, including as provided	
34	in chapter 455B, division III, part 4:	
35	.....	\$ 495,000
36	10. GEOLOGICAL AND WATER SURVEY	
37	For continuing the operations of the department's	
38	geological and water survey including but not limited	
39	to providing analysis, data collection, investigative	
40	programs, and information for water supply development	
41	and protection:	
42	.....	\$ 200,000
43	Sec. 16. REVERSION. Notwithstanding section 8.33,	
44	moneys appropriated for the fiscal year beginning	
45	July 1, 2011, 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 to	
48	be used for the purposes designated until the close	
49	of the fiscal year beginning July 1, 2012, or until	
50	the project for which the appropriation was made is	

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1 completed, whichever is earlier.
2 DIVISION V
3 RESOURCES ENHANCEMENT AND PROTECTION
4 (REAP) FUND FOR FY 2011-2012
5 GENERAL APPROPRIATIONS
6 Sec. 17. ENVIRONMENT FIRST FUND. Notwithstanding
7 the amount of the standing appropriation from the
8 general fund of the state to the Iowa resources
9 enhancement and protection fund as provided in section
10 455A.18, there is appropriated from the environment
11 first fund created in section 8.57A to the Iowa
12 resources enhancement and protection fund, in lieu of
13 the appropriation made in section 455A.18, for the
14 fiscal year beginning July 1, 2011, and ending June 30,

15 2012, the following amount, to be allocated as provided
 16 in section 455A.19:
 17 \$ 12,375,000

18 DIVISION VI

19 AGRICULTURAL DRAINAGE WELL CLOSURE

20 Sec. 18. REPORT. The department of agriculture
 21 and land stewardship shall prepare a report regarding
 22 agricultural drainage wells that have not been closed
 23 as provided in chapter 460. The report shall include
 24 an inventory of agricultural drainage wells that
 25 remain unclosed, a projected timeline for closing the
 26 agricultural drainage wells, and an estimate of the
 27 costs for closing each agricultural drainage well. The
 28 department shall submit the report to the governor and
 29 fiscal services division of the legislative services
 30 agency not later than November 15, 2011.

31 DIVISION VII

32 SOIL NUTRIENT MASS STUDY

33 Sec. 19. WATERSHED IMPROVEMENT REVIEW BOARD.

34 1. Notwithstanding any provision to the contrary in
 35 chapter 466A, the watershed improvement review board
 36 established in section 466A.3 may authorize up to fifty
 37 thousand dollars of moneys available in the watershed
 38 improvement fund created in section 466A.2, for the
 39 fiscal period beginning July 1, 2011, and ending
 40 January 1, 2013, to finance a study of soil nutrient
 41 mass balance issues.

42 2. The study financed by the board under this
 43 section shall be conducted by the department of
 44 agriculture and land stewardship in cooperation with
 45 the Iowa state university college of agriculture.
 46 The department, in cooperation with the college of
 47 agriculture, shall study the leaching of nutrients from
 48 the soil; the related impacts on soil sustainability;
 49 productivity; water quality, including erosion,
 50 sediment, and phosphorus attached to sediment; and the

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1 soil's capacity to absorb and hold water.
 2 3. The department of agriculture and land
 3 stewardship shall submit the results of the study
 4 financed by the board under this section to the board,
 5 the governor, and general assembly by January 10, 2013.

6 DIVISION VIII

7 ELIMINATION OF POSITION AND EXPENDITURE OF MONEYS

8 Sec. 20. ELIMINATION OF CHIEF AND ASSISTANT CHIEF
 9 OF THE LAW ENFORCEMENT BUREAU OF THE DEPARTMENT OF

10 NATURAL RESOURCES. Effective August 1, 2011, the
 11 position of assistant chief of the law enforcement
 12 bureau of the department of natural resources is
 13 eliminated.

14 Sec. 21. USE OF MONEYS SAVED FROM THE ELIMINATION
15 OF POSITION — ADDITIONAL CONSERVATION OFFICER. For
16 the fiscal year beginning July 1, 2011, and ending June
17 30, 2012, the department of natural resources shall
18 use moneys saved by the elimination of the position
19 of assistant chief of the law enforcement bureau of
20 the department of natural resources as provided in
21 this division for purposes of supporting an additional
22 full-time equivalent position including salaries,
23 support, maintenance, and miscellaneous purposes. The
24 full-time equivalent position shall be a conservation
25 officer assigned to field duties.

26 DIVISION IX
27 AGRICULTURE AND NATURAL RESOURCES
28 DEPARTMENT OF NATURAL RESOURCES
29 USE OF MONEYS IN THE STATE FISH AND GAME PROTECTION
30 FUND FOR FY 2010–2011

31 Sec. 22. USE OF MONEYS — RADIOS.

32 1. Notwithstanding 2010 Iowa Acts, chapter 1191,
33 section 7, the department of natural resources may use
34 the unappropriated balance remaining in the state fish
35 and game protection fund for the fiscal year beginning
36 July 1, 2010, and ending June 30, 2011, to purchase
37 mobile radios to meet federal and state requirements
38 for homeland security and public safety. This section
39 applies to those moneys in the fund that are not
40 otherwise used, obligated, or encumbered for payment
41 of health and life insurance premium payments for
42 conservation peace officer retirements for that fiscal
43 year. The department may use such moneys until October
44 31, 2011.

45 2. Of the amount appropriated in subsection 1,
46 the department of natural resources may enter into
47 a public-private partnership, through a competitive
48 bidding process, for the provision of the statewide
49 network and the purchase of compatible equipment.

50 3. On or before January 13, 2012, the department of

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1 natural resources in cooperation with the department of
2 public safety shall provide a report to the legislative
3 services agency and the department of management.
4 The report shall detail the status of the moneys
5 appropriated in subsection 1 and shall include the
6 estimated needs of the department of natural resources
7 to achieve interoperability and to meet the federal
8 narrowbanding mandate, any changes in estimated costs
9 to meet those needs, and the status of requests for
10 proposals to develop a public-private partnership.

11 Sec. 23. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
12 APPLICABILITY. This division of this Act, being deemed

13 of immediate importance, takes effect upon enactment
 14 and, if approved by the governor on or after July 1,
 15 2011, shall apply retroactively to June 30, 2011.

16 DIVISION X

17 RELATED STATUTORY CHANGES FOR CODIFICATION IN 2011
 18 RURAL IMPROVEMENT ZONES

19 Sec. 24. Section 357H.7, Code 2011, is amended to
 20 read as follows:

21 357H.7 Board of trustees — power.

22 The trustees of a rural improvement zone elected
 23 pursuant to section 357H.6 shall constitute the board
 24 of trustees of the zone and shall manage and control
 25 the affairs, property, and facilities of the zone. The
 26 board of trustees shall elect a president, a clerk,
 27 and a treasurer from its membership. The trustees
 28 may authorize construction, reconstruction, or repair
 29 of improvements ~~within the zone~~ following procedures
 30 set out in section 331.341. For these purposes, the
 31 trustees may purchase material, employ personnel,
 32 acquire real estate and interests in real estate, and
 33 perform all other acts necessary to properly maintain
 34 and operate the zone. The trustees are allowed
 35 necessary expenses in the discharge of their duties,
 36 but they shall not receive salaries.

37 DIVISION XI

38 RELATED STATUTORY CHANGES FOR CODIFICATION IN 2011
 39 GROUNDWATER PROTECTION FUND

40 Sec. 25. Section 455E.11, subsection 2, paragraph
 41 a, subparagraph (1), subparagraph division (a),
 42 subparagraph subdivision (ii), subparagraph part (B),
 43 Code 2011, is amended to read as follows:

44 (B) Expend not more than fifty percent of the
 45 moneys for a community partnership program designed to
 46 support community beautification projects ~~including~~
 47 ~~the deconstruction, renovation, or removal of derelict~~
 48 ~~buildings. Eligible communities are limited to cities~~
 49 ~~of five thousand or fewer in population. Eligible~~
 50 ~~costs shall include but are not limited to asbestos~~

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1 ~~abatement and removal, the recovery and processing~~
 2 ~~of recyclable or reusable material from derelict~~
 3 ~~buildings, and reimbursement for purchased recycled~~
 4 ~~content materials used in the renovation of buildings.~~
 5 ~~Special consideration may be given to communities that~~
 6 ~~hire the unemployed to deconstruct structures, clean~~
 7 ~~up the properties, and, if there is no immediate buyer~~
 8 ~~for the properties, turn the properties into green~~
 9 ~~spaces. Any business entity or individual engaged in~~
 10 ~~the removal or abatement of asbestos must have obtained~~
 11 ~~a valid license or permit as required in chapter 88B.~~

12 Sec. 26. Section 455E.11, subsection 2, paragraph
13 a, subparagraph (1), Code 2011, is amended by adding
14 the following new subparagraph division:
15 NEW SUBPARAGRAPH DIVISION. (0e) Not more than
16 four hundred thousand dollars to the department for
17 purposes of providing funding assistance to eligible
18 communities to address abandoned buildings by promoting
19 waste abatement, diversion, selective dismantlement
20 of building components, and recycling. Eligible
21 communities include a city with a population of
22 five thousand or fewer. Eligible costs for program
23 assistance include but are not limited to asbestos and
24 other hazardous material abatement and removal, the
25 recovery processing of recyclable or reusable material
26 through the selective dismantlement of abandoned
27 buildings, and reimbursement for purchased recycled
28 content materials used in the renovation of buildings.
29 For projects that support community beautification, the
30 department may elect to administer funding to eligible
31 communities in collaboration with the organization
32 awarded the beautification grant in accordance with
33 subparagraph division (a), subparagraph subdivision
34 (i).

35 DIVISION XII

36 RELATED STATUTORY CHANGES FOR CODIFICATION IN 2011 37 IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK 38 FUND

39 Sec. 27. Section 455G.3, subsections 6 through 8,
40 Code 2011, are amended to read as follows:

41 6. a. For the fiscal year beginning July 1,
42 2010, and each fiscal year thereafter, there is
43 appropriated from the Iowa comprehensive petroleum
44 underground storage tank fund to the department of
45 natural resources two hundred thousand dollars for
46 purposes of technical review support to be conducted
47 by nongovernmental entities for leaking underground
48 storage tank assessments.

49 b. Notwithstanding section 8.33, moneys
50 appropriated in this subsection that remain

Page 14

1 unencumbered or unobligated at the close of the fiscal
2 year shall not revert but shall remain available for
3 expenditure for the purposes designated until the close
4 of the succeeding fiscal year.

5 7. a. For the fiscal year beginning July 1, 2010,
6 there is appropriated from the Iowa comprehensive
7 petroleum underground storage tank fund to the
8 department of natural resources one hundred thousand
9 dollars for purposes of database modifications
10 necessary to accept batched external data regarding

11 underground storage tank inspections conducted by
 12 nongovernmental entities.
 13 b. Notwithstanding section 8.33, moneys
 14 appropriated in this subsection that remain
 15 unencumbered or unobligated at the close of the fiscal
 16 year shall not revert but shall remain available for
 17 expenditure for the purposes designated until the close
 18 of the succeeding fiscal year.

19 8. a. For the fiscal year beginning July 1, 2010,
 20 and each fiscal year thereafter, there is appropriated
 21 from the Iowa comprehensive petroleum underground
 22 storage tank fund to the department of agriculture and
 23 land stewardship two hundred fifty thousand dollars
 24 for the sole and exclusive purpose of inspecting
 25 fuel quality at pipeline terminals and renewable fuel
 26 production facilities, including salaries, support,
 27 maintenance, and miscellaneous purposes.

28 b. Notwithstanding section 8.33, moneys
 29 appropriated in this subsection that remain
 30 unencumbered or unobligated at the close of the fiscal
 31 year shall not revert but shall remain available for
 32 expenditure for the purposes designated until the close
 33 of the succeeding fiscal year.

34 Sec. 28. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
 35 APPLICABILITY. This division of this Act, being deemed
 36 of immediate importance, takes effect upon enactment
 37 and, if approved by the governor on or after July 1,
 38 2011, shall apply retroactively to June 30, 2011.

39 DIVISION XIII

40 AGRICULTURE AND NATURAL RESOURCES

41 RELATED STATUTORY CHANGES FOR CODIFICATION IN 2011 —

42 LOCAL FOOD AND FARM INITIATIVE

43 Sec. 29. NEW SECTION. 267A.1 Purpose and goals.

44 1. The purpose of this chapter is to empower
 45 farmers and food entrepreneurs to provide for strong
 46 local food economies that promote self-sufficiency
 47 and job growth in the agricultural sector and allied
 48 sectors of the economy.

49 2. The goals of this chapter are to accomplish all
 50 of the following:

Page 15

1 a. Promote the expansion of the production of local
 2 foods, including all of the following:

3 (1) The production of Iowa-grown food, including
 4 but not limited to livestock, eggs, milk, fruit,
 5 vegetables, grains, herbs, honey, and nuts.

6 (2) The processing of Iowa-grown agricultural
 7 products into food products, including canning,
 8 freezing, dehydrating, bottling, or otherwise packaging
 9 and preserving such products.

- 10 (3) The distribution and marketing of fresh and
 11 processed Iowa-grown agricultural food products to
 12 markets in this state and neighboring states.
 13 b. Increase consumer and institutional spending on
 14 Iowa-produced and marketed foods.
 15 c. Increase the profitability of farmers and
 16 businesses engaged in enterprises related to producing,
 17 processing, distributing, and marketing local food.
 18 d. Increase the number of jobs in this state's
 19 farm and business economies associated with producing,
 20 processing, distributing, and marketing local food.
- 21 Sec. 30. NEW SECTION. 267A.2 Definitions.
 22 As used in this section, unless the context
 23 otherwise requires:
 24 1. "Coordinator" means the local food and farm
 25 program coordinator created in section 267A.4.
 26 2. "Council" means the local food and farm program
 27 council established in section 267A.3.
 28 3. "Department" means the department of agriculture
 29 and land stewardship.
 30 4. "Fund" means the local food and farm program
 31 fund created in section 267A.5.
- 32 Sec. 31. NEW SECTION. 267A.3 Local food and farm
 33 program council.
 34 1. A local food and farm program council is
 35 established to advise the local food and farm program
 36 coordinator carrying out the purpose and goals of this
 37 chapter as provided in section 267A.1.
 38 2. The council shall be composed of the following
 39 voting members:
 40 a. The secretary of agriculture or the secretary's
 41 designee.
 42 b. Members appointed by the designated
 43 organizations, at the discretion of the organization,
 44 to represent the private sector as follows:
 45 (1) One person by the practical farmers of Iowa who
 46 is involved in local food production.
 47 (2) One person by the Iowa farmers market
 48 association.
 49 c. Members appointed by the governor to represent
 50 public or private entities involved in local food

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- 1 distribution, marketing, or processing as follows:
 2 (1) One person who is associated with a resource
 3 conservation and development office in this state.
 4 (2) One person actively engaged in the distribution
 5 of local food to processors, wholesalers, or retailers.
 6 (3) One person from the regional food systems
 7 working group who is actively engaged or an expert in
 8 local food.

9 3. A member designated by the secretary of
10 agriculture shall serve at the pleasure of the
11 secretary. A member appointed by an organization shall
12 serve at the pleasure of that organization. A member
13 appointed by the governor shall serve at the pleasure
14 of the governor.

15 4. The council shall be part of the department.
16 The department shall perform administrative functions
17 necessary for the operation of the council.

18 5. The council shall elect a chairperson from among
19 its members each year on a rotating basis as provided
20 by the council. The council shall meet on a regular
21 basis and at the call of the chairperson or upon the
22 written request to the chairperson of a majority of the
23 members.

24 6. The members of the council shall not receive
25 compensation for their services including as provided
26 in section 7E.6. However, the members may be
27 reimbursed for their actual and necessary expenses
28 incurred in the performance of their duties as members
29 of the council if allowed by the council.

30 7. A majority of the members constitutes a quorum
31 and the affirmative vote of a majority of the members
32 present is necessary for any substantive action to
33 be taken by the council. The majority shall not
34 include any member who has a conflict of interest and a
35 statement by a member that the member has a conflict
36 of interest is conclusive for this purpose. A vacancy
37 in the membership does not impair the duties of the
38 council.

39 Sec. 32. NEW SECTION. 267A.4 Local food and farm
40 program coordinator.

41 The position of local food and farm program
42 coordinator is created within Iowa state university
43 as part of its cooperative extension service in
44 agriculture and home economics. The coordinator shall
45 be the primary state official charged with carrying out
46 the purposes and goals of this chapter.

47 Sec. 33. NEW SECTION. 267A.5 Local food and farm
48 program fund.

49 A local food and farm program fund is created in the
50 state treasury under the control of the department.

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1 The fund is separate from the general fund of the
2 state. The fund is composed of moneys appropriated
3 by the general assembly and moneys available to and
4 obtained or accepted by the local food and farm program
5 from the United States government or private sources
6 for placement in the fund. Moneys in the fund shall
7 be used to carry out the purpose and goals of this

8 chapter as provided in section 267A.1, including but
9 not limited to administering the local food and farm
10 program as provided in section 267A.6. The fund shall
11 be managed by the department in consultation with the
12 local food and farm coordinator, under the supervision
13 of the local food and farm program council.

14 Sec. 34. NEW SECTION. 267A.6 Local food and farm
15 program.

16 The local food and farm program coordinator, with
17 advice from the local food and farm program council,
18 shall develop and administer a local food and farm
19 program necessary to carry out the purpose and goals of
20 this chapter as provided in section 267A.1, including
21 but not limited to by improving any of the following:

22 1. Communication and cooperation between and among
23 farmers, food entrepreneurs, and consumers.

24 2. Coordination between and among government
25 agencies, public universities and community colleges,
26 organizations, and private-sector firms working on
27 local food and farm-related issues.

28 Sec. 35. NEW SECTION. 267A.7 Local food and farm
29 program report.

30 The local food and farm program coordinator shall
31 prepare an annual report dated June 30, which shall
32 evaluate the state's progress in accomplishing the
33 purpose and goals of this chapter. The report shall
34 be delivered to the governor and general assembly not
35 later than October 1 of each year.

36 DIVISION XIV

37 AGRICULTURE AND NATURAL RESOURCES

38 RELATED STATUTORY CHANGES FOR CODIFICATION

39 IN 2011 — ANIMAL AGRICULTURE

40 COMPLIANCE CIVIL PENALTIES

41 Sec. 36. Section 455B.109, subsection 5, Code 2011,
42 is amended by striking the subsection and inserting in
43 lieu thereof the following:

44 5. a. Except as provided in paragraph "b", all
45 civil penalties assessed by the department and interest
46 on the civil penalties shall be deposited in the
47 general fund of the state.

48 b. Civil penalties assessed and collected by or
49 on behalf of the department and interest on the civil
50 penalties as provided in sections 459.602, 459.603,

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1 459.604, 459A.502, and 459B.402 shall be deposited
2 into the watershed improvement fund created in section
3 466A.2.

4 Sec. 37. Section 459.401, subsection 2, paragraph
5 a, subparagraph (5), Code 2011, is amended by striking

6 the subparagraph.

7 Sec. 38. Section 459.602, Code 2011, is amended to
8 read as follows:

9 459.602 Air quality violations — civil penalty.

10 A person who violates subchapter II shall be
11 subject to a civil penalty which shall be established,
12 assessed, and collected in the same manner as provided
13 in section 455B.109. Any civil penalty collected shall
14 be deposited ~~in the animal agriculture compliance~~
15 ~~fund created in section 459.401~~ into the watershed
16 improvement fund created in section 466A.2.

17 Sec. 39. Section 459.603, Code 2011, is amended to
18 read as follows:

19 459.603 Water quality violations — civil penalty.

20 A person who violates subchapter III shall be
21 subject to a civil penalty which shall be established,
22 assessed, and collected in the same manner as provided
23 in section 455B.109 or 455B.191. Any civil penalty
24 collected shall be deposited ~~in the animal agriculture~~
25 ~~compliance fund created in section 459.401~~ into the
26 watershed improvement fund created in section 466A.2.

27 Sec. 40. Section 459.604, subsection 2, Code 2011,
28 is amended to read as follows:

29 2. Moneys assessed and collected in civil penalties
30 and interest earned on civil penalties, arising out
31 of a violation involving an animal feeding operation,
32 shall be deposited ~~in the animal agriculture compliance~~
33 ~~fund as created in section 459.401~~ into the watershed
34 improvement fund created in section 466A.2.

35 Sec. 41. Section 459A.502, Code 2011, is amended to
36 read as follows:

37 459A.502 Violations — civil penalty.

38 A person who violates this chapter shall be subject
39 to a civil penalty which shall be established,
40 assessed, and collected in the same manner as provided
41 in section 455B.191. Any civil penalty collected and
42 interest on a civil penalty shall be deposited ~~in the~~
43 ~~animal agriculture compliance fund created in section~~
44 ~~459.401~~ into the watershed improvement fund created in
45 section 466A.2. A person shall not be subject to a
46 penalty under this section and a penalty under section
47 459.603 for the same violation.

48 Sec. 42. Section 459B.402, Code 2011, is amended to
49 read as follows:

50 459B.402 Violations — civil penalty.

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1 A person who violates section 459B.301 shall be
2 subject to the same penalty as provided in section
3 459.602, and a person who violates any other provision

4 of this chapter shall be subject to the same penalty
5 as provided in section 459.603. Any civil penalty
6 collected shall be deposited ~~in the animal agriculture~~
7 ~~compliance fund created in section 459.401~~ into the
8 watershed improvement fund created in section 466A.2.

9 Sec. 43. Section 466A.2, subsection 1, Code 2011,
10 is amended to read as follows:

11 1. a. A watershed improvement fund is created in
12 the state treasury which shall be administered by the
13 treasurer of state ~~upon direction~~ under the supervision
14 of the watershed improvement review board. Moneys in
15 the fund are appropriated to the treasurer of state for
16 expenditure as authorized by the board to carry out the
17 purposes of this chapter.

18 b. The fund shall include a general account and
19 special account.

20 (1) Moneys ~~Other than as provided in subparagraph~~

21 (2), the general account shall include all moneys

22 appropriated to the fund and any other moneys available
23 to and obtained or accepted by the treasurer of state
24 for placement in the fund shall be deposited in the
25 fund. Additionally, payments of interest, recaptures
26 of awards, and other repayments to the ~~fund~~ account
27 shall be deposited in the ~~fund~~ account.

28 (2) The special account shall exclusively include
29 moneys assessed and collected by or on behalf of
30 the department of natural resources as provided in
31 sections 455B.109, 459.602, 459.603, 459.604, 459A.502,
32 and 459B.402. Additionally, payments of interest,
33 recaptures of awards, and other repayments to the
34 account shall be deposited in the account.

35 c. Notwithstanding section 12C.7, subsection 2,
36 interest or earnings on moneys in ~~the fund~~ an account
37 of the fund that shall be credited to the fund that
38 account.

39 d. Notwithstanding section 8.33, moneys in the fund
40 that remain unencumbered or unobligated at the end of
41 the fiscal year shall not revert, but shall remain
42 available for the same purpose in the succeeding fiscal
43 year.

44 e. ~~The moneys~~ Moneys in the ~~fund~~ general account of
45 the fund shall be used exclusively for carrying out the
46 purposes of ~~the fund as provided in this section~~ this
47 chapter. Moneys in the special account of the fund
48 shall be used exclusively by the board for purposes
49 of awarding local watershed improvement grants and
50 monitoring the progress of local watershed improvement

1 projects awarded grants as provided in section 466A.3.
 2 f. Moneys appropriated to the treasurer of state
 3 and deposited in the fund shall not be used by the
 4 treasurer of state for its administrative purposes.

5 Sec. 44. Section 466A.3, subsection 4, unnumbered
 6 paragraph 1, Code 2011, is amended to read as follows:

7 The watershed improvement review board shall carry
 8 out the purposes of this chapter as provided in section
 9 466A.2, including by determining how moneys are to
 10 be expended from the watershed improvement fund and
 11 authorizing the expenditure of moneys from the fund.
 12 In carrying out those purposes, the board shall do all
 13 of the following:

14 Sec. 45. Section 466A.3, subsection 4, paragraph a,
 15 Code 2011, is amended to read as follows:

16 a. Award local watershed improvement grants and
 17 monitor the progress of local watershed improvement
 18 projects awarded grants.

19 (1) A local watershed improvement grant may be
 20 awarded for an original period not to exceed five
 21 years. However, during those five years, the board
 22 may extend the period of the award for up to five
 23 additional years after the date that the original
 24 period would have ended.

25 (2) Each local watershed improvement grant awarded
 26 shall not exceed ten percent of the moneys appropriated
 27 for the grants during a fiscal year.

28 (3) Moneys deposited into the fund's special
 29 account shall be used exclusively for awarding local
 30 watershed improvement grants and monitoring the
 31 progress of local watershed improvement projects
 32 awarded grants as provided in this paragraph "a".
 33 However, any other moneys may also be used for awarding
 34 grants and monitoring the progress of projects.

35 Sec. 46. Section 466A.5, Code 2011, is amended to
 36 read as follows:

37 466A.5 Administration.

38 The soil conservation division of the department
 39 of agriculture and land stewardship shall provide
 40 administrative support to the board. Not more than one
 41 percent of the total moneys deposited in the general
 42 account of the watershed improvement fund on July 1 of
 43 a fiscal year or fifty thousand dollars, whichever is
 44 less, is appropriated each fiscal year to the division
 45 for the purposes of assisting the watershed improvement
 46 review board in administering this chapter.

47 DIVISION XV

48 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

49 GENERAL APPROPRIATIONS FOR FY 2012-2013

50 Sec. 47. GENERAL FUND — DEPARTMENT.

1 1. There is appropriated from the general fund of
2 the state to the department of agriculture and land
3 stewardship for the fiscal year beginning July 1, 2012,
4 and ending June 30, 2013, the following amount, or
5 so much thereof as is necessary, to be used for the
6 purposes designated:

7 For purposes of supporting the department, including
8 its divisions, for administration, regulation, and
9 programs; for salaries, support, maintenance, and
10 miscellaneous purposes; and for not more than the
11 following full-time equivalent positions:

12	\$	8,343,252
13	FTEs	347.00

14 2. The department shall submit a report each
15 quarter of the fiscal year to the legislative services
16 agency, the department of management, the members of
17 the joint appropriations subcommittee on agriculture
18 and natural resources, and the chairpersons and
19 ranking members of the senate and house committees on
20 appropriations. The report shall describe in detail
21 the expenditure of moneys appropriated in this section
22 to support the department's administration, regulation,
23 and programs.

24 3. Of the amount appropriated in this section,
25 \$119,000 is transferred to Iowa state university of
26 science and technology, to be used for the university's
27 midwest grape and wine industry institute.

28 DESIGNATED APPROPRIATIONS — ANIMAL HUSBANDRY

29 Sec. 48. UNCLAIMED PARI-MUTUEL WAGERING WINNINGS —
30 HORSE AND DOG RACING. There is appropriated from the
31 moneys available under section 99D.13 to the department
32 of agriculture and land stewardship for the fiscal year
33 beginning July 1, 2012, and ending June 30, 2013, the
34 following amount, or so much thereof as is necessary,
35 to be used for the purposes designated:

36 For purposes of supporting the department's
37 administration and enforcement of horse and dog racing
38 law pursuant to section 99D.22, including for salaries,
39 support, maintenance, and miscellaneous purposes:

40	\$	152,758
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41 DESIGNATED APPROPRIATIONS — MOTOR FUEL

42 Sec. 49. RENEWABLE FUEL INFRASTRUCTURE FUND —
43 MOTOR FUEL INSPECTION. There is appropriated from
44 the renewable fuel infrastructure fund created in
45 section 15G.205 to the department of agriculture and
46 land stewardship for the fiscal year beginning July 1,
47 2012, and ending June 30, 2013, the following amount,
48 or so much thereof as is necessary, to be used for the
49 purposes designated:

50 For purposes of the inspection of motor fuel,

1 including salaries, support, maintenance, and
 2 miscellaneous purposes:
 3 \$ 250,000
 4 The department shall establish and administer
 5 programs for the auditing of motor fuel including
 6 biofuel processing and production plants, for screening
 7 and testing motor fuel, including renewable fuel,
 8 and for the inspection of motor fuel sold by dealers
 9 including retail dealers who sell and dispense motor
 10 fuel from motor fuel pumps.

11 DESIGNATED APPROPRIATIONS — LOCAL FOOD AND FARM
 12 COORDINATOR

13 Sec. 50. APPROPRIATION — DEPARTMENT OF AGRICULTURE
 14 AND LAND STEWARDSHIP — LOCAL FOOD AND FARM PROGRAM
 15 COORDINATOR.

16 1. There is appropriated from the general fund of
 17 the state to the department of agriculture and land
 18 stewardship for the fiscal year beginning July 1, 2012,
 19 and ending June 30, 2013, the following amount, or
 20 so much thereof as is necessary, to be used for the
 21 purposes designated:

22 For purposes of supporting a local food and farm
 23 program coordinator as provided in chapter 267A,
 24 as enacted by this Act, for salaries, support,
 25 maintenance, and miscellaneous purposes, and for not
 26 more than the following full-time equivalent positions:
 27 \$ 37,500
 28 FTEs 1.00

29 2. The department shall enter into a cost-sharing
 30 agreement with Iowa state university to support
 31 the local food and farm program coordinator. The
 32 coordinator shall be stationed at Iowa state university
 33 as provided in chapter 267A, as enacted by this Act.

34 DESIGNATED APPROPRIATIONS — AGRICULTURAL EDUCATION

35 Sec. 51. AGRICULTURAL EDUCATION. There is
 36 appropriated from the general fund of the state to the
 37 department of agriculture and land stewardship for the
 38 fiscal year beginning July 1, 2012, and ending June 30,
 39 2013, the following amount, or so much thereof as is
 40 necessary, to be used for the purposes designated:

41 For purposes of allocating moneys to an Iowa
 42 association affiliated with a national organization
 43 which promotes agricultural education providing for
 44 future farmers:
 45 \$ 12,500

46 DIVISION XVI

47 DEPARTMENT OF NATURAL RESOURCES
 48 GENERAL APPROPRIATIONS FOR FY 2012–2013

49 Sec. 52. GENERAL FUND — DEPARTMENT.

50 1. There is appropriated from the general fund of

1 the state to the department of natural resources for
2 the fiscal year beginning July 1, 2012, and ending June
3 30, 2013, the following amount, or so much thereof as
4 is necessary, to be used for the purposes designated:

5 For purposes of supporting the department, including
6 its divisions, for administration, regulation, and
7 programs; for salaries, support, maintenance, and
8 miscellaneous purposes; and for not more than the
9 following full-time equivalent positions:

10	\$	6,145,844
11	FTEs	1,145.95

12 2. Of the number of full-time equivalent positions
13 authorized to the department pursuant to subsection 1,
14 50.00 full-time equivalent positions shall be allocated
15 by the department for seasonal employees for purposes
16 of providing maintenance, upkeep, and sanitary services
17 at state parks.

18 3. The department shall submit a report each
19 quarter of the fiscal year to the legislative services
20 agency, the department of management, the members of
21 the joint appropriations subcommittee on agriculture
22 and natural resources, and the chairpersons and
23 ranking members of the senate and house committees on
24 appropriations. The report shall describe in detail
25 the expenditure of moneys appropriated under this
26 section to support the department's administration,
27 regulation, and programs.

28 Sec. 53. STATE FISH AND GAME PROTECTION FUND —
29 DIVISION OF FISH AND WILDLIFE.

30 1. There is appropriated from the state fish and
31 game protection fund to the department of natural
32 resources for the fiscal year beginning July 1, 2012,
33 and ending June 30, 2013, the following amount, or
34 so much thereof as is necessary, to be used for the
35 purposes designated:

36 For purposes of supporting the division of fish and
37 wildlife, including for administration, regulation,
38 and programs; and for salaries, support, maintenance,
39 equipment, and miscellaneous purposes:

40	\$	19,396,577
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41 2. Notwithstanding section 455A.10, the department
42 may use the unappropriated balance remaining in the
43 state fish and game protection fund to provide for the
44 funding of health and life insurance premium payments
45 from unused sick leave balances of conservation peace
46 officers employed in a protection occupation who
47 retire, pursuant to section 97B.49B.

48 3. Notwithstanding section 455A.10, the department
49 of natural resources may use the unappropriated
50 balance remaining in the state fish and game protection

1 fund for the fiscal year beginning July 1, 2012,
 2 and ending June 30, 2013, as is necessary to fund
 3 salary adjustments for departmental employees which
 4 the general assembly has made an operating budget
 5 appropriation for in subsection 1.

6 Sec. 54. GROUNDWATER PROTECTION FUND — WATER
 7 QUALITY. There is appropriated from the groundwater
 8 protection fund created in section 455E.11 to the
 9 department of natural resources for the fiscal year
 10 beginning July 1, 2012, and ending June 30, 2013, from
 11 those moneys which are not allocated pursuant to that
 12 section, the following amount, or so much thereof as is
 13 necessary, to be used for the purposes designated:

14 For purposes of supporting the department's
 15 protection of the state's groundwater, including
 16 for administration, regulation, and programs, and
 17 for salaries, support, maintenance, equipment, and
 18 miscellaneous purposes:

19 \$ 1,727,916

20 DESIGNATED APPROPRIATIONS — MISCELLANEOUS

21 Sec. 55. SPECIAL SNOWMOBILE FUND — SNOWMOBILE
 22 PROGRAM. There is appropriated from the special
 23 snowmobile fund created under section 321G.7 to the
 24 department of natural resources for the fiscal year
 25 beginning July 1, 2012, and ending June 30, 2013, the
 26 following amount, or so much thereof as is necessary,
 27 to be used for the purpose designated:

28 For purposes of administering and enforcing the
 29 state snowmobile programs:

30 \$ 50,000

31 Sec. 56. UNASSIGNED REVENUE FUND — UNDERGROUND

32 STORAGE TANK SECTION EXPENSES. There is appropriated
 33 from the unassigned revenue fund administered by the
 34 Iowa comprehensive underground storage tank fund
 35 board to the department of natural resources for the
 36 fiscal year beginning July 1, 2012, and ending June 30,
 37 2013, the following amount, or so much thereof as is
 38 necessary, to be used for the purpose designated:

39 For purposes of paying for administration expenses
 40 of the department's underground storage tank section:

41 \$ 100,000

42 Sec. 57. STORM WATER DISCHARGE PERMIT FEES —
 43 SUPPORT FOR SPECIAL PURPOSES. Notwithstanding any

44 contrary provision of state law, for the fiscal year
 45 beginning July 1, 2012, and ending June 30, 2013, the
 46 department of natural resources may use additional
 47 moneys available to the department collected from
 48 storm water discharge permit fees as provided in
 49 sections 455B.103A and 455B.197 for the staffing of the
 50 following additional full-time equivalent positions for

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1	the purposes designated:		
2	1. For purposes of reducing the department's		
3	floodplain permit backlog:		
4	.....	FTEs	2.00
5	2. For purposes of implementing the federal total		
6	maximum daily load program:		
7	.....	FTEs	2.00

DIVISION XVII
IOWA STATE UNIVERSITY

APPROPRIATION FOR FY 2012-2013

Sec. 58. GENERAL FUND — VETERINARY DIAGNOSTIC LABORATORY.

1. There is appropriated from the general fund of the state to Iowa state university of science and technology for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the college of veterinary medicine for the operation of the veterinary diagnostic laboratory and for not more than the following full-time equivalent positions:			
.....	\$		1,618,818
.....	FTEs		50.00

2. a. Iowa state university of science and technology shall not reduce the amount that it allocates to support the college of veterinary medicine from any other source due to the appropriation made in this section.

b. Paragraph "a" does not apply to a reduction made to support the college of veterinary medicine, if the same percentage of reduction imposed on the college of veterinary medicine is also imposed on all of Iowa state university's budget units.

3. If by June 30, 2013, Iowa state university of science and technology fails to allocate the moneys appropriated in this section to the college of veterinary medicine in accordance with this section, the moneys appropriated in this section for that fiscal year shall revert to the general fund of the state.

Sec. 59. VETERINARY DIAGNOSTIC LABORATORY — FUTURE YEAR. This section applies if appropriations made in this Act and all other Acts enacted by the Eighty-fourth General Assembly during the 2012 regular session and all extraordinary sessions, for the fiscal year beginning July 1, 2012, and ending June 30, 2013, for purposes of supporting the operation of the veterinary diagnostic laboratory associated with the college of veterinary medicine at Iowa state university, total less than \$4,000,000. It is the

1 intent of the general assembly that the amount of any
 2 deficit will be appropriated by the general assembly
 3 during its 2013 regular session for purposes of
 4 supporting the operation of the veterinary diagnostic
 5 laboratory for the fiscal year beginning July 1, 2013,
 6 and ending June 30, 2014.

7 DIVISION XVIII

8 ENVIRONMENT FIRST FUND

9 GENERAL APPROPRIATIONS FOR FY 2012–2013

10 Sec. 60. DEPARTMENT OF AGRICULTURE AND LAND

11 STEWARDSHIP. There is appropriated from the
 12 environment first fund created in section 8.57A to the
 13 department of agriculture and land stewardship for the
 14 fiscal year beginning July 1, 2012, and ending June 30,
 15 2013, the following amounts, or so much thereof as is
 16 necessary, to be used for the purposes designated:

17 1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

18 a. For the conservation reserve enhancement program
 19 to restore and construct wetlands for the purposes of
 20 intercepting tile line runoff, reducing nutrient loss,
 21 improving water quality, and enhancing agricultural
 22 production practices:

23 \$ 500,000

24 b. Not more than 10 percent of the moneys
 25 appropriated in paragraph “a” may be used for costs of
 26 administration and implementation of soil and water
 27 conservation practices.

28 c. Notwithstanding any other provision in law,
 29 the department may provide state resources from this
 30 appropriation, in combination with other appropriate
 31 environment first fund appropriations, for cost sharing
 32 to match United States department of agriculture,
 33 natural resources conservation service, wetlands
 34 reserve enhancement program (WREP) funding available
 35 to Iowa.

36 2. WATERSHED PROTECTION

37 a. 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 \$ 450,000

42 b. Not more than 10 percent of the moneys
 43 appropriated in paragraph “a” may be used for costs of
 44 administration and implementation of soil and water
 45 conservation practices.

46 3. FARM MANAGEMENT DEMONSTRATION PROGRAM

47 a. For continuation of a statewide voluntary farm
 48 management demonstration program to demonstrate the
 49 effectiveness and adaptability of emerging practices in
 50 agronomy that protect water resources and provide other

1	environmental benefits:	
2	.....	\$ 262,500
3	b. Not more than 10 percent of the moneys	
4	appropriated in paragraph “a” may be used for costs of	
5	administration and implementation of soil and water	
6	conservation practices.	
7	c. The department of agriculture and land	
8	stewardship shall allocate an amount of moneys	
9	appropriated in paragraph “a” to an organization	
10	representing soybean growers for purposes of supporting	
11	an agriculture and environment performance program in	
12	order to carry out the purposes of this subsection as	
13	specified in paragraph “a”. The amount of the moneys	
14	allocated shall be determined by the secretary of	
15	agriculture.	
16	4. SOIL AND WATER CONSERVATION — ADMINISTRATION	
17	For use by the department for costs of	
18	administration and implementation of soil and water	
19	conservation practices:	
20	.....	\$ 1,000,000
21	5. CONSERVATION RESERVE PROGRAM (CRP)	
22	a. To encourage and assist farmers in enrolling	
23	in and the implementation of the federal conservation	
24	reserve program and to work with them to enhance their	
25	revegetation efforts to improve water quality and	
26	habitat:	
27	.....	\$ 500,000
28	b. Not more than 10 percent of the moneys	
29	appropriated in paragraph “a” may be used for costs of	
30	administration and implementation of soil and water	
31	conservation practices.	
32	6. SOIL AND WATER CONSERVATION	
33	a. For use by the department in providing for soil	
34	and water conservation administration, the conservation	
35	of soil and water resources, or the support of soil and	
36	water conservation district commissioners:	
37	.....	\$ 3,150,000
38	b. Not more than 5 percent of the moneys	
39	appropriated in paragraph “a” may be allocated for	
40	cost sharing to address complaints filed under section	
41	161A.47.	
42	c. Of the moneys appropriated in paragraph “a”,	
43	5 percent shall be allocated for financial incentives	
44	to establish practices to protect watersheds above	
45	publicly owned lakes of the state from soil erosion and	
46	sediment as provided in section 161A.73.	
47	d. Not more than 30 percent of a soil and water	
48	conservation district’s allocation of moneys as	
49	financial incentives may be provided for the purpose	
50	of establishing management practices to control soil	

1 erosion on land that is row cropped, including but
 2 not limited to no-till planting, ridge-till planting,
 3 contouring, and contour strip-cropping as provided in
 4 section 161A.73.
 5 e. The state soil conservation committee
 6 established by section 161A.4 may allocate moneys
 7 appropriated in paragraph "a" to conduct research and
 8 demonstration projects to promote conservation tillage
 9 and nonpoint source pollution control practices.
 10 f. The allocation of moneys as financial incentives
 11 as provided in section 161A.73 may be used in
 12 combination with moneys allocated by the department of
 13 natural resources.
 14 g. Not more than 15 percent of the moneys
 15 appropriated in paragraph "a" may be used for costs of
 16 administration and implementation of soil and water
 17 conservation practices.
 18 h. In lieu of moneys appropriated in section
 19 466A.5, not more than \$50,000 of the moneys
 20 appropriated in paragraph "a" shall be used by the soil
 21 conservation division of the department of agriculture
 22 and land stewardship to provide administrative support
 23 to the watershed improvement review board established
 24 in section 466A.3.

25 Sec. 61. DEPARTMENT OF NATURAL RESOURCES. There is
 26 appropriated from the environment first fund created in
 27 section 8.57A to the department of natural resources
 28 for the fiscal year beginning July 1, 2012, and ending
 29 June 30, 2013, the following amounts, or so much
 30 thereof as is necessary, to be used for the purposes
 31 designated:

32 1. KEEPERS OF THE LAND

33 For statewide coordination of volunteer efforts
 34 under the water quality and keepers of the land
 35 programs:

36 \$ 50,000

37 2. STATE PARKS MAINTENANCE AND OPERATIONS

38 For regular maintenance of state parks and staff
 39 time associated with these activities:

40 \$ 1,705,000

41 3. FORESTRY HEALTH MANAGEMENT

42 To provide for forestry health management programs:

43 \$ 50,000

44 4. GEOGRAPHIC INFORMATION SYSTEM (GIS)

45 To provide local watershed managers with geographic
 46 information system data for their use in developing,
 47 monitoring, and displaying results of their watershed
 48 work:

49 \$ 97,500

50 5. WATER QUALITY MONITORING

Page 29

1	For continuing the establishment and operation of		
2	water quality monitoring stations:		
3	.....	\$	1,477,500
4	6. PUBLIC WATER SUPPLY SYSTEM ACCOUNT		
5	For deposit in the public water supply system		
6	account of the water quality protection fund created		
7	in section 455B.183A:		
8	.....	\$	250,000
9	7. REGULATION OF ANIMAL FEEDING OPERATIONS		
10	For the regulation of animal feeding operations,		
11	including as provided for in chapters 459 through 459B:		
12	.....	\$	260,000
13	8. AMBIENT AIR QUALITY		
14	For the abatement, control, and prevention of		
15	ambient air pollution in this state, including measures		
16	as necessary to assure attainment and maintenance of		
17	ambient air quality standards from particulate matter:		
18	.....	\$	212,500
19	9. WATER QUANTITY REGULATION		
20	For regulating water quantity from surface and		
21	subsurface sources by providing for the allocation and		
22	use of water resources, the protection and management		
23	of water resources, and the preclusion of conflicts		
24	among users of water resources, including as provided		
25	in chapter 455B, division III, part 4:		
26	.....	\$	247,500
27	10. GEOLOGICAL AND WATER SURVEY		
28	For continuing the operations of the department's		
29	geological and water survey including but not limited		
30	to providing analysis, data collection, investigative		
31	programs, and information for water supply development		
32	and protection:		
33	.....	\$	100,000
34	Sec. 62. REVERSION. Notwithstanding section 8.33,		
35	moneys appropriated for the fiscal year beginning		
36	July 1, 2012, in this division of this Act that remain		
37	unencumbered or unobligated at the close of the fiscal		
38	year shall not revert but shall remain available to		
39	be used for the purposes designated until the close		
40	of the fiscal year beginning July 1, 2013, or until		
41	the project for which the appropriation was made is		
42	completed, whichever is earlier.		
43	DIVISION XIX		
44	RESOURCES ENHANCEMENT AND PROTECTION		
45	(REAP) FUND FOR FY 2012–2013		
46	GENERAL APPROPRIATIONS		
47	Sec. 63. ENVIRONMENT FIRST FUND. Notwithstanding		
48	the amount of the standing appropriation from the		
49	general fund of the state to the Iowa resources		
50	enhancement and protection fund as provided in section		

Page 30

1 455A.18, there is appropriated from the environment
 2 first fund created in section 8.57A to the Iowa
 3 resources enhancement and protection fund, in lieu of
 4 the appropriation made in section 455A.18, for the
 5 fiscal year beginning July 1, 2012, and ending June 30,
 6 2013, the following amount, to be allocated as provided
 7 in section 455A.19:
 8 \$ 15,000,000

DIVISION XX

CONDITIONAL RETROACTIVE APPLICABILITY

11 Sec. 64. EFFECTIVE DATE AND RETROACTIVE
 12 APPLICABILITY. Unless otherwise provided, this Act,
 13 if approved by the governor on or after July 1, 2011,
 14 takes effect upon enactment and applies retroactively
 15 to July 1, 2011.>

16 2. Title page, line 4, after <effective date> by
 17 inserting <and retroactive and other applicability>

18 3. By renumbering as necessary.>

DENNIS H. BLACK

S-3357

1 Amend the amendment, S-3353, to the amendment,
 2 S-3233, to Senate File 510, as passed by the Senate, as
 3 follows:

4 1. Page 17, after line 1 by inserting:
 5 <Sec. ____ CONTROLLED SUBSTANCE COLLECTION AND
 6 DISPOSAL PROGRAM. The department of public safety
 7 shall establish a controlled substance collection
 8 and disposal program to which a retailer selling a
 9 controlled substance designated in section 124.204,
 10 subsection 4, paragraph "ai", subparagraphs (1) through
 11 (4) on a retail basis shall transfer such controlled
 12 substance for destruction. The department of public
 13 safety may partner with a third party, including a
 14 local enforcement agency, to implement and administer
 15 the program. The program shall be dissolved thirty
 16 days after the enactment date of section 124.204,
 17 subsection 4, paragraph "ai", subparagraphs (1) through
 18 (4).>

19 Sec. ____ APPLICABILITY — CRIMINAL
 20 PENALTIES. Criminal penalties do not apply to
 21 violations associated with the substances designated
 22 controlled substances in section 124.204, subsection
 23 4, paragraph "ai", subparagraphs (1) through (4),
 24 until thirty days after the enactment date of section
 25 124.204, subsection 4, paragraph "ai", subparagraphs
 26 (1) through (4).>

27 2. Page 17, line 9, by striking <provision> and

28 inserting <provisions>

29 3. Page 17, after line 20 by inserting:

30 <The section of this division of this Act providing
31 for establishment of a controlled substance collection
32 and disposal program.>

33 4. By renumbering as necessary.

STEVEN J. SODDERS

S-3358

1 Amend Senate File 536 as follows:

2 1. Page 8, after line 26 by inserting:

3 <DIVISION ____

4 Sec. ____ Section 364.3, subsection 2, Code 2011,
5 is amended to read as follows:

6 2. For a violation of an ordinance, a city shall
7 not provide a penalty in excess of the maximum fine
8 and term of imprisonment for a simple misdemeanor
9 under section 903.1, subsection 1, paragraph "a". ~~An~~
10 Except as otherwise provided in this subsection, an
11 amount equal to ten percent of all fines collected by
12 cities shall be deposited in the account established in
13 section 602.8108. ~~However, one~~

14 a. One hundred percent of all fines collected by a
15 city pursuant to section 321.236, subsection 1, shall
16 be retained by the city.

17 b. One hundred percent of the revenue retained by a
18 city from fines collected from the use of a photo-based
19 traffic enforcement system shall be deposited in the
20 account established in section 602.8108.

21 c. The criminal penalty surcharge required by
22 section 911.1 shall be added to a city fine and is not
23 a part of the city's penalty.

24 Sec. ____ Section 602.8108, subsection 2, Code
25 2011, is amended to read as follows:

26 2. Except as otherwise provided, the clerk of the
27 district court shall report and submit to the state
28 court administrator, not later than the fifteenth
29 day of each month, the fines and fees received during
30 the preceding calendar month. Except as provided in
31 subsections 3, 4, 5, 7, 8, 9, ~~and~~ 10, and 11, the state
32 court administrator shall deposit the amounts received
33 with the treasurer of state for deposit in the general
34 fund of the state. The state court administrator shall
35 report to the legislative services agency within thirty
36 days of the beginning of each fiscal quarter the amount
37 received during the previous quarter in the account
38 established under this section.

39 Sec. ____ Section 602.8108, Code 2011, is amended
40 by adding the following new subsection:

41 NEW SUBSECTION. 11. The clerk of the district

42 court shall forward to the treasurer of state, not
 43 later than the fifteenth day of each month, all
 44 moneys received from cities pursuant to section 364.3,
 45 subsection 2, paragraph “b”, for deposit in the road
 46 use tax fund.>
 47 2. By renumbering as necessary.

MARK CHELGREN

S-3359

1 Amend Senate File 539 as follows:

2 1. Page 8, line 1, by striking <4,936,586> and
 3 inserting <5,428,877>

4 2. By striking page 11, line 31, through page 17,
 5 line 18, and inserting:

6	\$	1,073,284
7	FTEs	15.00

8 (1) The state board of regents shall submit a
 9 monthly financial report in a format agreed upon by
 10 the state board of regents office and the legislative
 11 services agency.

12 (2) The state board of regents may transfer funding
 13 received under paragraphs “b”, “c”, and “d” to any
 14 of the centers specified in paragraph “b”, “c”, or
 15 “d” if the board notifies the general assembly in
 16 writing, including both the legislative council and the
 17 legislative services agency, of the amount, the date,
 18 and the purpose of the transfer.

19 b. For moneys to be allocated to the southwest Iowa 20 graduate studies center:		
21	\$	88,151

22 c. For moneys to be allocated to the siouxland 23 interstate metropolitan planning council for the 24 tristate graduate center under section 262.9, 25 subsection 22:		
26	\$	67,119

27 d. For moneys to be allocated to the quad-cities 28 graduate studies center:		
29	\$	130,786

30 e. For moneys to be distributed to Iowa public 31 radio for public radio operations:		
32	\$	394,612

33 2. STATE UNIVERSITY OF IOWA

34 a. General university, including lakeside
 35 laboratory

36 For salaries, support, maintenance, equipment,
 37 miscellaneous purposes, and for not more than the
 38 following full-time equivalent positions:

39	\$	211,367,829
40	FTEs	5,058.55

41 b. Oakdale campus

42	For salaries, support, maintenance, miscellaneous		
43	purposes, and for not more than the following full-time		
44	equivalent positions:		
45	.....	\$	2,203,557
46	.....	FTEs	38.25
47	c. State hygienic laboratory		
48	For salaries, support, maintenance, miscellaneous		
49	purposes, and for not more than the following full-time		
50	equivalent positions:		

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1	\$	3,564,211
2	FTEs	102.50
3	d. Family practice program		
4	For allocation by the dean of the college of		
5	medicine, with approval of the advisory board, to		
6	qualified participants to carry out the provisions		
7	of chapter 148D for the family practice program,		
8	including salaries and support, and for not more than		
9	the following full-time equivalent positions:		
10	.....	\$	1,802,167
11	.....	FTEs	190.40
12	e. Child health care services		
13	For specialized child health care services,		
14	including childhood cancer diagnostic and treatment		
15	network programs, rural comprehensive care for		
16	hemophilia patients, and the Iowa high-risk infant		
17	follow-up program, including salaries and support, and		
18	for not more than the following full-time equivalent		
19	positions:		
20	.....	\$	664,583
21	.....	FTEs	57.97
22	f. Statewide cancer registry		
23	For the statewide cancer registry, and for not more		
24	than the following full-time equivalent positions:		
25	.....	\$	150,210
26	.....	FTEs	2.10
27	g. Substance abuse consortium		
28	For moneys to be allocated to the Iowa consortium		
29	for substance abuse research and evaluation, and		
30	for not more than the following full-time equivalent		
31	position:		
32	.....	\$	55,961
33	.....	FTEs	1.00
34	h. Center for biocatalysis		
35	For the center for biocatalysis, and for not more		
36	than the following full-time equivalent positions:		
37	.....	\$	729,354
38	.....	FTEs	6.28
39	i. Primary health care initiative		
40	For the primary health care initiative in the		

41 college of medicine, and for not more than the
 42 following full-time equivalent positions:
 43 \$ 653,975
 44 FTEs 5.89
 45 From the moneys appropriated in this lettered
 46 paragraph, \$254,889 shall be allocated to the
 47 department of family practice at the state university
 48 of Iowa college of medicine for family practice faculty
 49 and support staff.
 50 j. Birth defects registry

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1 For the birth defects registry, and for not more
 2 than the following full-time equivalent position:
 3 \$ 38,585
 4 FTEs 1.00
 5 k. Larned A. Waterman Iowa nonprofit resource
 6 center
 7 For the Larned A. Waterman Iowa nonprofit resource
 8 center, and for not more than the following full-time
 9 equivalent positions:
 10 \$ 163,803
 11 FTEs 2.75
 12 l. Iowa online advanced placement academy science,
 13 technology, engineering, and mathematics initiative
 14 For the establishment of the Iowa online advanced
 15 placement academy science, technology, engineering, and
 16 mathematics initiative:
 17 \$ 485,595
 18 3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY
 19 a. General university
 20 For salaries, support, maintenance, equipment,
 21 miscellaneous purposes, and for not more than the
 22 following full-time equivalent positions:
 23 \$ 165,622,833
 24 FTEs 3,647.42
 25 b. Agricultural experiment station
 26 For the agricultural experiment station salaries,
 27 support, maintenance, miscellaneous purposes, and
 28 for not more than the following full-time equivalent
 29 positions:
 30 \$ 28,330,420
 31 FTEs 546.98
 32 c. Cooperative extension service in agriculture and
 33 home economics
 34 For the cooperative extension service in agriculture
 35 and home economics salaries, support, maintenance,
 36 miscellaneous purposes, and for not more than the
 37 following full-time equivalent positions:
 38 \$ 18,076,163
 39 FTEs 383.34

40	d. Leopold center		
41	For agricultural research grants at Iowa state		
42	university of science and technology under section		
43	266.39B, and for not more than the following full-time		
44	equivalent positions:		
45	.....	\$	400,507
46	.....	FTEs	11.25
47	e. Livestock disease research		
48	For deposit in and the use of the livestock disease		
49	research fund under section 267.8:		
50	\$	174,189

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1	4. UNIVERSITY OF NORTHERN IOWA		
2	a. General university		
3	For salaries, support, maintenance, equipment,		
4	miscellaneous purposes, and for not more than the		
5	following full-time equivalent positions:		
6	.....	\$	75,315,580
7	.....	FTEs	1,447.50
8	b. Recycling and reuse center		
9	For purposes of the recycling and reuse center, and		
10	for not more than the following full-time equivalent		
11	positions:		
12	.....	\$	176,619
13	.....	FTEs	3.00
14	c. Science, technology, engineering, and		
15	mathematics (STEM) collaborative initiative		
16	For purposes of establishing a science, technology,		
17	engineering, and mathematics (STEM) collaborative		
18	initiative, and for not more than the following		
19	full-time equivalent positions:		
20	.....	\$	1,748,141
21	.....	FTEs	6.20
22	(1) From the moneys appropriated in this lettered		
23	paragraph, up to \$282,000 shall be allocated for		
24	salaries, staffing, and institutional support. The		
25	remainder of the moneys appropriated in this lettered		
26	paragraph shall be expended only to support activities		
27	directly related to recruitment of kindergarten		
28	through grade 12 mathematics and science teachers and		
29	for ongoing mathematics and science programming for		
30	students enrolled in kindergarten through grade 12.		
31	(2) The university of northern Iowa shall work with		
32	the community colleges to develop STEM professional		
33	development programs for community college instructors		
34	and STEM curriculum development.		
35	d. Real estate education program		
36	For purposes of the real estate education program,		
37	and for not more than the following full-time		
38	equivalent position:		

39	.....	\$	126,276
40	.....	FTEs	1.00
41	5. STATE SCHOOL FOR THE DEAF		
42	For salaries, support, maintenance, miscellaneous		
43	purposes, and for not more than the following full-time		
44	equivalent positions:		
45	.....	\$	8,429,893
46	.....	FTEs	126.60
47	6. IOWA BRAILLE AND SIGHT SAVING SCHOOL		
48	For salaries, support, maintenance, miscellaneous		
49	purposes, and for not more than the following full-time		
50	equivalent positions:		

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1	\$	3,618,931
2	FTEs	62.87
3	7. TUITION AND TRANSPORTATION COSTS		
4	For payment to local school boards for the tuition		
5	and transportation costs of students residing in the		
6	Iowa braille and sight saving school and the state		
7	school for the deaf pursuant to section 262.43 and		
8	for payment of certain clothing, prescription, and		
9	transportation costs for students at these schools		
10	pursuant to section 270.5:		
11	.....	\$	11,854
12	8. LICENSED CLASSROOM TEACHERS		
13	For distribution at the Iowa braille and sight		
14	saving school and the Iowa school for the deaf based		
15	upon the average yearly enrollment at each school as		
16	determined by the state board of regents:		
17	.....	\$	82,688>
18	3. By renumbering as necessary.		

BRIAN SCHOENJAHN

S-3360

1 Amend Senate File 542 as follows:

2 1. Page 78, after line 23 by inserting:

3 <For the distribution made for the fiscal year

4 beginning July 1, 2011, a county that is levying

5 at least 92 percent of the maximum amount allowed

6 for the county's mental health, mental retardation,

7 and developmental disabilities services fund under

8 section 331.424A for the fiscal year and that had

9 a negative services fund balance for the fiscal

10 year beginning July 1, 2009, after disregarding the

11 temporary funding increase provided to counties for

12 the fiscal year beginning July 1, 2009, through the

13 federal American Recovery and Reinvestment Act of

14 2009, Pub. L. No. 111-5, shall be deemed to have met

15 the allocation eligibility requirement under section
 16 426B.5, subsection 1, paragraph "d", subparagraph (1),
 17 subparagraph division (a).>
 18 2. Page 78, line 33, after <1> by inserting <,
 19 and including the allocation eligibility provision
 20 authorized in subsection 5 of this section>

HERMAN C. QUIRMBACH

S-3361

1 Amend Senate File 542 as follows:
 2 1. Page 9, line 19, by striking <106,279> and
 3 inserting <144,542>
 4 2. Page 12, line 8, by striking <60,000> and
 5 inserting <58,518>
 6 3. Page 18, line 34, after <2010> by inserting <or
 7 2011>
 8 4. Page 19, line 32, after <this> by inserting
 9 <division of this>
 10 5. Page 27, line 20, after <this> by inserting
 11 <division of this>
 12 6. Page 33, line 20, by striking <record> and
 13 inserting <records>
 14 7. Page 33, line 26, by striking <record> and
 15 inserting <records>
 16 8. Page 33, line 31, by striking <record> and
 17 inserting <records>
 18 9. Page 65, line 10, after <FUND> by inserting <—
 19 FY 2011–2012>
 20 10. Page 69, line 9, by striking <6> and inserting
 21 <4>
 22 11. Page 69, line 24, by striking <6> and inserting
 23 <4>
 24 12. Page 75, line 10, by striking <1.>
 25 13. Page 75, line 13, by striking <60,496,712> and
 26 inserting <29,000,000>
 27 14. Page 75, by striking lines 14 through 17.
 28 15. Page 98, after line 32 by inserting:
 29 <Sec. ____ Section 135C.4, Code 2011, is amended to
 30 read as follows:
 31 135C.4 Residential care facilities.
 32 1. Each facility licensed as a residential care
 33 facility shall provide an organized continuous
 34 twenty-four-hour program of care commensurate with
 35 the needs of the residents of the home and under
 36 the immediate direction of a person approved and
 37 certified by the department whose combined training and
 38 supervised experience is such as to ensure adequate and
 39 competent care.
 40 2. All admissions to residential care facilities
 41 shall be based on an order written by a physician

42 certifying that the individual being admitted does
 43 not require nursing services or that the individual's
 44 need for nursing services can be avoided if home and
 45 community-based services, other than nursing care, as
 46 defined by this chapter and departmental rule, are
 47 provided.

48 3. For the purposes of this section, the home
 49 and community-based services to be provided shall
 50 be limited to the type included under the medical

Page 2

1 assistance program provided pursuant to chapter 249A,
 2 shall be subject to cost limitations established by
 3 the department of human services under the medical
 4 assistance program, and except as otherwise provided
 5 by the department of inspections and appeals with
 6 the concurrence of the department of human services,
 7 shall be limited in capacity to the number of licensed
 8 residential care facilities and the number of licensed
 9 residential care facility beds in the state as of
 10 December 1, 2003.

11 4. A residential care facility is not required
 12 to admit an individual through court order, referral,
 13 or other means if the individual has been arrested,
 14 charged, or convicted of a forcible felony, arson,
 15 or an offense that requires registration as a sex
 16 offender under chapter 692A. The court order,
 17 referral, or other documentation for admission of
 18 an individual to a residential care facility shall
 19 contain sufficient information relating to the criminal
 20 history of the individual in order for the facility
 21 to make an informed decision about the admittance of
 22 the individual. The court order, referral, or other
 23 documentation shall be provided to the facility prior
 24 to the facility determining whether to admit the
 25 individual.>

26 16. Page 137, by striking lines 24 through 28 and
 27 inserting <prevention.>

28 17. Page 138, line 4, by striking <2011> and
 29 inserting <2012>

30 18. Page 141, line 20, by striking <53,140> and
 31 inserting <72,271>

32 19. Page 143, line 35, by striking <30,000> and
 33 inserting <29,259>

34 20. Page 151, line 24, after <this> by inserting
 35 <division of this>

36 21. Page 152, line 4, after <this> by inserting
 37 <division of this>

38 22. Page 159, line 12, after <this> by inserting
 39 <division of this>

40 23. Page 164, line 2, by striking <record> and

41 inserting <records>
 42 24. Page 164, line 12, by striking <\$175,000> and
 43 inserting <\$1,750,000>
 44 25. Page 169, after line 14 by inserting:
 45 <4. For the fiscal year beginning July 1, 2012,
 46 notwithstanding section 232.52, subsection 2, and
 47 section 907.3A, subsection 1, the court shall not order
 48 the placement of a child at the Iowa juvenile home
 49 or the state training school under section 232.52, if
 50 that placement is not in accordance with the population

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1 guidelines for the respective juvenile institution
 2 established pursuant to section 233A.1 or 233B.1.>
 3 26. Page 175, line 31, after <this> by inserting
 4 <division>
 5 27. Page 183, after line 7 by inserting:
 6 <Notwithstanding section 8.33, moneys appropriated
 7 in this section that remain unencumbered or unobligated
 8 at the close of the fiscal year shall not revert but
 9 shall remain available for expenditure for the purposes
 10 designated until the close of the succeeding fiscal
 11 year.>
 12 28. Page 195, line 33, by striking <6> and
 13 inserting <4>
 14 29. Page 196, line 9, by striking <6> and inserting
 15 <4>
 16 30. Page 196, line 24, by striking <6> and
 17 inserting <4>
 18 31. Page 201, line 33, by striking <1,000,000> and
 19 inserting <2,000,000>
 20 32. By renumbering as necessary.

JACK HATCH

S-3362

1 Amend the amendment, S-3211, to House File 148,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by striking lines 5 and 6 and inserting:
 5 <__. Page 1, by striking lines 6 and 7 and
 6 inserting <the conference shall agree to estimates for
 7 the current fiscal year and the following fiscal year
 8 for the general fund of the>>
 9 2. Page 1, by striking lines 7 through 10 and
 10 inserting:
 11 <__. Page 1, line 11, after <fund.> by inserting
 12 <Only an estimate for the following fiscal year
 13 agreed to by the conference pursuant to subsection 3,
 14 4, or 5, shall be used for purposes of calculating

15 the state general fund expenditure limitation under
 16 section 8.54, and any other estimate agreed to shall
 17 be considered a preliminary estimate that shall not be
 18 used for purposes of calculating the state general fund
 19 expenditure limitation.>>

HERMAN C. QUIRMBACH

S-3363

- 1 Amend the amendment, S-3299, to House File 590,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 4, line 15, by striking <six-year> and
 5 inserting <four-year>
 6 2. Page 4, line 19, by striking <six-year> and
 7 inserting <four-year>

ROBERT M. HOGG
 MATT McCOY

S-3364

- 1 Amend House File 148, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 4, by striking <quarterly> and
 4 inserting <quarterly three times per year>
 5 2. Page 1, by striking lines 6 and 7 and inserting
 6 <the conference shall agree to estimates for the
 7 current fiscal year and the following fiscal year for
 8 the general fund of the>
 9 3. Page 1, line 11, after <fund.> by inserting
 10 <Only an estimate for the following fiscal year
 11 agreed to by the conference pursuant to subsection 3,
 12 4. or 5. shall be used for purposes of calculating
 13 the state general fund expenditure limitation under
 14 section 8.54, and any other estimate agreed to shall
 15 be considered a preliminary estimate that shall not be
 16 used for purposes of calculating the state general fund
 17 expenditure limitation.>
 18 4. Page 2, line 27, after <year.> by inserting
 19 <The aggregate amount of the intradepartmental and
 20 interdepartmental transfers made from an appropriation
 21 for a fiscal year is limited to fifty percent of the
 22 appropriation.>

JEFF DANIELSON
 BILL DIX

S-3365

- 1 Amend Senate File 541 as follows:
 2 1. Page 13, by striking lines 12 through 14 and
 3 inserting <the road use tax fund created in section

4 312.1, notwithstanding section 8.57, subsection 6,
5 paragraph "c".>

TIM L. KAPUCIAN
DAVID JOHNSON
SANDRA GREINER
NANCY J. BOETTGER
BRAD ZAUN
BILL ANDERSON
JONI ERNST
JAMES F. HAHN
JAMES A. SEYMOUR
STEVE KETTERING
PAUL McKINLEY
RANDY FEENSTRA

S-3366

1 Amend Senate File 538 as follows:
2 1. Page 6, line 2, by striking <noncontract state
3 and>
4 2. By striking page 7, line 28, through page 8,
5 line 6, and inserting:
6 <Sec. ____ Section 7D.10, Code 2011, is amended to
7 read as follows:
8 7D.10 Court costs.
9 If sufficient funds for court costs have not been
10 appropriated to a state department, or if sufficient
11 funds are not otherwise available for such purposes
12 within the budget of a state department, upon
13 authorization by the executive council ~~may pay, out of~~
14 ~~any money in the state treasury~~ there is appropriated
15 from moneys in the general fund of the state not
16 otherwise appropriated, an amount sufficient to pay
17 expenses incurred, or costs taxed to the state, in
18 any proceeding brought by or against any of the state
19 departments or in which the state is a party or is
20 interested. This section shall not be construed to
21 authorize the payment of travel or other personal
22 expenses of state officers or employees.>
23 3. Page 8, line 15, by striking <subject to> and
24 inserting <paid from the appropriations addressed in>
25 4. By striking page 8, line 32, through page
26 9, line 9, and inserting <otherwise appropriated.
27 The expenses authorized by the executive council
28 in accordance with this section and the expenses
29 authorized by the executive council in accordance
30 with other statutory provisions referencing the
31 appropriations addressed in this section shall be paid
32 as follows:
33 a. From the appropriation made from the Iowa
34 economic emergency fund in section 8.55 for purposes of

- 35 paying such expenses.
 36 b. To the extent the appropriation from the
 37 Iowa economic emergency fund described in paragraph
 38 “a” is insufficient to pay such expenses, there is
 39 appropriated from moneys in the general fund of the
 40 state not otherwise appropriated the amount necessary
 41 to fund that deficiency.>
 42 5. Page 10, by striking line 17 and inserting
 43 <council, as addressed in section 7D.29.>
 44 6. Page 11, line 7, by striking <as an expense in
 45 accordance with> and inserting <and if authorized lease
 46 expense shall be paid from the appropriations addressed
 47 in>
 48 7. Page 11, line 11, by striking <moneys> and
 49 inserting <moneys an expense authorization>
 50 8. Page 11, line 17, by striking <as provided> and

Page 2

- 1 inserting <provided and may authorize the expenses to
 2 be paid from the appropriations addressed>
 3 9. Page 11, line 35, by striking <in accordance
 4 with> and inserting <, and if authorized shall be paid
 5 from the appropriations addressed in>
 6 10. Page 12, line 2, by striking <subsection 2,>
 7 11. Page 12, after line 3 by inserting:
 8 <13.3 Disqualification — substitute.
 9 1. If, for any reason, the attorney general ~~be~~
 10 is disqualified from appearing in any action or
 11 proceeding, the executive council shall ~~appoint some~~
 12 authorize the appointment of a suitable person for that
 13 purpose ~~and defray the~~. There is appropriated from
 14 moneys in the general fund not otherwise appropriated
 15 an amount necessary to pay the reasonable expense
 16 ~~thereof from any unappropriated funds in the state~~
 17 ~~treasury for the person appointed~~. The department
 18 involved in the action or proceeding shall be requested
 19 to recommend a suitable person to represent the
 20 department and when the executive council concurs in
 21 the recommendation, the person recommended shall be
 22 appointed.>
 23 12. Page 12, line 19, by striking <employ> and
 24 inserting <employ authorize employment of>
 25 13. Page 12, lines 20 and 21, by striking
 26 <authorized as an expense under section 7D.29.>
 27 14. Page 13, line 18, by striking <under> and
 28 inserting <paid from the appropriations addressed in>
 29 15. Page 13, by striking lines 25 and 26 and
 30 inserting <fund, if authorized by the executive
 31 council, shall be paid from the appropriations
 32 addressed in section 7D.29. Moneys in the contingent
 33 fund may be>

- 34 16. Page 13, line 32, by striking ~~<under>~~ and
 35 inserting ~~<from the appropriations addressed in>~~
 36 17. Page 14, line 2, by striking ~~<under>~~ and
 37 inserting ~~<from the appropriations addressed in>~~
 38 18. Page 14, line 19, by striking ~~<under>~~ and
 39 inserting ~~<from the appropriations addressed in>~~
 40 19. Page 14, line 32, by striking ~~<under>~~ and
 41 inserting ~~<from the appropriations addressed in>~~
 42 20. Page 15, line 8, by striking ~~<under section~~
 43 ~~7D.29>~~
 44 21. Page 15, line 18, by striking ~~<under>~~ and
 45 inserting ~~<from the appropriations addressed in>~~
 46 22. Page 16, line 6, by striking ~~<under>~~ and
 47 inserting ~~<from the appropriations addressed in>~~
 48 23. Page 16, line 13, by striking ~~<paid as an~~
 49 ~~expense under section 7D.29.>~~
 50 24. Page 16, line 15, after ~~<appropriated.>~~ by

Page 3

- 1 inserting ~~<There is appropriated from moneys in the~~
 2 ~~general fund not otherwise appropriated an amount~~
 3 ~~necessary to pay the expense authorized by the~~
 4 ~~executive council.>~~
 5 25. Page 16, line 23, by striking ~~<as an expense~~
 6 ~~under section 7D.29>~~
 7 26. Page 16, line 34, by striking ~~<under>~~ and
 8 inserting ~~<paid from the appropriations addressed in>~~
 9 27. Page 18, line 5, by striking ~~<under>~~ and
 10 inserting ~~<from the appropriations addressed in>~~
 11 28. Page 18, line 34, by striking ~~<under>~~ and
 12 inserting ~~<from the appropriations addressed in>~~
 13 29. Page 19, line 7, by striking ~~<under>~~ and
 14 inserting ~~<from the appropriations addressed in>~~
 15 30. Page 19, lines 32 and 33, by striking ~~<_as~~
 16 ~~expenses under section 7.29.>~~
 17 31. Page 20, lines 2 and 3, by striking ~~<in~~
 18 ~~accordance with section 7D.29>~~
 19 32. Page 20, line 3, after ~~<authorized.>~~ by
 20 inserting ~~<There is appropriated from moneys in the~~
 21 ~~general fund not otherwise appropriated an amount~~
 22 ~~necessary to pay the reimbursement authorized by the~~
 23 ~~executive council.>~~
 24 33. Page 23, line 19, by striking ~~<noncontract~~
 25 ~~state and>~~
 26 34. Page 44, after line 33 by inserting:
 27 <Sec. ___. Section 422.11S, subsection 7, paragraph
 28 a, subparagraph (2), Code 2011, is amended to read as
 29 follows:
 30 (2) "Total approved tax credits" means for the
 31 tax year beginning in the 2006 calendar year, two
 32 million five hundred thousand dollars, for the tax

33 year beginning in the 2007 calendar year, five million
 34 dollars, and for tax years beginning on or after
 35 January 1, 2008, seven million five hundred thousand
 36 dollars. However, for tax years beginning on or
 37 after January 1, 2012, and only if legislation is
 38 enacted by the eighty-fourth general assembly, 2011
 39 session, amending section 257.8, subsections 1 and 2,
 40 to establish both the state percent of growth and the
 41 categorical state percent of growth for the budget
 42 year beginning July 1, 2012, at three percent. "total
 43 approved tax credits" means ten million dollars.>

44 35. Page 46, after line 10 by inserting:
 45 <Sec. ____ Section 523I.102, subsection 6,
 46 paragraph c, Code 2011, is amended to read as follows:

47 c. A pioneer cemetery. However, a pioneer
 48 cemetery is a cemetery for purposes of sections
 49 523I.316, 523I.317, 523I.401, and 523I.402.

50 36. Page 60, after line 32 by inserting:

Page 4

1 <DIVISION ____
 2 STATE FAIR AUTHORITY

3 Sec. ____ Section 173.1, subsection 4, Code 2011,
 4 is amended to read as follows:

5 4. A treasurer to be elected by the board ~~who shall~~
 6 ~~serve as a nonvoting member from the elected directors.~~

7 Sec. ____ REPEAL. Section 173.12, Code 2011, is
 8 repealed.

9 DIVISION ____
 10 CONTROLLED SUBSTANCES

11 Sec. ____ CONTROLLED SUBSTANCE COLLECTION AND

12 DISPOSAL PROGRAM. A person in possession of or a
 13 retailer selling a controlled substance designated
 14 in section 124.204, subsection 4, paragraph "ai",
 15 subparagraphs (1) through (4), if enacted, shall
 16 be required to transfer such controlled substance
 17 to the department of public safety for destruction.
 18 The department of public safety shall establish a
 19 controlled substance collection and disposal program
 20 for a controlled substance designated in section
 21 124.204, subsection 4, paragraph "ai", subparagraphs
 22 (1) through (4). The department of public safety
 23 may partner with a third party, including a local
 24 enforcement agency, to implement and administer the
 25 program. The program shall be dissolved thirty days
 26 after the enactment date of section 124.204, subsection
 27 4, paragraph "ai", subparagraphs (1) through (4).

28 Sec. ____ APPLICABILITY — CRIMINAL
 29 PENALTIES. Criminal penalties do not apply to
 30 violations associated with the substances designated
 31 controlled substances in section 124.204, subsection

32 4, paragraph “ai”, subparagraphs (1) through (4), if
 33 enacted, until thirty days after the enactment date
 34 of section 124.204, subsection 4, paragraph “ai”,
 35 subparagraphs (1) through (4).

36 Sec. ____ 2011 Iowa Acts, Senate File 510, section
 37 28, if enacted, is amended to read as follows:

38 SEC. 28. EFFECTIVE DATE. The following provision
 39 of this division of this Act takes effect thirty days
 40 after enactment, ~~notwithstanding section 3.7 of this~~
 41 ~~Act or thirty days after the enactment of 2011 Iowa~~
 42 ~~Acts, Senate File 538, if enacted, whichever is later:~~

43 The section of this division of this Act ~~amending~~
 44 ~~enacting~~ section 124.204, subsection 4, paragraph “ai”,
 45 subparagraphs (1) through (4).

46 Sec. ____ 2011 Iowa Acts, Senate File 510, section
 47 29, if enacted, is amended to read as follows:

48 SEC. 29. EFFECTIVE UPON ENACTMENT. The following
 49 provision of this division of this Act, being deemed
 50 of immediate importance, ~~and notwithstanding section~~

Page 5

1 ~~3.7~~ takes effect upon enactment of this Act or upon
 2 enactment of 2011 Iowa Acts, Senate File 538, if
 3 enacted, whichever is later:

4 The section of this Act ~~amending~~ ~~enacting~~ section
 5 124.204, subsection 4, paragraph “ai”, subparagraph
 6 (5).

7 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
 8 of this Act, being deemed of immediate importance,
 9 takes effect upon enactment of this Act or upon the
 10 enactment of 2011 Iowa Acts, Senate File 510, if
 11 enacted, whichever is later.

DIVISION ____ RADIOS

14 Sec. ____ 2011 Iowa Acts, Senate File 509, section
 15 22, subsections 2 and 3, if enacted, are amended to
 16 read as follows:

17 2. ~~Of the amount appropriated in subsection 1,~~
 18 ~~the department of natural resources may enter into~~
 19 ~~a public-private partnership, through a competitive~~
 20 ~~bidding process, for the provision of the statewide~~
 21 ~~network and the purchase of compatible equipment. The~~
 22 mobile radios purchased by the department pursuant
 23 to subsection 1 shall be compatible with a statewide
 24 public safety radio network created pursuant to
 25 legislation enacted by the 2011 session of the general
 26 assembly. The department shall purchase the mobile
 27 radios after conducting a competitive bidding process.

28 3. On or before January 13, 2012, the department of
 29 natural resources in cooperation with the department of
 30 public safety shall provide a report to the legislative

31 services agency and the department of management.
 32 The report shall detail the status of the moneys
 33 appropriated in subsection 1 and shall include the
 34 estimated needs of the department of natural resources
 35 to achieve interoperability and to meet the federal
 36 narrowbanding mandate, and any changes in estimated
 37 costs to meet those needs, ~~and the status of requests~~
 38 ~~for proposals to develop a public-private partnership.~~
 39 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
 40 of this Act, being deemed of immediate importance,
 41 takes effect upon enactment and, if approved by
 42 the governor on or after July 1, 2011, shall apply
 43 retroactively to June 30, 2011.>
 44 37. Page 82, after line 3 by inserting:
 45 <Sec. ____ Section 384.12, unnumbered paragraph
 46 1, Code 2011, is amended by striking the unnumbered
 47 paragraph and inserting in lieu thereof the following:
 48 A city may certify taxes for deposit in the general
 49 fund, subject to the limit provided in section 384.1
 50 if applicable, which are in addition to any other

Page 6

- 1 moneys the city may wish to spend for such purposes,
- 2 as follows:>
- 3 38. By renumbering as necessary.

ROBERT E. DVORSKY

S-3367

- 1 Amend Senate File 541 as follows:
- 2 1. Page 23, after line 16 by inserting:
- 3 <Sec. ____ STATE EMPLOYEE WORK ENVIRONMENT ANALYSIS
- 4 AND REPORT. By October 30, 2011, the department
- 5 of administrative services shall conduct a high
- 6 level needs analysis of state employee work stations
- 7 and office standards, focusing on reducing square
- 8 footage needs and creating healthy, productive, and
- 9 efficient work environments. Overall objectives of
- 10 the analysis shall include improving employee density;
- 11 properly allocating space for individual and group
- 12 work; improving worker health and safety; improving
- 13 technology integration; and improving energy efficiency
- 14 and sustainability in state offices. The department
- 15 shall submit findings and recommendations to the
- 16 capitol planning commission and to the legislative
- 17 government oversight committee by November 30, 2011.>
- 18 2. By renumbering as necessary.

MATT McCOY

S-3368

1 Amend Senate File 541 as follows:
2 1. Page 23, by striking lines 2 through 7 and
3 inserting:
4 <Sec. ____ WELCOME CENTER DESIGNATION.
5 Notwithstanding any provision of section 15.272 to the
6 contrary, the department of economic development shall
7 by January 1, 2012, select two sites for designation
8 as statewide welcome centers under the statewide
9 welcome center program with one site in or near the
10 city of Nashua and the second site in or near the city
11 of Hawkeye Point in northern Osceola county along
12 four-lane highway 60.>

DAVID JOHNSON
MERLIN BARTZ

S-3369

1 Amend Senate File 541 as follows:
2 1. Page 4, after line 7 by inserting:
3 <Of the moneys appropriated in this paragraph,
4 \$40,000 shall be provided to a local government
5 jurisdiction that holds a state permit for a low head
6 dam and has been issued a letter from the department of
7 natural resources regarding the potential safety hazard
8 and failure of the dam. The moneys shall be used to
9 mitigate the safety hazard of the low head dam.>

MERLIN BARTZ

S-3370

1 Amend Senate File 541 as follows:
2 1. Page 23, by striking lines 2 through 7 and
3 inserting:
4 <Sec. ____ WELCOME CENTER DESIGNATION.
5 Notwithstanding any provision of section 15.272 to the
6 contrary, the department of economic development shall
7 by January 1, 2012, select two sites for designation as
8 statewide welcome centers under the statewide welcome
9 center program with one site in or near the city of
10 Nashua and the second site at or near Hawkeye Point in
11 northern Osceola county along four-lane highway 60.>

DAVID JOHNSON
MERLIN BARTZ

S-3371

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 648

1 Amend the Senate amendment, H-1702, to House File
2 648, as amended, passed, and reprinted by the House, as
3 follows:

4 1. By striking page 1, line 5, through page 18,
5 line 5, and inserting:

6 <DIVISION I

7 REBUILD IOWA INFRASTRUCTURE FUND

8 Section 1. There is appropriated from the rebuild
9 Iowa infrastructure fund to the following departments
10 and agencies for the following fiscal years, the
11 following amounts, or so much thereof as is necessary,
12 to be used for the purposes designated:

13 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

14 a. For projects related to major repairs and major
15 maintenance for state buildings and facilities:

16 FY 2012-2013 \$ 6,000,000

17 b. For exterior repairs and related improvements to
18 the state historical building:

19 FY 2011-2012 \$ 1,200,000

20 c. For infrastructure improvements, including fire
21 safety and security systems, in the secretary of state
22 offices in the Lucas state office building:

23 FY 2011-2012 \$ 45,000

24 d. For fire protection improvements at the
25 facilities management center and central energy plant
26 on the capitol complex:

27 FY 2012-2013 \$ 2,000,000

28 e. For renovation, repairs, replacement, and
29 related improvements to extend the useful life
30 of buildings on the capitol complex and to make
31 improvements, including improvements relating to safety
32 and building code requirements, to the capitol complex
33 grounds:

34 FY 2012-2013 \$ 2,000,000

35 2. DEPARTMENT FOR THE BLIND

36 For replacement of air handlers and related
37 improvements:

38 FY 2011-2012 \$ 1,065,674

39 3. DEPARTMENT OF CORRECTIONS

40 a. For the construction project and one-time
41 furniture, fixture, and equipment costs at Fort
42 Madison:

43 FY 2011-2012 \$ 5,155,077

44 FY 2012-2013 \$ 18,269,124

45 FY 2013-2014 \$ 3,000,000

46 b. For the construction project and one-time

47	equipment costs at the Iowa correctional facility for		
48	women at Mitchellville:		
49	FY 2011–2012	\$	3,061,556
50	FY 2012–2013	\$	5,391,062

Page 2

1	FY 2013–2014	\$	26,769,040
2	4. DEPARTMENT OF CULTURAL AFFAIRS		
3	For deposit into the Iowa great places program		
4	fund created in section 303.3D for Iowa great places		
5	program projects that meet the definition of the term		
6	“vertical infrastructure” in section 8.57, subsection		
7	6, paragraph “c”:		
8	FY 2011–2012	\$	1,000,000
9	FY 2012–2013	\$	2,000,000
10	Of the amounts appropriated in this subsection,		
11	up to \$45,000 may be used per fiscal year for		
12	administration of the Iowa great places grant program,		
13	notwithstanding section 8.57, subsection 6, paragraph		
14	“c”.		
15	5. DEPARTMENT OF ECONOMIC DEVELOPMENT		
16	For accelerated career education program capital		
17	projects at community colleges that are authorized		
18	under chapter 260G and that meet the definition of		
19	the term “vertical infrastructure” in section 8.57,		
20	subsection 6, paragraph “c”:		
21	FY 2011–2012	\$	5,000,000
22	FY 2012–2013	\$	5,500,000
23	6. DEPARTMENT OF EDUCATION		
24	a. To the public broadcasting division for the		
25	purchase of a building in the city of Johnston:		
26	FY 2011–2012	\$	1,255,550
27	b. For major renovation and major repair needs,		
28	including health, life, and fire safety needs and for		
29	compliance with the federal Americans with Disabilities		
30	Act, for state buildings and facilities under the		
31	purview of the community colleges:		
32	FY 2011–2012	\$	1,000,000
33	FY 2012–2013	\$	1,000,000
34	7. DEPARTMENT OF HUMAN SERVICES		
35	For the renovation and construction of certain		
36	nursing facilities, consistent with the provisions of		
37	chapter 249K:		
38	FY 2011–2012	\$	285,000
39	8. DEPARTMENT OF NATURAL RESOURCES		
40	a. For floodplain management and dam safety,		
41	notwithstanding section 8.57, subsection 6,		
42	paragraph “c”:		
43	FY 2011–2012	\$	2,000,000
44	Of the amounts appropriated in this lettered		
45	paragraph, up to \$400,000 is authorized for stream		

46 gages to be used for tracking and predicting flood
 47 events and for compiling necessary data relating to
 48 flood frequency analysis.
 49 b. For implementation of lake projects that
 50 have established watershed improvement initiatives

Page 3

1 and community support in accordance with the
 2 department’s annual lake restoration plan and report,
 3 notwithstanding section 8.57, subsection 6, paragraph
 4 “c”:
 5 FY 2011–2012 \$ 8,600,000
 6 Of the amount appropriated in this lettered
 7 paragraph, \$350,000 shall be allocated for a lake with
 8 public access that has the support of a benefited
 9 lake district located in a county with a population
 10 between seventeen thousand seven hundred and seventeen
 11 thousand eight hundred as determined by the 2010
 12 federal decennial census. The allocated moneys shall
 13 be used for purposes of completing a preconstruction
 14 dam restoration study that would include a geotechnical
 15 evaluation, hydrological studies, restoration
 16 alternatives, and construction specifications.
 17 9. DEPARTMENT OF PUBLIC DEFENSE
 18 a. For major maintenance projects at national guard
 19 armories and facilities:
 20 FY 2011–2012 \$ 2,000,000
 21 FY 2012–2013 \$ 2,000,000
 22 b. For renovation and facility improvements at the
 23 Muscatine readiness center:
 24 FY 2011–2012 \$ 100,000
 25 c. For construction improvement projects at
 26 statewide readiness centers:
 27 FY 2011–2012 \$ 1,800,000
 28 FY 2012–2013 \$ 1,800,000
 29 d. For construction upgrades at Camp Dodge
 30 including sanitary system and sewer system
 31 improvements:
 32 FY 2011–2012 \$ 1,000,000
 33 FY 2012–2013 \$ 1,000,000
 34 e. For renovation, repair, and related improvements
 35 at the joint forces headquarters building:
 36 FY 2011–2012 \$ 1,000,000
 37 f. For renovation and facility improvements at the
 38 Dubuque readiness center:
 39 FY 2012–2013 \$ 500,000
 40 10. BOARD OF REGENTS
 41 a. For allocation by the state board of regents to
 42 the state university of Iowa, Iowa state university of
 43 science and technology, and the university of northern
 44 Iowa to reimburse the institutions for deficiencies

45	in the operating funds resulting from the pledging of	
46	tuition, student fees and charges, and institutional	
47	income to finance the cost of providing academic and	
48	administrative buildings and facilities and utility	
49	services at the institutions:	
50	FY 2011–2012	\$ 24,305,412

Page 4

1	b. For the Iowa flood center at the state	
2	university of Iowa for use by the university’s	
3	college of engineering, pursuant to section 466C.1,	
4	notwithstanding section 8.57, subsection 6, paragraph	
5	“c”:	
6	FY 2011–2012	\$ 1,300,000
7	c. For fire, safety and other major maintenance	
8	projects at the regents institutions:	
9	FY 2011–2012	\$ 2,000,000
10	FY 2012–2013	\$ 4,000,000
11	d. For construction, renovation, and related	
12	improvements for phase II of the agricultural and	
13	biosystems engineering complex, including classrooms,	
14	laboratories, and offices at Iowa state university of	
15	science and technology:	
16	FY 2011–2012	\$ 1,000,000
17	FY 2012–2013	\$ 20,800,000
18	FY 2013–2014	\$ 20,000,000
19	FY 2014–2015	\$ 18,600,000
20	e. For the renovation and related improvements to	
21	the dental science building at the state university	
22	of Iowa including but not limited to renovation of	
23	clinical spaces and development of a multidisciplinary	
24	clinical area:	
25	FY 2011–2012	\$ 1,000,000
26	FY 2012–2013	\$ 12,000,000
27	FY 2013–2014	\$ 8,000,000
28	FY 2014–2015	\$ 8,000,000
29	f. For renovation and related improvements for	
30	Bartlett hall at the university of northern Iowa	
31	including providing faculty offices, seminar rooms,	
32	and laboratories in the building and the associated	
33	demolition of Baker hall:	
34	FY 2011–2012	\$ 1,000,000
35	FY 2012–2013	\$ 8,286,000
36	FY 2013–2014	\$ 9,767,000
37	FY 2014–2015	\$ 1,947,000
38	11. DEPARTMENT OF TRANSPORTATION	
39	a. For acquiring, constructing, and improving	
40	recreational trails within the state:	
41	FY 2011–2012	\$ 2,000,000
42	FY 2012–2013	\$ 2,000,000
43	b. For deposit into the public transit	

44 infrastructure grant fund created in section 324A.6A,
 45 for projects that meet the definition of “vertical
 46 infrastructure” in section 8.57, subsection 6,
 47 paragraph “c”:
 48 FY 2011–2012 \$ 1,500,000
 49 FY 2012–2013 \$ 1,500,000
 50 c. For infrastructure improvements at the

Page 5

1 commercial service airports within the state:
 2 FY 2011–2012 \$ 1,500,000
 3 FY 2012–2013 \$ 1,500,000
 4 d. For infrastructure improvements at general
 5 aviation airports within the state:
 6 FY 2011–2012 \$ 750,000
 7 FY 2012–2013 \$ 750,000

8 12. TREASURER OF STATE

9 For distribution in accordance with chapter 174 to
 10 qualified fairs which belong to the association of Iowa
 11 fairs for county fair infrastructure improvements:
 12 FY 2011–2012 \$ 1,060,000
 13 FY 2012–2013 \$ 1,060,000

14 13. DEPARTMENT OF VETERANS AFFAIRS

15 a. For transfer to the Iowa finance authority for
 16 the continuation of the home ownership assistance
 17 program for persons who are or were eligible members
 18 of the armed forces of the United States, pursuant to
 19 section 16.54, notwithstanding section 8.57, subsection
 20 6, paragraph “c”:
 21 FY 2011–2012 \$ 1,000,000

22 b. For the Iowa veterans home to upgrade generator
 23 emissions controls to meet required stack emissions for
 24 four generators and related improvements:
 25 FY 2011–2012 \$ 250,000

26 Sec. __. REVERSION. For purposes of section 8.33,
 27 unless specifically provided otherwise, unencumbered
 28 or unobligated moneys made from an appropriation in
 29 this division of this Act shall not revert but shall
 30 remain available for expenditure for the purposes
 31 designated until the close of the fiscal year that ends
 32 three years after the end of the fiscal year for which
 33 the appropriation is made. However, if the project
 34 or projects for which such appropriation was made are
 35 completed in an earlier fiscal year, unencumbered or
 36 unobligated moneys shall revert at the close of that
 37 same fiscal year.

38 DIVISION II

39 TECHNOLOGY REINVESTMENT FUND

40 Sec. __. There is appropriated from the technology
 41 reinvestment fund created in section 8.57C to the
 42 following departments and agencies for the following

43 fiscal years, the following amounts, or so much
 44 thereof as is necessary, to be used for the purposes
 45 designated:

46 1. DEPARTMENT OF ADMINISTRATIVE SERVICES	
47 For technology improvement projects:	
48 FY 2011–2012	\$ 1,643,728
49 FY 2012–2013	\$ 2,500,000
50 2. DEPARTMENT OF CORRECTIONS	

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1 For costs associated with the Iowa corrections	
2 offender network data system:	
3 FY 2011–2012	\$ 500,000
4 FY 2012–2013	\$ 500,000
5 3. DEPARTMENT OF EDUCATION	
6 a. For maintenance and lease costs associated with	
7 connections for part III of the Iowa communications	
8 network:	
9 FY 2011–2012	\$ 2,727,000
10 FY 2012–2013	\$ 2,727,000
11 b. For the implementation of an educational data	
12 warehouse that will be utilized by teachers, parents,	
13 school district administrators, area education agency	
14 staff, department of education staff, and policymakers:	
15 FY 2011–2012	\$ 600,000
16 FY 2012–2013	\$ 600,000
17 The department may use a portion of the moneys	
18 appropriated in this lettered paragraph for an	
19 e-transcript data system capable of tracking students	
20 throughout their education via interconnectivity with	
21 multiple schools.	
22 4. DEPARTMENT OF HUMAN RIGHTS	
23 For the cost of equipment and computer software	
24 for the implementation of Iowa’s criminal justice	
25 information system:	
26 FY 2011–2012	\$ 1,689,307
27 FY 2012–2013	\$ 1,756,747
28 5. DEPARTMENT OF HUMAN SERVICES	
29 To be used for medical contracts under the	
30 medical assistance program for technology upgrades	
31 necessary to support Medicaid claims and other health	
32 operations, worldwide HIPAA claims transactions and	
33 coding requirements, and the Iowa automated benefits	
34 calculation system:	
35 FY 2011–2012	\$ 3,494,176
36 FY 2012–2013	\$ 4,667,600
37 FY 2013–2014	\$ 4,267,600
38 FY 2014–2015	\$ 1,945,684
39 6. IOWA TELECOMMUNICATIONS AND TECHNOLOGY	
40 COMMISSION	
41 For replacement of equipment for the Iowa	

42	communications network:		
43	FY 2011–2012	\$	2,248,653
44	FY 2012–2013	\$	2,248,653
45	The commission may continue to enter into contracts		
46	pursuant to section 8D.13 for the replacement of		
47	equipment and for operation and maintenance costs of		
48	the network.		
49	In addition to funds appropriated in this		
50	subsection, the commission may use a financing		

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1 agreement entered into by the treasurer of state in
2 accordance with section 12.28 for the replacement
3 of equipment for the network. For purposes of this
4 subsection, the treasurer of state is not subject to
5 the maximum principal limitation contained in section
6 12.28, subsection 6. Repayment of any amounts financed
7 shall be made from receipts associated with fees
8 charged for use of the network.

9 7. DEPARTMENT OF MANAGEMENT

10	To develop a searchable database that can be placed		
11	on the internet for budget and financial information:		
12	FY 2011–2012	\$	600,000

13 8. DEPARTMENT OF PUBLIC SAFETY

14 For the provision of a statewide public safety
15 radio network and the purchase of compatible radio
16 communications equipment with the goal of achieving
17 compliance with the federal communications commission’s
18 narrowbanding mandate deadline, and for achieving
19 “interoperability”, as defined in section 80.28:

20	FY 2011–2012	\$	2,500,000
21	FY 2012–2013	\$	2,500,000
22	FY 2013–2014	\$	2,500,000

23 Of the amounts appropriated in this subsection,
24 the department of public safety may enter into a
25 public-private partnership, through a competitive
26 bidding process, for the provision of the statewide
27 network and the purchase of compatible equipment.

28 On or before January 13, 2012, the department of
29 public safety shall provide a report to the legislative
30 services agency and the department of management.

31 The report shall detail the status of the funds
32 appropriated in this subsection and shall include
33 the estimated needs of the departments of public
34 safety, corrections, and natural resources to achieve
35 interoperability and to meet the federal narrowbanding
36 mandate, any changes in estimated costs to meet those
37 needs, and the status of requests for proposals to
38 develop a public-private partnership.

39 Sec. ____ REVERSION. For purposes of section 8.33,
40 unless specifically provided otherwise, unencumbered

41 or unobligated moneys made from an appropriation in
 42 this division of this Act shall not revert but shall
 43 remain available for expenditure for the purposes
 44 designated until the close of the fiscal year that ends
 45 three years after the end of the fiscal year for which
 46 the appropriation is made. However, if the project
 47 or projects for which such appropriation was made are
 48 completed in an earlier fiscal year, unencumbered or
 49 unobligated moneys shall revert at the close of that
 50 same fiscal year.

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1 DIVISION III
 2 REVENUE BONDS CAPITALS
 3 FUND — APPROPRIATIONS

4 Sec. ____. There is appropriated from the revenue
 5 bonds capitals fund created in section 12.88, to the
 6 following departments for the fiscal year beginning
 7 July 1, 2011, and ending June 30, 2012, the following
 8 amount, or so much thereof as is necessary, to be used
 9 for the purposes designated:

10 a. DEPARTMENT OF CORRECTIONS

11 For the construction project and one-time equipment
 12 costs at the Iowa correctional facility for women at
 13 Mitchellville:

14 \$ 4,430,952

15 b. DEPARTMENT OF ADMINISTRATIVE SERVICES

16 For projects related to major repairs and major
 17 maintenance for state buildings and facilities:

18 \$ 500,000

19 For purposes of section 8.33, unless specifically
 20 provided otherwise, unencumbered or unobligated moneys
 21 made from an appropriation in this section shall not
 22 revert but shall remain available for expenditure for
 23 the purposes designated until the close of the fiscal
 24 year that ends three years after the end of the fiscal
 25 year for which the appropriation was made. However, if
 26 the project or projects for which such appropriation
 27 was made are completed in an earlier fiscal year,
 28 unencumbered or unobligated moneys shall revert at the
 29 close of that same fiscal year.

30 DIVISION IV
 31 REVENUE BONDS CAPITALS II FUND — APPROPRIATIONS

32 Sec. ____. There is appropriated from the revenue
 33 bonds capitals II fund created in section 12.88A, to
 34 the department of administrative services for the
 35 fiscal year beginning July 1, 2011, and ending June 30,
 36 2012, the following amount, or so much thereof as is
 37 necessary, to be used for the purposes designated:

38 For projects related to major repairs and major
 39 maintenance for state buildings and facilities:

40 FY 2011–2012 \$ 4,040,000
 41 For purposes of section 8.33, unless specifically
 42 provided otherwise, unencumbered or unobligated moneys
 43 made from an appropriation in this section shall not
 44 revert but shall remain available for expenditures for
 45 the purposes designated until the close of the fiscal
 46 year that ends three years after the end of the fiscal
 47 year for which the appropriation was made. However, if
 48 the project or projects for which such appropriation
 49 was made are completed in an earlier fiscal year,
 50 unencumbered or unobligated moneys shall revert at the

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1 close of that same fiscal year.
 2 DIVISION V
 3 GENERAL FUND — APPROPRIATION
 4 Sec. _____. There is appropriated from the general
 5 fund of the state to the department of transportation
 6 for the fiscal year beginning July 1, 2012, and
 7 ending June 30, 2013, the following amount, or so much
 8 thereof as is necessary, to be used for the purposes
 9 designated:
 10 For deposit into the railroad revolving loan and
 11 grant fund created in section 327H.20A:
 12 \$ 2,000,000

13 DIVISION VI
 14 PUBLIC BIDDING AND CONTRACTING
 15 Sec. _____. Section 73A.21, Code 2011, is amended to
 16 read as follows:
 17 73A.21 Reciprocal resident bidder and resident labor
 18 force preference by state, its agencies, and political
 19 subdivisions — penalties.
 20 1. For purposes of this section:
 21 a. “Commissioner” means the labor commissioner
 22 appointed pursuant to section 91.2, or the labor
 23 commissioner’s designee.
 24 b. “Division” means the division of labor of the
 25 department of workforce development.
 26 c. “Nonresident bidder” means a person or entity who
 27 does not meet the definition of a resident bidder.
 28 d. “Public body” means the state and any of its
 29 political subdivisions, including a school district,
 30 public utility, or the state board of regents.
 31 e. “Public improvement” means ~~public~~
 32 improvements as defined in section 73A.1 a building or
 33 other construction work to be paid for in whole or in
 34 part by the use of funds of the state, its agencies,
 35 and any of its political subdivisions and includes road
 36 construction, reconstruction, and maintenance projects.
 37 f. “Public utility” includes municipally owned
 38 utilities and municipally owned waterworks.

39 ~~h. g.~~ “Resident bidder” means a person or entity
40 authorized to transact business in this state and
41 having a place of business for transacting business
42 within the state at which it is conducting and has
43 conducted business for at least ~~six months~~ three years
44 prior to the date of the first advertisement for the
45 public improvement ~~and in the case of a corporation,~~
46 ~~having at least fifty percent of its common stock~~
47 ~~owned by residents of this state.~~ If another state
48 or foreign country has a more stringent definition of
49 a resident bidder, the more stringent definition is
50 applicable as to bidders from that state or foreign

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1 country.
2 h. “Resident labor force preference” means a
3 requirement in which all or a portion of a labor force
4 working on a public improvement is a resident of a
5 particular state or country.
6 2. Notwithstanding this chapter, chapter 73,
7 chapter 309, chapter 310, chapter 331, or chapter
8 384, when a contract for a public improvement is
9 to be awarded to the lowest responsible bidder, a
10 resident bidder shall be allowed a preference as
11 against a nonresident bidder from a state or foreign
12 country ~~which~~ if that state or foreign country gives
13 or requires a any preference to bidders from that
14 state or foreign country, including but not limited
15 to any preference to bidders, the imposition of any
16 type of labor force preference, or any other form of
17 preferential treatment to bidders or laborers from that
18 state or foreign country. The preference ~~is~~ allowed
19 shall be equal to the preference given or required by
20 the state or foreign country in which the nonresident
21 bidder is a resident. In the instance of a resident
22 labor force preference, a nonresident bidder shall
23 apply the same resident labor force preference to a
24 public improvement in this state as would be required
25 in the construction of a public improvement by the
26 state or foreign country in which the nonresident
27 bidder is a resident.
28 ~~3. This section applies to the state, its agencies,~~
29 ~~and any political subdivisions of the state.~~
30 ~~4. 3.~~ If it is determined that this may cause
31 denial of federal funds which would otherwise be
32 available, or would otherwise be inconsistent with
33 requirements of any federal law or regulation, this
34 section shall be suspended, but only to the extent
35 necessary to prevent denial of the funds or to
36 eliminate the inconsistency with federal requirements.
37 4. The public body involved in a public improvement

38 shall require a nonresident bidder to specify on all
39 project bid specifications and contract documents
40 whether any preference as described in subsection 2 is
41 in effect in the nonresident bidder's state or country
42 of domicile at the time of a bid submittal.
43 5. The commissioner and the division shall
44 administer and enforce this section, and the
45 commissioner shall adopt rules for the administration
46 and enforcement of this section as provided in section
47 91.6.
48 6. The commissioner shall have the following powers
49 and duties for the purposes of this section:
50 a. The commissioner may hold hearings and

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1 investigate charges of violations of this section.
2 b. The commissioner may, consistent with due
3 process of law, enter any place of employment to
4 inspect records concerning labor force residency, to
5 question an employer or employee, and to investigate
6 such facts, conditions, or matters as are deemed
7 appropriate in determining whether any person
8 has violated the provisions of this section. The
9 commissioner shall only make such an entry in response
10 to a written complaint.
11 c. The commissioner shall develop a written
12 complaint form applicable to this section and make it
13 available in division offices and on the department of
14 workforce development's internet site.
15 d. The commissioner may sue for injunctive relief
16 against the awarding of a contract, the undertaking of
17 a public improvement, or the continuation of a public
18 improvement in response to a violation of this section.
19 e. The commissioner may investigate and ascertain
20 the residency of a worker engaged in any public
21 improvement in this state.
22 f. The commissioner may administer oaths, take
23 or cause to be taken deposition of witnesses, and
24 require by subpoena the attendance and testimony of
25 witnesses and the production of all books, registers,
26 payrolls, and other evidence relevant to a matter under
27 investigation or hearing.
28 g. The commissioner may employ qualified personnel
29 as are necessary for the enforcement of this section.
30 Such personnel shall be employed pursuant to the merit
31 system provisions of chapter 8A, subchapter IV.
32 h. The commissioner shall require a contractor or
33 subcontractor to file, within ten days of receipt of a
34 request, any records enumerated in subsection 7. If
35 the contractor or subcontractor fails to provide the
36 requested records within ten days, the commissioner

37 may direct, within fifteen days after the end of the
38 ten-day period, that the fiscal or financial office
39 charged with the custody and disbursement of funds of
40 the public body that contracted for construction of the
41 public improvement or undertook the public improvement,
42 to immediately withhold from payment to the contractor
43 or subcontractor up to twenty-five percent of the
44 amount to be paid to the contractor or subcontractor
45 under the terms of the contract or written instrument
46 under which the public improvement is being performed.
47 The amount withheld shall be immediately released
48 upon receipt by the public body of a notice from the
49 commissioner indicating that the request for records as
50 required by this section has been satisfied.

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1 7. While participating in a public improvement,
2 a nonresident bidder domiciled in a state or country
3 that has established a resident labor force preference
4 shall make and keep, for a period of not less than
5 three years, accurate records of all workers employed
6 by the contractor or subcontractor on the public
7 improvement. The records shall include each worker's
8 name, address, telephone number when available, social
9 security number, trade classification, and the starting
10 and ending time of employment.
11 8. Any person or entity that violates the
12 provisions of this section is subject to a civil
13 penalty in an amount not to exceed one thousand dollars
14 for each violation found in a first investigation by
15 the division, not to exceed five thousand dollars
16 for each violation found in a second investigation
17 by the division, and not to exceed fifteen thousand
18 dollars for a third or subsequent violation found
19 in any subsequent investigation by the division.
20 Each violation of this section for each worker and
21 for each day the violation continues constitutes a
22 separate and distinct violation. In determining the
23 amount of the penalty, the division shall consider the
24 appropriateness of the penalty to the person or entity
25 charged, upon determination of the gravity of the
26 violations. The collection of these penalties shall
27 be enforced in a civil action brought by the attorney
28 general on behalf of the division.
29 9. A party seeking review of the division's
30 determination pursuant to this section may file a
31 written request for an informal conference. The
32 request must be received by the division within fifteen
33 days after the date of issuance of the division's
34 determination. During the conference, the party
35 seeking review may present written or oral information

36 and arguments as to why the division’s determination
37 should be amended or vacated. The division shall
38 consider the information and arguments presented and
39 issue a written decision advising all parties of the
40 outcome of the conference.

41 Sec. ____. Section 331.341, subsection 2, Code 2011,
42 is amended to read as follows:

43 2. The board shall give preference to Iowa products
44 ~~and labor~~ in accordance with chapter 73 and shall
45 comply with bid and contract requirements in chapter
46 26.

47 Sec. ____. REPEAL. Sections 73.3 and 73.4, Code
48 2011, are repealed.

49 Sec. ____. EFFECTIVE UPON ENACTMENT. This division
50 of this Act, being deemed of immediate importance,

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1 takes effect upon enactment.

2 Sec. ____. APPLICABILITY. This division of this Act
3 applies to all public improvement, public works, and
4 public road projects, and to public improvement, public
5 works, and public road contracts entered into on or
6 after the effective date of this Act.

7 DIVISION VII

8 BUSINESS DEVELOPMENT ASSISTANCE — APPROPRIATION

9 Sec. ____. BUSINESS DEVELOPMENT ASSISTANCE — USE OF
10 EXISTING FUNDS.

11 1. a. There is appropriated from the rebuild Iowa
12 infrastructure fund to the department of economic
13 development for the fiscal year beginning July 1, 2011,
14 and ending June 30, 2012, the following amount, or
15 so much thereof as is necessary, to be used for the
16 purposes designated:

17 For marketing and promotional activities; for
18 information technology development; for laborshed
19 studies conducted for the department by the department
20 of workforce development; for administrative purposes,
21 including salaries, support, maintenance, and
22 miscellaneous purposes; and for providing financial
23 assistance to businesses expanding or locating in the
24 state, notwithstanding section 8.57, subsection 6,
25 paragraph “c”:

26 \$ 15,000,000

27 b. Of the moneys appropriated pursuant to paragraph
28 “a” for purposes of marketing and promotional
29 activities, the department shall not use more than
30 \$2,300,000.

31 c. Of the moneys appropriated pursuant to paragraph
32 “a” for purposes of information technology development,
33 the department shall not use more than \$350,000.

34 d. Of the moneys appropriated pursuant to paragraph

35 “a” for purposes of laborshed studies conducted by the
36 department of workforce development, the department
37 shall not use more than \$145,000.

38 e. Of the moneys appropriated pursuant to paragraph
39 “a” for administrative purposes, the department shall
40 not use more than 5 percent.

41 f. (1) The department may use the remainder of the
42 moneys appropriated pursuant to paragraph “a” that are
43 not expended for the purposes described in paragraphs
44 “b” through “e” to provide financial assistance to
45 businesses expanding or locating in the state.

46 (2) An award of financial assistance pursuant to
47 this paragraph “f” shall be approved by the economic
48 development board which shall review with due diligence
49 the merits of each application for assistance.

50 (3) For each award of financial assistance made

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1 pursuant to this paragraph “f”, the department shall
2 enter into an agreement with the recipient of the
3 financial assistance, and each agreement shall meet
4 the requirements for financial assistance agreements
5 described in section 15G.112, subsections 1 through 3,
6 Code 2011.

7 (4) In providing financial assistance pursuant
8 to this paragraph “f”, the department shall allocate
9 the available moneys to a diverse range of projects
10 that create or retain jobs including projects that pay
11 better than average wages, projects that represent
12 early-stage business development, projects that build
13 the physical infrastructure necessary for business
14 growth and expansion, projects that enhance the
15 growth of value-added agriculture in the state, and
16 projects that involve recovery from significant natural
17 disasters.

18 (5) The department shall adopt rules for the
19 implementation of this paragraph “f”. Such rules
20 may be adopted as emergency rules under section
21 17A.4, subsection 3, and section 17A.5, subsection
22 2, paragraph “b”. Such rules shall be effective
23 immediately upon filing unless a later date is
24 specified in the rules. 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.

28 (6) For purposes of this paragraph “f”, “financial
29 assistance” means assistance provided only from the
30 funds, rights, and assets legally available to the
31 department pursuant to this chapter and includes but is
32 not limited to assistance in the form of grants, loans,
33 forgivable loans, and royalty payments.

34 2. There is appropriated to the department of
 35 economic development for the fiscal year beginning
 36 July 1, 2011, and ending June 30, 2012, the following
 37 amounts, or so much thereof as is necessary, to be used
 38 for the purposes described in subsection 1:
 39 a. Payments of interest, repayments of moneys
 40 loaned, and recaptures of grants and loans made
 41 pursuant to chapter 15G, Code 2011.
 42 b. All moneys accruing to the department, including
 43 payments of interest, repayments of moneys loaned,
 44 royalty payments received, and recaptures of grants,
 45 loans, or other forms of financial assistance provided
 46 to recipients, from the department's administration of
 47 the following preexisting programs:
 48 (1) The community economic betterment program
 49 established pursuant to section 15.317, Code 2009.
 50 (2) The entrepreneurial ventures assistance program

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1 established pursuant to section 15.339, Code 2009.
 2 (3) The value-added agricultural products and
 3 processes financial assistance program established
 4 pursuant to section 15E.111, Code 2009.
 5 (4) The physical infrastructure assistance program
 6 established pursuant to section 15E.175, Code 2009.
 7 (5) The loan and credit guarantee program
 8 established pursuant to section 15E.224, Code 2009.
 9 c. The moneys transferred to the grow Iowa values
 10 fund pursuant to 2009 Iowa Acts, chapter 123, section
 11 9, subsections 1 and 2.
 12 3. The moneys appropriated pursuant to this section
 13 are not subject to section 8.33. Notwithstanding
 14 section 12C.7, interest or earnings on the appropriated
 15 moneys shall be credited to the department and may
 16 be used in subsequent fiscal years for the purposes
 17 described in subsection 1.

18 DIVISION VIII

19 MISCELLANEOUS CODE CHANGES

20 Sec. ____ Section 8.57, subsection 6, paragraph c,
 21 Code 2011, is amended to read as follows:
 22 c. Moneys in the fund in a fiscal year shall
 23 be used as directed by the general assembly for
 24 public vertical infrastructure projects. For the
 25 purposes of this subsection, "vertical infrastructure"
 26 includes only land acquisition and construction;
 27 major renovation and major repair of buildings; all
 28 appurtenant structures; utilities; site development;
 29 ~~and; recreational trails; and debt service payments~~
 30 on academic revenue bonds issued in accordance with
 31 chapter 262A for capital projects at board of regents
 32 institutions. "Vertical infrastructure" does not

33 include routine, recurring maintenance or operational
34 expenses or leasing of a building, appurtenant
35 structure, or utility without a lease-purchase
36 agreement.

37 Sec. ____ Section 8.57, subsection 6, paragraph f,
38 Code 2011, is amended to read as follows:

39 f. There is appropriated from the rebuild Iowa
40 infrastructure fund to the secure an advanced vision
41 for education fund created in section 423F.2, for each
42 fiscal year of the fiscal period beginning July 1,
43 2008, and ending June 30, 2010, ~~and for each fiscal~~
44 ~~year of the fiscal period beginning July 1, 2011,~~
45 ~~and ending June 30, 2014,~~ the amount of the moneys
46 in excess of the first forty-seven million dollars
47 credited to the rebuild Iowa infrastructure fund during
48 the fiscal year, not to exceed ten million dollars.

49 Sec. ____ Section 8.57A, subsection 4, Code 2011,
50 is amended to read as follows:

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1 4. a. There is appropriated from the rebuild Iowa
2 infrastructure fund for the fiscal ~~years year~~ beginning
3 July 1, 2008, ~~July 1, 2009, and July 1, 2011~~ 2012 and
4 for each fiscal year thereafter, the sum of ~~forty-two~~
5 thirty-five million dollars to the environment first
6 fund, notwithstanding section 8.57, subsection 6,
7 paragraph "c".

8 b. There is appropriated from the rebuild Iowa
9 infrastructure fund ~~each fiscal year~~ for the ~~fiscal~~
10 ~~year period~~ beginning July 1, 2010, and ending June 30,
11 ~~2011~~ 2012, the sum of thirty-three million dollars to
12 the environment first fund, notwithstanding section
13 8.57, subsection 6, paragraph "c".

14 Sec. ____ Section 8.57C, subsection 3, paragraphs a
15 and c, Code 2011, are amended to read as follows:

16 a. There is appropriated from the general fund of
17 the state for the fiscal ~~years year~~ beginning ~~July 1,~~
18 ~~2006, July 1, 2007,~~ July 1, ~~2011~~ 2012, and for each
19 subsequent fiscal year thereafter, the sum of seventeen
20 million five hundred thousand dollars to the technology
21 reinvestment fund.

22 c. There is appropriated from the rebuild Iowa
23 infrastructure fund for the fiscal year beginning
24 July 1, 2010, ~~and ending June 30, 2011,~~ the sum of ten
25 million dollars to the technology reinvestment fund,
26 notwithstanding section 8.57, subsection 6, paragraph
27 "c".

28 Sec. ____ Section 8.57C, subsection 3, Code 2011,
29 is amended by adding the following new paragraph:

30 NEW PARAGRAPH. d. There is appropriated from the
31 rebuild Iowa infrastructure fund for the fiscal year

32 beginning July 1, 2011, and ending June 30, 2012,
33 the sum of sixteen million dollars to the technology
34 reinvestment fund, notwithstanding section 8.57,
35 subsection 6, paragraph "c".
36 Sec. ____. Section 8A.321, subsection 6, Code 2011,
37 is amended by adding the following new paragraph:
38 NEW PARAGRAPH. d. The department shall issue a
39 request for proposals for leasing privately owned
40 office space for state employees in the downtown
41 area of the city of Des Moines prior to replacing or
42 renovating publicly owned buildings or relocating
43 any state agencies to any space in publicly owned
44 buildings. The department shall locate state employees
45 in office space in the most cost-efficient manner
46 possible. In determining cost efficiency, the
47 department shall consider all costs of the publicly
48 owned space, the costs of the original acquisition
49 of the publicly owned space, the costs of tenant
50 improvements to the publicly owned space, and the

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1 anticipated economic and useful life of the publicly
2 owned building space.
3 Sec. ____. Section 12.82, subsection 1, Code 2011,
4 is amended to read as follows:
5 1. A school infrastructure fund is created and
6 established as a separate and distinct fund in the
7 state treasury under the control of the department of
8 education. The Notwithstanding any other provision
9 of this chapter, the fund shall be used for purposes
10 of the school infrastructure program established in
11 section 292.2.
12 Sec. ____. Section 12.82, Code 2011, is amended by
13 adding the following new subsection:
14 NEW SUBSECTION. 3A. Any amounts remaining in the
15 school infrastructure fund at the end of the fiscal
16 year beginning July 1, 2010, and for each fiscal year
17 thereafter, which are determined by the treasurer of
18 state to be unencumbered and unobligated and otherwise
19 unnecessary to make the payments for such fiscal year,
20 shall be transferred to the rebuild Iowa infrastructure
21 fund.
22 Sec. ____. Section 15F.204, subsection 8, paragraph
23 a, subparagraph (6), Code 2011, is amended to read as
24 follows:
25 (6) For the fiscal year beginning July 1, 2011,
26 and ending June 30, 2012, the sum of five million one
27 hundred thousand dollars.
28 Sec. ____. Section 15F.204, subsection 8, paragraph
29 b, Code 2011, is amended by striking the paragraph.
30 Sec. ____. Section 16.181A, subsection 1, Code 2011,

31 is amended to read as follows:

32 1. There is appropriated from the rebuild Iowa
33 infrastructure fund to the Iowa finance authority for
34 deposit in the housing trust fund created in section
35 16.181, for the fiscal year beginning July 1, 2009, and
36 beginning July 1, ~~2011~~ 2012, and for each succeeding
37 fiscal year, the sum of three million dollars.

38 Sec. ____ Section 16.181A, Code 2011, is amended by
39 adding the following new subsection:

40 NEW SUBSECTION. 3. There is appropriated from the
41 rebuild Iowa infrastructure fund to the Iowa finance
42 authority for deposit in the housing trust fund created
43 in section 16.181, for the fiscal year beginning July
44 1, 2011, and ending June 30, 2012, the sum of two
45 million dollars.

46 Sec. ____ Section 16.193, subsection 2, Code 2011,
47 is amended to read as follows:

48 2. ~~During the term of the Iowa jobs program~~
49 ~~established in section 16.194 and the Iowa jobs II~~
50 ~~program established in section 16.194A~~ For the period

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1 beginning July 1, 2009, and ending June 30, 2011, two
2 hundred thousand dollars of the moneys deposited in the
3 rebuild Iowa infrastructure fund shall be allocated
4 each fiscal year to the Iowa finance authority for
5 purposes of administering the Iowa jobs program,
6 notwithstanding section 8.57, subsection 6, paragraph
7 "c".

8 Sec. ____ EFFECTIVE AND APPLICABILITY DATES. The
9 sections of this division amending section 12.82,
10 being deemed of immediate importance, take effect upon
11 enactment and, if approved by the governor on or after
12 July 1, 2011, shall apply retroactively to June 30,
13 2011.

14 DIVISION IX

15 CHANGES TO PRIOR APPROPRIATIONS

16 Sec. ____ 2006 Iowa Acts, chapter 1179, section 18,
17 is amended by adding the following new subsection:

18 NEW SUBSECTION. 5. Except for the allocation to
19 Des Moines area community college and notwithstanding
20 section 8.33, moneys appropriated from the endowment
21 for Iowa's health restricted capitals fund for the
22 fiscal year beginning July 1, 2006, and ending June 30,
23 2007, in this division of this Act to the department of
24 public safety for allocation to the division of fire
25 protection that remain unencumbered or unobligated
26 at the close of the fiscal year shall not revert
27 but shall remain available for expenditure for the
28 purposes designated until the close of the fiscal year
29 beginning July 1, 2011, or until the project for which

30 the appropriation was made is completed, whichever
 31 is earlier. This subsection shall apply in lieu of
 32 subsection 1 of this section.

33 Sec. ____ 2007 Iowa Acts, chapter 219, section 2,
 34 is amended to read as follows:

35 SEC. 2. REVERSION.

36 1. Notwithstanding Except as provided in subsection
 37 2 and notwithstanding section 8.33, moneys appropriated
 38 for the fiscal year beginning July 1, 2007, in this
 39 division of this Act that remain unencumbered or
 40 unobligated at the close of the fiscal year shall not
 41 revert but shall remain available for the purposes
 42 designated until the close of the fiscal year that
 43 begins July 1, 2010, or until the project for which
 44 the appropriation was made is completed, whichever is
 45 earlier.

46 2. a. Notwithstanding section 8.33, moneys
 47 appropriated in section 1, subsection 1, paragraphs
 48 “a” and “f” of this division of this Act that remain
 49 unencumbered or unobligated at the close of the fiscal
 50 year for which they were appropriated shall not revert

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1 but shall remain available for the purposes designated
 2 until the close of the fiscal year that begins July 1,
 3 2011, or until the project for which the appropriation
 4 was made is completed, whichever is earlier.

5 b. The department of administrative services
 6 is authorized to provide for the disposition and
 7 relocation of structures located at 707 east locust
 8 and 709 east locust, Des Moines, Iowa, in a manner as
 9 deemed appropriate by the department. The disposition
 10 of the structures, if possible, shall be completed in
 11 a manner that reduces or eliminates the costs of the
 12 state associated with the removal of the structures
 13 from their current locations. Any amount received from
 14 the disposition of the structures as permitted under
 15 this section shall be retained by the department to pay
 16 for improvement costs associated with the restoration
 17 of the west capitol terrace. The department, if unable
 18 to otherwise dispose of the structures, is authorized
 19 to demolish the structures using other appropriate
 20 funding available to the department.

21 Sec. ____ 2008 Iowa Acts, chapter 1179, section 1,
 22 subsection 13, paragraph c, as amended by 2009 Iowa
 23 Acts, chapter 184, section 22, is amended to read as
 24 follows:

25 c. For the construction of a depot and platform to
 26 accommodate the future Amtrak service from Dubuque to
 27 Chicago, notwithstanding section 8.57, subsection 6,
 28 paragraph “c”:

29	.....	\$	300,000
30			<u>60,000</u>
31	Sec. ____ 2008 Iowa Acts, chapter 1179, section		
32	7, as amended by 2009 Iowa Acts, chapter 173, section		
33	21, and 2010 Iowa Acts, chapter 1184, section 58, is		
34	amended to read as follows:		
35	SEC. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT. There		
36	is appropriated from the rebuild Iowa infrastructure		
37	fund to the department of economic development for		
38	the designated fiscal years the following amounts, or		
39	so much thereof as is necessary, to be used for the		
40	purposes designated:		
41	For deposit into the river enhancement community		
42	attraction and tourism fund created in 2008 Iowa Acts,		
43	Senate File 2430, if enacted:		
44	FY 2009–2010	\$	0
45	FY 2010–2011	\$	0
46	FY 2011–2012	\$	10,000,000
47			<u>0</u>
48	FY 2012–2013	\$	10,000,000
49			<u>0</u>
50	Notwithstanding section 8.33, moneys appropriated		

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1 in this section for the fiscal year beginning July
2 1, 2011, and ending June 30, 2012, shall not revert
3 at the close of the fiscal year for which they are
4 appropriated but shall remain available for the purpose
5 designated until the close of the fiscal year that
6 begins July 1, 2014, or until the project for which
7 the appropriation was made is completed, whichever is
8 earlier.

9 Notwithstanding section 8.33, moneys appropriated
10 in this section for the fiscal year beginning July
11 1, 2012, and ending June 30, 2013, shall not revert
12 at the close of the fiscal year for which they are
13 appropriated but shall remain available for the purpose
14 designated until the close of the fiscal year that
15 begins July 1, 2015, or until the project for which
16 the appropriation was made is completed, whichever is
17 earlier.

18 Sec. ____ 2008 Iowa Acts, chapter 1179, section 18,
19 as amended by 2009 Iowa Acts, chapter 173, section 24,
20 subsection 4, paragraph b, unnumbered paragraph 1, is
21 amended to read as follows:

22	For deposit into the river enhancement community		
23	attraction and tourism fund created in section 15F.205:		
24	.....	\$	10,000,000
25			<u>9,200,000</u>

26 Sec. ____ 2009 Iowa Acts, chapter 184, section 1,
27 subsection 12, paragraph a, as amended by 2010 Iowa

28 Acts, chapter 1184, section 71, is amended to read as
29 follows:

30 a. For deposit in the passenger rail service
31 revolving fund created in section 327J.2,
32 notwithstanding section 8.57, subsection 6, paragraph
33 "c":

34 \$ 3,000,000
35 500,000

36 Sec. ____ 2010 Iowa Acts, chapter 1184, section 2,
37 subsection 3, is amended to read as follows:

38 3. DEPARTMENT OF TRANSPORTATION

39 For deposit into the passenger rail service
40 revolving fund created in section 327J.2 for matching
41 federal funding available through the federal Passenger
42 Rail Investment and Improvement Act of 2008 for
43 passenger rail service, notwithstanding section 8.57,
44 subsection 6, paragraph "c":

45 FY 2011–2012 \$ 6,500,000
46 0

47 ~~It is the intent of the general assembly to fund~~
48 ~~up to \$20 million over a four year period to fully~~
49 ~~fund the state commitment for matching federal funding~~
50 ~~available through the federal Passenger Rail Investment~~

Page 21

1 ~~and Improvement Act of 2008.~~

2 Sec. ____ 2010 Iowa Acts, chapter 1184, section
3 10, subsection 2, paragraph b, is amended to read as
4 follows:

5 b. For deposit into the river enhancement community
6 attraction and tourism fund created in section 15F.205:

7 \$ 4,000,000
8 0

9 Sec. ____ 2010 Iowa Acts, chapter 1184, section 10,
10 subsection 2, paragraph b, unnumbered paragraph 2, is
11 amended to read as follows:

12 Moneys appropriated for grants awarded in ~~paragraphs~~
13 ~~paragraph "a" and "b"~~ shall be used to assist
14 communities in the development and creation of multiple
15 purpose attractions or community service facilities for
16 public use.

17 Sec. ____ 2010 Iowa Acts, chapter 1184, section 10,
18 subsection 8, is amended to read as follows:

19 8. TREASURER OF STATE

20 For transfer to the watershed improvement review
21 board created in section 466A.3 for grants associated
22 ~~with the construction and restoration of wetland~~
23 ~~easements and flood prevention watershed improvement~~
24 projects:

25 \$ 2,000,000
26 Notwithstanding section 466A.5, moneys from the

27 appropriation in this subsection shall not be used for
28 administrative purposes.

29 Sec. ____ 2010 Iowa Acts, chapter 1184, section 14,
30 is amended to read as follows:

31 SEC. 14. There is appropriated from the ~~FY 2009~~
32 ~~prison bonding fund created pursuant to section~~
33 ~~12.79~~ rebuild Iowa infrastructure fund to the department
34 of corrections for the fiscal year beginning July 1,
35 2010, and ending June 30, 2011, the following amount,
36 or so much thereof as is necessary, to be used for
37 the purpose designated, notwithstanding section 8.57,
38 subsection 6, paragraph "c":

39 ~~For costs associated with the building of a new~~
40 ~~Iowa State penitentiary at Fort Madison project~~
41 ~~management costs at Fort Madison and Mitchellville~~
42 ~~prisons, associated with construction projects at the~~
43 ~~department:~~

44 \$ 322,500

45 ~~The appropriation made in this section constitutes~~
46 ~~approval by the general assembly for the issuance of~~
47 ~~bonds by the treasurer of state pursuant to section~~
48 ~~12.80.~~

49 Sec. ____ 2010 Iowa Acts, chapter 1184, section 16,
50 is amended to read as follows:

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1 SEC. 16. There is appropriated from the Iowa
2 comprehensive petroleum underground storage tank fund
3 to the department of transportation for the fiscal year
4 beginning July 1, 2010, and ending June 30, 2011, the
5 following amount, or so much thereof as is necessary,
6 to be used for the purposes designated:

7 Notwithstanding section 455G.3, subsection 1, for
8 deposit in the passenger rail service revolving fund
9 created in section 327J.2:

10 \$ 2,000,000
11 500,000

12 ~~Such funds shall be coupled with the remaining~~
13 ~~unobligated balance of up to one million five hundred~~
14 ~~thousand dollars from the appropriation made in 2009~~
15 ~~Iowa Acts, chapter 184, section 1, subsection 12,~~
16 ~~paragraph "a", for a total commitment of three million~~
17 ~~five hundred thousand dollars for the fiscal year~~
18 ~~beginning July 1, 2010, and ending June 30, 2011,~~
19 ~~for matching federal funding available through the~~
20 ~~Passenger Rail Investment and Improvement Act of 2008.~~

21 Sec. ____ 2010 Iowa Acts, chapter 1184, section 37,
22 is amended to read as follows:

23 SEC. 37. SITE DEVELOPMENT CONSULTATIONS
24 APPROPRIATION. There is appropriated from the school
25 infrastructure fund created in section 12.82 to the

26 department of economic development for the fiscal year
27 beginning July 1, 2010, and ending June 30, 2011, the
28 following amount, or so much thereof as is necessary,
29 to be used for the purposes designated:

30 For providing site development consultations
31 pursuant to section 15E.18, including salaries,
32 support, maintenance, miscellaneous purposes, and
33 for not more than the following full-time equivalent
34 positions, notwithstanding section 12.82, subsection 1:
35 \$ 175,000
36 FTEs 1.00

37 Of the moneys appropriated to the department
38 pursuant to this section, the department may allocate
39 up to \$75,000 for purposes of contracting with third
40 parties to provide site development consultations.

41 Sec. ____ 2010 Iowa Acts, chapter 1184, section 39,
42 is amended to read as follows:

43 SEC. 39. BUSINESS ASSISTANCE INTERNET SITE
44 APPROPRIATION.

45 There is appropriated from the school infrastructure
46 fund created in section 12.82 to the department of
47 economic development for the fiscal year beginning
48 July 1, 2010, and ending June 30, 2011, the following
49 amount, or so much thereof as is necessary, to be used
50 for the purposes designated:

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1 For purposes of creating a business assistance
2 internet site, notwithstanding section 12.82,
3 subsection 1:

4 \$ 20,000

5 Sec. ____ 2010 Iowa Acts, chapter 1184, section 43,
6 is amended to read as follows:

7 SEC. 43. SAVE OUR SMALL BUSINESSES FUND
8 APPROPRIATION. There is appropriated from the school

9 infrastructure fund created in section 12.82 to the
10 department of economic development for deposit in the
11 save our small businesses fund for the fiscal year
12 beginning July 1, 2010, and ending June 30, 2011, the
13 following amount, or so much thereof as is necessary,
14 to be used for the purposes designated, notwithstanding
15 section 12.82, subsection 1:

16 For purposes of providing financial assistance under
17 the save our small businesses program under section
18 15.301:
19 \$ 5,000,000

20 Of the moneys appropriated pursuant to this section,
21 the department may allocate an amount not to exceed
22 two percent of the moneys appropriated for purposes of
23 retaining the services of an organization designated
24 pursuant to section 15.301, subsection 2, paragraph

25 "b".

26 Sec. _____. 2010 Iowa Acts, chapter 1193, section 6,
27 is amended to read as follows:

28 SEC. 6. INSTRUCTIONAL SUPPORT STATE AID —
29 APPROPRIATION. In lieu of the appropriation provided
30 in section 257.20, there is appropriated from the
31 school infrastructure fund created in section 12.82,
32 subsection 1, to the department of education for the
33 fiscal year beginning July 1, 2010, and ending June 30,
34 2011, the following amount, or so much thereof as is
35 necessary, to be used for the purposes designated:

36 For paying instructional support state aid for
37 fiscal year 2010–2011, notwithstanding section 12.82,
38 subsection 1:

39 \$ 7,500,000

40 Notwithstanding section 257.20, subsection 3, the
41 appropriation made in this lettered paragraph shall
42 be allocated in the same manner as the allocation of
43 the appropriation was made for the same purpose in the
44 previous fiscal year.

45 Sec. _____. 2011 Iowa Acts, House File 45, section 2,
46 subsection 2, is amended by adding the following new
47 paragraph:

48 NEW PARAGRAPH. c. This subsection shall not apply
49 to any appropriations for the fiscal year beginning
50 July 1, 2010, receiving a supplemental appropriation

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1 under 2011 Iowa Acts, Senate File 209, or any multiyear
2 appropriation that includes the fiscal year beginning
3 July 1, 2009, for equipment as determined by the
4 department of management.

5 Sec. _____. EFFECTIVE AND APPLICABILITY DATES. This
6 division of this Act, being deemed of immediate
7 importance, takes effect upon enactment and, unless
8 otherwise provided, if approved by the governor on or
9 after July 1, 2011, shall apply retroactively to June
10 30, 2011.

11 Sec. _____. RETROACTIVE APPLICABILITY. The provision
12 of this division of this Act amending 2011 Iowa
13 Acts, House File 45, section 2, subsection 2, applies
14 retroactively to March 7, 2011.

DIVISION X

CONDITIONAL EFFECTIVE DATE

AND RETROACTIVE APPLICABILITY

18 Sec. _____. EFFECTIVE DATE AND RETROACTIVE
19 APPLICABILITY. Unless otherwise provided, this Act,
20 if approved by the governor on or after July 1, 2011,
21 takes effect upon enactment and applies retroactively
22 to July 1, 2011.>

S-3372

HOUSE AMENDMENT TO
SENATE FILE 533

1 Amend Senate File 533, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking everything after the enacting clause
4 and inserting:

5 <DIVISION I

6 STANDING APPROPRIATIONS AND RELATED MATTERS — FY
7 2011–2012

8 Section 1. BUDGET PROCESS FOR FISCAL YEAR
9 2012–2013.

10 1. For the budget process applicable to the fiscal
11 year beginning July 1, 2012, on or before October 1,
12 2011, in lieu of the information specified in section
13 8.23, subsection 1, unnumbered paragraph 1, and
14 paragraph “a”, all departments and establishments of
15 the government shall transmit to the director of the
16 department of management, on blanks to be furnished
17 by the director, estimates of their expenditure
18 requirements, including every proposed expenditure, for
19 the ensuing fiscal year, together with supporting data
20 and explanations as called for by the director of the
21 department of management after consultation with the
22 legislative services agency.

23 2. The estimates of expenditure requirements
24 shall be in a form specified by the director of
25 the department of management, and the expenditure
26 requirements shall include all proposed expenditures
27 and shall be prioritized by program or the results to
28 be achieved. The estimates shall be accompanied by
29 performance measures for evaluating the effectiveness
30 of the programs or results.

31 Sec. 2. LIMITATION OF STANDING APPROPRIATIONS.

32 Notwithstanding the standing appropriations in the
33 following designated sections for the fiscal year
34 beginning July 1, 2011, and ending June 30, 2012, the
35 amounts appropriated from the general fund of the state
36 pursuant to these sections for the following designated
37 purposes shall not exceed the following amounts:

38 1. For operational support grants and community
39 cultural grants under section 99F.11, subsection 3,
40 paragraph “d”, subparagraph (1):

41 \$ 416,702

42 2. For regional tourism marketing under section
43 99F.11, subsection 3, paragraph “d”, subparagraph (2):

44 \$ 810,306

45 3. For the center for congenital and inherited
46 disorders central registry under section 144.13A,
47 subsection 4, paragraph “a”:

48 \$ 171,121
 49 4. For primary and secondary child abuse prevention
 50 programs under section 144.13A, subsection 4, paragraph

Page 2

1 "a":
 2 \$ 217,772

3 5. For programs for at-risk children under section
 4 279.51:
 5 \$ 8,504,258

6 The amount of any reduction in this subsection shall
 7 be prorated among the programs specified in section
 8 279.51, subsection 1, paragraphs "a", "b", and "c".

9 6. For payment for nonpublic school transportation
 10 under section 285.2:
 11 \$ 7,060,931

12 If total approved claims for reimbursement for
 13 nonpublic school pupil transportation exceed the amount
 14 appropriated in accordance with this subsection, the
 15 department of education shall prorate the amount of
 16 each approved claim.

17 7. For reimbursement for the homestead property tax
 18 credit under section 425.1:
 19 \$ 86,188,387

20 8. For reimbursement for the family farm and
 21 agricultural land tax credits under sections 425A.1 and
 22 426.1:
 23 \$ 32,395,131

24 9. For the enforcement of chapter 453D relating to
 25 tobacco product manufacturers under section 453D.8:
 26 \$ 18,416

27 Sec. 3. INSTRUCTIONAL SUPPORT STATE AID — FY

28 2011–2012. In lieu of the appropriation provided in
 29 section 257.20, subsection 2, the appropriation for the
 30 fiscal year beginning July 1, 2011, and ending June 30,
 31 2012, for paying instructional support state aid under
 32 section 257.20 for fiscal year 2011–2012 is zero.

33 Sec. 4. APPROPRIATION — FARMERS WITH
 34 DISABILITIES. There is appropriated from the general
 35 fund of the state to the department of agriculture and
 36 land stewardship for the fiscal year beginning July 1,
 37 2011, and ending June 30, 2012, the following amount,
 38 or so much thereof as is necessary, for a program for
 39 farmers with disabilities:
 40 \$ 97,000

41 The moneys appropriated in this section shall be
 42 used for the public purpose of providing a grant to
 43 a national nonprofit organization with over 80 years
 44 of experience in assisting children and adults with
 45 disabilities and special needs. The moneys shall
 46 be used to support a nationally recognized program

47 that began in 1986 and has been replicated in at
48 least 30 other states, but which is not available
49 through any other entity in this state, and that
50 provides assistance to farmers with disabilities in

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1 all 99 counties to allow the farmers to remain in
2 their own homes and be gainfully engaged in farming
3 through provision of agricultural worksite and home
4 modification consultations, peer support services,
5 services to families, information and referral, and
6 equipment loan services. Notwithstanding section
7 8.33, moneys appropriated in this section that remain
8 unencumbered or unobligated at the close of the fiscal
9 year shall not revert but shall remain available for
10 expenditure for the purposes designated until the close
11 of the succeeding fiscal year.

12 Sec. 5. Section 256.30, unnumbered paragraph
13 1, Code 2011, is amended by striking the unnumbered
14 paragraph and inserting in lieu thereof the following:
15 For the fiscal year beginning July 1, 2011, and
16 ending June 30, 2012, there is appropriated from the
17 general fund of the state to the department the sum
18 of one hundred thousand dollars. For the fiscal year
19 beginning July 1, 2012, and ending June 30, 2013, and
20 for each succeeding fiscal year, there is appropriated
21 from the general fund of the state to the department
22 the sum of fifty thousand dollars. The department
23 shall distribute the appropriation to the tribal
24 council of the Sac and Fox Indian settlement for
25 expenses of educating American Indian children residing
26 in the Sac and Fox Indian settlement on land held in
27 trust by the secretary of the interior of the United
28 States in excess of federal moneys paid to the tribal
29 council for educating the American Indian children
30 when moneys are appropriated for that purpose. The
31 tribal council shall administer the moneys distributed
32 pursuant to this section and shall submit an annual
33 report and other reports as required by the department
34 to the department on the expenditure of the moneys.

35 Sec. 6. Section 257.35, Code 2011, is amended by
36 adding the following new subsection:
37 NEW SUBSECTION. 5A. Notwithstanding subsection 1,
38 and in addition to the reduction applicable pursuant
39 to subsection 2, the state aid for area education
40 agencies and the portion of the combined district cost
41 calculated for these agencies for the fiscal year
42 beginning July 1, 2011, and ending June 30, 2012, shall
43 be reduced by the department of management by twenty
44 million dollars. The reduction for each area education
45 agency shall be prorated based on the reduction that

46 the agency received in the fiscal year beginning July
47 1, 2003.

48 Sec. 7. Section 453A.35, subsection 1, Code 2011,
49 is amended to read as follows:

50 1. a. The With the exception of revenues credited

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1 to the health care trust fund pursuant to paragraph
2 "b", the proceeds derived from the sale of stamps and
3 the payment of taxes, fees, and penalties provided for
4 under this chapter, and the permit fees received from
5 all permits issued by the department, shall be credited
6 to the general fund of the state. However, of
7 b. Of the revenues generated from the tax on
8 cigarettes pursuant to section 453A.6, subsection
9 1, and from the tax on tobacco products as specified
10 in section 453A.43, subsections 1, 2, 3, and 4, and
11 credited to the general fund of the state under this
12 subsection, there is appropriated, annually, to the
13 health care trust fund created in section 453A.35A, the
14 first one hundred six million sixteen thousand four
15 hundred dollars shall be credited to the health care
16 trust fund created in section 453A.35A.

17 Sec. 8. Section 453A.35A, subsection 1, Code 2011,
18 is amended to read as follows:

19 1. A health care trust fund is created in the
20 office of the treasurer of state. The fund consists
21 of the revenues generated from the tax on cigarettes
22 pursuant to section 453A.6, subsection 1, and from
23 the tax on tobacco products as specified in section
24 453A.43, subsections 1, 2, 3, and 4, that are credited
25 to the ~~general fund of the state and appropriated to~~
26 ~~the health care trust fund, annually, pursuant to~~
27 ~~section 453A.35. Moneys in the fund shall be separate~~
28 ~~from the general fund of the state and shall not be~~
29 ~~considered part of the general fund of the state.~~
30 However, the fund shall be considered a special account
31 for the purposes of section 8.53 relating to generally
32 accepted accounting principles. Moneys in the fund
33 shall be used only as specified in this section and
34 shall be appropriated only for the uses specified.
35 Moneys in the fund are not subject to section 8.33
36 and shall not be transferred, used, obligated,
37 appropriated, or otherwise encumbered, except as
38 provided in this section. Notwithstanding section
39 12C.7, subsection 2, interest or earnings on moneys
40 deposited in the fund shall be credited to the fund.

DIVISION II

42 SALARIES, COMPENSATION, AND RELATED MATTERS — FY
43 2011–2012

44 Sec. 9. BONUS PAY. For the fiscal year beginning

45 July 1, 2011, employees of the executive branch,
46 judicial branch, and legislative branch shall not
47 receive bonus pay unless otherwise authorized by law,
48 required pursuant to a contract of employment entered
49 into before July 1, 2011, or required pursuant to a
50 collective bargaining agreement. This section does

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1 not apply to employees of the state board of regents
2 who receive bonuses funded by nonpublic moneys. For
3 purposes of this section, "bonus pay" means any
4 additional remuneration provided an employee in
5 the form of a bonus, including but not limited to a
6 retention bonus, recruitment bonus, exceptional job
7 performance pay, extraordinary job performance pay,
8 exceptional performance pay, extraordinary duty pay,
9 or extraordinary or special duty pay, and any extra
10 benefit not otherwise provided to other similarly
11 situated employees.

12 Sec. 10. SALARY INCREASES — CERTAIN REVOLVING
13 FUNDS.

14 1. For the fiscal years beginning July 1, 2011, and
15 July 1, 2012, there is appropriated from the gaming
16 enforcement revolving fund an amount necessary for
17 funding annual pay adjustments and related benefits
18 for agents and officers of the division of criminal
19 investigation's racetrack, excursion boat, or gambling
20 structure enforcement activities. Moneys appropriated
21 pursuant to this subsection shall be in addition to and
22 supplement other appropriations from the fund.

23 2. For the fiscal years beginning July 1, 2011,
24 and July 1, 2012, there is appropriated from the
25 gaming regulatory revolving fund, if enacted by the
26 Eighty-fourth General Assembly, 2011 session, an
27 amount necessary for funding annual pay adjustments and
28 related benefits for positions in the racing and gaming
29 commission of the department of inspections and appeals
30 who are assigned to administration and enforcement of
31 the excursion boat and gambling structure laws. Moneys
32 appropriated pursuant to this subsection shall be in
33 addition to and supplement other appropriations from
34 the fund.

35 Sec. 11. STATE TROOPER MEAL ALLOWANCE. For the
36 fiscal years beginning July 1, 2011, and July 1, 2012,
37 the sworn peace officers in the department of public
38 safety who are not covered by a collective bargaining
39 agreement negotiated pursuant to chapter 20 shall
40 receive the same per diem meal allowance as the sworn
41 peace officers in the department of public safety
42 who are covered by a collective bargaining agreement
43 negotiated pursuant to chapter 20.

44 Sec. 12. SALARY MODEL ADMINISTRATOR. The salary
45 model administrator shall work in conjunction with
46 the legislative services agency to maintain the
47 state's salary model used for analyzing, comparing,
48 and projecting state employee salary and benefit
49 information, including information relating to
50 employees of the state board of regents. The

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1 department of revenue, the department of administrative
2 services, the five institutions under the jurisdiction
3 of the state board of regents, the judicial district
4 departments of correctional services, and the state
5 department of transportation shall provide salary data
6 to the department of management and the legislative
7 services agency to operate the state's salary
8 model. The format and frequency of provision of the
9 salary data shall be determined by the department of
10 management and the legislative services agency. The
11 information shall be used in collective bargaining
12 processes under chapter 20 and in calculating the
13 funding needs contained within the annual salary
14 adjustment legislation. A state employee organization
15 as defined in section 20.3, subsection 4, may request
16 information produced by the model, but the information
17 provided shall not contain information attributable to
18 individual employees.

19 Sec. 13. GROUP HEALTH INSURANCE PREMIUM COSTS FOR
20 STATE EMPLOYEES.

21 1. The state's executive and judicial branch
22 authorities responsible for negotiating the collective
23 bargaining agreements entered into under chapter 20
24 shall engage in discussions with the applicable state
25 employee organizations to renegotiate provisions
26 involving health insurance coverage of state employees
27 and their families in order to achieve cost savings
28 for the state. The discussions shall include but are
29 not limited to a requirement for a state employee who
30 is covered by a collective bargaining agreement and
31 is a member of state group health insurance plan for
32 employees of the state established under chapter 509A
33 to pay at least one hundred dollars per month of the
34 total premium for such health plan coverage for single
35 persons or increase the amount paid per month for
36 family coverage by the same amount that would be paid
37 for the single person's coverage.

38 2. If collective bargaining agreements are
39 renegotiated to achieve cost savings pursuant to
40 subsection 1, the cost savings provisions shall
41 also apply to state employees who are not covered by
42 collective bargaining as provided in chapter 20 and

43 are members of a state group health insurance plan for
 44 employees of the state established under chapter 509A.
 45 3. Beginning on the effective date of this section,
 46 a state legislator or legislative staff member who is
 47 a member of a state group health insurance plan for
 48 employees of the state established under chapter 509A
 49 shall pay at least one hundred dollars per month of the
 50 total premium for such health care coverage for single

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1 persons or increase the amount paid per month for
 2 family coverage by the same amount that would be paid
 3 for the single persons coverage. The payment amount
 4 shall be determined by the legislative council, subject
 5 to the minimum amount specified in this subsection.

6 Sec. 14. NEW SECTION. 8A.440 Group health
 7 insurance premium costs.

8 1. Collective bargaining agreements entered into
 9 pursuant to chapter 20 for state employees shall
 10 provide that a state employee covered by that agreement
 11 who is a member of a state group health insurance plan
 12 for employees of the state established under chapter
 13 509A shall pay at least one hundred dollars per month
 14 of the total premium for such insurance for single
 15 persons or increase the amount paid per month for
 16 family coverage by the same amount that would be paid
 17 for the single person's coverage.

18 2. A state employee not covered by a collective
 19 bargaining agreement as provided in chapter 20 who
 20 is a member of a state group health insurance plan
 21 for employees of the state established under chapter
 22 509A shall pay the same amount per month of the
 23 total premium for such insurance as is paid under
 24 the collective bargaining agreement that covers
 25 the greatest number of state employees in the state
 26 government entity employing the state employee.

27 Sec. 15. APPLICABILITY. The section of this
 28 division of this Act enacting section 8A.440, applies
 29 to collective bargaining agreements entered into on
 30 or after the effective date of that section of this
 31 division of this Act.

32 Sec. 16. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
 33 APPLICABILITY. The following sections of this division
 34 of this Act, being deemed of immediate importance, take
 35 effect upon enactment and, if approved by the governor
 36 on or after July 1, 2011, apply retroactively to June
 37 30, 2011:

38 1. The section of this division relating to group
 39 health insurance premium costs for state employees.

40 2. The section of this division enacting section
 41 8A.440.

42 3. The section of this division relating to
43 applicability.

44 DIVISION III
45 CORRECTIVE PROVISIONS

46 Sec. 17. Section 8.6, subsection 9A, as enacted by
47 2011 Iowa Acts, House File 45, section 39, is amended
48 to read as follows:

49 9A. Budget and tax rate databases. To develop
50 and make available to the public a searchable budget

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1 database and internet site as required under chapter
2 8G, ~~division subchapter I~~, and to develop and make
3 available to the public a searchable tax rate database
4 and internet site as required under chapter 8G,
5 ~~division subchapter II~~.

6 Sec. 18. Section 8.57E, subsection 3, paragraph a,
7 as enacted by 2011 Iowa Acts, Senate File 209, section
8 30, is amended to read as follows:

9 a. Moneys in the ~~taxpayer's~~ ~~taxpayers~~ trust fund
10 may be used for cash flow purposes during a fiscal year
11 provided that any moneys so allocated are returned to
12 the fund by the end of that fiscal year.

13 Sec. 19. Section 8G.13, as enacted by 2011 Iowa
14 Acts, House File 45, section 50, is amended to read as
15 follows:

16 8G.13 Updating database.

17 To facilitate the department of management's efforts
18 in creating and maintaining a searchable database of
19 the taxes identified in section 8G.12, subsection ~~3~~ 1,
20 for all taxing jurisdictions in the state, each taxing
21 jurisdiction may annually be required to report its tax
22 rates to the department of management or the department
23 of revenue and shall report any changes to its tax
24 rates within thirty days of the change.

25 Sec. 20. Section 16.193, subsection 3, paragraph a,
26 Code 2011, as amended by 2011 Iowa Acts, Senate File
27 475, section 11, is amended to read as follows:

28 a. During the term of the Iowa jobs program and
29 Iowa jobs II program, the Iowa finance authority shall
30 collect data on all of the projects approved for the
31 ~~program~~ ~~programs~~. The department of management and
32 the state agencies associated with the projects shall
33 assist the authority with the data collection and in
34 developing the report required by this subsection. The
35 authority shall report quarterly to the governor and
36 the general assembly concerning the data.

37 Sec. 21. Section 68A.401, subsection 4, Code 2011,
38 as amended by 2011 Iowa Acts, Senate File 475, section
39 17, is amended to read as follows:

40 4. Political committees expressly advocating the

41 nomination, election, or defeat of candidates for
 42 both federal office and any elected office created
 43 by law or the Constitution of the State of Iowa
 44 shall file statements and reports with the board in
 45 addition to any federal reports required to be filed
 46 with the board. However, a political committee that
 47 is registered and filing full disclosure reports of
 48 all financial activities with the federal election
 49 commission may file verified statements as provided in
 50 section ~~68B.201A~~ 68A.201A.

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1 Sec. 22. Section 139A.19, subsection 3, as enacted
 2 by 2011 Iowa Acts, House File 467, section 20, is
 3 amended to read as follows:

4 3. This section does not preclude a hospital,
 5 clinic, other health facility, or a health care
 6 provider from providing notification to a care
 7 provider under circumstances in which the hospital's,
 8 clinic's, other health facility's, or health care
 9 provider's policy provides for notification of the
 10 hospital's, ~~clinics~~ clinic's, other health facility's,
 11 or health care provider's own employees of exposure
 12 to a contagious or infectious disease that is not
 13 life-threatening if the notice does not reveal a
 14 patient's name, unless the patient consents.

15 Sec. 23. Section 175.3, subsection 1, paragraph a,
 16 Code 2011, as amended by 2011 Iowa Acts, Senate File
 17 429, section 1, is amended to read as follows:

18 a. The agricultural development authority is
 19 established within the department of agriculture and
 20 land stewardship. The ~~agency authority~~ is constituted
 21 as a public instrumentality and agency of the state
 22 exercising public and essential governmental functions.

23 Sec. 24. Section 207.22, subsection 3, paragraph b,
 24 Code 2011, as amended by 2011 Iowa Acts, Senate File
 25 475, section 47, is amended to read as follows:

26 b. Acquisition of coal refuse disposal sites and
 27 all coal refuse thereon will serve the purposes of
 28 ~~Tit. IV of~~ Pub. L. No. 95-87, Tit. IV, codified at 30
 29 U.S.C. ch. 25, subch. IV, or that public ownership
 30 is desirable to meet emergency situations and prevent
 31 recurrences of the adverse effect of past coal mining
 32 practices.

33 Sec. 25. Section 232.71D, subsection 3, paragraph
 34 a, unnumbered paragraph 1, as enacted by 2011 Iowa
 35 Acts, House File 562, section 3, is amended to read as
 36 follows:

37 Unless any of the circumstances listed in paragraph
 38 "b" are applicable, cases to which any of the following
 39 circumstances apply shall not be placed ~~on~~ in the

40 central registry:

41 Sec. 26. Section 256.7, subsection 26, paragraph a,
42 subparagraph (1), as enacted by 2011 Iowa Acts, Senate
43 File 453, section 1, is amended to read as follows:

44 (1) The rules establishing high school graduation
45 requirements shall authorize a school district
46 or accredited nonpublic school to consider that
47 any student who satisfactorily completes a high
48 school-level unit of English or language arts,
49 mathematics, science, or social studies has
50 satisfactorily completed a unit of the high school

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1 graduation requirements for that area as specified in
2 this lettered paragraph, and ~~to shall~~ authorize the
3 school district or accredited nonpublic school to issue
4 high school credit for the unit to the student.

5 Sec. 27. Section 321.34, subsection 20C, paragraph
6 a, if enacted by 2011 Iowa Acts, House File 651,
7 section 2, is amended to read as follows:

8 a. The department, in consultation with the
9 adjutant general, shall design combat infantryman
10 badge, combat action badge, combat action ribbon, air
11 force combat action medal, and combat medical badge
12 distinguishing processed emblems. Upon receipt of two
13 hundred fifty orders for ~~special~~ combat infantryman
14 badge, combat action badge, combat action ribbon, air
15 force combat action medal, or combat medical badge
16 special registration plates, accompanied by a start-up
17 fee of twenty dollars per order, the department
18 shall begin issuing special registration plates with
19 the applicable distinguishing processed emblem as
20 provided in paragraphs “b” and “c”. The minimum
21 order requirement shall apply separately to each of
22 the special registration plates created under this
23 subsection.

24 Sec. 28. Section 321.34, subsection 25, paragraph
25 a, if enacted by 2011 Iowa Acts, House File 651,
26 section 2, is amended to read as follows:

27 a. The department, in consultation with
28 the adjutant general, shall design a civil war
29 sesquicentennial distinguishing processed emblem. Upon
30 receipt of two hundred fifty orders for ~~special~~ civil
31 war sesquicentennial special registration plates,
32 accompanied by a start-up fee of twenty dollars per
33 order, the department shall begin issuing special
34 registration plates with a civil war sesquicentennial
35 processed emblem as provided in paragraph “b”.

36 Sec. 29. Section 327B.5, Code 2011, is amended to
37 read as follows:

38 327B.5 Penalty.

39 Any person violating the provisions of this chapter
 40 shall, upon conviction, be subject to a scheduled
 41 fine as provided in section 805.8A, subsection 13,
 42 ~~paragraphs paragraph "f" and "g".~~

43 Sec. 30. Section 422.11O, subsection 5, paragraph
 44 a, subparagraph (2), if enacted by 2011 Iowa Acts,
 45 Senate File 531, section 17, is amended to read as
 46 follows:

47 (2) The E-15 plus gasoline promotion tax credit
 48 pursuant to section 422.11Y.

49 Sec. 31. Section 422.11Y, subsection 1, paragraph
 50 d, if enacted by 2011 Iowa Acts, Senate File 531,

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1 section 35, is amended to read as follows:

2 d. "Tax credit" means the E-15 plus gasoline
 3 promotion tax credit as provided in this section.

4 Sec. 32. Section 422.11Y, subsection 3, unnumbered
 5 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
 6 531, section 35, is amended to read as follows:

7 The taxes imposed under this division, less the
 8 credits allowed under section 422.12, shall be reduced
 9 by the amount of the E-15 plus gasoline promotion tax
 10 credit for each tax year that the taxpayer is eligible
 11 to claim a tax credit under this subsection.

12 Sec. 33. Section 422.11Y, subsection 6, paragraph
 13 b, subparagraph (2), if enacted by 2011 Iowa Acts,
 14 Senate File 531, section 35, is amended to read as
 15 follows:

16 (2) The retail dealer may claim the ethanol
 17 promotion tax credit as provided in paragraph "a" for
 18 the same ethanol gallonage used to calculate and claim
 19 the E-15 plus gasoline promotion tax credit.

20 Sec. 34. Section 423.4, subsection 9, unnumbered
 21 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
 22 531, section 59, is amended to read as follows:

23 A person who qualifies as a biodiesel producer as
 24 provided in this subsection may apply to the director
 25 for a refund of the amount of the sales or use tax
 26 imposed and paid upon purchases made by the person.

27 Sec. 35. Section 483A.24A, Code 2011, as amended by
 28 2011 Iowa Acts, Senate File 194, section 10, is amended
 29 to read as follows:

30 483A.24A License refunds — military service.

31 Notwithstanding any provision of this chapter to
 32 the contrary, a service member deployed for military
 33 service, ~~both~~ as defined in section 29A.1, subsection
 34 3, shall receive a refund of that portion of any
 35 license fee paid by the service member representing the
 36 service member's period of military service.

37 Sec. 36. Section 501.101, subsection 01, as enacted

38 by 2011 Iowa Acts, House File 348, section 7, is
39 amended to read as follows:

40 01. "Alternative voting method" means a method of
41 voting other than a written ballot, including voting
42 by electronic, telephonic, internet, or other means
43 that reasonably ~~allow~~ allows members the opportunity
44 to vote.

45 Sec. 37. Section 501A.703, subsection 5, paragraph
46 d, Code 2011, as amended by 2011 Iowa Acts, House File
47 348, section 19, is amended to read as follows:

48 d. If the ballot of the member is received by
49 the cooperative on or before the date of the regular
50 members' meeting or as otherwise prescribed for an

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1 alternative; voting method, the ballot or alternative
2 voting method shall be accepted and counted as the vote
3 of the absent member.

4 Sec. 38. Section 511.8, subsection 22, paragraph i,
5 unnumbered paragraph 1, as enacted by 2011 Iowa Acts,
6 Senate File 406, section 25, is amended to read as
7 follows:

8 Securities held in the legal reserve of a life
9 insurance company or association pledged as collateral
10 for financial instruments used in highly effective
11 hedging transactions as defined in the national
12 association of insurance commissioners' ~~Statement~~
13 ~~statement of Statutory Accounting Principles No.~~
14 ~~statutory accounting principles no.~~ 86 shall continue
15 to be eligible for inclusion ~~on~~ in the legal reserve of
16 the life insurance company or association subject to
17 all of the following:

18 Sec. 39. Section 514J.109, subsection 3, paragraph
19 f, if enacted by 2011 Iowa Acts, House File 597,
20 section 9, is amended to read as follows:

21 f. The covered person or the covered person's
22 authorized representative has provided all the
23 information and forms required by the commissioner that
24 are necessary to process an external review request
25 pursuant to this section.

26 Sec. 40. Section 521F.4, subsection 1, paragraph b,
27 as enacted by 2011 Iowa Acts, Senate File 406, section
28 44, is amended to read as follows:

29 b. The filing of a risk-based capital report by
30 a health organization which indicates that the health
31 organization has total adjusted capital which is
32 greater than or equal to its company-action-level
33 risk-based capital but less than the product of its
34 authorized-control-level risk-based capital and three
35 and triggers the trend test determined in accordance
36 with the trend test ~~calculations~~ calculation included

37 in the health risk-based capital instructions.

38 Sec. 41. Section 524.310, subsection 5, paragraph
39 b, Code 2011, as amended by 2011 Iowa Acts, Senate File
40 475, section 120, is amended to read as follows:

41 b. A corporate or company name reserved,
42 registered, or protected as provided in section
43 ~~489.109, 490.402, 490.403, 490A.402, 504.402,~~ or 504.403.

44 Sec. 42. Section 717.3, subsection 5, paragraph b,
45 Code 2011, as enacted by 2011 Iowa Acts, Senate File
46 478, section 6, is amended to read as follows:

47 b. That the department shall assume supervision of
48 and provide for the sustenance of the livestock ~~and~~ as
49 provided in section 717.4.

50 Sec. 43. Section 717.4, subsection 2, as enacted by

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1 2011 Iowa Acts, Senate File 478, section 7, is amended
2 to read as follows:

3 2. The court ordered lien shall be for the benefit
4 of the department. The amount of the lien shall not
5 be ~~not~~ more than for expenses incurred in providing
6 sustenance to the livestock pursuant to section 717.3
7 and providing for the disposition of the livestock
8 pursuant to section 717.5.

9 Sec. 44. Section 717.4A, as enacted by 2011 Iowa
10 Acts, Senate File 478, section 8, is amended to read
11 as follows:

12 717.4A Livestock in immediate need of sustenance —
13 livestock remediation fund.

14 The department may utilize the moneys deposited
15 into the livestock remediation fund pursuant to
16 section 459.501 to pay for any expenses associated
17 with providing sustenance to or the disposition of the
18 livestock pursuant to a court order entered pursuant to
19 section 717.3 or 717.5. The department shall utilize
20 moneys from the fund only to the extent that the
21 department determines that expenses cannot be timely
22 paid by utilizing the available provisions of sections
23 717.4 and 717.5. The department shall deposit any
24 unexpended and unobligated moneys in the fund. The
25 department shall pay to the fund the proceeds from the
26 disposition of the livestock and associated products
27 less expenses incurred by the department in providing
28 for the sustenance and disposition of the livestock, as
29 provided in section 717.5.

30 Sec. 45. Section 903A.5, subsection 1, as enacted
31 by 2011 Iowa Acts, House File 271, section 3, is
32 amended to read as follows:

33 1. An inmate shall not be discharged from the
34 custody of the director of the Iowa department of
35 corrections until the inmate has served the full term

36 for which the inmate was sentenced, less earned time
37 and other credits earned and not forfeited, unless
38 the inmate is pardoned or otherwise legally released.
39 Earned time accrued and not forfeited shall apply
40 to reduce a mandatory minimum sentence being served
41 pursuant to section 124.406, 124.413, 902.7, 902.8,
42 902.8A, or 902.11. An inmate shall be deemed to be
43 serving the sentence from the day on which the inmate
44 is received into the institution. If an inmate was
45 confined to a county jail or other correctional or
46 mental facility at any time prior to sentencing, or
47 after sentencing but prior to the case having been
48 decided on appeal, because of failure to furnish
49 bail or because of being charged with a nonbailable
50 offense, the inmate shall be given credit for the

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1 days already served upon the term of the sentence.
2 However, if a person commits any offense while confined
3 in a county jail or other correctional or mental
4 health facility, the person shall not be granted
5 jail credit for that offense. Unless the inmate was
6 confined in a correctional facility, the sheriff of
7 the county in which the inmate was confined shall
8 certify to the clerk of the district court from which
9 the inmate was sentenced and to the department of
10 corrections' records administrator at the Iowa medical
11 and classification center the number of days so served.
12 The department of corrections' records administrator,
13 or the administrator's designee, shall apply jail
14 credit as ordered by the court of proper jurisdiction
15 or as authorized by this section and section 907.3,
16 subsection 3.

17 Sec. 46. EFFECTIVE DATES.

18 1. The section of this division of this Act
19 amending section 422.11O, subsection 5, paragraph a,
20 subparagraph (2), if enacted by 2011 Iowa Acts, Senate
21 File 531, section 17, takes effect January 1, 2012.

22 2. Section 423.4, subsection 9, unnumbered
23 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
24 531, section 59, takes effect January 1, 2012.

25 Sec. 47. APPLICABILITY.

26 1. The section of this division of this Act
27 amending section 422.11O, subsection 5, paragraph a,
28 subparagraph (2), if enacted by 2011 Iowa Acts, Senate
29 File 531, section 17, applies to tax years beginning on
30 and after January 1, 2012.

31 2. The section of this division of this Act
32 amending section 422.11Y, subsection 1, paragraph d, if
33 enacted by 2011 Iowa Acts, Senate File 531, section 35,
34 applies to tax years beginning on and after January 1,

35 2012, and to that part of a retail dealer’s tax year or
36 tax years occurring during that portion of the calendar
37 year beginning on and after July 1, 2011, and ending
38 on December 31, 2011.

39 3. The section of this division of this Act
40 amending section 422.11Y, subsection 3, unnumbered
41 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
42 531, section 35, applies to tax years beginning on and
43 after January 1, 2012, and to that part of a retail
44 dealer’s tax year or tax years occurring during that
45 portion of the calendar year beginning on and after
46 July 1, 2011, and ending on December 31, 2011.

47 4. The section of this division of this Act
48 amending section 422.11Y, subsection 6, paragraph b,
49 subparagraph (2), if enacted by 2011 Iowa Acts, Senate
50 File 531, section 35, applies to tax years beginning on

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1 and after January 1, 2012, and to that part of a retail
2 dealer’s tax year or tax years occurring during that
3 portion of the calendar year beginning on and after
4 July 1, 2011, and ending on December 31, 2011.

5 DIVISION IV

6 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

7 Sec. 48. APPROPRIATION — BATTLESHIP IOWA, BB-61.

8 1. There is appropriated from the general fund of
9 the state to the department of cultural affairs for the
10 fiscal year beginning July 1, 2010, and ending June 30,
11 2011, the following amount, or so much thereof as is
12 necessary, to be credited to the BB-61 fund created in
13 2010 Iowa Acts, chapter 1194:

14 \$ 3,000,000

15 2. If the department of the navy, pursuant to a
16 process outlined in a notice published in the federal
17 register on May 24, 2010, volume 75, number 99, awards
18 possession or conditionally awards possession of the
19 battleship Iowa, BB-61, to a nonprofit group that is
20 eligible to receive the battleship, the department of
21 cultural affairs shall award a grant to the nonprofit
22 group in an amount equal to \$3 million in addition to
23 any moneys awarded as a grant from the BB-61 fund.

24 3. Notwithstanding section 8.33, moneys
25 appropriated in this section that remain unencumbered
26 or unobligated at the close of the fiscal year shall
27 not revert but shall remain available for expenditure
28 for the purposes designated for succeeding fiscal
29 years.

30 Sec. 49. STATE AGENCY OFFICE SUPPLIES PURCHASE,
31 EQUIPMENT PURCHASES, PRINTING AND BINDING, AND
32 MARKETING — APPLICABILITY. The limitation on
33 expenditures made for office supplies, purchases

34 of equipment, office equipment, and equipment
35 noninventory, printing and binding, and marketing
36 implemented pursuant to 2011 Iowa Acts, House File 45,
37 section 2, does not apply to a department or agency
38 receiving a supplemental appropriation for the fiscal
39 year beginning July 1, 2010, pursuant to 2011 Iowa
40 Acts, Senate File 209, division III.

41 Sec. 50. NEW SECTION. 7E.8 Implementation of
42 federal statute, regulation, or policy.

43 1. Except as otherwise explicitly authorized by
44 state law, a state administrative agency charged with
45 the implementation of a federal statute, regulation, or
46 policy shall not exceed the specific requirements of
47 that statute, regulation, or policy.

48 2. Any portion of a state administrative agency
49 rule or policy that is in violation of subsection 1 is
50 void.

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1 Sec. 51. Section 256C.5, subsection 1, paragraph c,
2 Code 2011, is amended to read as follows:

3 c. "Preschool budget enrollment" means the figure
4 that is equal to ~~sixty~~ thirty percent of the actual
5 enrollment of eligible students in the preschool
6 programming provided by a school district approved
7 to participate in the preschool program on October 1
8 of the base year, or the first Monday in October if
9 October 1 falls on a Saturday or Sunday.

10 Sec. 52. NEW SECTION. 274.3 Exercise of powers —
11 construction.

12 1. The board of directors of a school district
13 shall operate, control, and supervise all public
14 schools located within its district boundaries and may
15 exercise any broad and implied power related to the
16 operation, control, and supervision of those public
17 schools except as expressly prohibited or prescribed by
18 the Constitution of the State of Iowa or by statute.

19 2. Notwithstanding subsection 1, the board of
20 directors of a school district shall not have power to
21 levy any tax unless expressly authorized by the general
22 assembly.

23 3. This section shall not apply to a research and
24 development school as defined in section 256G.2 or to
25 a laboratory school as defined in section 265.1. The
26 board of directors of a school district in which such a
27 research and development school or laboratory school
28 is located shall not exercise over such a school any
29 powers granted to the board by subsection 1.

30 4. This chapter, chapter 257 and chapters 275
31 through 301, and other statutes relating to the
32 boards of directors of school districts and to school

33 districts shall be liberally construed to effectuate
34 the purposes of subsection 1.

35 Sec. 53. Section 321J.2, subsection 4, paragraph b,
36 Code 2011, is amended to read as follows:

37 b. Assessment of a minimum fine of one thousand
38 eight hundred ~~forty~~ seventy-five dollars and a maximum
39 fine of six thousand two hundred fifty dollars.
40 Surcharges and fees shall be assessed pursuant to
41 chapter 911.

42 Sec. 54. Section 422.11P, subsection 2, paragraph
43 b, Code 2011, as enacted by 2011 Iowa Acts, Senate File
44 531, section 25, is amended to read as follows:

45 b. The tax credit shall apply to biodiesel blended
46 fuel classified as provided in this section, if the
47 classification meets the standards provided in section
48 214A.2. In ensuring that biodiesel blended fuel meets
49 the classification requirements of this section, the
50 department shall take into account reasonable variances

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1 due to testing and other limitations.

2 Sec. 55. Section 455A.6, subsection 5, Code 2011,
3 is amended by striking the subsection and inserting in
4 lieu thereof the following:

5 5. Six members of the commission is a quorum, and a
6 majority of the commission membership may act in any
7 matter within the jurisdiction of the commission.

8 Sec. 56. Section 455A.6, subsection 6, paragraph a,
9 Code 2011, is amended to read as follows:

10 a. Establish policy for the department and adopt
11 rules, pursuant to chapter 17A, necessary to provide
12 for the effective administration of chapter 455B, 455C,
13 or 459. The commission shall have only that authority
14 or discretion which is explicitly delegated to or
15 conferred upon the commission by chapter 455B, 455C, or
16 459, and shall not expand or enlarge on that authority
17 or discretion.

18 Sec. 57. REPEAL. Chapter 327K, Code 2011, is
19 repealed.

20 Sec. 58. EFFECTIVE AND APPLICABILITY DATES. The
21 section of this division of this Act appropriating
22 moneys to the department of cultural affairs for
23 purposes of a grant for the battleship Iowa, BB-61,
24 being deemed of immediate importance, takes effect upon
25 enactment and, if approved by the governor on or after
26 July 1, 2011, shall apply retroactively to June 30,
27 2011.

28 Sec. 59. APPLICABILITY. The section of this
29 division of this Act amending section 256C.5,
30 subsection 1, takes effect upon enactment, and applies
31 to budget years beginning on or after July 1, 2011.

32 Sec. 60. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
 33 APPLICABILITY. The provision of this division of this
 34 Act relating to a limitation on state agency office
 35 supplies purchase, equipment purchases, printing and
 36 binding, and marketing as enacted by 2011 Iowa Acts,
 37 House File 45, being deemed of immediate importance,
 38 takes effect upon enactment and applies retroactively
 39 to March 7, 2011.

40 DIVISION V

41 PERFORMANCE OF DUTY

42 Sec. 61. Section 7D.10, Code 2011, is amended to
 43 read as follows:

44 7D.10 Court costs.

45 If sufficient funds for court costs have not been
 46 appropriated to a state department, or if sufficient
 47 funds are not otherwise available for such purposes
 48 within the budget of a state department, upon
 49 authorization by the executive council ~~may pay, out of~~
 50 ~~any money in the state treasury~~ there is appropriated

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1 from moneys in the general fund of the state not
 2 otherwise appropriated, an amount sufficient to pay
 3 expenses incurred, or costs taxed to the state, in
 4 any proceeding brought by or against any of the state
 5 departments or in which the state is a party or is
 6 interested. This section shall not be construed to
 7 authorize the payment of travel or other personal
 8 expenses of state officers or employees.

9 Sec. 62. Section 7D.10A, as amended by 2011 Iowa
 10 Acts, Senate File 478, section 11, as enacted, is
 11 amended to read as follows:

12 7D.10A ~~Allocation~~ Payment to livestock remediation
 13 fund.

14 If moneys are not sufficient to support the
 15 livestock remediation fund as provided in chapter 459,
 16 subchapter V, the executive council may ~~allocate from~~
 17 ~~moneys in the general fund of the state, which are~~
 18 ~~not otherwise obligated or encumbered,~~ authorize as
 19 an expense paid from the appropriations addressed in
 20 section 7D.29 the payment of an amount to the livestock
 21 remediation fund as provided under section 459.501,
 22 subsection 5. However, not more than a total of
 23 one million dollars ~~shall be allocated~~ shall be paid
 24 pursuant to this section to the livestock remediation
 25 fund at any time.

26 Sec. 63. Section 7D.29, Code 2011, is amended to
 27 read as follows:

28 7D.29 Performance of duty — expense.

29 1. The executive council shall not employ others,
 30 or ~~incur~~ authorize any expense, for the purpose of

31 performing any duty imposed upon the council when
 32 the duty may, without neglect of their usual duties,
 33 be performed by the members, or by their regular
 34 employees, but, subject to this limitation, the council
 35 may ~~incur~~ authorize the necessary expense to perform
 36 or cause to be performed any legal duty imposed on
 37 the council, ~~and pay the same out of any money in the~~
 38 ~~state treasury not otherwise appropriated. The expenses~~
 39 authorized by the executive council in accordance
 40 with this section and the expenses authorized by the
 41 executive council in accordance with other statutory
 42 provisions referencing the appropriations addressed in
 43 this section shall be paid as follows:
 44 a. From the appropriation made from the Iowa
 45 economic emergency fund in section 8.55 for purposes of
 46 paying such expenses.
 47 b. To the extent the appropriation from the
 48 Iowa economic emergency fund described in paragraph
 49 “a” is insufficient to pay such expenses, there is
 50 appropriated from moneys in the general fund of the

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1 state not otherwise appropriated the amount necessary
 2 to fund that deficiency.>
 3 2. At least two weeks prior to the executive
 4 council's approval of a payment authorization under
 5 this section, the secretary of the executive council
 6 shall notify the legislative services agency that
 7 the authorization request will be considered by
 8 the executive council and shall provide background
 9 information justifying the request.
 10 3. The executive council shall receive requests
 11 from the Iowa department of public health relative to
 12 the purchase, storing, and distribution of vaccines and
 13 medication for prevention, prophylaxis, or treatment.
 14 Upon review and after compliance with subsection 2,
 15 the executive council may approve the request and may
 16 ~~incur~~ authorize payment of the necessary expense and
 17 ~~pay the same out of any money in the state treasury not~~
 18 ~~otherwise appropriated. The expense authorized by the~~
 19 executive council under this subsection shall be paid
 20 from the appropriations referred to in subsection 1.
 21 Sec. 64. Section 7D.30, Code 2011, is amended to
 22 read as follows:
 23 7D.30 Necessary record.
 24 Before ~~incurring~~ authorizing any expense ~~authorized~~
 25 ~~by~~ in accordance with section 7D.29, the executive
 26 council shall, in each case, by resolution, entered
 27 upon its records, set forth the necessity for ~~incurring~~
 28 authorizing such expense, the special fitness of the
 29 one employed to perform such work, the definite rate of

30 compensation or salary allowed, and the total amount of
31 money that may be expended. Compensation or salary for
32 personal services in such cases must be determined by
33 unanimous vote of all members of the council.

34 Sec. 65. Section 8.55, subsection 3, paragraph a,
35 Code 2011, is amended to read as follows:

36 a. Except as provided in paragraphs “b”, ~~and~~ “c”, and
37 “Od”, the moneys in the Iowa economic emergency fund
38 shall only be used pursuant to an appropriation made
39 by the general assembly. An appropriation shall only
40 be made for the fiscal year in which the appropriation
41 is made. The moneys shall only be appropriated by the
42 general assembly for emergency expenditures.

43 Sec. 66. Section 8.55, subsection 3, Code 2011, is
44 amended by adding the following new paragraph:

45 NEW PARAGRAPH. Od. There is appropriated from the
46 Iowa economic emergency fund to the executive council
47 an amount sufficient to pay the expenses authorized by
48 the executive council, as addressed in section 7D.29.

49 Sec. 67. Section 8A.321, subsection 4, Code 2011,
50 is amended to read as follows:

Page 20

1 4. Contract, with the approval of the executive
2 council, for the repair, remodeling, or, if the
3 condition warrants, demolition of all buildings and
4 grounds of the state at the seat of government, at
5 the state laboratories facility in Ankeny, and the
6 institutions of the department of human services and
7 the department of corrections for which no specific
8 appropriation has been made, if the cost of repair,
9 remodeling, or demolition will not exceed one hundred
10 thousand dollars when completed. The cost of repair
11 projects for which no specific appropriation has
12 been made shall be paid ~~from the fund~~ as an expense
13 authorized by the executive council as provided in
14 section 7D.29.

15 Sec. 68. Section 8A.321, subsection 6, paragraphs a
16 and b, Code 2011, are amended to read as follows:

17 a. Lease all buildings and office space necessary
18 to carry out the provisions of this subchapter or
19 necessary for the proper functioning of any state
20 agency at the seat of government. For state agencies
21 at the seat of government, the director may lease
22 buildings and office space in Polk county or in a
23 county contiguous to Polk county. If no specific
24 appropriation has been made, the proposed lease shall
25 be submitted to the executive council for ~~approval~~
26 authorization and if authorized lease expense shall
27 be paid from the appropriations addressed in section
28 7D.29. The cost of any lease for which no specific

29 ~~appropriation has been made shall be paid from the fund~~
 30 ~~provided in section 7D.29.~~

31 b. When the general assembly is not in session, the
 32 director may request ~~moneys~~ an expense authorization
 33 from the executive council for moving state agencies
 34 located at the seat of government from one location
 35 to another. The request may include moving costs,
 36 telecommunications costs, repair costs, or any other
 37 costs relating to the move. The executive council may
 38 ~~approve and shall pay the costs from funds~~ authorize
 39 the expenses provided and may authorize the expenses to
 40 be paid from the appropriations addressed in section
 41 7D.29 if it determines the agency or department ~~has~~
 42 ~~no available~~ does not have funds available for these
 43 expenses.

44 Sec. 69. Section 11.32, as amended by 2011 Iowa
 45 Acts, House File 536, section 26, as enacted, is
 46 amended to read as follows:

47 11.32 Certified accountants employed.
 48 Nothing in this chapter shall prohibit the auditor
 49 of state, with the prior written permission of the
 50 state executive council, from employing certified

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1 public accountants for specific assignments. The
 2 auditor of state may employ such accountants for any
 3 assignment ~~now~~ expressly reserved to the auditor of
 4 state. Payments, after approval by the executive
 5 council, ~~will~~ shall be made to the accountants so
 6 employed from funds from which the auditor of state
 7 would have been paid had the auditor of state performed
 8 the assignment, or if ~~no~~ such specific funds are
 9 ~~indicated not available~~, then ~~payment will be made~~
 10 ~~from the funds of~~ authorization of the expense by the
 11 executive council shall be requested, and if authorized
 12 shall be paid from the appropriations addressed in
 13 section 7D.29.

14 Sec. 70. Section 13.3, Code 2011, is amended to
 15 read as follows:

16 13.3 Disqualification — substitute.

17 1. If, for any reason, the attorney general ~~be~~
 18 is disqualified from appearing in any action or
 19 proceeding, the executive council shall ~~appoint some~~
 20 authorize the appointment of a suitable person for that
 21 purpose and defray the. There is appropriated from
 22 moneys in the general fund not otherwise appropriated
 23 an amount necessary to pay the reasonable expense
 24 thereof from any unappropriated funds in the state
 25 treasury for the person appointed. The department
 26 involved in the action or proceeding shall be requested
 27 to recommend a suitable person to represent the

28 department and when the executive council concurs in
29 the recommendation, the person recommended shall be
30 appointed.

31 2. If the governor or a department is represented
32 by an attorney other than the attorney general in a
33 court proceeding as provided in this section, at the
34 conclusion of the court proceedings, the court shall
35 review the fees charged to the state to determine
36 if the fees are fair and reasonable. The executive
37 council shall not ~~reimburse~~ authorize reimbursement
38 of attorney fees in excess of those determined by the
39 court to be fair and reasonable.

40 Sec. 71. Section 13.7, Code 2011, is amended to
41 read as follows:

42 13.7 Special counsel.

43 Compensation shall not be allowed to any person for
44 services as an attorney or counselor to an executive
45 department of the state government, or the head ~~thereof~~
46 of an executive department of state government, or to
47 a state board or commission. However, the executive
48 council may ~~employ~~ authorize employment of legal
49 assistance, at a reasonable compensation, in a pending
50 action or proceeding to protect the interests of the

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1 state, but only upon a sufficient showing, in writing,
2 made by the attorney general, that the department of
3 justice cannot for reasons stated by the attorney
4 general perform the service, ~~which~~. The reasons
5 and action of the council shall be entered upon its
6 records. ~~When~~ If the attorney general determines that
7 the department of justice cannot perform legal service
8 in an action or proceeding, the executive council
9 shall request the department involved in the action or
10 proceeding to recommend legal counsel to represent the
11 department. If the attorney general concurs with the
12 department that the person recommended is qualified
13 and suitable to represent the department, the person
14 recommended shall be employed. If the attorney general
15 does not concur in the recommendation, the department
16 shall submit a new recommendation. This section does
17 not affect the general counsel for the utilities board
18 of the department of commerce, the legal counsel of the
19 department of workforce development, or the general
20 counsel for the property assessment appeal board.

21 Sec. 72. Section 29A.27, unnumbered paragraph 8,
22 Code 2011, is amended to read as follows:

23 All payments ~~herein~~ provided for under this section
24 shall be paid on the approval of the adjutant general
25 from the contingent fund of the executive council
26 created in section 29C.20.

27 Sec. 73. Section 29C.8, subsection 3, paragraph
 28 f, subparagraph (3), Code 2011, is amended to read as
 29 follows:

30 (3) Upon notification of a compensable loss to a
 31 member of a homeland security and emergency management
 32 response team, the department of administrative
 33 services shall process the claim and seek ~~funding~~
 34 authorization from the executive council ~~for to pay~~
 35 as an expense paid from the appropriations addressed
 36 in section 7D.29 those costs associated with covered
 37 benefits.

38 Sec. 74. Section 29C.20, subsection 1, paragraph a,
 39 unnumbered paragraph 1, Code 2011, is amended to read
 40 as follows:

41 A contingent fund is created in the state treasury
 42 for the use of the executive council ~~which~~. Funding
 43 for the contingent fund, if authorized by the executive
 44 council, shall be paid from the appropriations
 45 addressed in section 7D.29. Moneys in the contingent
 46 fund may be expended for the following purposes:

47 Sec. 75. Section 96.13, subsection 3, paragraph c,
 48 Code 2011, is amended to read as follows:

49 c. The department may appear before the executive
 50 council and request ~~funds~~ authorization of moneys to

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1 meet unanticipated emergencies as an expense from the
 2 appropriations addressed in section 7D.29.

3 Sec. 76. Section 135.143, subsection 5, Code 2011,
 4 is amended to read as follows:

5 5. Upon notification of a compensable loss, the
 6 department of administrative services shall seek
 7 ~~funding~~ authorization from the executive council ~~for~~
 8 to pay as an expense from the appropriations addressed
 9 in section 7D.29 those costs associated with covered
 10 workers' compensation benefits.

11 Sec. 77. Section 135.144, subsection 11, Code 2011,
 12 is amended to read as follows:

13 11. If a public health disaster or other public
 14 health emergency situation exists which poses an
 15 imminent threat to the public health, safety, and
 16 welfare, the department, in conjunction with the
 17 governor, may provide financial assistance, from funds
 18 appropriated to the department that are not otherwise
 19 encumbered, to political subdivisions as needed to
 20 alleviate the disaster or the emergency. If the
 21 department does not have sufficient unencumbered funds,
 22 the governor may request ~~that~~ the executive council,
 23 pursuant to the authority of section 7D.29, commit
 24 sufficient funds, to authorize the payment of up to one
 25 million dollars, ~~that are not otherwise encumbered from~~

26 ~~the general fund, as needed and available, for as an~~
27 expense from the appropriations addressed in section
28 7D.29 to alleviate the disaster or the emergency. If
29 additional financial assistance is required in excess
30 of one million dollars, approval by the legislative
31 council is also required.

32 Sec. 78. Section 163.3A, subsection 4, paragraph b,
33 Code 2011, is amended to read as follows:

34 b. The department shall provide and update a list
35 of the registered members of each emergency response
36 team, including the members' names and identifying
37 information, to the department of administrative
38 services. Upon notification of a compensable loss
39 suffered by a registered member, the department
40 of administrative services shall seek ~~fundng~~
41 authorization from the executive council ~~for to pay as~~
42 an expense from the appropriations addressed in section
43 7D.29 those costs associated with covered benefits.

44 Sec. 79. Section 163.10, Code 2011, is amended to
45 read as follows:

46 163.10 Quarantining or destroying animals.

47 The department may quarantine or destroy any
48 animal exposed to or afflicted with an infectious or
49 contagious disease. However, cattle exposed to or
50 infected with tuberculosis shall not be destroyed

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1 without the owner's consent, unless there are
2 sufficient moneys to reimburse the owner for the
3 cattle, which may be paid ~~from the appropriation as~~
4 an expense authorized as provided in section 163.15,
5 from moneys in the brucellosis and tuberculosis
6 eradication fund created in section 165.18, or from
7 moneys made available by the United States department
8 of agriculture.

9 Sec. 80. Section 163.15, subsection 2, paragraph
10 a, subparagraph (3), Code 2011, is amended to read as
11 follows:

12 (3) A claim for an indemnity by the owner and a
13 claim for compensation and expenses by the appraisers
14 shall be filed with the department and submitted by the
15 secretary of agriculture to the executive council for
16 ~~its approval or disapproval~~ authorization of payment
17 of the claim as an expense from the appropriations
18 addressed in section 7D.29.

19 Sec. 81. Section 163.15, subsection 2, paragraph
20 a, subparagraph (4), Code 2011, is amended by striking
21 the subparagraph.

22 Sec. 82. Section 163.15, subsection 2, paragraph b,
23 unnumbered paragraph 1, Code 2011, is amended to read
24 as follows:

25 A formula established by rule adopted by the
 26 department that is effective as determined by
 27 the department in accordance with chapter 17A and
 28 applicable upon approval of the plan program of
 29 eradication ~~approved~~ by the executive council. The
 30 formula shall be applicable to indemnify owners if the
 31 executive council, upon recommendation by the secretary
 32 of agriculture, determines that an animal population
 33 in this state is threatened with infection from an
 34 exceptionally contagious disease.

35 Sec. 83. Section 163.15, subsection 2, paragraph
 36 b, subparagraph (4), Code 2011, is amended to read as
 37 follows:

38 (4) ~~Upon approval by the~~ The executive council,
 39 ~~there is appropriated to the department from any~~
 40 ~~moneys in the general fund of the state not otherwise~~
 41 ~~appropriated moneys sufficient to carry out the~~
 42 may authorize payment under the provisions of this
 43 paragraph "b" as an expense from the appropriations
 44 addressed in section 7D.29.

45 Sec. 84. Section 307.45, subsection 3, Code 2011,
 46 is amended to read as follows:

47 3. Assessments against property owned by the state
 48 and not under the jurisdiction and control of the
 49 department's administrator of highways shall be made in
 50 the same manner as those made against private property

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1 and payment shall be ~~made subject to authorization~~ by
 2 the executive council ~~from any funds of the state not~~
 3 ~~otherwise appropriated.~~ There is appropriated from
 4 moneys in the general fund not otherwise appropriated
 5 an amount necessary to pay the expense authorized by
 6 the executive council.

7 Sec. 85. Section 384.56, subsection 1, Code 2011,
 8 is amended to read as follows:

9 1. Cities may assess the cost of a public
 10 improvement which extends through, abuts upon, or is
 11 adjacent to lands owned by the state, and ~~the executive~~
 12 ~~council shall pay~~ payment for the assessable portion
 13 of the cost of the improvement through or along the
 14 lands as provided shall be subject to authorization by
 15 the executive council. ~~The executive council shall~~
 16 ~~pay assessments as and payable in the manner~~ provided
 17 in section 307.45 for property owned by the state and
 18 not under the jurisdiction and control of the state
 19 department of transportation.

20 Sec. 86. Section 459.501, subsection 5, as amended
 21 by 2011 Iowa Acts, Senate File 478, section 1, as
 22 enacted, is amended to read as follows:

23 5. The following shall apply to moneys in the fund:

24 a. (1) The executive council may ~~allocate moneys~~
 25 ~~from the general fund of the state as authorize payment~~
 26 of moneys as an expense paid from the appropriations
 27 addressed in section 7D.29 and in the manner provided
 28 in section 7D.10A in an amount necessary to support the
 29 fund, including the following:

30 (a) The payment of claims as provided in section
 31 459.505.

32 (b) The allocation of moneys to the department
 33 of agriculture and land stewardship for the payment
 34 of expenses incurred by the department of agriculture
 35 and land stewardship associated with providing for the
 36 sustenance and disposition of livestock pursuant to
 37 chapter 717.

38 (2) Notwithstanding subparagraph (1), the
 39 ~~allocation of moneys from the general fund of the state~~
 40 executive council's authorization for payment shall be
 41 made provided only if the amount of moneys in the fund,
 42 which are not obligated or encumbered, and not counting
 43 the department's estimate of the cost to the fund for
 44 pending or unsettled claims, the amount to be allocated
 45 to the department of agriculture and land stewardship,
 46 and any amount required to be credited to the general
 47 fund of the state under this subsection, is less than
 48 one million dollars.

49 b. The department of natural resources shall
 50 credit an amount to the ~~general fund of the state~~

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1 from which the expense authorized by the executive
 2 council as provided in paragraph "a" was appropriated
 3 which is equal to an amount allocated to support the
 4 livestock remediation fund by the executive council
 5 under paragraph "a". ~~The~~ However, the department shall
 6 only be required to credit the moneys to ~~the general~~
 7 such fund of the state if the moneys in the livestock
 8 remediation fund which are not obligated or encumbered,
 9 and not counting the department's estimate of the
 10 cost to the livestock remediation fund for pending or
 11 unsettled claims, the amount to be allocated to the
 12 department of agriculture and land stewardship, and
 13 any amount required to be transferred to the ~~general~~
 14 fund under from which appropriated as described in this
 15 paragraph, are in excess of two million five hundred
 16 thousand dollars. The department is not required to
 17 credit the total amount to the general fund of the
 18 state from which appropriated as described in this
 19 paragraph during any one fiscal year.

20 Sec. 87. Section 468.43, unnumbered paragraph 4,
 21 Code 2011, is amended to read as follows:

22 The assessments against lands under the jurisdiction

23 of the department of natural resources shall be paid ~~as~~
 24 an expense from the appropriations addressed in section
 25 7D.29, if authorized by the executive council upon
 26 certification of the amount by the county treasurer.
 27 ~~There is appropriated from any funds in the general~~
 28 ~~fund of the state not otherwise appropriated amounts~~
 29 ~~sufficient to pay the certified assessments.~~

30 Sec. 88. Section 568.16, Code 2011, is amended to
 31 read as follows:

32 568.16 Purchase money refunded.

33 If the grantee of the state, or the grantee's
 34 successors, administrators, or assigns, shall be
 35 deprived of the land conveyed by the state under this
 36 chapter by the final decree of a court of record for
 37 the reason that the conveyance by the state ~~passed~~
 38 ~~no title whatever to the land therein did not pass~~
 39 ~~title to the land~~ described, because title ~~thereto to~~
 40 the land had previously for any reason been vested
 41 in others, then the money ~~so~~ paid by the state for
 42 the ~~said~~ land shall be refunded by the state to the
 43 person or persons entitled ~~thereto to the refund,~~
 44 provided the ~~said~~ grantee, or the grantee's successors,
 45 administrators, or assigns, shall file a certified
 46 copy of the transcript of the ~~said~~ final decree with
 47 the executive council within one year from the date
 48 of the issuance of such decree, and shall also file
 49 satisfactory proof with the executive council that the
 50 action over the title to the land was commenced within

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1 ten years from the date of the issuance of patent or
 2 deed by the state. The amount of money to be refunded
 3 under the provisions of this section shall be certified
 4 authorized and paid by the executive council ~~to the~~
 5 ~~director of the department of administrative services,~~
 6 ~~who shall draw a warrant therefor, and the same shall~~
 7 ~~be paid out of the general fund as an expense from the~~
 8 appropriations addressed in section 7D.29.

9 Sec. 89. Section 602.10133, Code 2011, is amended
 10 to read as follows:

11 602.10133 Costs and expenses.

12 The court costs incident to such proceedings,
 13 and the reasonable expense of ~~said the~~ judges in
 14 attending ~~said the~~ hearing after being approved by
 15 the supreme court shall be paid as court costs an
 16 expense authorized by the executive council from the
 17 appropriations addressed in section 7D.29.

18 Sec. 90. Section 663.44, Code 2011, is amended to
 19 read as follows:

20 663.44 Costs.

21 1. If the plaintiff is discharged, the costs shall

22 be assessed to the defendant, unless the defendant
 23 is an officer holding the plaintiff in custody under
 24 a commitment, or under other legal process, in which
 25 case the costs shall be assessed to the county. If the
 26 plaintiff's application is refused, the costs shall be
 27 assessed against the plaintiff, and, in the discretion
 28 of the court, against the person who filed the petition
 29 in the plaintiff's behalf.

30 2. However, where Notwithstanding subsection 1, if
 31 the plaintiff is confined in any state institution, and
 32 is discharged in habeas corpus proceedings, or where if
 33 the habeas corpus proceedings fail, and costs and fees
 34 cannot be collected from the person liable to pay the
 35 same costs and fees, such the costs and fees shall be
 36 paid by the county in which such state institution is
 37 located. The facts of such payment and the proceedings
 38 on which it is based, with a statement of the amount
 39 of fees or costs incurred, with approval in writing
 40 by the presiding judge appended to such the statement
 41 or endorsed thereon on the statement, shall then be
 42 certified by the clerk of the district court under the
 43 seal of office to the state executive council. The
 44 executive council shall then review the proceedings and
 45 authorize reimbursement for all such fees and costs
 46 or such part thereof of the fees and costs as the
 47 executive council shall find finds justified, and shall
 48 notify the director of the department of administrative
 49 services to draw a warrant to such county treasurer
 50 on the state general fund for the amount authorized.

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1 There is appropriated from moneys in the general fund
 2 not otherwise appropriated an amount necessary to pay
 3 the reimbursement authorized by the executive council.

4 The costs and fees referred to above shall include
 5 any award of fees made to a court appointed attorney
 6 representing an indigent party bringing the habeas
 7 corpus action.

8

DIVISION VI

9 GROW IOWA VALUES FUND AND PROGRAM

10 Sec. 91. Section 15.103, subsection 6, Code 2011,

11 is amended to read as follows:

12 6. As part of the organizational structure of the
 13 department, the board shall establish a due diligence
 14 committee and a loan and credit guarantee committee
 15 composed of members of the board. The committees shall
 16 serve in an advisory capacity to the board and shall
 17 carry out any duties assigned by the board in relation
 18 to programs administered by the department. The loan
 19 and credit guarantee committee shall advise the board
 20 on the winding up of loan guarantees made under the

21 loan and credit guarantee program established pursuant
 22 to section 15E.224, Code 2009, ~~and on the proper~~
 23 ~~amount of the allocation described in section 15G.111,~~
 24 ~~subsection 4, paragraph “g”.~~

25 Sec. 92. Section 15.104, subsection 1, Code 2011,
 26 is amended by striking the subsection.

27 Sec. 93. Section 15.104, subsection 8, paragraphs
 28 b and i, Code 2011, are amended by striking the
 29 paragraphs.

30 Sec. 94. Section 15.104, subsection 8, paragraph j,
 31 Code 2011, is amended to read as follows:

32 j. Renewable fuel programs. A detailed accounting
 33 of expenditures in support of renewable fuel
 34 infrastructure programs, as provided in sections
 35 15G.203 and 15G.204. ~~The renewable fuel infrastructure~~
 36 ~~board established in section 15G.202 shall approve that~~
 37 ~~portion of the department’s annual report regarding~~
 38 ~~projects supported from the grow Iowa values fund~~
 39 ~~created in section 15G.111. This paragraph is repealed~~
 40 on July 1, 2012.

41 Sec. 95. Section 15.327, Code 2011, is amended by
 42 adding the following new subsections:

43 NEW SUBSECTION. 01. “Base employment level” means
 44 the number of full-time equivalent positions at a
 45 business, as established by the department and a
 46 business using the business’s payroll records, as of
 47 the date a business applies for financial assistance
 48 under the program.

49 NEW SUBSECTION. 3A. “County wage” means the
 50 average hourly compensation rates, excluding the value

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1 of nonwage benefits for comparable jobs, from the most
 2 recent four quarters of wage and employment information
 3 from the quarterly covered wage and employment
 4 data report issued by the department of workforce
 5 development.

6 NEW SUBSECTION. 7A. “Full-time equivalent position”
 7 means a non-part-time position for the number of hours
 8 or days per week considered to be full-time work for
 9 the kind of service or work performed for an employer.
 10 Typically, a full-time equivalent position requires
 11 two thousand eighty hours of work in a calendar year,
 12 including all paid holidays, vacations, sick time, and
 13 other paid leave.

14 NEW SUBSECTION. 7B. “Maintenance period” means the
 15 period of time between the project completion date and
 16 maintenance period completion date.

17 NEW SUBSECTION. 12A. “Regional wage” means the
 18 average hourly compensation rates, excluding the value
 19 of nonwage benefits for comparable jobs, from the most

20 recent four quarters of wage and employment information
21 from the quarterly covered wage and employment
22 data report issued by the department of workforce
23 development.

24 Sec. 96. Section 15.327, subsections 1, 4, 7, 8,
25 10, 12, and 13, Code 2011, are amended by striking
26 the subsections and inserting in lieu thereof the
27 following:

28 1. "Benefit" means nonwage compensation provided
29 to an employee. Benefits typically include medical
30 and dental insurance plans, pension, retirement,
31 and profit-sharing plans, child care services,
32 life insurance coverage, vision insurance coverage,
33 disability insurance coverage, and any other nonwage
34 compensation as determined by the board.

35 4. "Created job" means a new, permanent, full-time
36 equivalent position added to a business's payroll in
37 excess of the business's base employment level.

38 7. "Fiscal impact ratio" means a ratio calculated
39 by estimating the amount of taxes to be received from
40 a business by the state and dividing the estimate by
41 the estimated cost to the state of providing certain
42 financial incentives to the business, reflecting
43 a ten-year period of taxation and incentives and
44 expressed in terms of current dollars. For purposes
45 of the program, "fiscal impact ratio" does not include
46 taxes received by political subdivisions.

47 8. "Maintenance period completion date" means the
48 date on which the maintenance period ends.

49 10. "Project completion date" means the date by
50 which a recipient of financial assistance has agreed

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1 to meet all the terms and obligations contained in an
2 agreement with the department as described in section
3 15.330.

4 12. "Qualifying wage threshold" means the county
5 wage or the regional wage, as calculated pursuant to
6 subsections 3A and 12A, whichever is lower.

7 13. "Retained job" means a full-time equivalent
8 position, in existence at the time an employer applies
9 for financial assistance which remains continuously
10 filled or authorized to be filled as soon as possible
11 and which is at risk of elimination if the project
12 for which the employer is seeking assistance does not
13 proceed.

14 Sec. 97. Section 15.329, subsection 2, Code 2011,
15 is amended to read as follows:

16 2. A business providing a sufficient package of
17 benefits to each employee holding a created or retained
18 job shall qualify for a credit against the qualifying

19 wage threshold requirements described in subsection
 20 1, paragraph "c". The credit shall be calculated and
 21 applied in the following manner: ~~described in section~~
 22 ~~15C.112, subsection 4, paragraph "b".~~
 23 a. By multiplying the qualifying wage threshold of
 24 the county in which the business is located by one and
 25 three-tenths.
 26 b. By multiplying the result of paragraph "a" by
 27 one-tenth.
 28 c. The amount of the result of paragraph "b" shall
 29 be credited against the amount of the one hundred
 30 thirty percent qualifying wage threshold requirement
 31 that the business is required to meet under subsection
 32 1, paragraph "c".

33 d. The credit shall not be applied against the
 34 one hundred percent of qualifying wage threshold
 35 requirement described in subsection 1, paragraph "c".

36 Sec. 98. Section 15.330, subsection 4, Code 2011,
 37 is amended to read as follows:

38 4. A project completion date, a maintenance period
 39 completion date, the number of jobs to be created
 40 or retained, or certain other terms and obligations
 41 described in ~~section 15C.112, subsection 1, paragraph~~
 42 ~~"d" an agreement~~, as the department deems necessary in
 43 order to make the requirements in project agreements
 44 uniform. The department, with the approval of
 45 the board, may adopt rules as necessary for making
 46 such requirements uniform. Such rules shall be in
 47 compliance with the provisions of this part ~~and with~~
 48 ~~the provisions of chapter 15C.~~

49 Sec. 99. Section 15.335A, subsection 1, unnumbered
 50 paragraph 1, Code 2011, is amended to read as follows:

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1 Tax incentives are available to eligible businesses
 2 as provided in this section. The incentives are based
 3 upon the number of jobs created or retained that pay
 4 at least one hundred thirty percent of the qualifying
 5 wage threshold as computed pursuant to section
 6 ~~15C.112 15.329~~, subsection 4 ~~1~~, and the amount of the
 7 qualifying investment made according to the following
 8 schedule:

9 Sec. 100. Section 15.335A, subsection 2, paragraphs
 10 b, c, f, and g, Code 2011, are amended by striking the
 11 paragraphs.

12 Sec. 101. Section 15.335A, subsection 5, Code 2011,
 13 is amended to read as follows:

14 5. The department shall negotiate the amount of tax
 15 incentives provided to an applicant under the program
 16 in accordance with this section ~~and section 15C.112, as~~
 17 ~~applicable.~~

18 Sec. 102. Section 15A.7, subsection 3, Code 2011,
19 is amended to read as follows:

20 3. That the employer shall agree to pay wages for
21 the jobs for which the credit is taken of at least the
22 county wage or the regional wage, as calculated by the
23 ~~department~~ pursuant to section ~~15C.112, subsection 3~~
24 ~~15.327, subsections 3A and 12A~~, whichever is lower.
25 Eligibility for the supplemental credit shall be based
26 on a one-time determination of starting wages by the
27 community college.

28 Sec. 103. Section 15E.193, subsection 1, paragraphs
29 b through d, Code 2011, are amended to read as follows:

30 b. (1) The business shall provide a sufficient
31 package of benefits to each employee holding a created
32 or retained job. For purposes of this paragraph,
33 “created job” and “retained job” have the same meaning
34 as defined in section ~~15C.101~~ 15.327.

35 (2) The board, upon the recommendation of the
36 department, shall adopt rules determining what
37 constitutes a sufficient package of benefits.

38 c. The business shall pay a wage that is at least
39 ninety percent of the qualifying wage threshold. For
40 purposes of this paragraph, “qualifying wage threshold”
41 has the same meaning as defined in section ~~15C.101~~
42 15.327.

43 d. Creates or retains at least ten full-time
44 equivalent positions and maintains them until the
45 maintenance period completion date. For purposes of
46 this paragraph, “maintenance period completion date” and
47 “full-time equivalent position” have the same meanings
48 as defined in section ~~15C.101~~ 15.327.

49 Sec. 104. Section 15E.231, unnumbered paragraph 1,
50 Code 2011, is amended to read as follows:

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1 ~~In order for an~~ An economic development region ~~to~~
2 ~~receive moneys under the grow Iowa values financial~~
3 ~~assistance program established in section 15C.112,~~
4 ~~an~~ shall establish a regional development plan. An
5 economic development region’s regional development
6 plan must be approved by the department. An economic
7 development region shall consist of not less than
8 three counties, unless two contiguous counties have a
9 combined population of at least three hundred thousand
10 based on the most recent federal decennial census. An
11 economic development region shall establish a focused
12 economic development effort that shall include a
13 regional development plan relating to one or more of
14 the following areas:

15 Sec. 105. Section 15E.232, subsections 1, 3, 4,
16 5, 6, and 7, Code 2011, are amended by striking the

17 subsections.

18 Sec. 106. Section 15E.351, subsection 1, Code 2011,
19 is amended to read as follows:

20 1. The department shall establish and administer
21 a business accelerator program to provide financial
22 assistance for the establishment and operation of a
23 business accelerator for technology-based, value-added
24 agricultural, information solutions, alternative
25 and renewable energy including the alternative and
26 renewable energy sectors listed in section 476.42,
27 subsection 1, paragraph “a”, or advanced manufacturing
28 start-up businesses or for a satellite of an existing
29 business accelerator. The program shall be designed
30 to foster the accelerated growth of new and existing
31 businesses through the provision of technical
32 assistance. ~~The department, subject to the approval of~~
33 ~~the economic development board, may provide financial~~
34 ~~assistance under this section from moneys allocated~~
35 ~~for regional financial assistance pursuant to section~~
36 ~~15G.111, subsection 9.~~

37 Sec. 107. Section 159A.6B, subsection 2, Code 2011,
38 is amended to read as follows:

39 2. The office may execute contracts in order to
40 provide technical support and outreach services for
41 purposes of assisting and educating interested persons
42 as provided in this section. The office may also
43 contract with a consultant to provide part or all
44 of these services. The office may require that a
45 person receiving assistance pursuant to this section
46 contribute up to fifty percent of the amount required
47 to support the costs of contracting with the consultant
48 to provide assistance to the person. ~~The office~~
49 ~~shall assist the person in completing any technical~~
50 ~~information required in order to receive assistance~~

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1 ~~by the department of economic development pursuant~~
2 ~~to the value-added agriculture component of the grow~~
3 ~~lowa values financial assistance program established~~
4 ~~pursuant to section 15G.112.~~

5 Sec. 108. Section 455B.104, subsection 2, Code
6 2011, is amended by striking the subsection.

7 Sec. 109. REPEAL. Section 15E.233, Code 2011, is
8 repealed.

9 Sec. 110. REPEAL. Sections 15G.101 and 15G.109
10 through 15G.115, Code 2011, are repealed.

11 Sec. 111. REPEAL. Section 266.19, Code 2011, is
12 repealed.

13 Sec. 112. REPEAL. Section 455B.433, Code 2011, is
14 repealed.

15

MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FY

2013–2014

Sec. 113. ADULT MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FY 2013–2014. Notwithstanding section 331.439, subsection 3, the allowed growth factor adjustment for county mental health, mental retardation, and developmental disabilities service expenditures for the fiscal year beginning July 1, 2013, shall be established by statute which shall be enacted within thirty calendar days of the convening of the Eighty-fifth General Assembly, 2013 Session, on January 14, 2013. The governor shall submit to the general assembly a recommendation for such allowed growth factor adjustment and the amounts of related appropriations to the general assembly on or before January 14, 2013.

DIVISION VIII

STANDING APPROPRIATIONS AND RELATED MATTERS — FY

2012–2013

Sec. 114. BUDGET PROCESS FOR FISCAL YEAR 2013–2014.

1. For the budget process applicable to the fiscal year beginning July 1, 2013, on or before October 1, 2012, in lieu of the information specified in section 8.23, subsection 1, unnumbered paragraph 1, and paragraph “a”, all departments and establishments of the government shall transmit to the director of the department of management, on blanks to be furnished by the director, estimates of their expenditure requirements, including every proposed expenditure, for the ensuing fiscal year, together with supporting data and explanations as called for by the director of the department of management after consultation with the legislative services agency.

2. The estimates of expenditure requirements shall be in a form specified by the director of

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the department of management, and the expenditure requirements shall include all proposed expenditures and shall be prioritized by program or the results to be achieved. The estimates shall be accompanied by performance measures for evaluating the effectiveness of the programs or results.

Sec. 115. LIMITATION OF STANDING APPROPRIATIONS.

Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the amounts appropriated from the general fund of the state pursuant to these sections for the following designated purposes shall not exceed the following amounts:

1. For operational support grants and community

15	cultural grants under section 99F.11, subsection 3,		
16	paragraph “d”, subparagraph (1):		
17	.....	\$	416,702
18	2. For regional tourism marketing under section		
19	99F.11, subsection 3, paragraph “d”, subparagraph (2):		
20	.....	\$	810,306
21	3. For the center for congenital and inherited		
22	disorders central registry under section 144.13A,		
23	subsection 4, paragraph “a”:		
24	.....	\$	171,121
25	4. For primary and secondary child abuse prevention		
26	programs under section 144.13A, subsection 4, paragraph		
27	“a”:		
28	.....	\$	217,772
29	5. For programs for at-risk children under section		
30	279.51:		
31	.....	\$	10,804,258
32	The amount of any reduction in this subsection shall		
33	be prorated among the programs specified in section		
34	279.51, subsection 1, paragraphs “a”, “b”, and “c”.		
35	6. For payment for nonpublic school transportation		
36	under section 285.2:		
37	.....	\$	7,060,931
38	If total approved claims for reimbursement for		
39	nonpublic school pupil transportation exceed the amount		
40	appropriated in accordance with this subsection, the		
41	department of education shall prorate the amount of		
42	each approved claim.		
43	7. For the enforcement of chapter 453D relating to		
44	tobacco product manufacturers under section 453D.8:		
45	.....	\$	18,416
46	Sec. 116. APPROPRIATION — FARMERS WITH		
47	DISABILITIES. There is appropriated from the general		
48	fund of the state to the department of agriculture and		
49	land stewardship for the fiscal year beginning July 1,		
50	2012, and ending June 30, 2013, the following amount,		

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1	or so much thereof as is necessary, for a program for		
2	farmers with disabilities:		
3	.....	\$	82,450
4	The moneys appropriated in this section shall be		
5	used for the public purpose of providing a grant to		
6	a national nonprofit organization with over 80 years		
7	of experience in assisting children and adults with		
8	disabilities and special needs. The moneys shall		
9	be used to support a nationally recognized program		
10	that began in 1986 and has been replicated in at		
11	least 30 other states, but which is not available		
12	through any other entity in this state, and that		
13	provides assistance to farmers with disabilities in		

14 all 99 counties to allow the farmers to remain in
 15 their own homes and be gainfully engaged in farming
 16 through provision of agricultural worksite and home
 17 modification consultations, peer support services,
 18 services to families, information and referral, and
 19 equipment loan services. Notwithstanding section
 20 8.33, moneys appropriated in this section that remain
 21 unencumbered or unobligated at the close of the fiscal
 22 year shall not revert but shall remain available for
 23 expenditure for the purposes designated until the close
 24 of the succeeding fiscal year.

25 Sec. 117. INSTRUCTIONAL SUPPORT STATE AID — FY
 26 2012–2013. In lieu of the appropriation provided in
 27 section 257.20, subsection 2, the appropriation for the
 28 fiscal year beginning July 1, 2012, and ending June 30,
 29 2013, for paying instructional support state aid under
 30 section 257.20 for fiscal year 2012–2013 is zero.

31 Sec. 118. Section 257.35, Code 2011, is amended by
 32 adding the following new subsection:

33 NEW SUBSECTION. 5B. Notwithstanding subsection 1,
 34 and in addition to the reduction applicable pursuant
 35 to subsection 2, the state aid for area education
 36 agencies and the portion of the combined district cost
 37 calculated for these agencies for the fiscal year
 38 beginning July 1, 2012, and ending June 30, 2013, shall
 39 be reduced by the department of management by twenty
 40 million dollars. The reduction for each area education
 41 agency shall be prorated based on the reduction that
 42 the agency received in the fiscal year beginning July
 43 1, 2003.

44 DIVISION IX

45 SALARIES, COMPENSATION, AND RELATED MATTERS — FY 46 2012–2013

47 Sec. 119. BONUS PAY. For the fiscal year beginning
 48 July 1, 2012, employees of the executive branch,
 49 judicial branch, and legislative branch shall not
 50 receive bonus pay unless otherwise authorized by law,

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1 required pursuant to a contract of employment entered
 2 into before July 1, 2012, or required pursuant to a
 3 collective bargaining agreement. This section does
 4 not apply to employees of the state board of regents
 5 who receive bonuses funded by nonpublic moneys. For
 6 purposes of this section, “bonus pay” means any
 7 additional remuneration provided an employee in
 8 the form of a bonus, including but not limited to a
 9 retention bonus, recruitment bonus, exceptional job
 10 performance pay, extraordinary job performance pay,
 11 exceptional performance pay, extraordinary duty pay,
 12 or extraordinary or special duty pay, and any extra

13 benefit not otherwise provided to other similarly
14 situated employees.

15 Sec. 120. SALARY INCREASES — CERTAIN REVOLVING
16 FUNDS.

17 1. For the fiscal years beginning July 1, 2012, and
18 July 1, 2013, there is appropriated from the gaming
19 enforcement revolving fund an amount necessary for
20 funding annual pay adjustments and related benefits
21 for agents and officers of the division of criminal
22 investigation's racetrack, excursion boat, or gambling
23 structure enforcement activities. Moneys appropriated
24 pursuant to this subsection shall be in addition to and
25 supplement other appropriations from the fund.

26 2. For the fiscal years beginning July 1, 2012,
27 and July 1, 2013, there is appropriated from the
28 gaming regulatory revolving fund, if enacted by the
29 Eighty-fourth General Assembly, 2011 or 2012 session,
30 an amount necessary for funding annual pay adjustments
31 and related benefits for positions in the racing and
32 gaming commission of the department of inspections
33 and appeals who are assigned to administration
34 and enforcement of the excursion boat and gambling
35 structure laws. Moneys appropriated pursuant to this
36 subsection shall be in addition to and supplement other
37 appropriations from the fund.

38 Sec. 121. STATE TROOPER MEAL ALLOWANCE. For the
39 fiscal years beginning July 1, 2012, and July 1, 2013,
40 the sworn peace officers in the department of public
41 safety who are not covered by a collective bargaining
42 agreement negotiated pursuant to chapter 20 shall
43 receive the same per diem meal allowance as the sworn
44 peace officers in the department of public safety
45 who are covered by a collective bargaining agreement
46 negotiated pursuant to chapter 20.

47 Sec. 122. SALARY MODEL ADMINISTRATOR. The salary
48 model administrator shall work in conjunction with
49 the legislative services agency to maintain the
50 state's salary model used for analyzing, comparing,

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1 and projecting state employee salary and benefit
2 information, including information relating to
3 employees of the state board of regents. The
4 department of revenue, the department of administrative
5 services, the five institutions under the jurisdiction
6 of the state board of regents, the judicial district
7 departments of correctional services, and the state
8 department of transportation shall provide salary data
9 to the department of management and the legislative
10 services agency to operate the state's salary
11 model. The format and frequency of provision of the

12 salary data shall be determined by the department of
 13 management and the legislative services agency. The
 14 information shall be used in collective bargaining
 15 processes under chapter 20 and in calculating the
 16 funding needs contained within the annual salary
 17 adjustment legislation. A state employee organization
 18 as defined in section 20.3, subsection 4, may request
 19 information produced by the model, but the information
 20 provided shall not contain information attributable to
 21 individual employees.

22 DIVISION X

23 REGULAR PROGRAM AND CATEGORICAL STATE PERCENT
 24 OF GROWTH FOR EDUCATION — FY 2012–2013

25 Sec. 123. Section 257.8, subsection 1, Code 2011,
 26 is amended to read as follows:

27 1. State percent of growth. ~~The state percent of~~
 28 ~~growth for the budget year beginning July 1, 2009, is~~
 29 ~~four percent.~~ The state percent of growth for the
 30 budget year beginning July 1, 2010, is two percent.
 31 The state percent of growth for the budget year
 32 beginning July 1, 2012, is two percent. The state
 33 percent of growth for each subsequent budget year shall
 34 be established by statute which shall be enacted within
 35 thirty days of the submission in the year preceding the
 36 base year of the governor's budget under section 8.21.
 37 The establishment of the state percent of growth for
 38 a budget year shall be the only subject matter of the
 39 bill which enacts the state percent of growth for a
 40 budget year.

41 Sec. 124. Section 257.8, subsection 2, Code 2011,
 42 is amended to read as follows:

43 2. Categorical state percent of growth. The
 44 categorical state percent of growth for the budget
 45 year beginning July 1, 2010, is two percent. The
 46 categorical state percent of growth for the budget
 47 year beginning July 1, 2012, is two percent. The
 48 categorical state percent of growth for each budget
 49 year shall be established by statute which shall
 50 be enacted within thirty days of the submission in

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1 the year preceding the base year of the governor's
 2 budget under section 8.21. The establishment of the
 3 categorical state percent of growth for a budget year
 4 shall be the only subject matter of the bill which
 5 enacts the categorical state percent of growth for a
 6 budget year. The categorical state percent of growth
 7 may include state percents of growth for the teacher
 8 salary supplement, the professional development
 9 supplement, and the early intervention supplement.

10 Sec. 125. CODE SECTION 257.8 — APPLICABILITY. The

11 requirements of section 257.8 regarding the time period
 12 of enactment and the subject matter of the legislation
 13 establishing the state percent of growth and the
 14 categorical state percent of growth for a budget year
 15 are not applicable to the division. The requirements
 16 of section 257.8 regarding enactment of the regular
 17 program state percent of growth and categorical state
 18 percent of growth within thirty days of the submission
 19 in the year preceding the base year of the governor's
 20 budget and the requirements that the subject matter
 21 of each bill establishing the state percent of growth
 22 or the categorical state percent of growth be the
 23 only subject matter of the bill do not apply to this
 24 division of this Act.

25 Sec. 126. APPLICABILITY. This division of this Act
 26 is applicable for computing state aid under the state
 27 school foundation program for the school budget year
 28 beginning July 1, 2012.

29 DIVISION XI
 30 APPROPRIATION TRANSFERS

31 REBUILD IOWA INFRASTRUCTURE FUND

32 Sec. 127. 2010 Iowa Acts, chapter 1184, section 26,
 33 is amended to read as follows:

34 SEC. 26. There is appropriated from the rebuild
 35 Iowa infrastructure fund to the department of economic
 36 development for deposit in the grow Iowa values fund,
 37 for the fiscal year beginning July 1, 2010, and ending
 38 June 30, 2011, the following amount, notwithstanding
 39 section 8.57, subsection 6, paragraph "c":

40 \$ 38,000,000

41 Of the moneys appropriated in this section, from
 42 the amount allocated to the department of economic
 43 development in accordance with 2010 Iowa Acts, chapter
 44 1184, section 28, subsection 1, \$1,200,000 shall
 45 be used for the department's lowans helping lowans
 46 business assistance program. Notwithstanding section
 47 8.33, moneys designated pursuant to this unnumbered
 48 paragraph that remain unencumbered or unobligated at
 49 the close of the fiscal year shall not revert but shall
 50 remain available for expenditure for the purposes

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1 designated until the close of the succeeding fiscal
 2 year.

3 CASH RESERVE FUND

4 Sec. 128. 2010 Iowa Acts, chapter 1193, section 90,
 5 subsection 1, is amended to read as follows:

6 1. DEPARTMENT OF HUMAN SERVICES

7 For the medical assistance program:

8 \$ 187,800,000

9 a. Of the moneys appropriated in this subsection,

10 the following amounts shall be transferred as follows:

11 (1) To the Iowa finance authority to be used for
 12 the Iowans helping Iowans housing assistance program:
 13 \$ 6,050,000

14 (2) To the department of human services to be
 15 used for the unmet needs program administered by the
 16 department:
 17 \$ 3,056,603

18 b. Notwithstanding section 8.33, moneys transferred
 19 pursuant to paragraph “a” that remain unencumbered
 20 or unobligated at the close of the fiscal year shall
 21 not revert but shall remain available for expenditure
 22 for the purposes designated until the close of the
 23 succeeding fiscal year.

24 Sec. 129. EFFECTIVE DATE — APPLICABILITY.

25 1. This division of this Act being deemed of
 26 immediate importance takes effect upon enactment.

27 2. The provisions of this division of this Act
 28 providing for transfers are retroactively applicable
 29 to August 27, 2010, and apply in lieu of the transfers
 30 made for the same purposes by the executive branch,
 31 as reported by the department of management in the
 32 transfer notice to the governor and lieutenant governor
 33 dated August 27, 2010.

34 DIVISION XII

35 EARNED INCOME TAX CREDIT

36 Sec. 130. Section 422.12B, subsection 1, Code 2011,
 37 is amended to read as follows:

38 1. The taxes imposed under this division less the
 39 credits allowed under section 422.12 shall be reduced
 40 by an earned income credit equal to ~~seven~~ ten percent
 41 of the federal earned income credit provided in section
 42 32 of the Internal Revenue Code. Any credit in excess
 43 of the tax liability is refundable.

44 Sec. 131. RETROACTIVE APPLICABILITY. This division
 45 of this Act applies retroactively to January 1, 2011,
 46 for tax years beginning on or after that date.

47 DIVISION XIII

48 SCHOOL TUITION ORGANIZATION TAX CREDITS

49 Sec. 132. Section 422.11S, subsection 7, paragraph
 50 a, subparagraph (2), Code 2011, is amended to read as

Page 40

1 follows:

2 (2) “Total approved tax credits” means ~~for the~~
 3 ~~tax year beginning in the 2006 calendar year, two~~
 4 ~~million five hundred thousand dollars, for the tax~~
 5 ~~year beginning in the 2007 calendar year, five million~~
 6 ~~dollars, and for tax years beginning on or after~~
 7 ~~January 1, 2008, seven million five hundred thousand~~
 8 ~~dollars.~~ the following:

9 (a) For tax years beginning on or after January 1,
 10 2008, and before January 1, 2012, seven million five
 11 hundred thousand dollars.

12 (b) For the tax year beginning on or after January
 13 1, 2012, and before January 1, 2013, eight million
 14 seven hundred fifty thousand dollars.

15 (c) For tax years beginning on or after January 1,
 16 2013, ten million dollars.

17 DIVISION XIV

18 TEACHER EXPENSES

19 Sec. 133. Section 422.7, Code 2011, is amended by
 20 adding the following new subsection:

21 NEW SUBSECTION. 54. A taxpayer is allowed to
 22 take the deduction for certain expenses of elementary
 23 and secondary school teachers allowed under section
 24 62(a)(2)(D) of the Internal Revenue Code, as amended
 25 by the federal Emergency Economic Stabilization Act of
 26 2008, Pub. L. No. 110-343, in computing net income for
 27 state tax purposes.

28 Sec. 134. REFUNDS. Notwithstanding any provision
 29 to the contrary in section 422.25, subsection 3,

30 a taxpayer who files an amended return in the time
 31 permitted by statute to claim a refund related to the
 32 allowance of the deduction enacted in this division of
 33 this Act is only entitled to a refund of the amount
 34 paid that is in excess of tax liability. The taxpayer
 35 shall not be entitled to interest on such excess.

36 Sec. 135. EFFECTIVE DATE AND RETROACTIVE
 37 APPLICABILITY. This division of this Act, being deemed
 38 of immediate importance, takes effect upon enactment
 39 and applies retroactively to January 1, 2008, for
 40 tax years beginning on or after that date and before
 41 January 1, 2009.

42 DIVISION XV

43 QUALIFIED HIGHER EDUCATION EXPENSES

44 Sec. 136. Section 422.7, Code 2011, is amended by
 45 adding the following new subsection:

46 NEW SUBSECTION. 54. A taxpayer is allowed to
 47 take the deduction for qualified tuition and related
 48 expenses allowed under section 222 of the Internal
 49 Revenue Code, as amended by the federal Emergency
 50 Economic Stabilization Act of 2008, Pub. L. No.

1 110-343, in computing net income for state tax
 2 purposes.

3 Sec. 137. REFUNDS. Notwithstanding any provision
 4 to the contrary in section 422.25, subsection 3,
 5 a taxpayer who files an amended return in the time
 6 permitted by statute to claim a refund related to the
 7 allowance of the deduction enacted in this division of

8 this Act is only entitled to a refund of the amount
9 paid that is in excess of tax liability. The taxpayer
10 shall not be entitled to interest on such excess.

11 Sec. 138. EFFECTIVE DATE AND RETROACTIVE
12 APPLICABILITY. This division of this Act, being deemed
13 of immediate importance, takes effect upon enactment
14 and applies retroactively to January 1, 2008, for
15 tax years beginning on or after that date and before
16 January 1, 2009.

17 DIVISION XVI

18 STATE SALES/USE TAX DEDUCTION

19 Sec. 139. Section 422.9, subsection 2, paragraph i,
20 Code 2011, is amended to read as follows:

21 i. The deduction for state sales and use taxes
22 is allowable only if the taxpayer elected to deduct
23 the state sales and use taxes in lieu of state income
24 taxes under section 164 of the Internal Revenue Code.

25 A deduction for state sales and use taxes is not
26 allowed if the taxpayer has taken the deduction for
27 state income taxes or claimed the standard deduction
28 under section 63 of the Internal Revenue Code. This
29 paragraph applies to taxable years beginning after
30 December 31, 2003, and before January 1, ~~2006~~ 2009, and
31 to taxable years beginning after December 31, 2009, and
32 before January 1, 2012.

33 Sec. 140. REFUNDS. Notwithstanding any provision
34 to the contrary in section 422.25, subsection 3,
35 a taxpayer who files an amended return in the time
36 permitted by statute to claim a refund related to the
37 allowance of the deduction enacted in this division of
38 this Act is only entitled to a refund of the amount
39 paid that is in excess of tax liability. The taxpayer
40 shall not be entitled to interest on such excess.

41 Sec. 141. EFFECTIVE DATE AND RETROACTIVE
42 APPLICABILITY. This division of this Act, being deemed
43 of immediate importance, takes effect upon enactment
44 and applies retroactively to tax years beginning on or
45 after January 1, 2006, and before January 1, 2009, and
46 to tax years beginning on or after January 1, 2010, and
47 before January 1, 2012.

48 DIVISION XVII

49 SPECIAL FILING PROVISIONS

50 Sec. 142. SPECIAL FILING PROVISIONS.

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1 1. Adjustments by individuals to federal adjusted
2 gross income and by corporations to federal taxable
3 income for tax returns filed prior to the enactment of
4 2011 Iowa Acts, Senate File 512, may be required as a
5 result of the provisions of the divisions of this Act
6 relating to the adjustment provisions enumerated in

7 this subsection. These adjustments are as follows:

8 a. The increased expensing allowance authorized in
9 section 179(b) of the Internal Revenue Code for tax
10 years beginning on or after January 1, 2010, but before
11 January 1, 2011.

12 b. The deduction for qualified tuition and related
13 expenses allowed under section 222 of the Internal
14 Revenue Code.

15 c. The deduction for certain expenses of elementary
16 and secondary school teachers allowed under section
17 62(a)(2)(D) of the Internal Revenue Code.

18 2. In lieu of filing an amended tax return,
19 taxpayers may make the adjustments, pursuant to rules
20 adopted by the director of revenue, on the next return
21 filed subsequent to the enactment of 2011 Iowa Acts,
22 Senate File 512. If the taxpayer elects not to file
23 an amended return, these provisions are suspended with
24 regard to the following adjustments otherwise available
25 as a result of this Act.

26 a. The limitation based on income provisions
27 and regulations of section 179(b)(3) of the Internal
28 Revenue Code with regard to the section 179(b)
29 adjustment.

30 b. The applicable dollar limit provisions of
31 section 222(b)(2)(B) of the Internal Revenue Code with
32 regard to the section 222 adjustment.

33 DIVISION XVIII

34 WITHHOLDING AGREEMENTS

35 Sec. 142. Section 403.19A, subsection 1, paragraphs
36 c and f, Code 2011, are amended to read as follows:

37 c. "Employer" means a business creating or
38 retaining targeted jobs in an urban renewal area of a
39 pilot project city pursuant to a withholding agreement.

40 f. "Targeted job" means a job in a business which
41 is or will be located in an urban renewal area of a
42 pilot project city that pays a wage at least equal to
43 the countywide average wage. "Targeted job" includes
44 new or retained jobs from Iowa business expansions
45 or retentions within the city limits of the pilot
46 project city and those jobs resulting from established
47 out-of-state businesses, as defined by the department
48 of economic development, moving to or expanding in
49 Iowa.

50 Sec. 143. Section 403.19A, subsection 3, paragraph

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1 c, subparagraph (1), Code 2011, is amended to read as
2 follows:

3 (1) The pilot project city shall enter into a
4 withholding agreement with each employer concerning
5 the targeted jobs withholding credit. The withholding

6 agreement shall provide for the total amount of
 7 withholding tax credits awarded. An agreement shall
 8 not provide for an amount of withholding credits that
 9 exceeds the amount of the qualifying investment made in
 10 the project. An agreement shall not be entered into by
 11 a pilot project city with a business currently located
 12 in this state unless the business either creates or
 13 retains ten new jobs or makes a qualifying investment
 14 of at least five hundred thousand dollars within
 15 the urban renewal area. The withholding agreement
 16 may have a term of up to ten years. An employer
 17 shall not be obligated to enter into a withholding
 18 agreement. An agreement shall not be entered into with
 19 an employer not already located in a pilot project
 20 city when another Iowa community is competing for the
 21 same project and both the pilot project city and the
 22 other Iowa community are seeking assistance from the
 23 department.

24 Sec. 144. Section 403.19A, subsection 3, paragraph
 25 f, Code 2011, is amended to read as follows:

26 f. If the employer ceases to meet the requirements
 27 of the withholding agreement, the agreement shall be
 28 terminated and any withholding tax credits for the
 29 benefit of the employer shall cease. However, in
 30 regard to the number of ~~new~~ jobs that are to be created
 31 or retained, if the employer has met the number of
 32 ~~new~~ jobs to be created or retained pursuant to the
 33 withholding agreement and subsequently the number of
 34 ~~new~~ jobs falls below the required level, the employer
 35 shall not be considered as not meeting the ~~new~~ job
 36 requirement until eighteen months after the date of the
 37 decrease in the number of ~~new~~ jobs created or retained.

38 Sec. 145. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
 39 APPLICABILITY. This division of this Act, being
 40 deemed of immediate importance, takes effect upon
 41 enactment and applies retroactively to July 1, 2006,
 42 for agreements entered into on or after that date.

43 DIVISION XIX

44 DISASTER-RELATED PERSONAL CASUALTY LOSS DEDUCTIONS

45 Sec. 146. Section 422.9, Code 2011, is amended by
 46 adding the following new subsection:

47 NEW SUBSECTION. 9. A taxpayer is allowed to take
 48 the deduction for disaster-related casualty losses
 49 under section 165(h) of the Internal Revenue Code, as
 50 modified by the Heartland Disaster Relief Act of 2008,

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1 Pub. L. No. 110-343, in computing net income for state
 2 tax purposes.

3 Sec. 147. Notwithstanding any provision to the
 4 contrary in section 422.25, subsection 3, a taxpayer

5 who files an amended return in the time permitted by
 6 statute to claim a refund related to the allowance of
 7 the deduction enacted in this division of this Act is
 8 only entitled to a refund of the amount paid that is
 9 in excess of tax liability. The taxpayer shall not be
 10 entitled to interest on such excess.

11 Sec. 148. EFFECTIVE DATE AND RETROACTIVE
 12 APPLICABILITY. This division of this Act, being deemed
 13 of immediate importance, takes effect upon enactment
 14 and applies retroactively to January 1, 2008, for
 15 tax years beginning on or after that date and before
 16 January 1, 2009.

17 DIVISION XX

18 FIRE EXTINGUISHING AND ALARM SYSTEMS CONTRACTORS AND 19 INSTALLERS — ELECTRICIANS AND ELECTRICAL CONTRACTORS 20 — LICENSING

21 Sec. 149. Section 100C.1, subsection 13, Code 2011,
 22 is amended by adding the following new paragraph:
 23 NEW PARAGRAPH. c. For a telecommunications
 24 company that has been issued a certificate of public
 25 convenience and necessity pursuant to section 476.29,
 26 a person with whom the telecommunications company
 27 contracts, who is certified by the national institute
 28 for certification in engineering technologies as
 29 required in paragraph “a” or “b” or who meets any other
 30 criteria established by rule.

31 Sec. 150. Section 100C.2, subsection 3, Code 2011,
 32 is amended by adding the following new paragraph:
 33 NEW PARAGRAPH. d. This subsection shall not
 34 apply to a responsible managing employee with whom a
 35 telecommunications company contracts as provided in
 36 section 100C.1, subsection 13, paragraph “c”.

37 Sec. 151. NEW SECTION. 103.1A Term “commercial”
 38 applied.

39 As used in this chapter:

- 40 1. “Commercial” refers to a use, installation,
 41 structure, or premises associated with a place of
 42 business where goods, wares, services, or merchandise
 43 is stored or offered for sale on a wholesale or retail
 44 basis.
- 45 2. “Commercial” refers to a residence only if
 46 the residence is also used as a place of business as
 47 provided in subsection 1.
- 48 3. “Commercial” does not refer to a use,
 49 installation, structure, or premises associated with
 50 any of the following:

Page 45

- 1 a. A farm.
- 2 b. An industrial installation.
- 3 Sec. 152. Section 103.22, subsection 7, Code 2011,

4 is amended to read as follows:

5 7. Prohibit an owner of property from performing
6 work on the owner's principal residence, if such
7 residence is an existing dwelling rather than new
8 construction and is not an apartment that is attached
9 to any other apartment or building, as those terms are
10 defined in section 499B.2, and is not larger than a
11 single-family dwelling, ~~or farm property, excluding~~
12 ~~commercial or industrial installations or installations~~
13 ~~in public use buildings or facilities~~, or require
14 such owner to be licensed under this chapter. In
15 order to qualify for inapplicability pursuant to this
16 subsection, a residence shall qualify for the homestead
17 tax exemption.

18 Sec. 153. Section 103.22, Code 2011, is amended by
19 adding the following new subsection:

20 NEW SUBSECTION. 15. Apply to a person performing
21 any installation on a farm, if the person is associated
22 with the farm as a holder of a legal or equitable
23 interest, a relative or employee of the holder, or
24 an operator or manager of the farm. The provisions
25 of this chapter do not require such person to be
26 licensed. In addition, a permit is not required for an
27 installation on a farm, and an installation on a farm
28 is not required to be inspected. In order for a farm
29 building to qualify under this subsection, the farm
30 building must not be regularly open to the public as a
31 place of business for the retail sale of goods, wares,
32 services, or merchandise.

33 DIVISION XXI

34 CLASS "A" FELONIES — JUVENILES

35 Sec. 154. Section 902.1, Code 2011, is amended to
36 read as follows:

37 902.1 Class "A" felony.

38 1. Upon a plea of guilty, a verdict of guilty, or
39 a special verdict upon which a judgment of conviction
40 of a class "A" felony may be rendered, the court shall
41 enter a judgment of conviction and shall commit the
42 defendant into the custody of the director of the
43 Iowa department of corrections for the rest of the
44 defendant's life. Nothing in the Iowa corrections code
45 pertaining to deferred judgment, deferred sentence,
46 suspended sentence, or reconsideration of sentence
47 applies to a class "A" felony, and a person convicted
48 of a class "A" felony shall not be released on parole
49 unless the governor commutes the sentence to a term of
50 years.

Page 46

1 2. a. Notwithstanding subsection 1, a person
2 convicted of a class "A" felony, and who was under the

3 age of eighteen at the time the offense was committed
 4 shall be eligible for parole after serving a minimum
 5 term of confinement of twenty-five years.

6 b. If a person is paroled pursuant to this
 7 subsection the person shall be subject to the same set
 8 of procedures set out in chapters 901B, 905, 906, and
 9 chapter 908, and rules adopted under those chapters for
 10 persons on parole.

11 c. A person convicted of murder in the first degree
 12 in violation of section 707.2 shall not be eligible for
 13 parole pursuant to this subsection.

14 Sec. 155. EFFECTIVE UPON ENACTMENT. This division
 15 of this Act, being deemed of immediate importance,
 16 takes effect upon enactment.

17 DIVISION XXII

18 SCHOOL DRESS CODES

19 Sec. 156. Section 279.58, subsection 1, Code 2011,
 20 is amended by striking the subsection.

21 Sec. 157. Section 279.58, subsection 2, Code 2011,
 22 is amended to read as follows:

23 2. The board of directors of a school district may
 24 adopt, for the district or for an individual school
 25 within the district, a dress code policy that ~~prohibits~~
 26 ~~students from wearing gang related or other specific~~
 27 ~~apparel prescribes standard dress, or that otherwise~~
 28 imposes limitations on student dress without limiting
 29 a student's constitutional rights and privileges,

30 if the board determines that the policy ~~is necessary~~
 31 ~~for~~ would improve the health, safety, or positive
 32 educational environment of students and staff in the
 33 school environment or for the appropriate discipline
 34 and operation of the school.

35 3. Adoption and enforcement of a dress code policy
 36 pursuant to this section is not a violation of section
 37 280.22.

38 Sec. 158. EFFECTIVE UPON ENACTMENT. This division
 39 of this Act, being deemed of immediate importance,
 40 takes effect upon enactment.

41 DIVISION XXIII

42 DAYS OF INSTRUCTION

43 Sec. 159. Section 256.7, subsection 19, Code 2011,
 44 is amended to read as follows:

45 19. Define ~~the minimum school day as a day~~
 46 ~~consisting of five and one-half hours of instructional~~
 47 ~~time for grades one through twelve. The minimum~~
 48 hours as time spent with a licensed teacher that shall
 49 be exclusive of the lunch period and parent-teacher
 50 conferences, but may include passing time between

Page 47

1 classes. ~~Time spent on parent teacher conferences~~
 2 ~~shall be considered instructional time. A school or~~
 3 ~~school district may record a day of school with less~~
 4 ~~than the minimum instructional hours as a minimum~~
 5 ~~school day if any of the following apply:~~

6 ~~a. If emergency health or safety factors require~~
 7 ~~the late arrival or early dismissal of students on a~~
 8 ~~specific day.~~

9 ~~b. If the total hours of instructional school~~
 10 ~~time for grades one through twelve for any five~~
 11 ~~consecutive school days equal a minimum of twenty seven~~
 12 ~~and one half hours, even though any one day of~~
 13 ~~school is less than the minimum instructional hours~~
 14 ~~because of a staff development opportunity provided~~
 15 ~~for the professional instructional staff or because~~
 16 ~~parent teacher conferences have been scheduled~~
 17 ~~beyond the regular school day. Furthermore, if the~~
 18 ~~total hours of instructional time for the first four~~
 19 ~~consecutive days equal at least twenty seven and~~
 20 ~~one half hours because parent teacher conferences~~
 21 ~~have been scheduled beyond the regular school day, a~~
 22 ~~school or school district may record zero hours of~~
 23 ~~instructional time on the fifth consecutive school day~~
 24 ~~as a minimum school day.~~

25 Sec. 160. Section 256F.4, subsection 5, Code 2011,
 26 is amended to read as follows:

27 5. A charter school or innovation zone school shall
 28 provide instruction for at least the number of ~~days~~
 29 hours required by section 279.10, subsection 1, ~~or~~
 30 ~~shall provide at least the equivalent number of total~~
 31 ~~hours.~~

32 Sec. 161. Section 279.10, subsection 1, Code 2011,
 33 is amended to read as follows:

34 1. The school year for each school district and
 35 accredited nonpublic school shall begin on ~~the first~~
 36 day of July 1 and each regularly established elementary
 37 and secondary school shall begin no sooner than a day
 38 during the calendar week in which the first day of
 39 September falls but no later than the first Monday
 40 in December. However, if the first day of September
 41 falls on a Sunday, school may begin on a day during the
 42 calendar week which immediately precedes the first day
 43 of September. ~~School shall continue for at least one~~
 44 ~~hundred eighty days, except as provided in subsection~~
 45 ~~2, and may be maintained.~~The school calendar shall
 46 include not less than one thousand eighty hours of
 47 instruction during the ~~entire~~ calendar year. ~~However,~~
 48 ~~if The board of directors of a school district and the~~
 49 ~~authorities in charge of an accredited nonpublic school~~
 50 shall set the number of days of required attendance

Page 48

1 for the school year as provided in section 299.1,
2 subsection 2, but the board of directors of a school
3 district shall hold a public hearing on any proposed
4 school calendar prior to adopting the school calendar.
5 If the board of directors of a district or the
6 authorities in charge of an accredited nonpublic school
7 extends the school calendar because inclement weather
8 caused the school district or accredited nonpublic
9 school to temporarily close ~~school~~ during the regular
10 school calendar, the school district or accredited
11 nonpublic school may excuse a graduating senior who
12 has met district or school requirements for graduation
13 from attendance during the extended school calendar. A
14 school corporation may begin employment of personnel
15 for in-service training and development purposes before
16 the date to begin elementary and secondary school.
17 Sec. 162. Section 279.10, subsections 2 and 3, Code
18 2011, are amended by striking the subsections.
19 Sec. 163. Section 299.4, subsection 1, Code 2011,
20 is amended to read as follows:
21 1. The parent, guardian, or legal custodian of a
22 child who is of compulsory attendance age, who places
23 the child under competent private instruction under
24 either section 299A.2 or 299A.3, not in an accredited
25 school or a home school assistance program operated
26 by a school district or accredited nonpublic school,
27 shall furnish a report in duplicate on forms provided
28 by the public school district, to the district by ~~the~~
29 ~~earliest starting date specified in section 279.10,~~
30 ~~subsection 1~~ September 1 of the school year in which
31 the child will be under competent private instruction.
32 The secretary shall retain and file one copy and
33 forward the other copy to the district's area education
34 agency. The report shall state the name and age of the
35 child, the period of time during which the child has
36 been or will be under competent private instruction
37 for the year, an outline of the course of study, texts
38 used, and the name and address of the instructor. The
39 parent, guardian, or legal custodian of a child, who is
40 placing the child under competent private instruction
41 for the first time, shall also provide the district
42 with evidence that the child has had the immunizations
43 required under section 139A.8, and, if the child is
44 elementary school age, a blood lead test in accordance
45 with section 135.105D. The term "outline of course of
46 study" shall include subjects covered, lesson plans,
47 and time spent on the areas of study.
48 Sec. 164. REPEAL. Section 256.22, Code 2011, is
49 repealed.
50 Sec. 165. EFFECTIVE DATE. This division of this

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1 Act takes effect July 1, 2012.

2 DIVISION XXIV

3 MEDICATION THERAPY MANAGEMENT

4 Sec. 166. 2010 Iowa Acts, chapter 1193, section
5 166, subsections 2 and 3, are amended to read as
6 follows:

7 2. a. Prior to July 1, 2010, the department of
8 administrative services shall utilize a request for
9 proposals process to contract for the provision of
10 medication therapy management services beginning
11 July 1, 2010, and prior to July 1, 2011, shall amend
12 the contract to continue the provision of medication
13 therapy management services beginning July 1, 2011.
14 for eligible employees who meet any of the following
15 criteria:

16 (1) An individual who takes four or more
17 prescription drugs to treat or prevent two or more
18 chronic medical conditions.

19 (2) An individual with a prescription drug therapy
20 problem who is identified by the prescribing physician
21 or other appropriate prescriber, and referred to a
22 pharmacist for medication therapy management services.

23 (3) An individual who meets other criteria
24 established by the third-party payment provider
25 contract, policy, or plan.

26 ~~b. The department of administrative services shall~~
27 ~~utilize an advisory committee comprised of an equal~~
28 ~~number of physicians and pharmacists to provide advice~~
29 ~~and oversight regarding the request for proposals and~~
30 ~~evaluation processes. The department shall appoint the~~
31 ~~members of the advisory council based upon designees~~
32 ~~of the Iowa pharmacy association, the Iowa medical~~
33 ~~society, and the Iowa osteopathic medical association.~~

34 e. ~~b.~~ The contract shall require the company
35 to provide annual reports to the general assembly
36 detailing the costs, savings, estimated cost avoidance
37 and return on investment, and patient outcomes
38 related to the medication therapy management services
39 provided. The company shall guarantee demonstrated
40 annual savings, including any savings associated with
41 cost avoidance at least equal to the program's costs
42 with any shortfall amount refunded to the state. As
43 a proof of concept in the program for the period
44 beginning July 1, 2010, and ending June 30, 2011, the
45 company shall offer a dollar-for-dollar guarantee for
46 drug product costs savings alone. Prior to entering
47 into a contract with a company, the department and
48 the company shall agree on the terms, conditions,
49 and applicable measurement standards associated
50 with the demonstration of savings. The department

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1 shall verify the demonstrated savings reported by
2 the company was performed in accordance with the
3 agreed upon measurement standards. The company shall
4 be prohibited from using the company's employees to
5 provide the medication therapy management services and
6 shall instead be required to contract with licensed
7 pharmacies, pharmacists, or physicians.

8 d. The fees for pharmacist-delivered medication
9 therapy management services shall be separate from
10 the reimbursement for prescription drug product or
11 dispensing services; shall be determined by each
12 third-party payment provider contract, policy, or plan;
13 and must be reasonable based on the resources and time
14 required to provide the service.

15 e. A fee shall be established for physician
16 reimbursement for services delivered for medication
17 therapy management as determined by each third-party
18 payment provider contract, policy, or plan, and must be
19 reasonable based on the resources and time required to
20 provide the service.

21 f. If any part of the medication therapy management
22 plan developed by a pharmacist incorporates services
23 which are outside the pharmacist's independent scope
24 of practice including the initiation of therapy,
25 modification of dosages, therapeutic interchange, or
26 changes in drug therapy, the express authorization
27 of the individual's physician or other appropriate
28 prescriber is required.

29 g. For the contract period beginning July 1, 2011,
30 the department shall utilize the services of the
31 college of pharmacy at a state university to validate
32 reported drug cost savings.

33 h. The results of the pilot program for the period
34 beginning July 1, 2010, and ending December 31, 2011,
35 shall be submitted to the general assembly no later
36 than March 1, 2012.

37 3. This section is repealed December 31, ~~2011~~ 2012.

38 Sec. 167. TRANSFER — MEDICATION THERAPY MANAGEMENT
39 PROGRAM. There is transferred \$510,000 from the
40 fees collected by the board of pharmacy pursuant to
41 chapter 155A and retained by the board pursuant to the
42 authority granted in section 147.82 to the department
43 of administrative services for the fiscal year
44 beginning July 1, 2011, and ending June 30, 2012, to be
45 used to be used for the medication therapy management
46 program.

47 Sec. 168. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
48 APPLICABILITY. This division of this Act, being deemed
49 of immediate importance, takes effect upon enactment,
50 and is retroactively applicable to June 15, 2011.

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1 DIVISION XXV

2 CONDITIONAL EFFECTIVE DATES FOR 2011 IOWA ACTS

3 Sec. 169. SENATE FILE 508 EFFECTIVE DATE. Unless
4 otherwise provided, if 2011 Iowa Acts, Senate File 508,
5 as enacted, is approved by the governor on or after
6 July 1, 2011, the Act takes effect upon enactment and
7 applies retroactively to July 1, 2011.

8 Sec. 170. SENATE FILE 511 EFFECTIVE DATE. Unless
9 otherwise provided, if 2011 Iowa Acts, Senate File 511,
10 as enacted, is approved by the governor on or after
11 July 1, 2011, the Act takes effect upon enactment and
12 applies retroactively to July 1, 2011.

13 Sec. 171. SENATE FILE 525 EFFECTIVE DATE. Unless
14 otherwise provided, if 2011 Iowa Acts, Senate File 525,
15 as enacted, is approved by the governor on or after
16 July 1, 2011, the Act takes effect upon enactment and
17 applies retroactively to June 30, 2011.

18 Sec. 172. SENATE FILE 148 EFFECTIVE DATE. Unless
19 otherwise provided, if 2011 Iowa Acts, House File 148,
20 as enacted, is approved by the governor on or after
21 July 1, 2011, the Act takes effect upon enactment and
22 applies retroactively to June 30, 2011.

23 Sec. 173. EFFECTIVE UPON ENACTMENT AND
24 APPLICABILITY. This division of this Act, being deemed
25 of immediate importance, takes effect upon enactment
26 and applies as provided by this division of this Act.

27 DIVISION XXVI

28 NOTICE OF MORTGAGE MEDIATION ASSISTANCE — SUNSET

29 Sec. 174. Section 654.4B, subsection 2, paragraph
30 b, Code 2011, is amended to read as follows:

31 b. This subsection is repealed July 1, ~~2011~~ 2012.

32 Sec. 175. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
33 APPLICABILITY. This division of this Act, being deemed
34 of immediate importance, takes effect upon enactment
35 and, if approved by the governor on or after July 1,
36 2011, applies retroactively to June 30, 2011.

37 DIVISION XXVII

38 HOUSING DEVELOPMENT — TAX STATUS

39 Sec. 176. Section 405.1, Code 2011, is amended to
40 read as follows:

41 405.1 Housing development — tax status —
42 limitation.

43 ~~↳~~ The board of supervisors of a county with a
44 ~~population of less than twenty thousand~~ may adopt
45 an ordinance providing that property acquired and
46 subdivided for development of housing shall continue
47 to be assessed for taxation in the manner that it was
48 prior to the acquisition for housing. Each lot shall
49 continue to be taxed in the manner it was prior to
50 its acquisition for housing until the lot is sold for

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1 construction or occupancy of housing or ~~five~~ ten years
 2 from the date of subdivision, whichever is shorter.
 3 Upon the sale or the expiration of the ~~five-year~~
 4 ten-year period, the property shall be assessed for
 5 taxation as residential or commercial multifamily
 6 property, whichever is applicable.

7 ~~2. The board of supervisors of a county with
 8 a population of twenty thousand or more may adopt
 9 an ordinance providing that property acquired and
 10 subdivided for development of housing shall continue
 11 to be assessed for taxation in the manner that it was
 12 prior to the acquisition for housing. Each lot shall
 13 continue to be taxed in the manner it was prior to
 14 its acquisition for housing until the lot is sold for
 15 construction or occupancy of housing or three years
 16 from the date of subdivision, whichever is shorter.
 17 Upon the sale or the expiration of the three year
 18 period, the property shall be assessed for taxation
 19 as residential or commercial multifamily property,
 20 whichever is applicable.~~

21 Sec. 177. Section 441.72, Code 2011, is amended to
 22 read as follows:

23 441.72 Assessment of platted lots.

24 When a subdivision plat is recorded pursuant to
 25 chapter 354, the individual lots within the subdivision
 26 plat shall not be assessed in excess of the total
 27 assessment of the land as acreage or unimproved
 28 property for ~~three~~ ten years after the recording of
 29 the plat or until the lot is actually improved with
 30 permanent construction, whichever occurs first. When
 31 an individual lot has been improved with permanent
 32 construction, the lot shall be assessed for taxation
 33 purposes as provided in chapter 428 and this chapter.
 34 This section does not apply to special assessment
 35 levies.

36 Sec. 178. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
 37 APPLICABILITY. This division of this Act, being deemed
 38 of immediate importance, takes effect upon enactment
 39 and applies retroactively to assessment years beginning
 40 on or after January 1, 2011. The division applies to
 41 subdivision plats recorded on or after January 1, 2004.

42 DIVISION XXVIII

43 CONDITIONAL RETROACTIVE APPLICABILITY

44 Sec. 179. RETROACTIVE APPLICABILITY. Unless
 45 otherwise provided, this Act, if approved by
 46 the governor on or after July 1, 2011, applies
 47 retroactively to July 1, 2011.>

48 2. By renumbering as necessary.

S-3373

1 Amend the House amendment, S-3372, to Senate File
 2 533, as amended, passed, and reprinted by the Senate,
 3 as follows:

4 1. By striking page 1, line 5, through page 52,
 5 line 48, and inserting:

6 <DIVISION I
 7 STANDING APPROPRIATIONS AND RELATED MATTERS — FY
 8 2011–2012

9 Section 1. BUDGET PROCESS FOR FISCAL YEAR
 10 2012–2013.

11 1. For the budget process applicable to the fiscal
 12 year beginning July 1, 2012, on or before October 1,
 13 2011, in lieu of the information specified in section
 14 8.23, subsection 1, unnumbered paragraph 1, and
 15 paragraph “a”, all departments and establishments of
 16 the government shall transmit to the director of the
 17 department of management, on blanks to be furnished
 18 by the director, estimates of their expenditure
 19 requirements, including every proposed expenditure, for
 20 the ensuing fiscal year, together with supporting data
 21 and explanations as called for by the director of the
 22 department of management after consultation with the
 23 legislative services agency.

24 2. The estimates of expenditure requirements
 25 shall be in a form specified by the director of
 26 the department of management, and the expenditure
 27 requirements shall include all proposed expenditures
 28 and shall be prioritized by program or the results to
 29 be achieved. The estimates shall be accompanied by
 30 performance measures for evaluating the effectiveness
 31 of the programs or results.

32 Sec. 2. LIMITATION OF STANDING APPROPRIATIONS.

33 Notwithstanding the standing appropriations in the
 34 following designated sections for the fiscal year
 35 beginning July 1, 2011, and ending June 30, 2012, the
 36 amounts appropriated from the general fund of the state
 37 pursuant to these sections for the following designated
 38 purposes shall not exceed the following amounts:

39 1. For operational support grants and community
 40 cultural grants under section 99F.11, subsection 3,
 41 paragraph “d”, subparagraph (1):

42 \$ 416,702

43 2. For regional tourism marketing under section
 44 99F.11, subsection 3, paragraph “d”, subparagraph (2):

45 \$ 810,306

46 3. For the center for congenital and inherited
 47 disorders central registry under section 144.13A,
 48 subsection 4, paragraph “a”:

49 \$ 171,121

50 4. For primary and secondary child abuse prevention

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1 programs under section 144.13A, subsection 4, paragraph
2 “a”:
3 \$ 217,772
4 5. For programs for at-risk children under section
5 279.51:
6 \$ 10,728,891
7 The amount of any reduction in this subsection shall
8 be prorated among the programs specified in section
9 279.51, subsection 1, paragraphs “a”, “b”, and “c”.
10 6. For payment for nonpublic school transportation
11 under section 285.2:
12 \$ 7,060,931
13 If total approved claims for reimbursement for
14 nonpublic school pupil transportation exceed the amount
15 appropriated in accordance with this subsection, the
16 department of education shall prorate the amount of
17 each approved claim.
18 7. For reimbursement for the homestead property tax
19 credit under section 425.1:
20 \$ 86,188,387
21 8. For reimbursement for the family farm and
22 agricultural land tax credits under sections 425A.1 and
23 426.1:
24 \$ 32,395,131
25 9. For the enforcement of chapter 453D relating to
26 tobacco product manufacturers under section 453D.8:
27 \$ 18,416
28 Sec. 3. INSTRUCTIONAL SUPPORT STATE AID — FY
29 2011–2012. In lieu of the appropriation provided in
30 section 257.20, subsection 2, the appropriation for the
31 fiscal year beginning July 1, 2011, and ending June 30,
32 2012, for paying instructional support state aid under
33 section 257.20 for fiscal year 2011–2012 is zero.
34 Sec. 4. Section 256.30, unnumbered paragraph
35 1, Code 2011, is amended by striking the unnumbered
36 paragraph and inserting in lieu thereof the following:
37 For the fiscal year beginning July 1, 2011, and
38 ending June 30, 2012, and for each succeeding fiscal
39 year, there is appropriated from the general fund of
40 the state to the department the sum of one hundred
41 thousand dollars. The department shall distribute the
42 appropriation to the tribal council of the Sac and Fox
43 Indian settlement for expenses of educating American
44 Indian children residing in the Sac and Fox Indian
45 settlement on land held in trust by the secretary of
46 the interior of the United States in excess of federal
47 moneys paid to the tribal council for educating the
48 American Indian children when moneys are appropriated
49 for that purpose. The tribal council shall administer
50 the moneys distributed pursuant to this section and

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1 shall submit an annual report and other reports as
2 required by the department to the department on the
3 expenditure of the moneys.

4 Sec. 5. Section 257.35, Code 2011, is amended by
5 adding the following new subsection:

6 NEW SUBSECTION. 5A. Notwithstanding subsection 1,
7 and in addition to the reduction applicable pursuant
8 to subsection 2, the state aid for area education
9 agencies and the portion of the combined district cost
10 calculated for these agencies for the fiscal year
11 beginning July 1, 2011, and ending June 30, 2012, shall
12 be reduced by the department of management by twenty
13 million dollars. The reduction for each area education
14 agency shall be prorated based on the reduction that
15 the agency received in the fiscal year beginning July
16 1, 2003.

17 DIVISION II

18 SALARIES, COMPENSATION, AND RELATED MATTERS — FY 19 2011–2012

20 Sec. 6. APPOINTED STATE OFFICERS.

21 1. The governor shall establish a salary for
22 appointed nonelected persons in the executive branch
23 of state government holding a position enumerated in
24 and within the salary ranges provided in 2008 Iowa
25 Acts, chapter 1191, section 14, by considering, among
26 other items, the experience of the individual in
27 the position, changes in the duties of the position,
28 the incumbent's performance of assigned duties, and
29 subordinates' salaries. However, the attorney general
30 shall establish the salary for the consumer advocate,
31 the chief justice of the supreme court shall establish
32 the salary for the state court administrator, the
33 ethics and campaign disclosure board shall establish
34 the salary of the executive director, and the Iowa
35 public broadcasting board shall establish the salary of
36 the administrator of the public broadcasting division
37 of the department of education, each within the salary
38 range provided in 2008 Iowa Acts, chapter 1191, section
39 14.

40 2. The governor, in establishing salaries as
41 provided in this section, shall take into consideration
42 other employee benefits which may be provided for an
43 individual including but not limited to housing.

44 3. A person whose salary is established pursuant
45 to this section and who is a full-time, year-round
46 employee of the state shall not receive any other
47 remuneration from the state or from any other source
48 for the performance of that person's duties unless
49 the additional remuneration is first approved by the
50 governor or authorized by law. However, this provision

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1 does not exclude the reimbursement for necessary travel
2 and expenses incurred in the performance of duties or
3 fringe benefits normally provided to employees of the
4 state.

5 Sec. 7. COLLECTIVE BARGAINING AGREEMENTS
6 FUNDED. The various state departments, boards,
7 commissions, councils, and agencies, including the
8 state board of regents, for the fiscal year beginning
9 July 1, 2011, and ending June 30, 2012, shall provide
10 from available sources pay adjustments, expense
11 reimbursements, and related benefits to fully fund the
12 following:

13 1. The collective bargaining agreement negotiated
14 pursuant to chapter 20 for employees in the blue collar
15 bargaining unit.

16 2. The collective bargaining agreement negotiated
17 pursuant to chapter 20 for employees in the public
18 safety bargaining unit.

19 3. The collective bargaining agreement negotiated
20 pursuant to chapter 20 for employees in the security
21 bargaining unit.

22 4. The collective bargaining agreement negotiated
23 pursuant to chapter 20 for employees in the technical
24 bargaining unit.

25 5. The collective bargaining agreement negotiated
26 pursuant to chapter 20 for employees in the
27 professional fiscal and staff bargaining unit.

28 6. The collective bargaining agreement negotiated
29 pursuant to chapter 20 for employees in the clerical
30 bargaining unit.

31 7. The collective bargaining agreement negotiated
32 pursuant to chapter 20 for employees in the
33 professional social services bargaining unit.

34 8. The collective bargaining agreement negotiated
35 pursuant to chapter 20 for employees in the
36 community-based corrections bargaining unit.

37 9. The collective bargaining agreements negotiated
38 pursuant to chapter 20 for employees in the judicial
39 branch of government bargaining units.

40 10. The collective bargaining agreement negotiated
41 pursuant to chapter 20 for employees in the patient
42 care bargaining unit.

43 11. The collective bargaining agreement negotiated
44 pursuant to chapter 20 for employees in the science
45 bargaining unit.

46 12. The collective bargaining agreement negotiated
47 pursuant to chapter 20 for employees in the university
48 of northern Iowa faculty bargaining unit.

49 13. The collective bargaining agreement negotiated
50 pursuant to chapter 20 for employees in the state

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1 university of Iowa graduate student bargaining unit.
2 14. The collective bargaining agreement negotiated
3 pursuant to chapter 20 for employees in the state
4 university of Iowa hospital and clinics tertiary health
5 care bargaining unit.

6 15. The annual pay adjustments, related benefits,
7 and expense reimbursements referred to in the sections
8 of this division of this Act addressing state board of
9 regents employees who are not covered by a collective
10 bargaining agreement.

11 Sec. 8. STATE EMPLOYEES — STATE BOARD OF
12 REGENTS. For the fiscal year beginning July 1, 2011,
13 and ending June 30, 2012, funds shall be provided from
14 available sources of the state board of regents for
15 funding of collective bargaining agreements for state
16 board of regents employees covered by such agreements
17 and for the following state board of regents employees
18 not covered by a collective bargaining agreement:

19 1. Regents merit system employees and merit
20 supervisory employees.

21 2. Faculty members and professional and scientific
22 employees.

23 Sec. 9. BONUS PAY. For the fiscal year beginning
24 July 1, 2011, and ending June 30, 2012, employees of
25 the executive branch, judicial branch, and legislative
26 branch shall not receive bonus pay unless otherwise
27 authorized by law, required pursuant to a contract
28 of employment entered into before July 1, 2011,
29 or required pursuant to a collective bargaining
30 agreement. This section does not apply to employees
31 of the state board of regents. For purposes of this
32 section, “bonus pay” means any additional remuneration
33 provided an employee in the form of a bonus, including
34 but not limited to a retention bonus, recruitment
35 bonus, exceptional job performance pay, extraordinary
36 job performance pay, exceptional performance pay,
37 extraordinary duty pay, or extraordinary or special
38 duty pay, and any extra benefit not otherwise provided
39 to other similarly situated employees.

40 Sec. 10. STATE TROOPER MEAL ALLOWANCE. For the
41 fiscal year beginning July 1, 2011, the sworn peace
42 officers in the department of public safety who are not
43 covered by a collective bargaining agreement negotiated
44 pursuant to chapter 20 shall receive the same per
45 diem meal allowance as the sworn peace officers in
46 the department of public safety who are covered by a
47 collective bargaining agreement negotiated pursuant to
48 chapter 20.

49 Sec. 11. SALARY MODEL ADMINISTRATOR. The salary
50 model administrator shall work in conjunction with

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1 the legislative services agency to maintain the
 2 state's salary model used for analyzing, comparing,
 3 and projecting state employee salary and benefit
 4 information, including information relating to
 5 employees of the state board of regents. The
 6 department of revenue, the department of administrative
 7 services, the five institutions under the jurisdiction
 8 of the state board of regents, the judicial district
 9 departments of correctional services, and the state
 10 department of transportation shall provide salary data
 11 to the department of management and the legislative
 12 services agency to operate the state's salary
 13 model. The format and frequency of provision of the
 14 salary data shall be determined by the department of
 15 management and the legislative services agency. The
 16 information shall be used in collective bargaining
 17 processes under chapter 20 and in calculating the
 18 funding needs contained within the annual salary
 19 adjustment legislation. A state employee organization
 20 as defined in section 20.3, subsection 4, may request
 21 information produced by the model, but the information
 22 provided shall not contain information attributable to
 23 individual employees.

24 DIVISION III

25 PERFORMANCE OF DUTY

26 Sec. 12. Section 7D.10, Code 2011, is amended to
 27 read as follows:

28 7D.10 Court costs.

29 If sufficient funds for court costs have not been
 30 appropriated to a state department, or if sufficient
 31 funds are not otherwise available for such purposes
 32 within the budget of a state department, upon
 33 authorization by the executive council ~~may pay, out of~~
 34 ~~any money in the state treasury~~ there is appropriated
 35 from moneys in the general fund of the state not
 36 otherwise appropriated, an amount sufficient to pay
 37 expenses incurred, or costs taxed to the state, in
 38 any proceeding brought by or against any of the state
 39 departments or in which the state is a party or is
 40 interested. This section shall not be construed to
 41 authorize the payment of travel or other personal
 42 expenses of state officers or employees.

43 Sec. 13. Section 7D.10A, as amended by 2011 Iowa
 44 Acts, Senate File 478, section 11, as enacted, is
 45 amended to read as follows:

46 7D.10A ~~Allocation~~ Payment to livestock remediation
 47 fund.

48 If moneys are not sufficient to support the
 49 livestock remediation fund as provided in chapter 459,
 50 subchapter V, the executive council may ~~allocate from~~

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1 ~~moneys in the general fund of the state, which are~~
2 ~~not otherwise obligated or encumbered, authorize as~~
3 ~~an expense paid from the appropriations addressed in~~
4 ~~section 7D.29 the payment of~~ an amount to the livestock
5 remediation fund as provided under section 459.501,
6 ~~subsection 5.~~ However, not more than a total of
7 one million dollars ~~shall be allocated~~ shall be paid
8 pursuant to this section to the livestock remediation
9 fund at any time.

10 Sec. 14. Section 7D.29, Code 2011, is amended to
11 read as follows:

12 7D.29 Performance of duty — expense.

13 1. The executive council shall not employ others,
14 or ~~incur~~ authorize any expense, for the purpose of
15 performing any duty imposed upon the council when
16 the duty may, without neglect of their usual duties,
17 be performed by the members, or by their regular
18 employees, but, subject to this limitation, the council
19 may ~~incur~~ authorize the necessary expense to perform
20 or cause to be performed any legal duty imposed on
21 the council, ~~and pay the same out of any money in the~~
22 ~~state treasury not otherwise appropriated. The expenses~~
23 ~~authorized by the executive council in accordance~~
24 ~~with this section and the expenses authorized by the~~
25 ~~executive council in accordance with other statutory~~
26 ~~provisions referencing the appropriations addressed in~~
27 ~~this section shall be paid as follows:~~

28 a. From the appropriation made from the Iowa
29 economic emergency fund in section 8.55 for purposes of
30 paying such expenses.

31 b. To the extent the appropriation from the
32 Iowa economic emergency fund described in paragraph
33 “a” is insufficient to pay such expenses, there is
34 appropriated from moneys in the general fund of the
35 state not otherwise appropriated the amount necessary
36 to fund that deficiency.>

37 2. At least two weeks prior to the executive
38 council's approval of a payment authorization under
39 this section, the secretary of the executive council
40 shall notify the legislative services agency that
41 the authorization request will be considered by
42 the executive council and shall provide background
43 information justifying the request.

44 3. The executive council shall receive requests
45 from the Iowa department of public health relative to
46 the purchase, storing, and distribution of vaccines and
47 medication for prevention, prophylaxis, or treatment.
48 Upon review and after compliance with subsection 2,
49 the executive council may approve the request and may
50 ~~incur~~ authorize payment of the necessary expense ~~and~~

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1 ~~pay the same out of any money in the state treasury not~~
 2 ~~otherwise appropriated. The expense authorized by the~~
 3 ~~executive council under this subsection shall be paid~~
 4 ~~from the appropriations referred to in subsection 1.~~

5 Sec. 15. Section 7D.30, Code 2011, is amended to
 6 read as follows:

7 7D.30 Necessary record.

8 Before ~~incurring~~ ~~authorizing~~ any expense ~~authorized~~
 9 ~~by in accordance with~~ section 7D.29, the ~~executive~~
 10 council shall, in each case, by resolution, entered
 11 upon its records, set forth the necessity for ~~incurring~~
 12 ~~authorizing~~ such expense, the special fitness of the
 13 one employed to perform such work, the definite rate of
 14 compensation or salary allowed, and the total amount of
 15 money that may be expended. Compensation or salary for
 16 personal services in such cases must be determined by
 17 unanimous vote of all members of the council.

18 Sec. 16. Section 8.55, subsection 3, paragraph a,
 19 Code 2011, is amended to read as follows:

20 a. Except as provided in paragraphs “b”, ~~and~~ “c”,
 21 ~~and “Od”~~, the moneys in the Iowa economic emergency
 22 fund shall only be used pursuant to an appropriation
 23 made by the general assembly. An appropriation
 24 shall only be made for the fiscal year in which the
 25 appropriation is made. The moneys shall only be
 26 appropriated by the general assembly for emergency
 27 expenditures.

28 Sec. 17. Section 8.55, subsection 3, Code 2011, is
 29 amended by adding the following new paragraph:

30 NEW PARAGRAPH. Od. There is appropriated from the
 31 Iowa economic emergency fund to the executive council
 32 an amount sufficient to pay the expenses authorized by
 33 the executive council, as addressed in section 7D.29.

34 Sec. 18. Section 8A.321, subsection 4, Code 2011,
 35 is amended to read as follows:

36 4. Contract, with the approval of the executive
 37 council, for the repair, remodeling, or, if the
 38 condition warrants, demolition of all buildings and
 39 grounds of the state at the seat of government, at
 40 the state laboratories facility in Ankeny, and the
 41 institutions of the department of human services and
 42 the department of corrections for which no specific
 43 appropriation has been made, if the cost of repair,
 44 remodeling, or demolition will not exceed one hundred
 45 thousand dollars when completed. The cost of repair
 46 projects for which no specific appropriation has
 47 been made shall be paid ~~from the fund~~ as an expense
 48 authorized by the executive council as provided in
 49 section 7D.29.

50 Sec. 19. Section 8A.321, subsection 6, paragraphs a

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1 and b, Code 2011, are amended to read as follows:

2 a. Lease all buildings and office space necessary
3 to carry out the provisions of this subchapter or
4 necessary for the proper functioning of any state
5 agency at the seat of government. For state agencies
6 at the seat of government, the director may lease
7 buildings and office space in Polk county or in a
8 county contiguous to Polk county. If no specific
9 appropriation has been made, the proposed lease shall
10 be submitted to the executive council for ~~approval~~
11 authorization and if authorized lease expense shall
12 be paid from the appropriations addressed in section
13 7D.29. The cost of any lease for which no specific
14 ~~appropriation has been made shall be paid from the fund~~
15 ~~provided in section 7D.29.~~

16 b. When the general assembly is not in session, the
17 director may request ~~moneys~~ an expense authorization
18 from the executive council for moving state agencies
19 located at the seat of government from one location
20 to another. The request may include moving costs,
21 telecommunications costs, repair costs, or any other
22 costs relating to the move. The executive council may
23 ~~approve and shall pay the costs from funds~~ authorize
24 the expenses provided and may authorize the expenses to
25 be paid from the appropriations addressed in section
26 7D.29 if it determines the agency or department has
27 ~~no available~~ does not have funds available for these
28 expenses.

29 Sec. 20. Section 11.32, as amended by 2011 Iowa
30 Acts, House File 536, section 26, as enacted, is

31 amended to read as follows:

32 11.32 Certified accountants employed.
33 Nothing in this chapter shall prohibit the auditor
34 of state, with the prior written permission of the
35 state executive council, from employing certified
36 public accountants for specific assignments. The
37 auditor of state may employ such accountants for any
38 assignment ~~now~~ expressly reserved to the auditor of
39 state. Payments, after approval by the executive
40 council, ~~will~~ shall be made to the accountants so
41 employed from funds from which the auditor of state
42 would have been paid had the auditor of state performed
43 the assignment, or if ~~no~~ such specific funds are
44 ~~indicated not available~~, then ~~payment will be made~~
45 ~~from the funds of~~ authorization of the expense by the
46 executive council shall be requested, and if authorized
47 shall be paid from the appropriations addressed in
48 section 7D.29.

49 Sec. 21. Section 13.3, Code 2011, is amended to
50 read as follows:

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1 13.3 Disqualification — substitute.

2 1. If, for any reason, the attorney general ~~be~~
 3 ~~is~~ disqualified from appearing in any action or
 4 proceeding, the executive council shall ~~appoint some~~
 5 authorize the appointment of a suitable person for that
 6 purpose and defray the. There is appropriated from
 7 moneys in the general fund not otherwise appropriated
 8 an amount necessary to pay the reasonable expense
 9 thereof from any unappropriated funds in the state
 10 treasury for the person appointed. The department
 11 involved in the action or proceeding shall be requested
 12 to recommend a suitable person to represent the
 13 department and when the executive council concurs in
 14 the recommendation, the person recommended shall be
 15 appointed.

16 2. If the governor or a department is represented
 17 by an attorney other than the attorney general in a
 18 court proceeding as provided in this section, at the
 19 conclusion of the court proceedings, the court shall
 20 review the fees charged to the state to determine
 21 if the fees are fair and reasonable. The executive
 22 council shall not ~~reimburse~~ authorize reimbursement
 23 of attorney fees in excess of those determined by the
 24 court to be fair and reasonable.

25 Sec. 22. Section 13.7, Code 2011, is amended to
 26 read as follows:

27 13.7 Special counsel.

28 Compensation shall not be allowed to any person for
 29 services as an attorney or counselor to an executive
 30 department of the state government, or the head ~~thereof~~
 31 of an executive department of state government, or to
 32 a state board or commission. However, the executive
 33 council may ~~employ~~ authorize employment of legal
 34 assistance, at a reasonable compensation, in a pending
 35 action or proceeding to protect the interests of the
 36 state, but only upon a sufficient showing, in writing,
 37 made by the attorney general, that the department of
 38 justice cannot for reasons stated by the attorney
 39 general perform the service, ~~which.~~ The reasons
 40 and action of the council shall be entered upon its
 41 records. ~~When~~ If the attorney general determines that
 42 the department of justice cannot perform legal service
 43 in an action or proceeding, the executive council
 44 shall request the department involved in the action or
 45 proceeding to recommend legal counsel to represent the
 46 department. If the attorney general concurs with the
 47 department that the person recommended is qualified
 48 and suitable to represent the department, the person
 49 recommended shall be employed. If the attorney general
 50 does not concur in the recommendation, the department

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1 shall submit a new recommendation. This section does
2 not affect the general counsel for the utilities board
3 of the department of commerce, the legal counsel of the
4 department of workforce development, or the general
5 counsel for the property assessment appeal board.

6 Sec. 23. Section 29A.27, unnumbered paragraph 8,
7 Code 2011, is amended to read as follows:

8 All payments ~~herein~~ provided for under this section
9 shall be paid on the approval of the adjutant general
10 from the contingent fund of the executive council
11 created in section 29C.20.

12 Sec. 24. Section 29C.8, subsection 3, paragraph
13 f, subparagraph (3), Code 2011, is amended to read as
14 follows:

15 (3) Upon notification of a compensable loss to a
16 member of a homeland security and emergency management
17 response team, the department of administrative
18 services shall process the claim and seek ~~funding~~
19 authorization from the executive council ~~for to pay~~
20 as an expense paid from the appropriations addressed
21 in section 7D.29 those costs associated with covered
22 benefits.

23 Sec. 25. Section 29C.20, subsection 1, paragraph a,
24 unnumbered paragraph 1, Code 2011, is amended to read
25 as follows:

26 A contingent fund is created in the state treasury
27 for the use of the executive council ~~which.~~ Funding
28 for the contingent fund, if authorized by the executive
29 council, shall be paid from the appropriations
30 addressed in section 7D.29. Moneys in the contingent
31 fund may be expended for the following purposes:

32 Sec. 26. Section 96.13, subsection 3, paragraph c,
33 Code 2011, is amended to read as follows:

34 c. The department may appear before the executive
35 council and request ~~funds~~ authorization of moneys to
36 meet unanticipated emergencies as an expense from the
37 appropriations addressed in section 7D.29.

38 Sec. 27. Section 135.143, subsection 5, Code 2011,
39 is amended to read as follows:

40 5. Upon notification of a compensable loss, the
41 department of administrative services shall seek
42 ~~funding~~ authorization from the executive council ~~for~~
43 to pay as an expense from the appropriations addressed
44 in section 7D.29 those costs associated with covered
45 workers' compensation benefits.

46 Sec. 28. Section 135.144, subsection 11, Code 2011,
47 is amended to read as follows:

48 11. If a public health disaster or other public
49 health emergency situation exists which poses an
50 imminent threat to the public health, safety, and

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1 welfare, the department, in conjunction with the
2 governor, may provide financial assistance, from funds
3 appropriated to the department that are not otherwise
4 encumbered, to political subdivisions as needed to
5 alleviate the disaster or the emergency. If the
6 department does not have sufficient unencumbered funds,
7 the governor may request ~~that~~ the executive council,
8 ~~pursuant to the authority of section 7D.29, commit~~
9 ~~sufficient funds, to authorize the payment of up to one~~
10 ~~million dollars, that are not otherwise encumbered from~~
11 ~~the general fund, as needed and available, for as an~~
12 expense from the appropriations addressed in section
13 7D.29 to alleviate the disaster or the emergency. If
14 additional financial assistance is required in excess
15 of one million dollars, approval by the legislative
16 council is also required.

17 Sec. 29. Section 163.3A, subsection 4, paragraph b,
18 Code 2011, is amended to read as follows:

19 b. The department shall provide and update a list
20 of the registered members of each emergency response
21 team, including the members' names and identifying
22 information, to the department of administrative
23 services. Upon notification of a compensable loss
24 suffered by a registered member, the department
25 of administrative services shall seek ~~funding~~
26 authorization from the executive council ~~for to pay as~~
27 an expense from the appropriations addressed in section
28 7D.29 those costs associated with covered benefits.

29 Sec. 30. Section 163.10, Code 2011, is amended to
30 read as follows:

31 163.10 Quarantining or destroying animals.
32 The department may quarantine or destroy any
33 animal exposed to or afflicted with an infectious or
34 contagious disease. However, cattle exposed to or
35 infected with tuberculosis shall not be destroyed
36 without the owner's consent, unless there are
37 sufficient moneys to reimburse the owner for the
38 cattle, which may be paid ~~from the appropriation as~~
39 an expense authorized as provided in section 163.15,
40 from moneys in the brucellosis and tuberculosis
41 eradication fund created in section 165.18, or from
42 moneys made available by the United States department
43 of agriculture.

44 Sec. 31. Section 163.15, subsection 2, paragraph
45 a, subparagraph (3), Code 2011, is amended to read as
46 follows:

47 (3) A claim for an indemnity by the owner and a
48 claim for compensation and expenses by the appraisers
49 shall be filed with the department and submitted by the
50 secretary of agriculture to the executive council for

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1 ~~its approval or disapproval authorization of payment~~
2 ~~of the claim as an expense from the appropriations~~
3 ~~addressed in section 7D.29.~~

4 Sec. 32. Section 163.15, subsection 2, paragraph
5 a, subparagraph (4), Code 2011, is amended by striking
6 the subparagraph.

7 Sec. 33. Section 163.15, subsection 2, paragraph b,
8 unnumbered paragraph 1, Code 2011, is amended to read
9 as follows:

10 A formula established by rule adopted by the
11 department that is effective as determined by
12 the department in accordance with chapter 17A and
13 applicable upon approval of the ~~plan program~~ of
14 eradication ~~approved~~ by the executive council. The
15 formula shall be applicable to indemnify owners if the
16 executive council, upon recommendation by the secretary
17 of agriculture, determines that an animal population
18 in this state is threatened with infection from an
19 exceptionally contagious disease.

20 Sec. 34. Section 163.15, subsection 2, paragraph
21 b, subparagraph (4), Code 2011, is amended to read as
22 follows:

23 (4) ~~Upon approval by the~~ The executive council,
24 ~~there is appropriated to the department from any~~
25 ~~moneys in the general fund of the state not otherwise~~
26 ~~appropriated moneys sufficient to carry out the~~
27 ~~may authorize payment under the provisions of this~~
28 ~~paragraph "b" as an expense from the appropriations~~
29 ~~addressed in section 7D.29.~~

30 Sec. 35. Section 307.45, subsection 3, Code 2011,
31 is amended to read as follows:

32 3. Assessments against property owned by the state
33 and not under the jurisdiction and control of the
34 department's administrator of highways shall be made in
35 the same manner as those made against private property
36 and payment shall be ~~made subject to authorization~~ by
37 the executive council ~~from any funds of the state not~~
38 ~~otherwise appropriated.~~ There is appropriated from
39 moneys in the general fund not otherwise appropriated
40 an amount necessary to pay the expense authorized by
41 the executive council.

42 Sec. 36. Section 384.56, subsection 1, Code 2011,
43 is amended to read as follows:

44 1. Cities may assess the cost of a public
45 improvement which extends through, abuts upon, or is
46 adjacent to lands owned by the state, and ~~the executive~~
47 ~~council shall pay payment for~~ the assessable portion
48 of the cost of the improvement through or along the
49 lands as provided ~~shall be subject to authorization by~~
50 ~~the executive council.~~ The executive council shall

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1 ~~pay assessments as and payable in the manner~~ provided
 2 in section 307.45 for property owned by the state and
 3 ~~not under the jurisdiction and control of the state~~
 4 ~~department of transportation.~~

5 Sec. 37. Section 459.501, subsection 5, as amended
 6 by 2011 Iowa Acts, Senate File 478, section 1, as
 7 enacted, is amended to read as follows:

8 5. The following shall apply to moneys in the fund:

9 a. (1) The executive council may ~~allocate moneys~~
 10 ~~from the general fund of the state as~~ authorize payment
 11 ~~of moneys as an expense paid from the appropriations~~
 12 ~~addressed in section 7D.29 and in the manner~~ provided
 13 in section 7D.10A in an amount necessary to support the
 14 fund, including the following:

15 (a) The payment of claims as provided in section
 16 459.505.

17 (b) The allocation of moneys to the department
 18 of agriculture and land stewardship for the payment
 19 of expenses incurred by the department of agriculture
 20 and land stewardship associated with providing for the
 21 sustenance and disposition of livestock pursuant to
 22 chapter 717.

23 (2) Notwithstanding subparagraph (1), the
 24 ~~allocation of moneys from the general fund of the state~~
 25 ~~executive council's authorization for payment~~ shall be
 26 ~~made~~ provided only if the amount of moneys in the fund,
 27 which are not obligated or encumbered, and not counting
 28 the department's estimate of the cost to the fund for
 29 pending or unsettled claims, the amount to be allocated
 30 to the department of agriculture and land stewardship,
 31 and any amount required to be credited to the general
 32 fund of the state under this subsection, is less than
 33 one million dollars.

34 b. The department of natural resources shall
 35 credit an amount to the ~~general fund of the state~~
 36 ~~from which the expense authorized by the executive~~
 37 ~~council as provided in paragraph "a" was appropriated~~
 38 which is equal to an amount allocated to support the
 39 ~~livestock remediation~~ fund by the executive council
 40 under paragraph "a". ~~The~~ However, the department shall
 41 ~~only be required to~~ credit the moneys to ~~the general~~
 42 ~~such fund of the state~~ if the moneys in the ~~livestock~~
 43 ~~remediation~~ fund which are not obligated or encumbered,
 44 and not counting the department's estimate of the
 45 cost to the ~~livestock remediation~~ fund for pending or
 46 unsettled claims, the amount to be allocated to the
 47 department of agriculture and land stewardship, and
 48 any amount required to be transferred to the ~~general~~
 49 ~~fund under from which appropriated as described in~~ this
 50 paragraph, are in excess of two million five hundred

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1 thousand dollars. The department is not required to
2 credit the total amount to the ~~general fund of the~~
3 ~~state from which appropriated as described in this~~
4 ~~paragraph~~ during any one fiscal year.

5 Sec. 38. Section 468.43, unnumbered paragraph 4,
6 Code 2011, is amended to read as follows:

7 The assessments against lands under the jurisdiction
8 of the department of natural resources shall be paid ~~as~~
9 ~~an expense from the appropriations addressed in section~~
10 ~~7D.29, if authorized~~ by the executive council upon
11 certification of the amount by the county treasurer.
12 ~~There is appropriated from any funds in the general~~
13 ~~fund of the state not otherwise appropriated amounts~~
14 ~~sufficient to pay the certified assessments.~~

15 Sec. 39. Section 568.16, Code 2011, is amended to
16 read as follows:

17 568.16 Purchase money refunded.

18 If the grantee of the state, or the grantee's
19 successors, administrators, or assigns, shall be
20 deprived of the land conveyed by the state under this
21 chapter by the final decree of a court of record for
22 the reason that the conveyance by the state ~~passed~~
23 ~~no title whatever to the land therein did not pass~~
24 ~~title to the land~~ described, because title ~~thereto to~~
25 ~~the land~~ had previously for any reason been vested
26 in others, then the money ~~so~~ paid ~~by~~ the state for
27 the ~~said~~ land shall be refunded by the state to the
28 person or persons entitled ~~thereto to the refund~~,
29 provided the ~~said~~ grantee, or the grantee's successors,
30 administrators, or assigns, shall file a certified
31 copy of the transcript of the ~~said~~ final decree with
32 the executive council within one year from the date
33 of the issuance of such decree, and shall also file
34 satisfactory proof with the executive council that the
35 action over the title to the land was commenced within
36 ten years from the date of the issuance of patent or
37 deed by the state. The amount of money to be refunded
38 under the provisions of this section shall be ~~certified~~
39 ~~authorized and paid~~ by the executive council ~~to the~~
40 ~~director of the department of administrative services,~~
41 ~~who shall draw a warrant therefor, and the same shall~~
42 ~~be paid out of the general fund as an expense from the~~
43 ~~appropriations addressed in section 7D.29.~~

44 Sec. 40. Section 602.10133, Code 2011, is amended
45 to read as follows:

46 602.10133 Costs and expenses.

47 The court costs incident to such proceedings,
48 and the reasonable expense of ~~said the~~ judges in
49 attending ~~said the~~ hearing after being approved by
50 the supreme court shall be paid as ~~court costs an~~

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1 expense authorized by the executive council from the
 2 appropriations addressed in section 7D.29.

3 Sec. 41. Section 663.44, Code 2011, is amended to
 4 read as follows:

5 663.44 Costs.

6 1. If the plaintiff is discharged, the costs shall
 7 be assessed to the defendant, unless the defendant
 8 is an officer holding the plaintiff in custody under
 9 a commitment, or under other legal process, in which
 10 case the costs shall be assessed to the county. If the
 11 plaintiff's application is refused, the costs shall be
 12 assessed against the plaintiff, and, in the discretion
 13 of the court, against the person who filed the petition
 14 in the plaintiff's behalf.

15 2. ~~However, where~~ Notwithstanding subsection 1, if
 16 the plaintiff is confined in any state institution, and
 17 is discharged in habeas corpus proceedings, or ~~where if~~
 18 the habeas corpus proceedings fail, and costs and fees
 19 cannot be collected from the person liable to pay ~~the~~
 20 ~~same costs and fees, such~~ the costs and fees shall be
 21 paid by the county in which such state institution is
 22 located. The facts of such payment and the proceedings
 23 on which it is based, with a statement of the amount
 24 of fees or costs incurred, with approval in writing
 25 by the presiding judge appended to ~~such the~~ statement
 26 or endorsed ~~thereon on the statement,~~ shall ~~then~~ be
 27 certified by the clerk of the district court under the
 28 seal of office to the state executive council. The
 29 executive council shall ~~then~~ review the proceedings and
 30 authorize reimbursement for all such fees and costs
 31 or such part ~~thereof of the fees and costs~~ as the
 32 executive council ~~shall find~~ finds justified, and shall
 33 notify the director of the department of administrative
 34 services to draw a warrant to such county treasurer
 35 ~~on the state general fund~~ for the amount authorized.
 36 There is appropriated from moneys in the general fund
 37 not otherwise appropriated an amount necessary to pay
 38 the reimbursement authorized by the executive council.
 39 The costs and fees referred to above shall include
 40 any award of fees made to a court appointed attorney
 41 representing an indigent party bringing the habeas
 42 corpus action.

43 DIVISION IV

44 STANDING APPROPRIATIONS AND RELATED MATTERS — FY 45 2012–2013

46 Sec. 42. BUDGET PROCESS FOR FISCAL YEAR 2013–2014.

47 1. For the budget process applicable to the fiscal
 48 year beginning July 1, 2013, on or before October 1,
 49 2012, in lieu of the information specified in section
 50 8.23, subsection 1, unnumbered paragraph 1, and

1 paragraph "a", all departments and establishments of
 2 the government shall transmit to the director of the
 3 department of management, on blanks to be furnished
 4 by the director, estimates of their expenditure
 5 requirements, including every proposed expenditure, for
 6 the ensuing fiscal year, together with supporting data
 7 and explanations as called for by the director of the
 8 department of management after consultation with the
 9 legislative services agency.

10 2. The estimates of expenditure requirements
 11 shall be in a form specified by the director of
 12 the department of management, and the expenditure
 13 requirements shall include all proposed expenditures
 14 and shall be prioritized by program or the results to
 15 be achieved. The estimates shall be accompanied by
 16 performance measures for evaluating the effectiveness
 17 of the programs or results.

18 Sec. 43. LIMITATION OF STANDING APPROPRIATIONS.

19 Notwithstanding the standing appropriations in the
 20 following designated sections for the fiscal year
 21 beginning July 1, 2012, and ending June 30, 2013, the
 22 amounts appropriated from the general fund of the state
 23 pursuant to these sections for the following designated
 24 purposes shall not exceed the following amounts:

25 1. For operational support grants and community		
26 cultural grants under section 99F.11, subsection 3,		
27 paragraph "d", subparagraph (1):		
28	\$	208,351
29 2. For regional tourism marketing under section		
30 99F.11, subsection 3, paragraph "d", subparagraph (2):		
31	\$	405,153
32 3. For the center for congenital and inherited		
33 disorders central registry under section 144.13A,		
34 subsection 4, paragraph "a":		
35	\$	85,560
36 4. For primary and secondary child abuse prevention		
37 programs under section 144.13A, subsection 4, paragraph		
38 "a":		
39	\$	108,886
40 5. For programs for at-risk children under section		
41 279.51:		
42	\$	10,728,891
43 The amount of any reduction in this subsection shall		
44 be prorated among the programs specified in section		
45 279.51, subsection 1, paragraphs "a", "b", and "c".		
46 6. For payment for nonpublic school transportation		
47 under section 285.2:		
48	\$	3,530,465
49 If total approved claims for reimbursement for		
50 nonpublic school pupil transportation exceed the amount		

1 appropriated in accordance with this subsection, the
2 department of education shall prorate the amount of
3 each approved claim.

4 7. For reimbursement for the homestead property tax
5 credit under section 425.1:
6 \$ 86,188,387

7 8. For reimbursement for the family farm and
8 agricultural land tax credits under sections 425A.1 and
9 426.1:
10 \$ 32,395,131

11 9. For the enforcement of chapter 453D relating to
12 tobacco product manufacturers under section 453D.8:
13 \$ 9,208

14 Sec. 44. INSTRUCTIONAL SUPPORT STATE AID — FY
15 2012–2013. In lieu of the appropriation provided in
16 section 257.20, subsection 2, the appropriation for the
17 fiscal year beginning July 1, 2012, and ending June 30,
18 2013, for paying instructional support state aid under
19 section 257.20 for fiscal year 2012–2013 is zero.

20 DIVISION V
21 SALARIES, COMPENSATION, AND RELATED MATTERS — FY
22 2012–2013

23 Sec. 45. COLLECTIVE BARGAINING AGREEMENTS
24 FUNDED. The various state departments, boards,
25 commissions, councils, and agencies, including the
26 state board of regents, for the fiscal year beginning
27 July 1, 2012, and ending June 30, 2013, shall provide
28 from available sources pay adjustments, expense
29 reimbursements, and related benefits to fully fund the
30 following:

31 1. The collective bargaining agreement negotiated
32 pursuant to chapter 20 for employees in the blue collar
33 bargaining unit.

34 2. The collective bargaining agreement negotiated
35 pursuant to chapter 20 for employees in the public
36 safety bargaining unit.

37 3. The collective bargaining agreement negotiated
38 pursuant to chapter 20 for employees in the security
39 bargaining unit.

40 4. The collective bargaining agreement negotiated
41 pursuant to chapter 20 for employees in the technical
42 bargaining unit.

43 5. The collective bargaining agreement negotiated
44 pursuant to chapter 20 for employees in the
45 professional fiscal and staff bargaining unit.

46 6. The collective bargaining agreement negotiated
47 pursuant to chapter 20 for employees in the clerical
48 bargaining unit.

49 7. The collective bargaining agreement negotiated
50 pursuant to chapter 20 for employees in the

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1 professional social services bargaining unit.

2 8. The collective bargaining agreement negotiated
3 pursuant to chapter 20 for employees in the
4 community-based corrections bargaining unit.

5 9. The collective bargaining agreements negotiated
6 pursuant to chapter 20 for employees in the judicial
7 branch of government bargaining units.

8 10. The collective bargaining agreement negotiated
9 pursuant to chapter 20 for employees in the patient
10 care bargaining unit.

11 11. The collective bargaining agreement negotiated
12 pursuant to chapter 20 for employees in the science
13 bargaining unit.

14 12. The collective bargaining agreement negotiated
15 pursuant to chapter 20 for employees in the university
16 of northern Iowa faculty bargaining unit.

17 13. The collective bargaining agreement negotiated
18 pursuant to chapter 20 for employees in the state
19 university of Iowa graduate student bargaining unit.

20 14. The collective bargaining agreement negotiated
21 pursuant to chapter 20 for employees in the state
22 university of Iowa hospital and clinics tertiary health
23 care bargaining unit.

24 15. The annual pay adjustments, related benefits,
25 and expense reimbursements referred to in the sections
26 of this division of this Act addressing state board of
27 regents employees who are not covered by a collective
28 bargaining agreement.

29 Sec. 46. STATE EMPLOYEES — STATE BOARD OF
30 REGENTS. For the fiscal year beginning July 1, 2012,
31 and ending June 30, 2013, funds shall be provided from
32 available sources of the state board of regents for
33 funding of collective bargaining agreements for state
34 board of regents employees covered by such agreements
35 and for the following state board of regents employees
36 not covered by a collective bargaining agreement:

37 1. Regents merit system employees and merit
38 supervisory employees.

39 2. Faculty members and professional and scientific
40 employees.

41 Sec. 47. BONUS PAY. For the fiscal year beginning
42 July 1, 2012, and ending June 30, 2013, employees of
43 the executive branch, judicial branch, and legislative
44 branch shall not receive bonus pay unless otherwise
45 authorized by law, required pursuant to a contract
46 of employment entered into before July 1, 2012,
47 or required pursuant to a collective bargaining
48 agreement. This section does not apply to employees
49 of the state board of regents. For purposes of this
50 section, “bonus pay” means any additional remuneration

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1 provided an employee in the form of a bonus, including
2 but not limited to a retention bonus, recruitment
3 bonus, exceptional job performance pay, extraordinary
4 job performance pay, exceptional performance pay,
5 extraordinary duty pay, or extraordinary or special
6 duty pay, and any extra benefit not otherwise provided
7 to other similarly situated employees.

8 Sec. 48. STATE TROOPER MEAL ALLOWANCE. For the
9 fiscal year beginning July 1, 2012, the sworn peace
10 officers in the department of public safety who are not
11 covered by a collective bargaining agreement negotiated
12 pursuant to chapter 20 shall receive the same per
13 diem meal allowance as the sworn peace officers in
14 the department of public safety who are covered by a
15 collective bargaining agreement negotiated pursuant to
16 chapter 20.

17 Sec. 49. SALARY MODEL ADMINISTRATOR. The salary
18 model administrator shall work in conjunction with
19 the legislative services agency to maintain the
20 state's salary model used for analyzing, comparing,
21 and projecting state employee salary and benefit
22 information, including information relating to
23 employees of the state board of regents. The
24 department of revenue, the department of administrative
25 services, the five institutions under the jurisdiction
26 of the state board of regents, the judicial district
27 departments of correctional services, and the state
28 department of transportation shall provide salary data
29 to the department of management and the legislative
30 services agency to operate the state's salary
31 model. The format and frequency of provision of the
32 salary data shall be determined by the department of
33 management and the legislative services agency. The
34 information shall be used in collective bargaining
35 processes under chapter 20 and in calculating the
36 funding needs contained within the annual salary
37 adjustment legislation. A state employee organization
38 as defined in section 20.3, subsection 4, may request
39 information produced by the model, but the information
40 provided shall not contain information attributable to
41 individual employees.

42 DIVISION VI
43 CORRECTIVE PROVISIONS

44 Sec. 50. Section 8.6, subsection 9A, as enacted by
45 2011 Iowa Acts, House File 45, section 39, is amended
46 to read as follows:

47 9A. Budget and tax rate databases. To develop
48 and make available to the public a searchable budget
49 database and internet site as required under chapter
50 8G, ~~division~~ subchapter I, and to develop and make

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1 available to the public a searchable tax rate database
2 and internet site as required under chapter 8G,
3 ~~division subchapter II.~~

4 Sec. 51. Section 8.57E, subsection 3, paragraph a,
5 as enacted by 2011 Iowa Acts, Senate File 209, section
6 30, is amended to read as follows:

7 a. Moneys in the ~~taxpayer's~~ taxpayers trust fund
8 may be used for cash flow purposes during a fiscal year
9 provided that any moneys so allocated are returned to
10 the fund by the end of that fiscal year.

11 Sec. 52. Section 8G.13, as enacted by 2011 Iowa
12 Acts, House File 45, section 50, is amended to read as
13 follows:

14 8G.13 Updating database.

15 To facilitate the department of management's efforts
16 in creating and maintaining a searchable database of
17 the taxes identified in section 8G.12, subsection 3 ~~1~~,
18 for all taxing jurisdictions in the state, each taxing
19 jurisdiction may annually be required to report its tax
20 rates to the department of management or the department
21 of revenue and shall report any changes to its tax
22 rates within thirty days of the change.

23 Sec. 53. Section 16.193, subsection 3, paragraph a,
24 Code 2011, as amended by 2011 Iowa Acts, Senate File
25 475, section 11, is amended to read as follows:

26 a. During the term of the Iowa jobs program and
27 Iowa jobs II program, the Iowa finance authority shall
28 collect data on all of the projects approved for the
29 ~~program~~ programs. The department of management and
30 the state agencies associated with the projects shall
31 assist the authority with the data collection and in
32 developing the report required by this subsection. The
33 authority shall report quarterly to the governor and
34 the general assembly concerning the data.

35 Sec. 54. Section 68A.401, subsection 4, Code 2011,
36 as amended by 2011 Iowa Acts, Senate File 475, section
37 17, is amended to read as follows:

38 4. Political committees expressly advocating the
39 nomination, election, or defeat of candidates for
40 both federal office and any elected office created
41 by law or the Constitution of the State of Iowa
42 shall file statements and reports with the board in
43 addition to any federal reports required to be filed
44 with the board. However, a political committee that
45 is registered and filing full disclosure reports of
46 all financial activities with the federal election
47 commission may file verified statements as provided in
48 section ~~68B.201A~~ 68A.201A.

49 Sec. 55. Section 139A.19, subsection 3, as enacted
50 by 2011 Iowa Acts, House File 467, section 20, is

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1 amended to read as follows:

2 3. This section does not preclude a hospital,
3 clinic, other health facility, or a health care
4 provider from providing notification to a care
5 provider under circumstances in which the hospital's,
6 clinic's, other health facility's, or health care
7 provider's policy provides for notification of the
8 hospital's, ~~clinics~~ clinic's, other health facility's
9 or health care provider's own employees of exposure
10 to a contagious or infectious disease that is not
11 life-threatening if the notice does not reveal a
12 patient's name, unless the patient consents.

13 Sec. 56. Section 175.3, subsection 1, paragraph a,
14 Code 2011, as amended by 2011 Iowa Acts, Senate File
15 429, section 1, is amended to read as follows:

16 a. The agricultural development authority is
17 established within the department of agriculture and
18 land stewardship. The ~~agency~~ authority is constituted
19 as a public instrumentality and agency of the state
20 exercising public and essential governmental functions.

21 Sec. 57. Section 207.22, subsection 3, paragraph b,
22 Code 2011, as amended by 2011 Iowa Acts, Senate File
23 475, section 47, is amended to read as follows:

24 b. Acquisition of coal refuse disposal sites and
25 all coal refuse thereon will serve the purposes of
26 ~~Tit. IV of~~ Pub. L. No. 95-87, Tit. IV, codified at 30
27 U.S.C. ch. 25, subch. IV, or that public ownership
28 is desirable to meet emergency situations and prevent
29 recurrences of the adverse effect of past coal mining
30 practices.

31 Sec. 58. Section 232.71D, subsection 3, paragraph
32 a, unnumbered paragraph 1, as enacted by 2011 Iowa
33 Acts, House File 562, section 3, is amended to read as
34 follows:

35 Unless any of the circumstances listed in paragraph
36 "b" are applicable, cases to which any of the following
37 circumstances apply shall not be placed ~~on~~ in the
38 central registry:

39 Sec. 59. Section 256.7, subsection 26, paragraph a,
40 subparagraph (1), as enacted by 2011 Iowa Acts, Senate
41 File 453, section 1, is amended to read as follows:

42 (1) The rules establishing high school graduation
43 requirements shall authorize a school district
44 or accredited nonpublic school to consider that
45 any student who satisfactorily completes a high
46 school-level unit of English or language arts,
47 mathematics, science, or social studies has
48 satisfactorily completed a unit of the high school
49 graduation requirements for that area as specified in
50 this lettered paragraph, and ~~to~~ shall authorize the

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1 school district or accredited nonpublic school to issue
2 high school credit for the unit to the student.

3 Sec. 60. Section 321.34, subsection 20C, paragraph
4 a, if enacted by 2011 Iowa Acts, House File 651,
5 section 2, is amended to read as follows:

6 a. The department, in consultation with the
7 adjutant general, shall design combat infantryman
8 badge, combat action badge, combat action ribbon, air
9 force combat action medal, and combat medical badge
10 distinguishing processed emblems. Upon receipt of two
11 hundred fifty orders for ~~special~~ combat infantryman
12 badge, combat action badge, combat action ribbon, air
13 force combat action medal, or combat medical badge
14 special registration plates, accompanied by a start-up
15 fee of twenty dollars per order, the department
16 shall begin issuing special registration plates with
17 the applicable distinguishing processed emblem as
18 provided in paragraphs “b” and “c”. The minimum
19 order requirement shall apply separately to each of
20 the special registration plates created under this
21 subsection.

22 Sec. 61. Section 321.34, subsection 25, paragraph
23 a, if enacted by 2011 Iowa Acts, House File 651,
24 section 2, is amended to read as follows:

25 a. The department, in consultation with
26 the adjutant general, shall design a civil war
27 sesquicentennial distinguishing processed emblem. Upon
28 receipt of two hundred fifty orders for ~~special~~ civil
29 war sesquicentennial special registration plates,
30 accompanied by a start-up fee of twenty dollars per
31 order, the department shall begin issuing special
32 registration plates with a civil war sesquicentennial
33 processed emblem as provided in paragraph “b”.

34 Sec. 62. Section 327B.5, Code 2011, is amended to
35 read as follows:

36 327B.5 Penalty.

37 Any person violating the provisions of this chapter
38 shall, upon conviction, be subject to a scheduled
39 fine as provided in section 805.8A, subsection 13,
40 ~~paragraphs paragraph “f” and “g”.~~

41 Sec. 63. Section 422.11O, subsection 5, paragraph
42 a, subparagraph (2), if enacted by 2011 Iowa Acts,
43 Senate File 531, section 17, is amended to read as
44 follows:

45 (2) The E-15 plus gasoline promotion tax credit
46 pursuant to section 422.11Y.

47 Sec. 64. Section 422.11Y, subsection 1, paragraph
48 d, if enacted by 2011 Iowa Acts, Senate File 531,
49 section 35, is amended to read as follows:

50 d. “Tax credit” means the E-15 plus gasoline

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1 promotion tax credit as provided in this section.

2 Sec. 65. Section 422.11Y, subsection 3, unnumbered
3 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
4 531, section 35, is amended to read as follows:

5 The taxes imposed under this division, less the
6 credits allowed under section 422.12, shall be reduced
7 by the amount of the E-15 plus gasoline promotion tax
8 credit for each tax year that the taxpayer is eligible
9 to claim a tax credit under this subsection.

10 Sec. 66. Section 422.11Y, subsection 6, paragraph
11 b, subparagraph (2), if enacted by 2011 Iowa Acts,
12 Senate File 531, section 35, is amended to read as
13 follows:

14 (2) The retail dealer may claim the ethanol
15 promotion tax credit as provided in paragraph “a” for
16 the same ethanol gallonage used to calculate and claim
17 the E-15 plus gasoline promotion tax credit.

18 Sec. 67. Section 423.4, subsection 9, unnumbered
19 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
20 531, section 59, is amended to read as follows:

21 A person who qualifies as a biodiesel producer as
22 provided in this subsection may apply to the director
23 for a refund of the amount of the sales or use tax
24 imposed and paid upon purchases made by the person.

25 Sec. 68. Section 483A.24A, Code 2011, as amended by
26 2011 Iowa Acts, Senate File 194, section 10, is amended
27 to read as follows:

28 483A.24A License refunds — military service.

29 Notwithstanding any provision of this chapter to
30 the contrary, a service member deployed for military
31 service, ~~both~~ as defined in section 29A.1, subsection
32 3, shall receive a refund of that portion of any
33 license fee paid by the service member representing the
34 service member’s period of military service.

35 Sec. 69. Section 501.101, subsection 01, as enacted
36 by 2011 Iowa Acts, House File 348, section 7, is
37 amended to read as follows:

38 01. “Alternative voting method” means a method of
39 voting other than a written ballot, including voting
40 by electronic, telephonic, internet, or other means
41 that reasonably ~~allow~~ allows members the opportunity
42 to vote.

43 Sec. 70. Section 501A.703, subsection 5, paragraph
44 d, Code 2011, as amended by 2011 Iowa Acts, House File
45 348, section 19, is amended to read as follows:

46 d. If the ballot of the member is received by
47 the cooperative on or before the date of the regular
48 members’ meeting or as otherwise prescribed for an
49 alternative, voting method, the ballot or alternative
50 voting method shall be accepted and counted as the vote

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1 of the absent member.

2 Sec. 71. Section 511.8, subsection 22, paragraph i,
3 unnumbered paragraph 1, as enacted by 2011 Iowa Acts,
4 Senate File 406, section 25, is amended to read as
5 follows:

6 Securities held in the legal reserve of a life
7 insurance company or association pledged as collateral
8 for financial instruments used in highly effective
9 hedging transactions as defined in the national
10 association of insurance commissioners' ~~Statement~~
11 ~~statement~~ of ~~Statutory Accounting Principles No.~~
12 statutory accounting principles no. 86 shall continue
13 to be eligible for inclusion ~~on~~ in the legal reserve of
14 the life insurance company or association subject to
15 all of the following:

16 Sec. 72. Section 514J.109, subsection 3, paragraph
17 f, if enacted by 2011 Iowa Acts, House File 597,
18 section 9, is amended to read as follows:

19 f. The covered person or the covered person's
20 authorized representative has provided all the
21 information and forms required by the commissioner that
22 are necessary to process an external review request
23 pursuant to this section.

24 Sec. 73. Section 521F.4, subsection 1, paragraph b,
25 as enacted by 2011 Iowa Acts, Senate File 406, section
26 44, is amended to read as follows:

27 b. The filing of a risk-based capital report by
28 a health organization which indicates that the health
29 organization has total adjusted capital which is
30 greater than or equal to its company-action-level
31 risk-based capital but less than the product of its
32 authorized-control-level risk-based capital and three
33 and triggers the trend test determined in accordance
34 with the trend test ~~calculations~~ calculation included
35 in the health risk-based capital instructions.

36 Sec. 74. Section 524.310, subsection 5, paragraph
37 b, Code 2011, as amended by 2011 Iowa Acts, Senate File
38 475, section 120, is amended to read as follows:

39 b. A corporate or company name reserved,
40 registered, or protected as provided in section
41 489.109, 490.402, 490.403, ~~490A.402~~, 504.402, or
42 504.403.

43 Sec. 75. Section 717.3, subsection 5, paragraph b,
44 Code 2011, as enacted by 2011 Iowa Acts, Senate File
45 478, section 6, is amended to read as follows:

46 b. That the department shall assume supervision of
47 and provide for the sustenance of the livestock ~~and~~ as
48 provided in section 717.4.

49 Sec. 76. Section 717.4, subsection 2, as enacted by
50 2011 Iowa Acts, Senate File 478, section 7, is amended

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1 to read as follows:

2 2. The court ordered lien shall be for the benefit
3 of the department. The amount of the lien shall not
4 be ~~not~~ more than for expenses incurred in providing
5 sustenance to the livestock pursuant to section 717.3
6 and providing for the disposition of the livestock
7 pursuant to section 717.5.

8 Sec. 77. Section 717.4A, as enacted by 2011 Iowa
9 Acts, Senate File 478, section 8, is amended to read
10 as follows:

11 717.4A Livestock in immediate need of sustenance —
12 livestock remediation fund.

13 The department may utilize the moneys deposited
14 into the livestock remediation fund pursuant to
15 section 459.501 to pay for any expenses associated
16 with providing sustenance to or the disposition of the
17 livestock pursuant to a court order entered pursuant to
18 section 717.3 or 717.5. The department shall utilize
19 moneys from the fund only to the extent that the
20 department determines that expenses cannot be timely
21 paid by utilizing the available provisions of sections
22 717.4 and 717.5. The department shall deposit any
23 unexpended and unobligated moneys in the fund. The
24 department shall pay to the fund the proceeds from the
25 disposition of the livestock and associated products
26 less expenses incurred by the department in providing
27 for the sustenance and disposition of the livestock, as
28 provided in section 717.5.

29 Sec. 78. Section 903A.5, subsection 1, as enacted
30 by 2011 Iowa Acts, House File 271, section 3, is
31 amended to read as follows:

32 1. An inmate shall not be discharged from the
33 custody of the director of the Iowa department of
34 corrections until the inmate has served the full term
35 for which the inmate was sentenced, less earned time
36 and other credits earned and not forfeited, unless
37 the inmate is pardoned or otherwise legally released.
38 Earned time accrued and not forfeited shall apply
39 to reduce a mandatory minimum sentence being served
40 pursuant to section 124.406, 124.413, 902.7, 902.8,
41 902.8A, or 902.11. An inmate shall be deemed to be
42 serving the sentence from the day on which the inmate
43 is received into the institution. If an inmate was
44 confined to a county jail or other correctional or
45 mental facility at any time prior to sentencing, or
46 after sentencing but prior to the case having been
47 decided on appeal, because of failure to furnish
48 bail or because of being charged with a nonbailable
49 offense, the inmate shall be given credit for the
50 days already served upon the term of the sentence.

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1 However, if a person commits any offense while confined
2 in a county jail or other correctional or mental
3 health facility, the person shall not be granted
4 jail credit for that offense. Unless the inmate was
5 confined in a correctional facility, the sheriff of
6 the county in which the inmate was confined shall
7 certify to the clerk of the district court from which
8 the inmate was sentenced and to the department of
9 corrections' records administrator at the Iowa medical
10 and classification center the number of days so served.
11 The department of corrections' records administrator,
12 or the administrator's designee, shall apply jail
13 credit as ordered by the court of proper jurisdiction
14 or as authorized by this section and section 907.3,
15 subsection 3.

16 Sec. 79. EFFECTIVE DATES.

17 1. The section of this division of this Act
18 amending section 422.11O, subsection 5, paragraph a,
19 subparagraph (2), if enacted by 2011 Iowa Acts, Senate
20 File 531, section 17, takes effect January 1, 2012.

21 2. Section 423.4, subsection 9, unnumbered
22 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
23 531, section 59, takes effect January 1, 2012.

24 Sec. 80. APPLICABILITY.

25 1. The section of this division of this Act
26 amending section 422.11O, subsection 5, paragraph a,
27 subparagraph (2), if enacted by 2011 Iowa Acts, Senate
28 File 531, section 17, applies to tax years beginning on
29 and after January 1, 2012.

30 2. The section of this division of this Act
31 amending section 422.11Y, subsection 1, paragraph d, if
32 enacted by 2011 Iowa Acts, Senate File 531, section 35,
33 applies to tax years beginning on and after January 1,
34 2012, and to that part of a retail dealer's tax year or
35 tax years occurring during that portion of the calendar
36 year beginning on and after July 1, 2011, and ending
37 on December 31, 2011.

38 3. The section of this division of this Act
39 amending section 422.11Y, subsection 3, unnumbered
40 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
41 531, section 35, applies to tax years beginning on and
42 after January 1, 2012, and to that part of a retail
43 dealer's tax year or tax years occurring during that
44 portion of the calendar year beginning on and after
45 July 1, 2011, and ending on December 31, 2011.

46 4. The section of this division of this Act
47 amending section 422.11Y, subsection 6, paragraph b,
48 subparagraph (2), if enacted by 2011 Iowa Acts, Senate
49 File 531, section 35, applies to tax years beginning on
50 and after January 1, 2012, and to that part of a retail

1 dealer's tax year or tax years occurring during that
2 portion of the calendar year beginning on and after
3 July 1, 2011, and ending on December 31, 2011.

4 DIVISION VII

5 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

6 Sec. 81. VISION SCREENING PROGRAM — DEPARTMENT

7 OF PUBLIC HEALTH. There is appropriated from the
8 general fund of the state to the department of public
9 health for the fiscal year beginning July 1, 2011, and
10 ending June 30, 2012, the following amount, or so much
11 thereof as is necessary, to be used for the purposes
12 designated:

13 For a grant to a national affiliated volunteer
14 eye organization that has an established program for
15 children and adults and that is solely dedicated to
16 preserving sight and preventing blindness through
17 education, nationally certified vision screening and
18 training, and community and patient service programs:
19 \$ 100,000

20 Sec. 82. APPROPRIATION — FARMERS WITH
21 DISABILITIES. There is appropriated from the general
22 fund of the state to the department of agriculture and
23 land stewardship for the fiscal year beginning July 1,
24 2011, and ending June 30, 2012, the following amount,
25 or so much thereof as is necessary, for a program for
26 farmers with disabilities:

27 \$ 97,000

28 The moneys appropriated in this section shall be
29 used for the public purpose of providing a grant to
30 a national nonprofit organization with over 80 years
31 of experience in assisting children and adults with
32 disabilities and special needs. The moneys shall
33 be used to support a nationally recognized program
34 that began in 1986 and has been replicated in at
35 least 30 other states, but which is not available
36 through any other entity in this state, and that
37 provides assistance to farmers with disabilities in
38 all 99 counties to allow the farmers to remain in
39 their own homes and be gainfully engaged in farming
40 through provision of agricultural worksite and home
41 modification consultations, peer support services,
42 services to families, information and referral, and
43 equipment loan services. Notwithstanding section
44 8.33, moneys appropriated in this section that remain
45 unencumbered or unobligated at the close of the fiscal
46 year shall not revert but shall remain available for
47 expenditure for the purposes designated until the close
48 of the succeeding fiscal year.

49 Sec. 83. APPROPRIATION — BATTLESHIP IOWA, BB-61.

50 1. There is appropriated from the general fund of

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1 the state to the department of cultural affairs for the
2 fiscal year beginning July 1, 2010, and ending June 30,
3 2011, the following amount, or so much thereof as is
4 necessary, to be credited to the BB-61 fund created in
5 2010 Iowa Acts, chapter 1194:

6 \$ 3,000,000

7 2. If the department of the navy, pursuant to a
8 process outlined in a notice published in the federal
9 register on May 24, 2010, volume 75, number 99, awards
10 possession or conditionally awards possession of the
11 battleship Iowa, BB-61, to a nonprofit group that is
12 eligible to receive the battleship, the department of
13 cultural affairs shall award a grant to the nonprofit
14 group in an amount equal to \$3 million in addition to
15 any moneys awarded as a grant from the BB-61 fund.

16 3. Notwithstanding section 8.33, moneys
17 appropriated in this section that remain unencumbered
18 or unobligated at the close of the fiscal year shall
19 not revert but shall remain available for expenditure
20 for the purposes designated for succeeding fiscal
21 years.

22 Sec. 84. GROUP HOME GRANT. There is appropriated
23 from the general fund of the state to the Iowa finance
24 authority for the fiscal year beginning July 1, 2010,
25 and ending June 30, 2011, the following amount, or
26 so much thereof as is necessary, to be used for the
27 purposes designated:

28 For a grant to a nonprofit organization providing
29 residential services for persons with an intellectual
30 disability at the intermediate care facility level
31 and services under the medical assistance program
32 habilitation and brain injury home and community-based
33 services waivers, that is located in and providing such
34 services in a county with a population between 90,000
35 and 95,000, according to the latest certified federal
36 census:

37 \$ 100,000

38 The grant under this section shall be used for
39 purchase or remodeling costs to develop a group home
40 for not more than four individuals with intellectual
41 disabilities or brain injury. Notwithstanding section
42 8.33, moneys appropriated in this section 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 close
46 of the succeeding fiscal year.

47 Sec. 85. INVESTIGATIONS DIVISION OF DEPARTMENT
48 OF INSPECTIONS AND APPEALS — CONTINGENT FTE
49 AUTHORIZATION. If Senate File 313 or successor
50 legislation providing for debt setoff or other

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1 recovery activities for nonpayment of premiums
2 pursuant to section 249A.3, subsection 2, paragraph
3 “a”, subparagraph (1), relating to a special income
4 eligibility group under the Medicaid program, or
5 pursuant to section 249J.8, subsection 1, relating
6 to the expansion population eligibility group under
7 the IowaCare program, is enacted by the Eighty-fourth
8 General Assembly, 2011 Session, in addition to
9 other full-time equivalent positions authorized for
10 the investigations division of the department of
11 inspections and appeals for the fiscal year beginning
12 July 1, 2011, not more than 2.00 FTEs are authorized,
13 to the extent funded through moneys available to the
14 department of human services, to be used to implement
15 such provisions of Senate File 313 or successor
16 legislation.

17 Sec. 86. SPECIAL EDUCATION INSTRUCTIONAL
18 PROGRAM. If a school district that is participating
19 on a contractual basis in a special education
20 instructional program operated by an area education
21 agency, in which the area education agency employed
22 teachers on behalf of the school district at the time
23 the department of management calculated the teacher
24 salary supplement cost per pupil under section 257.10,
25 subsection 9, the professional development supplement
26 cost per pupil under section 257.10, subsection 10,
27 the area education agency teacher salary supplement
28 cost per pupil under section 257.37A, subsection 1,
29 and the area education agency professional development
30 supplement cost per pupil under section 257.37A,
31 subsection 2, for the fiscal year beginning July 1,
32 2009, terminates the contract for participation in
33 the special education instructional program, the area
34 education agency operating the program shall notify the
35 department of management of the contract termination by
36 the following April 1. The department of management
37 shall recalculate the cost per pupil amounts for
38 the area education agency and the school district
39 for the fiscal year succeeding the notification date
40 for the teacher salary supplement cost per pupil
41 under section 257.10, subsection 9, the professional
42 development supplement cost per pupil under section
43 257.10, subsection 10, the area education agency
44 teacher salary supplement cost per pupil under section
45 257.37A, subsection 1, and the area education agency
46 professional development supplement cost per pupil
47 under section 257.37A, subsection 2, by estimating the
48 amount of the original allocations used in the cost
49 per pupil calculation that would have been allocated
50 to the school district rather than the area education

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1 agency had the special education instructional program
2 not existed, and the department of management shall
3 increase the annual supplement cost per pupil for
4 the school district and area education agency by the
5 appropriate allowable growth for the appropriate fiscal
6 years.

7 Sec. 87. TASK FORCE ON THE PREVENTION OF SEXUAL
8 ABUSE OF CHILDREN.

9 1. A task force on the prevention of sexual abuse
10 of children is established consisting of the following
11 members:

12 a. Four members of the general assembly serving as
13 ex officio, nonvoting members, with not more than one
14 member from each chamber being from the same political
15 party. The two senators shall be appointed, one
16 each, by the majority leader of the senate and by the
17 minority leader of the senate. The two representatives
18 shall be appointed, one each, by the speaker of the
19 house of representatives and by the minority leader of
20 the house of representatives.

21 b. The director of human services or the director's
22 designee.

23 c. The director of the department of education or
24 the director's designee.

25 d. The director of public health or the director's
26 designee.

27 e. The state court administrator or the state court
28 administrator's designee.

29 f. A representative of the Iowa county attorneys
30 association, appointed by the president of that
31 association.

32 g. A representative of the chief juvenile court
33 officers, appointed by the chief justice of the supreme
34 court.

35 h. A representative of the Iowa state education
36 association, appointed by the president of that
37 organization.

38 i. A representative of prevent child abuse Iowa,
39 appointed by the director of human services.

40 j. A representative of school administrators of
41 Iowa, appointed by the president of that organization.

42 k. A representative of the Iowa association of
43 school boards, appointed by the executive director of
44 that organization.

45 l. A representative of the Iowa psychological
46 association, appointed by the president of that
47 association.

48 m. A representative of the Iowa coalition against
49 sexual assault, appointed by the executive director of
50 that coalition.

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- 1 n. A representative of prevent child abuse
2 Iowa, appointed by the executive director of that
3 organization.
- 4 o. A child abuse expert employed by or under
5 contract with one of Iowa's nationally accredited child
6 protection centers, appointed by the director of the
7 regional child protection center located in Des Moines.
- 8 2. Members of the task force shall be individuals
9 who are actively involved in the fields of child abuse
10 prevention. To the extent possible, appointment of
11 members shall reflect the geographic diversity of the
12 state. The voting members of the task force shall
13 serve without compensation and shall not be reimbursed
14 for their expenses.
- 15 3. The director of prevent child abuse Iowa, or the
16 director's designee, shall convene the organizational
17 meeting of the task force. The task force shall
18 elect from among its members a chairperson. Meetings
19 shall be held at the call of the chairperson or at the
20 request of two or more task force members. Six members
21 shall constitute a quorum and the affirmative vote of
22 six members shall be necessary for any action taken by
23 the task force.
- 24 4. Prevent child abuse Iowa shall provide staff
25 support to the task force.
- 26 5. The task force shall consult with employees of
27 the department of human services, the Iowa coalition
28 against sexual assault, the department of public
29 safety, the state board of education, and any other
30 state agency or department as necessary to accomplish
31 the task force's responsibilities under this section.
- 32 6. The task force shall develop a model policy
33 addressing sexual abuse of children that may include
34 but is not limited to the following:
- 35 a. Age-appropriate curricula for students enrolled
36 in prekindergarten through grade five.
- 37 b. Training options for school personnel on child
38 sexual abuse.
- 39 c. Educational information for parents and
40 guardians that may be provided in a school handbook and
41 may include the warning signs of a child being abused,
42 along with any needed assistance, referral, or resource
43 information.
- 44 d. Counseling options and resources available
45 statewide for students affected by sexual abuse.
- 46 e. Emotional and educational support services
47 that may be available for a child subject to abuse to
48 continue to be successful in school.
- 49 f. Methods for increasing teacher, student, and
50 parent awareness of issues regarding sexual abuse of

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1 children, including but not limited to knowledge of
2 likely warning signs indicating that a child may be a
3 victim of sexual abuse.

4 g. Actions that a child who is a victim of
5 sexual abuse should take to obtain assistance and
6 intervention.

7 7. The task force shall make recommendations for
8 preventing the sexual abuse of children in Iowa. In
9 making those recommendations, the task force shall do
10 the following:

11 a. Gather information concerning child sexual abuse
12 throughout the state.

13 b. Receive reports and testimony from individuals,
14 state and local agencies, community-based
15 organizations, and other public and private
16 organizations.

17 c. Create goals for state policy that would prevent
18 child sexual abuse.

19 d. Submit a final report with its recommendations
20 to the governor and the general assembly on or before
21 January 16, 2012. The recommendations may include
22 proposals for specific statutory changes and methods
23 to foster cooperation among state agencies and between
24 the state, local school districts, and other local
25 governments.

26 Sec. 88. RAILROAD COMPANY — LIMITED LIABILITY. A
27 railroad company which alters facilities described in
28 section 327F.2 pursuant to a written agreement executed
29 on or before December 31, 2012, with a political
30 subdivision with a population of more than 67,800,
31 but less than 67,900, according to the 2010 certified
32 federal census, to construct a flood mitigation project
33 shall receive the limitation on liability contained
34 in section 670.4, subsection 8, for its facilities
35 described in section 327F.2 governed by the written
36 agreement for any damages caused by the alteration due
37 to a flood.

38 Sec. 89. STATE AGENCY OFFICE SUPPLIES PURCHASE,
39 EQUIPMENT PURCHASES, PRINTING AND BINDING, AND
40 MARKETING — APPLICABILITY. The limitation on
41 expenditures made for office supplies, purchases
42 of equipment, office equipment, and equipment
43 noninventory, printing and binding, and marketing
44 implemented pursuant to 2011 Iowa Acts, House File 45,
45 section 2, does not apply to a department or agency
46 receiving a supplemental appropriation for the fiscal
47 year beginning July 1, 2010, pursuant to 2011 Iowa
48 Acts, Senate File 209, division III.

49 Sec. 90. ELECTIONS-RELATED SOFTWARE.

50 Any computer software developed by a county for

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- 1 purposes of election activities is the property of
2 the county unless the county sells the rights to the
3 software.
- 4 Sec. 91. EFFECTIVE DATE — 2011 IOWA ACTS, SENATE
5 FILE 205.
- 6 1. 2011 Iowa Acts, Senate File 205, section 3,
7 amending section 321.47, subsection 2, being deemed of
8 immediate importance, takes effect on the effective
9 date of this section of this division of this Act.
- 10 2. 2011 Iowa Acts, Senate File 205, section 4,
11 enacting section 321.113, subsection 5, being deemed
12 of immediate importance, takes effect on the effective
13 date of this section of this division of this Act.
- 14 3. 2011 Iowa Acts, Senate File 205, section 5,
15 amending section 321.121, subsection 1, paragraph “b”,
16 being deemed of immediate importance, takes effect on
17 the effective date of this section of this division of
18 this Act.
- 19 4. 2011 Iowa Acts, Senate File 205, section 6,
20 enacting section 321.122, subsection 1, paragraph “b”,
21 subparagraph (3), being deemed of immediate importance,
22 takes effect on the effective date of this section of
23 this division of this Act.
- 24 Sec. 92. Section 80B.6, subsection 1, as amended by
25 2011 Iowa Acts, Senate File 236, section 1, is amended
26 to read as follows:
- 27 1. An Iowa law enforcement academy council is
28 created consisting of the following ~~thirteen~~ fifteen
29 voting members appointed by the governor, subject to
30 confirmation by the senate, to terms of four years
31 commencing as provided in section 69.19:
- 32 a. Three residents of the state.
- 33 b. A sheriff of a county with a population of fifty
34 thousand persons or more who is a member of the Iowa
35 state sheriffs and deputies association.
- 36 c. A sheriff of a county with a population of less
37 than fifty thousand persons who is a member of the Iowa
38 state sheriffs and deputies association.
- 39 d. A deputy sheriff of a county who is a member of
40 the Iowa state sheriffs and deputies association.
- 41 e. A member of the Iowa peace officers association.
- 42 f. A member of the Iowa state police association.
- 43 g. A member of the Iowa police chiefs association.
- 44 h. A police officer who is a member of a police
45 department of a city with a population of fifty
46 thousand persons or more.
- 47 i. A police officer who is a member of a police
48 department of a city with a population of less than
49 fifty thousand persons.
- 50 j. A member of the department of public safety.

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1 k. A member of the office of motor vehicle
2 enforcement of the department of transportation.
3 l. An employee of a county conservation board who
4 is a certified peace officer.

5 m. A conservation peace officer employed under
6 section 456A.13.

7 Sec. 93. Section 256C.5, subsection 1, paragraph c,
8 Code 2011, is amended to read as follows:

9 c. "Preschool budget enrollment" means the figure
10 that is equal to ~~sixty~~ fifty percent of the actual
11 enrollment of eligible students in the preschool
12 programming provided by a school district approved
13 to participate in the preschool program on October 1
14 of the base year, or the first Monday in October if
15 October 1 falls on a Saturday or Sunday.

16 Sec. 94. Section 279.51, subsection 2, Code 2011,
17 is amended to read as follows:

18 2. a. Funds allocated under subsection 1,
19 paragraph "b", shall be used by the child development
20 coordinating council for the following:

21 ~~a.~~ (1) To continue funding for programs previously
22 funded by grants awarded under section 256A.3 and to
23 provide additional grants under section 256A.3. The
24 council shall seek to provide grants on the basis of
25 the location within the state of children meeting
26 at-risk definitions.

27 ~~b.~~ (2) At the discretion of the child development
28 coordinating council, award grants for the following:

29 ~~(1)~~ (a) To school districts to establish programs
30 for three-year-old, four-year-old, and five-year-old
31 at-risk children which are a combination of preschool
32 and full-day kindergarten.

33 ~~(2)~~ (b) To provide grants to provide educational
34 support services to parents of at-risk children age
35 birth through three years.

36 b. A grantee under this subsection may direct the
37 use of moneys received to serve any qualifying child
38 ranging in age from three years old to five years old,
39 regardless of the age of population indicated on the
40 grant request in its initial year of application. A
41 grantee is encouraged to consider the degree to which
42 the program complements existing programs and services
43 for three-year-old, four-year-old, and five-year-old
44 at-risk children available in the area, including other
45 child care and preschool services, services provided
46 through a school district, and services available
47 through an area education agency.

48 Sec. 95. Section 303.19A, subsection 1, as enacted
49 by 2011 Iowa Acts, House File 267, section 2, is
50 amended to read as follows:

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1 1. The state historic preservation officer shall
2 only recommend that a rural electric cooperative or a
3 municipal utility constructing electric distribution
4 and transmission facilities for which it is receiving
5 federal funding conduct an archeological site survey
6 of its proposed route when, based upon a review of
7 existing information on historic properties within the
8 area of potential effects of the construction, the
9 state historic preservation officer has determined
10 that a historic property, as defined by the federal
11 National Historic Preservation Act of 1966, as amended,
12 is likely to exist within the proposed route.

13 Sec. 96. Section 321J.2, subsection 4, paragraph b,
14 Code 2011, is amended to read as follows:

15 b. Assessment of a minimum fine of one thousand
16 eight hundred ~~forty~~ seventy-five dollars and a maximum
17 fine of six thousand two hundred fifty dollars.
18 Surcharges and fees shall be assessed pursuant to
19 chapter 911.

20 Sec. 97. Section 422.11S, subsection 7, paragraph
21 a, subparagraph (2), Code 2011, is amended to read as
22 follows:

23 (2) "Total approved tax credits" means for the
24 tax year beginning in the 2006 calendar year, two
25 million five hundred thousand dollars, for the tax
26 year beginning in the 2007 calendar year, five million
27 dollars, and for tax years beginning on or after
28 January 1, 2008, seven million five hundred thousand
29 dollars. However, for tax years beginning on or
30 after January 1, 2012, and only if legislation is
31 enacted by the eighty-fourth general assembly, 2011
32 session, amending section 257.8, subsections 1 and 2,
33 to establish both the state percent of growth and the
34 categorical state percent of growth for the budget
35 year beginning July 1, 2012, at three percent, "total
36 approved tax credits" means ten million dollars.

37 Sec. 98. Section 453A.35, subsection 1, Code 2011,
38 is amended to read as follows:

39 1. a. The With the exception of revenues credited
40 to the health care trust fund pursuant to paragraph
41 "b", the proceeds derived from the sale of stamps and
42 the payment of taxes, fees, and penalties provided for
43 under this chapter, and the permit fees received from
44 all permits issued by the department, shall be credited
45 to the general fund of the state. ~~However, of~~
46 b. Of the revenues generated from the tax on
47 cigarettes pursuant to section 453A.6, subsection
48 1, and from the tax on tobacco products as specified
49 in section 453A.43, subsections 1, 2, 3, and 4, ~~and~~
50 ~~credited to the general fund of the state under this~~

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1 ~~subsection, there is appropriated, annually, to the~~
2 ~~health care trust fund created in section 453A.35A, the~~
3 first one hundred six million sixteen thousand four
4 hundred dollars shall be credited to the health care
5 trust fund created in section 453A.35A.

6 Sec. 99. Section 453A.35A, subsection 1, Code 2011,
7 is amended to read as follows:

8 1. A health care trust fund is created in the
9 office of the treasurer of state. The fund consists
10 of the revenues generated from the tax on cigarettes
11 pursuant to section 453A.6, subsection 1, and from
12 the tax on tobacco products as specified in section
13 453A.43, subsections 1, 2, 3, and 4, that are credited
14 to the ~~general fund of the state and appropriated to~~
15 ~~the~~ health care trust fund, annually, pursuant to
16 section 453A.35. Moneys in the fund shall be separate
17 from the general fund of the state and shall not be
18 considered part of the general fund of the state.
19 However, the fund shall be considered a special account
20 for the purposes of section 8.53 relating to generally
21 accepted accounting principles. Moneys in the fund
22 shall be used only as specified in this section and
23 shall be appropriated only for the uses specified.
24 Moneys in the fund are not subject to section 8.33
25 and shall not be transferred, used, obligated,
26 appropriated, or otherwise encumbered, except as
27 provided in this section. Notwithstanding section
28 12C.7, subsection 2, interest or earnings on moneys
29 deposited in the fund shall be credited to the fund.

30 Sec. 100. Section 466B.31, subsection 2, paragraph
31 a, Code 2011, is amended by adding the following new
32 subparagraphs:

33 NEW SUBPARAGRAPH. (17) One member selected by the
34 agribusiness association of Iowa.

35 NEW SUBPARAGRAPH. (18) One member selected by the
36 Iowa floodplain and stormwater management association.

37 NEW SUBPARAGRAPH. (19) One member selected by Iowa
38 rivers revival.

39 Sec. 101. Section 523I.102, subsection 6, paragraph
40 c, Code 2011, is amended to read as follows:

41 c. A pioneer cemetery. However, a pioneer
42 cemetery is a cemetery for purposes of sections
43 523I.316, 523I.317, 523I.401, and 523I.402.

44 Sec. 102. Section 537A.5, subsection 1, as enacted
45 by 2011 Iowa Acts, Senate File 396, section 1, is
46 amended to read as follows:

47 1. As used in this section, "construction contract"
48 means an agreement relating to the construction,
49 alteration, improvement, development, demolition,
50 excavation, rehabilitation, maintenance, or repair

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1 of buildings, ~~highways, roads, streets, bridges,~~
 2 ~~tunnels, transportation facilities, airports,~~ water or
 3 sewage treatment plants, power plants, or any other
 4 improvements to real property in this state, including
 5 shafts, wells, and structures, whether on ground, above
 6 ground, or underground, and includes agreements for
 7 architectural services, design services, engineering
 8 services, construction services, construction
 9 management services, development services, maintenance
 10 services, material purchases, equipment rental, and
 11 labor. "Construction contract" includes all public,
 12 private, foreign, or domestic agreements as described
 13 in this subsection other than such public agreements
 14 relating to highways, roads, and streets.

15 Sec. 103. Section 654.4B, subsection 2, paragraph
 16 b, Code 2011, is amended to read as follows:

17 b. This subsection is repealed July 1, ~~2011~~ 2012.

18 Sec. 104. APPLICABILITY. The section of this
 19 division of this Act amending section 256C.5,
 20 subsection 1, takes effect upon enactment, and applies
 21 to budget years beginning on or after July 1, 2011.

22 Sec. 105. EFFECTIVE UPON ENACTMENT. The following
 23 provision or provisions of this division of this Act,
 24 being deemed of immediate importance, take effect upon
 25 enactment:

26 1. The section of this division of this Act
 27 amending section 303.19A.

28 2. The section of this division of this Act
 29 amending section 654.4B.

30 3. The section of this division of this Act
 31 appropriating moneys to the department of cultural
 32 affairs for purposes of a grant for the battleship
 33 Iowa, BB-61.

34 4. The section of this division of this Act
 35 creating a task force on the prevention of sexual abuse
 36 of children.

37 5. The section of this division of this Act
 38 providing effective dates for certain provisions in
 39 2011 Iowa Acts, Senate File 205.

40 6. The section in this division of this Act making
 41 an appropriation to the Iowa finance authority for a
 42 group home grant.

43 7. The section of this division of this Act
 44 relating to a school district participating on a
 45 contractual basis in a special education instructional
 46 program operated by an area education agency.

47 Sec. 106. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
 48 APPLICABILITY. The provision of this division of this
 49 Act relating to a limitation on state agency office
 50 supplies purchase, equipment purchases, printing and

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1 binding, and marketing as enacted by 2011 Iowa Acts,
 2 House File 45, being deemed of immediate importance,
 3 takes effect upon enactment and applies retroactively
 4 to March 7, 2011.

5 DIVISION VIII
 6 APPROPRIATION TRANSFERS
 7 REBUILD IOWA INFRASTRUCTURE FUND

8 Sec. 107. 2010 Iowa Acts, chapter 1184, section 26,
 9 is amended to read as follows:

10 SEC. 26. There is appropriated from the rebuild
 11 Iowa infrastructure fund to the department of economic
 12 development for deposit in the grow Iowa values fund,
 13 for the fiscal year beginning July 1, 2010, and ending
 14 June 30, 2011, the following amount, notwithstanding
 15 section 8.57, subsection 6, paragraph "c":

16 \$ 38,000,000

17 Of the moneys appropriated in this section, from
 18 the amount allocated to the department of economic
 19 development in accordance with 2010 Iowa Acts, chapter
 20 1184, section 28, subsection 1, \$1,200,000 shall
 21 be used for the department's Iowans helping Iowans
 22 business assistance program. Notwithstanding section
 23 8.33, moneys designated pursuant to this unnumbered
 24 paragraph that remain unencumbered or unobligated at
 25 the close of the fiscal year shall not revert but shall
 26 remain available for expenditure for the purposes
 27 designated until the close of the succeeding fiscal
 28 year.

29 CASH RESERVE FUND

30 Sec. 108. 2010 Iowa Acts, chapter 1193, section 90,
 31 subsection 1, is amended to read as follows:

32 1. DEPARTMENT OF HUMAN SERVICES

33 For the medical assistance program:

34 \$ 187,800,000

35 a. Of the moneys appropriated in this subsection,
 36 the following amounts shall be transferred as follows:

37 (1) To the Iowa finance authority to be used for
 38 the Iowans helping Iowans housing assistance program:
 39 \$6,050,000

40 (2) To the department of human services to be
 41 used for the unmet needs program administered by the
 42 department:

43 \$ 3,056,603

44 b. Notwithstanding section 8.33, moneys transferred
 45 pursuant to paragraph "a" that remain unencumbered
 46 or unobligated at the close of the fiscal year shall
 47 not revert but shall remain available for expenditure
 48 for the purposes designated until the close of the
 49 succeeding fiscal year.

50 Sec. 109. EFFECTIVE DATE — APPLICABILITY.

1 1. This division of this Act being deemed of
 2 immediate importance takes effect upon enactment, and
 3 if approved by the governor on or after July 1, 2011,
 4 are retroactively applicable to the date specified in
 5 subsection 2.

6 2. The provisions of this division of this Act
 7 providing for transfers are retroactively applicable
 8 to August 27, 2010, and apply in lieu of the transfers
 9 made for the same purposes by the executive branch,
 10 as reported by the department of management in the
 11 transfer notice to the governor and lieutenant governor
 12 dated August 27, 2010.

13 DIVISION IX

14 REORGANIZATION

15 Sec. 110. NEW SECTION. 8.75 Contract services —
 16 training.

17 1. Each department, as defined in section
 18 8.2, shall separately track the budget and actual
 19 expenditures for contract services and for employee
 20 training for each appropriation line item.

21 2. The terms of the contracts for contracted
 22 services entered into or revised during the fiscal year
 23 shall incorporate quality assurance and cost control
 24 measures.

25 3. The employee training tracking information
 26 shall be further divided into training categories.
 27 Each department’s report on training tracking shall
 28 specifically address the use of electronically based
 29 training.

30 4. Each department shall report to the legislative
 31 services agency on January 15 and July 15 of each year
 32 concerning the budget, expenditure, quality assurance,
 33 and cost control information addressed by this section
 34 for the previous six calendar months.

35 Sec. 111. NEW SECTION. 8A.319 State government
 36 purchasing efforts — department of administrative
 37 services.

38 In order to facilitate efficient and cost-effective
 39 purchasing, the department of administrative services
 40 shall do the following:

41 1. Require state agencies to provide the department
 42 with a report regarding planned purchases on an annual
 43 basis and to report on an annual basis regarding
 44 efforts to standardize products and services within
 45 their own agencies and with other state agencies.

46 2. Require state employees who conduct bids for
 47 services to receive training on an annual basis about
 48 procurement rules and procedures and procurement best
 49 practices.

50 3. Identify procurement compliance employees within

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1 the department.

2 4. Review the process and basis for establishing
3 departmental fees for purchasing.

4 5. Establish a work group to collaborate on best
5 practices to implement the best cost savings for the
6 state concerning purchasing.

7 6. Explore interstate and intergovernmental
8 purchasing opportunities and encourage the legislative
9 and judicial branches to participate in consolidated
10 purchasing and efficiencies wherever possible.

11 7. Expand the use of procurement cards throughout
12 state government to facilitate purchasing of items by
13 state agencies.

14 Sec. 112. DEPARTMENT OF ADMINISTRATIVE SERVICES
15 INFORMATION TECHNOLOGY — UTILIZATION BY LEGISLATIVE
16 AND JUDICIAL BRANCH. The department of administrative
17 services shall consult with and explore opportunities
18 with the legislative and judicial branches of
19 government relative to the providing of information
20 technology services to those branches of government.

21 Sec. 113. STATE AGENCY ELECTRONIC RENEWAL
22 NOTICES. State agencies, as defined in section 8A.101,
23 should, to the greatest extent possible, utilize
24 electronic mail or similar electronic means to notify
25 holders of licenses or permits issued by that state
26 agency that the license or permit needs to be renewed.
27 The chief information officer of the state shall assist
28 state agencies in implementing the directive in this
29 section.

30 Sec. 114. STATE AGENCY EFFICIENCY EFFORTS.

31 1. LEAN EFFORTS. State agencies shall budget for
32 and plan to conduct lean projects as described in
33 section 8.70. Each state agency shall coordinate its
34 activities with the office of lean enterprise created
35 in section 8.70 in developing plans to conduct lean
36 projects.

37 2. SHARED RESOURCES. State agencies are encouraged
38 to share resources and services, including staff,
39 training, and educational services, to the greatest
40 extent possible in order to best fulfill the duties of
41 each agency at the least cost.

42 Sec. 115. JOINT APPROPRIATIONS SUBCOMMITTEES —
43 REVIEW OF AGENCY FEES. Each joint appropriations
44 subcommittee of the general assembly shall examine and
45 review on an annual basis the fees charged by state
46 agencies under the purview of that joint appropriations
47 subcommittee.

48 Sec. 116. DEPARTMENT OF ADMINISTRATIVE SERVICES —
49 STREAMLINED HIRING. The department of administrative
50 services shall, in consultation with the department of

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1 management, examine the process by which state agencies
2 hire personnel with the goal of simplifying and
3 reducing the steps needed for state agencies to hire
4 personnel. The department shall provide information
5 to the general assembly concerning steps taken to
6 implement a more streamlined hiring process and any
7 recommendations for legislative action.

8 Sec. 117. TOBACCO RETAIL COMPLIANCE CHECKS. For
9 the fiscal year beginning July 1, 2011, and ending June
10 30, 2012, the terms of a chapter 28D agreement, entered
11 into between the division of tobacco use prevention
12 and control of the department of public health and
13 the alcoholic beverages division of the department of
14 commerce, governing compliance checks conducted to
15 ensure licensed retail tobacco outlet conformity with
16 tobacco laws, regulations, and ordinances relating to
17 persons under eighteen years of age, shall restrict the
18 number of such checks to one check per retail outlet,
19 and one additional check for any retail outlet found to
20 be in violation during the first check.

21 Sec. 118. DEPARTMENT OF ADMINISTRATIVE SERVICES
22 — CENTRALIZED PAYROLL SYSTEM. The department of
23 administrative services shall examine the possibility
24 of merging all state payroll systems into the
25 centralized payroll system operated by the department.
26 The department shall consult with those entities
27 of state government not utilizing the centralized
28 payroll system, including but not limited to the state
29 department of transportation, about strategies for
30 encouraging utilization of the state's centralized
31 payroll system and by identifying those barriers
32 preventing merging of the payroll systems. The
33 department shall provide information to the joint
34 appropriations subcommittee on administration and
35 regulation concerning efforts by the department to
36 merge payroll systems and any recommendations for
37 legislative action to encourage, or eliminate barriers
38 to, the provision of payroll services by the department
39 to other state agencies.

40 DIVISION X

41 MEDICATION THERAPY MANAGEMENT

42 Sec. 119. 2010 Iowa Acts, chapter 1193, section
43 166, subsections 2 and 3, are amended to read as
44 follows:

45 2. a. Prior to July 1, 2010, the department of
46 administrative services shall utilize a request for
47 proposals process to contract for the provision of
48 medication therapy management services beginning
49 July 1, 2010, and prior to July 1, 2011, shall amend
50 the contract to continue the provision of medication

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1 therapy management services beginning July 1, 2011,
2 for eligible employees who meet any of the following
3 criteria:
4 (1) An individual who takes four or more
5 prescription drugs to treat or prevent two or more
6 chronic medical conditions.
7 (2) An individual with a prescription drug therapy
8 problem who is identified by the prescribing physician
9 or other appropriate prescriber, and referred to a
10 pharmacist for medication therapy management services.
11 (3) An individual who meets other criteria
12 established by the third-party payment provider
13 contract, policy, or plan.
14 ~~b. The department of administrative services shall~~
15 ~~utilize an advisory committee comprised of an equal~~
16 ~~number of physicians and pharmacists to provide advice~~
17 ~~and oversight regarding the request for proposals and~~
18 ~~evaluation processes. The department shall appoint the~~
19 ~~members of the advisory council based upon designees~~
20 ~~of the Iowa pharmacy association, the Iowa medical~~
21 ~~society, and the Iowa osteopathic medical association.~~
22 e. b. The contract shall require the company
23 to provide annual reports to the general assembly
24 detailing the costs, savings, estimated cost avoidance
25 and return on investment, and patient outcomes
26 related to the medication therapy management services
27 provided. The company shall guarantee demonstrated
28 annual savings, including any savings associated with
29 cost avoidance at least equal to the program's costs
30 with any shortfall amount refunded to the state. As
31 a proof of concept in the program for the period
32 beginning July 1, 2010, and ending June 30, 2011, the
33 company shall offer a dollar-for-dollar guarantee for
34 drug product costs savings alone. Prior to entering
35 into a contract with a company, the department and
36 the company shall agree on the terms, conditions,
37 and applicable measurement standards associated
38 with the demonstration of savings. The department
39 shall verify the demonstrated savings reported by
40 the company was performed in accordance with the
41 agreed upon measurement standards. The company shall
42 be prohibited from using the company's employees to
43 provide the medication therapy management services and
44 shall instead be required to contract with licensed
45 pharmacies, pharmacists, or physicians.
46 d. The fees for pharmacist-delivered medication
47 therapy management services shall be separate from
48 the reimbursement for prescription drug product or
49 dispensing services; shall be determined by each
50 third-party payment provider contract, policy, or plan;

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1 and must be reasonable based on the resources and time
2 required to provide the service.

3 e. A fee shall be established for physician
4 reimbursement for services delivered for medication
5 therapy management as determined by each third-party
6 payment provider contract, policy, or plan, and must be
7 reasonable based on the resources and time required to
8 provide the service.

9 f. If any part of the medication therapy management
10 plan developed by a pharmacist incorporates services
11 which are outside the pharmacist's independent scope
12 of practice including the initiation of therapy,
13 modification of dosages, therapeutic interchange, or
14 changes in drug therapy, the express authorization
15 of the individual's physician or other appropriate
16 prescriber is required.

17 g. For the contract period beginning July 1, 2011,
18 the department shall utilize the services of the
19 college of pharmacy at a state university to validate
20 reported drug cost savings.

21 h. The results of the pilot program for the period
22 beginning July 1, 2010, and ending December 31, 2011,
23 shall be submitted to the general assembly no later
24 than March 1, 2012.

25 3. This section is repealed December 31, ~~2011~~ 2012.

26 Sec. 120. TRANSFER — MEDICATION THERAPY MANAGEMENT
27 PROGRAM. There is transferred \$510,000 from the
28 fees collected by the board of pharmacy pursuant to
29 chapter 155A and retained by the board pursuant to the
30 authority granted in section 147.82 to the department
31 of administrative services for the fiscal year
32 beginning July 1, 2011, and ending June 30, 2012, to be
33 used to be used for the medication therapy management
34 program.

35 Sec. 121. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
36 APPLICABILITY. This division of this Act, being deemed
37 of immediate importance, takes effect upon enactment,
38 and is retroactively applicable to June 15, 2011.

39 DIVISION XI
40 EARNED INCOME TAX CREDIT

41 Sec. 122. Section 422.12B, subsection 1, Code 2011,
42 is amended to read as follows:

43 1. The taxes imposed under this division less the
44 credits allowed under section 422.12 shall be reduced
45 by an earned income credit equal to ~~seven~~ ten percent
46 of the federal earned income credit provided in section
47 32 of the Internal Revenue Code. Any credit in excess
48 of the tax liability is refundable.

49 Sec. 123. RETROACTIVE APPLICABILITY. This division
50 of this Act applies retroactively to January 1, 2011,

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1 for tax years beginning on or after that date.

2 DIVISION XII

3 REGULAR PROGRAM AND CATEGORICAL STATE PERCENT
4 OF GROWTH FOR EDUCATION — FY 2012–2013

5 Sec. 124. Section 257.8, subsection 1, Code 2011,
6 is amended to read as follows:

7 1. State percent of growth. ~~The state percent of~~
8 ~~growth for the budget year beginning July 1, 2009, is~~
9 ~~four percent.~~ The state percent of growth for the
10 budget year beginning July 1, 2010, is two percent.

11 The state percent of growth for the budget year
12 beginning July 1, 2012, is three percent. The state
13 percent of growth for each subsequent budget year shall
14 be established by statute which shall be enacted within
15 thirty days of the submission in the year preceding the
16 base year of the governor's budget under section 8.21.
17 The establishment of the state percent of growth for
18 a budget year shall be the only subject matter of the
19 bill which enacts the state percent of growth for a
20 budget year.

21 Sec. 125. Section 257.8, subsection 2, Code 2011,
22 is amended to read as follows:

23 2. Categorical state percent of growth. The
24 categorical state percent of growth for the budget
25 year beginning July 1, 2010, is two percent. The
26 categorical state percent of growth for the budget
27 year beginning July 1, 2012, is three percent. The
28 categorical state percent of growth for each budget
29 year shall be established by statute which shall
30 be enacted within thirty days of the submission in
31 the year preceding the base year of the governor's
32 budget under section 8.21. The establishment of the
33 categorical state percent of growth for a budget year
34 shall be the only subject matter of the bill which
35 enacts the categorical state percent of growth for a
36 budget year. The categorical state percent of growth
37 may include state percents of growth for the teacher
38 salary supplement, the professional development
39 supplement, and the early intervention supplement.

40 Sec. 126. CODE SECTION 257.8 — APPLICABILITY. The
41 requirements of section 257.8 regarding the time period
42 of enactment and the subject matter of the legislation
43 establishing the state percent of growth and the
44 categorical state percent of growth for a budget year
45 are not applicable to the division. The requirements
46 of section 257.8 regarding enactment of the regular
47 program state percent of growth and categorical state
48 percent of growth within thirty days of the submission
49 in the year preceding the base year of the governor's
50 budget and the requirements that the subject matter

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1 of each bill establishing the state percent of growth
2 or the categorical state percent of growth be the
3 only subject matter of the bill do not apply to this
4 division of this Act.

5 Sec. 127. APPLICABILITY. This division of this Act
6 is applicable for computing state aid under the state
7 school foundation program for the school budget year
8 beginning July 1, 2012.

9 DIVISION XIII

10 WITHHOLDING AGREEMENTS

11 Sec. 128. Section 403.19A, subsection 1, paragraphs
12 c and f, Code 2011, are amended to read as follows:

13 c. "Employer" means a business creating or
14 retaining targeted jobs in an urban renewal area of a
15 pilot project city pursuant to a withholding agreement.

16 f. "Targeted job" means a job in a business which
17 is or will be located in an urban renewal area of a
18 pilot project city that pays a wage at least equal to
19 the countywide average wage. "Targeted job" includes
20 new or retained jobs from Iowa business expansions
21 or retentions within the city limits of the pilot
22 project city and those jobs resulting from established
23 out-of-state businesses, as defined by the department
24 of economic development, moving to or expanding in
25 Iowa.

26 Sec. 129. Section 403.19A, subsection 3, paragraph
27 c, subparagraph (1), Code 2011, is amended to read as
28 follows:

29 (1) The pilot project city shall enter into a
30 withholding agreement with each employer concerning
31 the targeted jobs withholding credit. The withholding
32 agreement shall provide for the total amount of
33 withholding tax credits awarded. An agreement shall
34 not provide for an amount of withholding credits that
35 exceeds the amount of the qualifying investment made in
36 the project. An agreement shall not be entered into by
37 a pilot project city with a business currently located
38 in this state unless the business either creates or
39 retains ten new jobs or makes a qualifying investment
40 of at least five hundred thousand dollars within
41 the urban renewal area. The withholding agreement
42 may have a term of up to ten years. An employer
43 shall not be obligated to enter into a withholding
44 agreement. An agreement shall not be entered into with
45 an employer not already located in a pilot project
46 city when another Iowa community is competing for the
47 same project and both the pilot project city and the
48 other Iowa community are seeking assistance from the
49 department.

50 Sec. 130. Section 403.19A, subsection 3, paragraph

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1 f, Code 2011, is amended to read as follows:

2 f. If the employer ceases to meet the requirements
3 of the withholding agreement, the agreement shall be
4 terminated and any withholding tax credits for the
5 benefit of the employer shall cease. However, in
6 regard to the number of ~~new~~ jobs that are to be created
7 or retained, if the employer has met the number of
8 ~~new~~ jobs to be created or retained pursuant to the
9 withholding agreement and subsequently the number of
10 ~~new~~ jobs falls below the required level, the employer
11 shall not be considered as not meeting the ~~new~~ job
12 requirement until eighteen months after the date of the
13 decrease in the number of ~~new~~ jobs created or retained.

14 Sec. 131. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
15 APPLICABILITY. This division of this Act, being
16 deemed of immediate importance, takes effect upon
17 enactment and applies retroactively to July 1, 2006,
18 for agreements entered into on or after that date.

19 DIVISION XIV

20 SCHOOL EMPLOYEE MISCONDUCT

21 Sec. 132. Section 272.2, subsection 1, paragraph
22 b, Code 2011, is amended by striking the paragraph and
23 inserting in lieu thereof the following:

24 b. Provide annually to any person who holds a
25 license, certificate, authorization, or statement of
26 recognition issued by the board, training relating
27 to the knowledge and understanding of the board's
28 code of professional conduct and ethics. The board
29 shall develop a curriculum that addresses the code of
30 professional conduct and ethics and shall annually
31 provide regional training opportunities throughout the
32 state.

33 Sec. 133. Section 272.15, subsection 1, Code 2011,
34 is amended to read as follows:

35 1. a. The board of directors of a school district
36 or area education agency, the superintendent of a
37 school district or the chief administrator of an
38 area education agency, and the authorities in charge
39 of a nonpublic school shall report to the board the
40 nonrenewal or termination, for reasons of alleged or
41 actual misconduct, of a person's contract executed
42 under sections 279.12, 279.13, 279.15 through 279.21,
43 279.23, and 279.24, and the resignation of a person
44 who holds a license, certificate, or authorization
45 issued by the board as a result of or following an
46 incident or allegation of misconduct that, if proven,
47 would constitute a violation of the rules adopted by
48 the board to implement section 272.2, subsection 14,
49 paragraph "b", subparagraph (1), when the board or
50 reporting official has a good faith belief that the

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1 incident occurred or the allegation is true. The
2 board may deny a license or revoke the license of an
3 administrator if the board finds by a preponderance
4 of the evidence that the administrator failed to
5 report the termination or resignation of a school
6 employee holding a license, certificate, statement of
7 professional recognition, or coaching authorization,
8 for reasons of alleged or actual misconduct, as defined
9 by this section.

10 b. Information reported to the board in accordance
11 with this section is privileged and confidential, and
12 except as provided in section 272.13, is not subject to
13 discovery, subpoena, or other means of legal compulsion
14 for its release to a person other than the respondent
15 and the board and its employees and agents involved in
16 licensee discipline, and is not admissible in evidence
17 in a judicial or administrative proceeding other
18 than the proceeding involving licensee discipline.
19 The board shall review the information reported to
20 determine whether a complaint should be initiated. In
21 making that determination, the board shall consider the
22 factors enumerated in section 272.2, subsection 14,
23 paragraph "a".

24 c. For purposes of this section, unless the context
25 otherwise requires, "misconduct" means an action
26 disqualifying an applicant for a license or causing
27 the license of a person to be revoked or suspended
28 in accordance with the rules adopted by the board to
29 implement section 272.2, subsection 14, paragraph "b",
30 subparagraph (1).

31 Sec. 134. Section 280.17, Code 2011, is amended to
32 read as follows:

33 280.17 Procedures for handling child abuse reports.

34 1. The board of directors of a ~~public~~ school
35 district and the authorities in ~~control~~ charge of
36 a nonpublic school shall prescribe procedures, in
37 accordance with the guidelines contained in the model
38 policy developed by the department of education in
39 consultation with the department of human services,
40 and adopted by the department of education pursuant
41 to chapter 17A, for the handling of reports of child
42 abuse, as defined in section 232.68, subsection 2,
43 paragraph "a", "c", or "e", alleged to have been
44 committed by an employee or agent of the public or
45 nonpublic school.

46 2. a. The board of directors of a school district
47 and the authorities in charge of an accredited
48 nonpublic school shall place on administrative leave a
49 school employee who is the subject of an investigation
50 of an alleged incident of abuse of a student conducted

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1 in accordance with 281 IAC 102.

2 b. If the results of an investigation of abuse of
3 a student by a school employee who holds a license,
4 certificate, authorization, or statement of recognition
5 issued by the board of educational examiners finds
6 that the school employee's conduct constitutes a crime
7 under any other statute, the board or the authorities,
8 as appropriate, shall report the results of the
9 investigation to the board of educational examiners.

10 Sec. 135. Section 280.27, Code 2011, is amended to
11 read as follows:

12 280.27 Reporting violence — immunity.

13 An employee of a school district, an accredited
14 nonpublic school, or an area education agency who
15 participates in good faith and acts reasonably in
16 the making of a report to, or investigation by, an
17 appropriate person or agency regarding violence,
18 threats of violence, physical or sexual abuse of a
19 student, or other inappropriate activity against a
20 school employee or student in a school building, on
21 school grounds, or at a school-sponsored function shall
22 be immune from civil or criminal liability relating
23 to such action, as well as for participating in any
24 administrative or judicial proceeding resulting from or
25 relating to the report or investigation.

26 DIVISION XV

27 STATE FAIR AUTHORITY

28 Sec. 136. Section 173.1, subsection 4, Code 2011,
29 is amended to read as follows:

30 4. A treasurer to be elected by the board ~~who shall~~
31 ~~serve as a nonvoting member from the elected directors.~~

32 Sec. 137. REPEAL. Section 173.12, Code 2011, is
33 repealed.

34 DIVISION XVI

35 CONTROLLED SUBSTANCES

36 Sec. 138. CONTROLLED SUBSTANCE COLLECTION AND
37 DISPOSAL PROGRAM. A person in possession of or a
38 retailer selling a controlled substance designated
39 in section 124.204, subsection 4, paragraph "ai",
40 subparagraphs (1) through (4), if enacted, shall
41 be required to transfer such controlled substance
42 to the department of public safety for destruction.
43 The department of public safety shall establish a
44 controlled substance collection and disposal program
45 for a controlled substance designated in section
46 124.204, subsection 4, paragraph "ai", subparagraphs
47 (1) through (4). The department of public safety
48 may partner with a third party, including a local
49 enforcement agency, to implement and administer the
50 program. The program shall be dissolved thirty days

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1 after the enactment date of section 124.204, subsection
2 4, paragraph “ai”, subparagraphs (1) through (4).

3 Sec. 139. APPLICABILITY — CRIMINAL
4 PENALTIES. Criminal penalties do not apply to
5 violations associated with the substances designated
6 controlled substances in section 124.204, subsection
7 4, paragraph “ai”, subparagraphs (1) through (4), if
8 enacted, until thirty days after the enactment date
9 of section 124.204, subsection 4, paragraph “ai”,
10 subparagraphs (1) through (4).

11 Sec. 140. 2011 Iowa Acts, Senate File 510, section
12 28, if enacted, is amended to read as follows:

13 SEC. 28. EFFECTIVE DATE. The following provision
14 of this division of this Act takes effect thirty days
15 after enactment, ~~notwithstanding section 3.7 of this~~
16 Act or thirty days after the enactment of 2011 Iowa
17 Acts, Senate File 538, if enacted, whichever is later:

18 The section of this division of this Act ~~amending~~
19 enacting section 124.204, subsection 4, paragraph “ai”,
20 subparagraphs (1) through (4).

21 Sec. 141. 2011 Iowa Acts, Senate File 510, section
22 29, if enacted, is amended to read as follows:

23 SEC. 29. EFFECTIVE UPON ENACTMENT. The following
24 provision of this division of this Act, being deemed
25 of immediate importance, ~~and notwithstanding section~~
26 3.7 takes effect upon enactment of this Act or upon
27 enactment of 2011 Iowa Acts, Senate File 538, if
28 enacted, whichever is later:

29 The section of this Act ~~amending~~ enacting section
30 124.204, subsection 4, paragraph “ai”, subparagraph
31 (5).

32 Sec. 142. EFFECTIVE UPON ENACTMENT. This division
33 of this Act, being deemed of immediate importance,
34 takes effect upon enactment of this Act or upon the
35 enactment of 2011 Iowa Acts, Senate File 510, if
36 enacted, whichever is later.

DIVISION XVII RADIO

37 Sec. 143. 2011 Iowa Acts, Senate File 509, section
38 22, subsections 2 and 3, if enacted, are amended to
39 read as follows:

40 2. ~~Of the amount appropriated in subsection 1,~~
41 ~~the department of natural resources may enter into~~
42 ~~a public private partnership, through a competitive~~
43 ~~bidding process, for the provision of the statewide~~
44 ~~network and the purchase of compatible equipment. The~~
45 mobile radios purchased by the department pursuant
46 to subsection 1 shall be compatible with a statewide
47 public safety radio network created pursuant to
48 legislation enacted by the 2011 session of the general
49
50

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1 assembly. The department shall purchase the mobile
2 radios after conducting a competitive bidding process.
3 3. On or before January 13, 2012, the department of
4 natural resources in cooperation with the department of
5 public safety shall provide a report to the legislative
6 services agency and the department of management.
7 The report shall detail the status of the moneys
8 appropriated in subsection 1 and shall include the
9 estimated needs of the department of natural resources
10 to achieve interoperability and to meet the federal
11 narrowbanding mandate, and any changes in estimated
12 costs to meet those needs, ~~and the status of requests~~
13 ~~for proposals to develop a public-private partnership.~~

14 Sec. 144. EFFECTIVE UPON ENACTMENT. This division
15 of this Act, being deemed of immediate importance,
16 takes effect upon enactment and, if approved by
17 the governor on or after July 1, 2011, shall apply
18 retroactively to June 30, 2011.

19 DIVISION XVIII

20 BUSINESS PROPERTY TAX CREDITS

21 Sec. 145. Section 331.512, Code 2011, is amended by
22 adding the following new subsection:

23 NEW SUBSECTION. 13A. Carry out duties relating to
24 the business property tax credit as provided in chapter
25 426C.

26 Sec. 146. Section 331.559, Code 2011, is amended by
27 adding the following new subsection:

28 NEW SUBSECTION. 14A. Carry out duties relating to
29 the business property tax credit as provided in chapter
30 426C.

31 Sec. 147. NEW SECTION. 426C.1 Definitions.

32 1. For the purposes of this chapter, unless the
33 context otherwise requires:

34 a. "Contiguous parcels" means any of the following:

35 (1) Parcels that share one or more common
36 boundaries.

37 (2) Parcels within the same building or structure
38 regardless of whether the parcels share one or more
39 common boundaries.

40 (3) Improvements to the land that are situated on
41 one or more parcels of land that are assessed and taxed
42 separately from the improvements if the parcels of land
43 upon which the improvements are situated share one or
44 more common boundaries.

45 b. "Department" means the department of revenue.

46 c. "Fund" means the business property tax credit
47 fund created in section 426C.2.

48 d. "Parcel" means as defined in section 445.1.

49 e. "Property unit" means contiguous parcels all of
50 which are located within the same county, with the same

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1 property tax classification, each of which contains
2 permanent improvements, are owned by the same person,
3 and are operated by that person for a common use and
4 purpose.

5 2. For purposes of this chapter, two or more
6 parcels are considered to be owned by the same person
7 if the owners of the parcels are business entities that
8 share common ownership of each entity in an amount
9 equal to or in excess of fifty percent.

10 Sec. 148. NEW SECTION. 426C.2 Business property
11 tax credit fund — appropriation.

12 1. A business property tax credit fund is created
13 in the state treasury under the authority of the
14 department. For the fiscal year beginning July 1,
15 2012, there is appropriated from the general fund of
16 the state to the department to be credited to the
17 fund, the sum of fifty million dollars to be used
18 for business property tax credits authorized in this
19 chapter. For the fiscal year beginning July 1, 2013,
20 and each fiscal year thereafter, there is appropriated
21 from the general fund of the state to the department
22 to be credited to the fund an amount equal to the
23 total amount appropriated by the general assembly to
24 the fund in the previous fiscal year. In addition,
25 the sum of fifty million dollars shall be added to the
26 appropriation in each fiscal year beginning on or after
27 July 1, 2013, if the revenue estimating conference
28 certifies during its final meeting of the calendar year
29 ending prior to the beginning of the fiscal year that
30 the total amount of general fund revenues collected
31 during the fiscal year ending during such calendar year
32 was at least one hundred four percent of the total
33 amount of general fund revenues collected during the
34 previous fiscal year. However, the total appropriation
35 to the fund shall not exceed two hundred million
36 dollars for any one fiscal year.

37 2. Notwithstanding section 12C.7, subsection 2,
38 interest or earnings on moneys deposited in the fund
39 shall be credited to the fund. Moneys in the fund are
40 not subject to the provisions of section 8.33 and shall
41 not be transferred, used, obligated, appropriated,
42 or otherwise encumbered except as provided in this
43 chapter.

44 Sec. 149. NEW SECTION. 426C.3 Claims for credit.

45 1. Each person who wishes to claim the credit
46 allowed under this chapter shall obtain the appropriate
47 forms from the assessor and file the claim with the
48 assessor. The director of revenue shall prescribe
49 suitable forms and instructions for such claims, and
50 make such forms and instructions available to the

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1 assessors.

2 2. a. Claims for the business property tax credit
3 shall be filed not later than March 15 preceding the
4 fiscal year during which the taxes for which the credit
5 is claimed are due and payable.

6 b. A claim filed after the deadline for filing
7 claims shall be considered as a claim for the following
8 year.

9 3. Upon the filing of a claim and allowance of the
10 credit, the credit shall be allowed on the parcel or
11 property unit for successive years without further
12 filing as long as the parcel or property unit satisfies
13 the requirements for the credit. If the parcel or
14 property unit owner ceases to qualify for the credit
15 under this chapter, the owner shall provide written
16 notice to the assessor by the date for filing claims
17 specified in subsection 2 following the date on which
18 the parcel or property unit ceases to qualify for the
19 credit.

20 4. When all or a portion of a parcel or property
21 unit that is allowed a credit under this chapter is
22 sold, transferred, or ownership otherwise changes, the
23 buyer, transferee, or new owner who wishes to receive
24 the credit shall refile the claim for credit. When a
25 portion of a parcel or property unit that is allowed
26 a credit under this chapter is sold, transferred, or
27 ownership otherwise changes, the owner of the portion
28 of the parcel or property unit for which ownership did
29 not change shall refile the claim for credit.

30 5. The assessor shall remit the claims for
31 credit to the county auditor with the assessor's
32 recommendation for allowance or disallowance. If
33 the assessor recommends disallowance of a claim,
34 the assessor shall submit the reasons for the
35 recommendation, in writing, to the county auditor. The
36 county auditor shall forward the claims to the board
37 of supervisors. The board shall allow or disallow the
38 claims.

39 6. For each claim and allowance of a credit for
40 a property unit, the county auditor shall calculate
41 the average of all consolidated levy rates applicable
42 to the several parcels within the property unit. All
43 claims for credit which have been allowed by the board
44 of supervisors, the actual value of the improvements
45 to such parcels and property units applicable to
46 the fiscal year for which the credit is claimed
47 that are subject to assessment and taxation prior to
48 imposition of any applicable assessment limitation,
49 the consolidated levy rates for such parcels and the
50 average consolidated levy rates for such property units

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1 applicable to the fiscal year for which the credit is
2 claimed, and the taxing districts in which the parcel
3 or property unit is located, shall be certified on or
4 before June 15, in each year, by the county auditor to
5 the department.

6 7. The assessor shall maintain a permanent file of
7 current business property tax credits. The assessor
8 shall file a notice of transfer of property for which a
9 credit has been allowed when notice is received from
10 the office of the county recorder, from the person
11 who sold or transferred the property, or from the
12 personal representative of a deceased property owner.
13 The county recorder shall give notice to the assessor
14 of each transfer of title filed in the recorder's
15 office. The notice from the county recorder shall
16 describe the property transferred, the name of the
17 person transferring title to the property, and the name
18 of the person to whom title to the property has been
19 transferred.

20 Sec. 150. NEW SECTION. 426C.4 Eligibility and
21 amount of credit.

22 1. Each parcel classified and taxed as commercial
23 property, industrial property, or railway property
24 under chapter 434, and improved with permanent
25 construction, is eligible for a credit under this
26 chapter. A person may claim and receive one credit
27 under this chapter for each eligible parcel unless
28 the parcel is part of a property unit. A person
29 may only claim and receive one credit under this
30 chapter for each property unit. A credit approved
31 for a property unit shall be allocated to the several
32 parcels within the property unit in the proportion
33 that each parcel's total amount of property taxes due
34 and payable attributable to the improvements bears to
35 the total amount of property taxes due and payable
36 attributable to the improvements for the property unit.
37 Only property units comprised of commercial property,
38 comprised of industrial property, or comprised of
39 railway property under chapter 434 are eligible for a
40 credit under this chapter.

41 2. Using the actual value of the improvements and
42 the consolidated levy rate for each parcel or the
43 average consolidated levy rate for each property unit,
44 as certified by the county auditor to the department
45 under section 426C.3, subsection 6, the department
46 shall calculate, for each fiscal year, an initial
47 amount of actual value of improvements for use in
48 determining the amount of the credit for each such
49 parcel or property unit so as to provide the maximum
50 possible credit according to the credit formula and

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1 limitations under subsection 3, and to provide a
2 total dollar amount of credits against the taxes due
3 and payable in the fiscal year equal to ninety-eight
4 percent of the moneys in the fund following the deposit
5 of the total appropriation for the fiscal year.

6 3. a. The amount of the credit for each parcel or
7 property unit for which a claim for credit under this
8 chapter has been approved shall be calculated under
9 paragraph "b" using the lesser of the initial amount
10 of actual value of the improvements determined by the
11 department under subsection 2, and the actual value
12 of the improvements to the parcel or property unit as
13 certified by the county auditor under section 426C.3,
14 subsection 6.

15 b. The amount of the credit for each parcel or
16 property unit for which a claim for credit under
17 this chapter has been approved shall be equal to the
18 amount of actual value determined under paragraph "a"
19 multiplied by the difference, stated as a percentage,
20 between the assessment limitation applicable to
21 the parcel or property unit under section 441.21,
22 subsection 5, and the assessment limitation applicable
23 to residential property under section 441.21,
24 subsection 4, divided by one thousand dollars, and then
25 multiplied by the consolidated levy rate or average
26 consolidated levy rate per one thousand dollars of
27 taxable value applicable to the parcel or property unit
28 for the fiscal year for which the credit is claimed as
29 certified by the county auditor under section 426C.3,
30 subsection 6.

31 Sec. 151. NEW SECTION. 426C.5 Payment to counties.

32 1. Annually the department shall certify to the
33 county auditor of each county the amounts of the
34 business property tax credits allowed in the county.
35 Each county auditor shall then enter the credits
36 against the tax levied on each eligible parcel or
37 property unit in the county, designating on the tax
38 lists the credit as being from the fund. Each taxing
39 district shall receive its share of the business
40 property tax credit allowed on each eligible parcel
41 or property unit in such taxing district, in the
42 proportion that the levy made by such taxing district
43 upon the parcel or property unit bears to the total
44 levy upon the parcel or property unit by all taxing
45 districts imposing a property tax in such taxing
46 district. However, the several taxing districts
47 shall not draw the moneys so credited until after the
48 semiannual allocations have been received by the county
49 treasurer, as provided in this section. Each county
50 treasurer shall show on each tax receipt the amount of

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1 credit received from the fund.

2 2. The director of the department of administrative
3 services shall issue warrants on the fund payable to
4 the county treasurers of the several counties of the
5 state under this chapter.

6 3. The amount due each county shall be paid in two
7 payments on November 15 and March 15 of each fiscal
8 year, drawn upon warrants payable to the respective
9 county treasurers. The two payments shall be as nearly
10 equal as possible.

11 Sec. 152. NEW SECTION. 426C.6 Appeals.

12 1. If the board of supervisors disallows a claim
13 for credit under section 426C.3, subsection 5, the
14 board of supervisors shall send written notice, by
15 mail, to the claimant at the claimant's last known
16 address. The notice shall state the reasons for
17 disallowing the claim for the credit. The board of
18 supervisors is not required to send notice that a claim
19 for credit is disallowed if the claimant voluntarily
20 withdraws the claim. Any person whose claim is denied
21 under the provisions of this chapter may appeal from
22 the action of the board of supervisors to the district
23 court of the county in which the parcel or property
24 unit is located by giving written notice of such appeal
25 to the county auditor within twenty days from the date
26 of mailing of notice of such action by the board of
27 supervisors.

28 2. If any claim for credit has been denied by the
29 board of supervisors, and such action is subsequently
30 reversed on appeal, the credit shall be allowed on the
31 applicable parcel or property unit, and the director of
32 revenue, the county auditor, and the county treasurer
33 shall provide the credit and change their books and
34 records accordingly. In the event the appealing
35 taxpayer has paid one or both of the installments of
36 the tax payable in the year or years in question,
37 remittance shall be made to such taxpayer of the amount
38 of such credit. The amount of such credit awarded on
39 appeal shall be allocated and paid from the balance
40 remaining in the fund.

41 Sec. 153. NEW SECTION. 426C.7 Audit — denial.

42 1. If on the audit of a credit provided under this
43 chapter, the director of revenue determines the amount
44 of the credit to have been incorrectly calculated or
45 that the credit is not allowable, the director shall
46 recalculate the credit and notify the taxpayer and the
47 county auditor of the recalculation or denial and the
48 reasons for it. The director shall not adjust a credit
49 after three years from October 31 of the year in which
50 the claim for the credit was filed. If the credit has

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1 been paid, the director shall give notification to the
2 taxpayer, the county treasurer, and the applicable
3 assessor of the recalculation or denial of the credit
4 and the county treasurer shall proceed to collect the
5 tax owed in the same manner as other property taxes due
6 and payable are collected, if the parcel or property
7 unit for which the credit was allowed is still owned
8 by the taxpayer. If the parcel or property unit
9 for which the credit was allowed is not owned by the
10 taxpayer, the amount may be recovered from the taxpayer
11 by assessment in the same manner that income taxes are
12 assessed under sections 422.26 and 422.30. The amount
13 of such erroneous credit, when collected, shall be
14 deposited in the fund.

15 2. The taxpayer or board of supervisors may
16 appeal any decision of the director of revenue to the
17 state board of tax review pursuant to section 421.1,
18 subsection 5. The taxpayer, the board of supervisors,
19 or the director of revenue may seek judicial review
20 of the action of the state board of tax review in
21 accordance with chapter 17A.

22 Sec. 154. NEW SECTION. 426C.8 False claim —
23 penalty.

24 A person who makes a false claim for the purpose of
25 obtaining a credit provided for in this chapter or who
26 knowingly receives the credit without being legally
27 entitled to it is guilty of a fraudulent practice. The
28 claim for a credit of such a person shall be disallowed
29 and if the credit has been paid the amount shall be
30 recovered in the manner provided in section 426C.7. In
31 such cases, the director of revenue shall send a notice
32 of disallowance of the credit.

33 Sec. 155. NEW SECTION. 426C.9 Rules.

34 The director of revenue shall prescribe forms,
35 instructions, and rules pursuant to chapter 17A, as
36 necessary, to carry out the purposes of this chapter.

37 Sec. 156. IMPLEMENTATION. Notwithstanding the
38 deadline for filing claims established in section
39 426C.3, for a credit against property taxes due and
40 payable during the fiscal year beginning July 1, 2012,
41 the claim for the credit shall be filed not later than
42 January 15, 2012.

43 Sec. 157. APPLICABILITY. This division of this Act
44 applies to property taxes due and payable in fiscal
45 years beginning on or after July 1, 2012.

DIVISION XIX

COUNTY AND CITY BUDGET LIMITATION

47 Sec. 158. Section 28M.5, subsection 2, Code 2011,
48 is amended to read as follows:

49 2. If a regional transit district budget allocates
50

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1 revenue responsibilities to the board of supervisors
 2 of a participating county, the amount of the regional
 3 transit district levy that is the responsibility of the
 4 participating county shall be deducted from the maximum
 5 ~~rates amount~~ of taxes authorized to be levied by the
 6 county pursuant to section 331.423, ~~subsections 1 and~~
 7 ~~2 subsection 3, paragraphs "b" and "c"~~, as applicable
 8 unless the county meets its revenue responsibilities as
 9 allocated in the budget from other available revenue
 10 sources. However, for a regional transit district
 11 that includes a county with a population of less than
 12 three hundred thousand, the amount of the regional
 13 transit district levy that is the responsibility of
 14 such participating county shall be deducted from the
 15 maximum ~~rate amount~~ of taxes authorized to be levied
 16 by the county pursuant to section 331.423, subsection
 17 ~~3, paragraph "b"~~.

18 Sec. 159. Section 331.263, subsection 2, Code 2011,
 19 is amended to read as follows:

20 2. The governing body of the community commonwealth
 21 shall have the authority to levy county taxes and shall
 22 have the authority to levy city taxes to the extent the
 23 city tax levy authority is transferred by the charter
 24 to the community commonwealth. A city participating
 25 in the community commonwealth shall transfer a portion
 26 of the city's tax levy authorized under section 384.1
 27 or 384.12, whichever is applicable, to the governing
 28 body of the community commonwealth. The maximum
 29 ~~rates amount~~ of taxes authorized to be levied under
 30 ~~sections section 384.1 and the maximum amount of taxes~~
 31 ~~authorized to be levied under section 384.12~~ by a city
 32 participating in the community commonwealth shall be
 33 reduced by an amount equal to the rates of the same or
 34 similar taxes levied in the city by the governing body
 35 of the community commonwealth.

36 Sec. 160. Section 331.421, Code 2011, is amended by
 37 adding the following new subsection:

38 **NEW SUBSECTION.** 7A. "Item" means a budgeted
 39 expenditure, appropriation, or cash reserve from a
 40 fund for a service area, program, program element, or
 41 purpose.

42 Sec. 161. Section 331.423, Code 2011, is amended by
 43 striking the section and inserting in lieu thereof the
 44 following:

45 331.423 Property tax dollars — basic levy maximums.

46 1. Annually, the board shall determine separate
 47 property tax levy limits to pay for general county
 48 services and rural county services in accordance with
 49 this section. The basic levies separately certified
 50 for general county services and rural county services

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1 under section 331.434 shall not raise property tax
2 dollars that exceed the amount determined under this
3 section.

4 2. For purposes of this section and section
5 331.423B, unless the context otherwise requires:
6 a. "Annual growth factor" means an index, expressed
7 as a percentage, determined by the department of
8 management by November 1 of the calendar year preceding
9 the calendar year in which the budget year begins. In
10 determining the annual growth factor, the department
11 shall calculate the average of the preceding three-year
12 percentage change, which shall be computed on an annual
13 basis, in the midwest consumer price index, ending
14 with the percentage change for the month of September.
15 The department shall then add that average percentage
16 change to one hundred percent.

17 b. "Boundary adjustment" means annexation,
18 severance, incorporation, or discontinuance as those
19 terms are defined in section 368.1.

20 c. "Budget year" is the fiscal year beginning
21 during the calendar year in which a budget is
22 certified.

23 d. "Current fiscal year" is the fiscal year
24 ending during the calendar year in which a budget is
25 certified.

26 e. "Net new valuation taxes" means the amount
27 of property tax dollars equal to the current fiscal
28 year's basic levy rate in the county for general county
29 services or for rural county services, as applicable,
30 multiplied by the increase from the current fiscal year
31 to the budget year in taxable valuation due to the
32 following:

33 (1) Net new construction, including all incremental
34 valuation that is released in any one year from a
35 division of revenue under section 260E.4 or an urban
36 renewal area for which taxes were being divided under
37 section 403.19, regardless of whether the property
38 for the valuation being released remains subject
39 to the division of revenue under section 260E.4 or
40 remains part of the urban renewal area that is subject
41 to a division of revenue under section 403.19. The
42 amount of property tax dollars attributable to such
43 incremental valuation being released from a division
44 of revenue shall be subtracted from the maximum amount
45 of property tax dollars which may be certified for
46 the next following fiscal year if such incremental
47 valuation is not released for the next following fiscal
48 year.

49 (2) Additions or improvements to existing
50 structures.

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- 1 (3) Remodeling of existing structures for which a
2 building permit is required.
- 3 (4) Net boundary adjustment.
- 4 (5) A municipality no longer dividing tax revenues
5 in an urban renewal area as provided in section 403.19
6 or a community college no longer dividing revenues as
7 provided in section 260E.4.
- 8 (6) That portion of taxable property located in an
9 urban revitalization area on which an exemption was
10 allowed and such exemption has expired.
- 11 f. "Unfunded federal and state mandate cost growth"
12 means an amount of increased expenditures for a
13 county from the previous fiscal year, to the extent
14 such expenditures are not funded by the county's
15 supplemental levy under section 331.424, resulting from
16 any of the following:
- 17 (1) A federal statutory requirement or
18 appropriation that requires the county to establish,
19 expand, or modify its activities in a manner which
20 necessitates additional annual expenditures and for
21 which insufficient funding is provided to the county to
22 satisfy such requirements.
- 23 (2) A state mandate as defined in section 25B.3,
24 and for which insufficient funding is provided to
25 the county to satisfy the requirements of the state
26 mandate.
- 27 3. a. For the fiscal year beginning July 1, 2013,
28 and subsequent fiscal years, the maximum amount of
29 property tax dollars which may be certified for levy by
30 a county for general county services and rural county
31 services shall be the maximum property tax dollars
32 calculated under paragraphs "b" and "c", respectively.
- 33 b. The maximum property tax dollars that may be
34 levied for general county services is an amount equal
35 to the sum of the following:
- 36 (1) The annual growth factor times the current
37 fiscal year's maximum property tax dollars for general
38 county services.
- 39 (2) The amount of net new valuation taxes in the
40 county.
- 41 (3) The unfunded federal and state mandate cost
42 growth minus the amount specified in paragraph "c",
43 subparagraph (3).
- 44 c. The maximum property tax dollars that may be
45 levied for rural county services is an amount equal to
46 the sum of the following:
- 47 (1) The annual growth factor times the current
48 fiscal year's maximum property tax dollars for rural
49 county services.
- 50 (2) The amount of net new valuation taxes in the

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1 unincorporated area of the county.
2 (3) The unfunded federal and state mandate cost
3 growth attributable to the costs incurred by the county
4 for rural county services.
5 4. a. For purposes of calculating maximum property
6 tax dollars for general county services for the fiscal
7 year beginning July 1, 2013, only, the term “current
8 fiscal year’s maximum property tax dollars” shall mean
9 the total amount of property tax dollars certified by
10 the county for general county services for the fiscal
11 year beginning July 1, 2012, excluding those property
12 tax dollars that resulted from a supplemental levy
13 under section 331.424, subsection 1.
14 b. For purposes of calculating maximum property tax
15 dollars for rural county services for the fiscal year
16 beginning July 1, 2013, only, the term “current fiscal
17 year’s maximum property tax dollars” shall mean the
18 total amount of property tax dollars certified by the
19 county for rural county services for the fiscal year
20 beginning July 1, 2012, excluding those property tax
21 dollars that resulted from a supplemental levy under
22 section 331.424, subsection 2.
23 5. Property taxes certified under section
24 331.424, property taxes certified for deposit in the
25 mental health, mental retardation, and developmental
26 disabilities services fund in section 331.424A, for the
27 emergency services fund in section 331.424C, for the
28 debt service fund in section 331.430, for any capital
29 projects fund established by the county for deposit of
30 bond, loan, or note proceeds, and for any temporary
31 increase approved pursuant to section 331.423C, are
32 not included in the maximum amount of property tax
33 dollars that may be certified for a budget year under
34 subsection 3.
35 6. The department of management, in consultation
36 with the county finance committee, shall adopt rules
37 to administer this section. The department shall
38 prescribe forms to be used by counties when making
39 calculations required by this section.
40 Sec. 162. NEW SECTION. 331.423B Ending fund
41 balance.
42 1. a. Budgeted ending fund balances for a budget
43 year in excess of twenty-five percent of budgeted
44 expenditures in either the general fund or rural
45 services fund for that budget year shall be explicitly
46 committed or assigned for a specific purpose.
47 b. A county is encouraged, but not required, to
48 reduce budgeted, uncommitted, or unassigned ending
49 fund balances for the budget year to an amount equal
50 to approximately twenty-five percent of budgeted

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1 expenditures and transfers from the general fund
2 and rural services fund for that budget year unless
3 a decision is certified by the state appeal board
4 ordering a reduction in the ending fund balance of any
5 of those funds.

6 c. In a protest to the county budget under section
7 331.436, the county shall have the burden of proving
8 that the budgeted balances in excess of twenty-five
9 percent are reasonably likely to be appropriated for
10 the explicitly committed or assigned specific purpose.
11 The excess budgeted balance for the specific purpose
12 shall be considered an increase in an item in the
13 budget for purposes of section 24.28.

14 2. a. For a county that has, as of June 30, 2012,
15 reduced its actual ending fund balance to less than
16 twenty-five percent of actual expenditures, additional
17 property taxes may be computed and levied as provided
18 in this subsection. The additional property tax levy
19 amount is an amount not to exceed twenty-five percent
20 of actual expenditures from the general fund and rural
21 services fund for the fiscal year beginning July 1,
22 2011, minus the combined ending fund balances for those
23 funds for that year.

24 b. The amount of the additional property taxes
25 shall be apportioned between the general fund and the
26 rural services fund. However, the amount apportioned
27 for general county services and for rural county
28 services shall not exceed for each fund twenty-five
29 percent of actual expenditures for the fiscal year
30 beginning July 1, 2011.

31 c. All or a portion of additional property tax
32 dollars may be levied for the purpose of increasing
33 cash reserves for general county services and rural
34 county services in the budget year. The additional
35 property tax dollars authorized under this subsection
36 but not levied may be carried forward as unused ending
37 fund balance taxing authority until and for the fiscal
38 year beginning July 1, 2018. The amount carried
39 forward shall not exceed twenty-five percent of the
40 maximum amount of property tax dollars available in
41 the current fiscal year. Additionally, property taxes
42 that are levied as unused ending fund balance taxing
43 authority under this subsection may be the subject of
44 a protest under section 331.436, and the amount will
45 be considered an increase in an item in the budget for
46 purposes of section 24.28. The amount of additional
47 property taxes levied under this subsection shall not
48 be included in the computation of the maximum amount of
49 property tax dollars which may be certified and levied
50 under section 331.423.

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1 Sec. 163. NEW SECTION. 331.423C Authority to levy
2 beyond maximum property tax dollars.

3 1. The board may certify additions to the maximum
4 amount of property tax dollars to be levied for a
5 budget year if the county conducts a second public
6 hearing prior to certification of the budget to the
7 county auditor, in addition to the hearing held as
8 required under section 331.434. The second public
9 hearing shall be conducted in the same manner as
10 the public hearing on the budget required in section
11 331.434.

12 2. The amount of additional property tax dollars
13 certified under this section shall not be included in
14 the computation of the maximum amount of property tax
15 dollars which may be certified and levied under section
16 331.423 for future budget years.

17 Sec. 164. Section 331.424, unnumbered paragraph 1,
18 Code 2011, is amended to read as follows:

19 To the extent that the basic levies authorized under
20 section 331.423 are insufficient to meet the county's
21 needs for the following services, the board may certify
22 supplemental levies as follows:

23 Sec. 165. Section 331.424A, subsection 4, Code
24 2011, is amended to read as follows:

25 4. For the fiscal year beginning July 1, 1996,
26 and for each subsequent fiscal year, the county shall
27 certify a levy for payment of services. For each
28 fiscal year, county revenues from taxes imposed by the
29 county credited to the services fund shall not exceed
30 an amount equal to the amount of base year expenditures
31 for services as defined in section 331.438, less the
32 amount of property tax relief to be received pursuant
33 to section 426B.2, in the fiscal year for which the
34 budget is certified. The county auditor and the
35 board of supervisors shall reduce the amount of the
36 levy certified for the services fund by the amount of
37 property tax relief to be received. A levy certified
38 under this section is not subject to ~~the appeal~~
39 ~~provisions of section 331.426 or to~~ any other provision
40 in law authorizing a county to exceed, increase, or
41 appeal a property tax levy limit.

42 Sec. 166. Section 331.434, subsection 1, Code 2011,
43 is amended to read as follows:

44 1. The budget shall show the amount required for
45 each class of proposed expenditures, a comparison of
46 the amounts proposed to be expended with the amounts
47 expended for like purposes for the two preceding years,
48 the revenues from sources other than property taxation,
49 and the amount to be raised by property taxation, in
50 the detail and form prescribed by the director of the

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1 department of management. For each county that has
 2 established an urban renewal area, the budget shall
 3 include estimated and actual tax increment financing
 4 revenues and all estimated and actual expenditures of
 5 the revenues, proceeds from debt and all estimated
 6 and actual expenditures of the debt proceeds, and
 7 identification of any entity receiving a direct payment
 8 of taxes funded by tax increment financing revenues
 9 and shall include the total amount of loans, advances,
 10 indebtedness, or bonds outstanding at the close of
 11 the most recently ended fiscal year, which qualify
 12 for payment from the special fund created in section
 13 403.19, including interest negotiated on such loans,
 14 advances, indebtedness, or bonds. For purposes of this
 15 subsection, "indebtedness" includes written agreements
 16 whereby the county agrees to suspend, abate, exempt,
 17 rebate, refund, or reimburse property taxes, provide a
 18 grant for property taxes paid, or make a direct payment
 19 of taxes, with moneys in the special fund. The amount
 20 of loans, advances, indebtedness, or bonds shall be
 21 listed in the aggregate for each county reporting. ~~The~~
 22 ~~county finance committee, in consultation with the~~
 23 ~~department of management and the legislative services~~
 24 ~~agency, shall determine reporting criteria and shall~~
 25 ~~prepare a form for reports filed with the department~~
 26 ~~pursuant to this section. The department shall make~~
 27 ~~the information available by electronic means.~~

28 Sec. 167. Section 373.10, Code 2011, is amended to
 29 read as follows:

30 373.10 Taxing authority.

31 The metropolitan council shall have the authority
 32 to levy city taxes to the extent the city tax levy
 33 authority is transferred by the charter to the
 34 metropolitan council. A member city shall transfer
 35 a portion of the city's tax levy authorized under
 36 section 384.1 or 384.12, whichever is applicable, to
 37 the metropolitan council. The maximum ~~rates amount of~~
 38 ~~taxes authorized to be levied under sections section~~
 39 ~~384.1 and the taxes authorized to be levied under~~
 40 ~~section~~384.12 by a member city shall be reduced by an
 41 amount equal to the rates of the same or similar taxes
 42 levied in the city by the metropolitan council.

43 Sec. 168. Section 384.1, Code 2011, is amended by
 44 striking the section and inserting in lieu thereof the
 45 following:

46 384.1 Property tax dollars — maximums.

47 1. A city shall certify taxes to be levied by the
 48 city on all taxable property within the city limits,
 49 for all city government purposes. Annually, the city
 50 council may certify basic levies for city government

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- 1 purposes, subject to the limitation on property tax
2 dollars provided in this section.
- 3 2. For purposes of this section and section 384.1B,
4 unless the context otherwise requires:
- 5 a. "Annual growth factor" means an index, expressed
6 as a percentage, determined by the department of
7 management by November 1 of the calendar year preceding
8 the calendar year in which the budget year begins. In
9 determining the annual growth factor, the department
10 shall calculate the average of the preceding three-year
11 percentage change, which shall be computed on an annual
12 basis, in the midwest consumer price index, ending
13 with the percentage change for the month of September.
14 The department shall then add that average percentage
15 change to one hundred percent.
- 16 b. "Boundary adjustment" means annexation,
17 severance, incorporation, or discontinuance as those
18 terms are defined in section 368.1.
- 19 c. "Budget year" is the fiscal year beginning
20 during the calendar year in which a budget is
21 certified.
- 22 d. "Current fiscal year" is the fiscal year
23 ending during the calendar year in which a budget is
24 certified.
- 25 e. "Net new valuation taxes" means the amount of
26 property tax dollars equal to the current fiscal year's
27 levy rate in the city for the general fund multiplied
28 by the increase from the current fiscal year to the
29 budget year in taxable valuation due to the following:
- 30 (1) Net new construction, including all incremental
31 valuation that is released in any one year from a
32 division of revenue under section 260E.4 or an urban
33 renewal area for which taxes were being divided under
34 section 403.19, regardless of whether the property
35 for the valuation being released remains subject
36 to the division of revenue under section 260E.4 or
37 remains part of the urban renewal area that is subject
38 to a division of revenue under section 403.19. The
39 amount of property tax dollars attributable to such
40 incremental valuation being released from a division
41 of revenue shall be subtracted from the maximum amount
42 of property tax dollars which may be certified for
43 the next following fiscal year if such incremental
44 valuation is not released for the next following fiscal
45 year.
- 46 (2) Additions or improvements to existing
47 structures.
- 48 (3) Remodeling of existing structures for which a
49 building permit is required.
- 50 (4) Net boundary adjustment.

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1 (5) A municipality no longer dividing tax revenues
2 in an urban renewal area as provided in section 403.19
3 or a community college no longer dividing revenues as
4 provided in section 260E.4.

5 (6) That portion of taxable property located in an
6 urban revitalization area on which an exemption was
7 allowed and such exemption has expired.

8 f. "Unfunded federal and state mandate cost growth"
9 means an amount of increased expenditures for a city
10 from the previous fiscal year resulting from any of the
11 following:

12 (1) A federal statutory requirement or
13 appropriation that requires the city to establish,
14 expand, or modify its activities in a manner which
15 necessitates additional annual expenditures and for
16 which insufficient funding is provided to the city to
17 satisfy such requirements.

18 (2) A state mandate as defined in section 25B.3,
19 and for which insufficient funding is provided to the
20 city to satisfy the requirements of the state mandate.

21 3. a. For the fiscal year beginning July 1, 2013,
22 and subsequent fiscal years, the maximum amount of
23 property tax dollars which may be certified for levy
24 by a city for the general fund shall be the maximum
25 property tax dollars calculated under paragraph "b".

26 b. The maximum property tax dollars that may be
27 levied for deposit in the general fund is an amount
28 equal to the sum of the following:

29 (1) The annual growth factor times the current
30 fiscal year's maximum property tax dollars for the
31 general fund.

32 (2) The amount of net new valuation taxes in the
33 city.

34 (3) The unfunded federal and state mandate cost
35 growth.

36 4. For purposes of calculating maximum property tax
37 dollars for the city general fund for the fiscal year
38 beginning July 1, 2013, only, the term "current fiscal
39 year's maximum property tax dollars" shall mean the
40 total amount of property tax dollars certified by the
41 city for the city's general fund for the fiscal year
42 beginning July 1, 2012.

43 5. Property taxes certified for deposit in the
44 debt service fund in section 384.4, trust and agency
45 funds in section 384.6, capital improvements reserve
46 fund in section 384.7, the emergency fund in section
47 384.8, any capital projects fund established by the
48 city for deposit of bond, loan, or note proceeds,
49 any temporary increase approved pursuant to section
50 384.12A, property taxes collected from a voted levy

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1 in section 384.12, and property taxes levied under
2 section 384.12, subsection 18, are not counted against
3 the maximum amount of property tax dollars that may be
4 certified for a fiscal year under subsection 3.

5 6. Notwithstanding the maximum amount of taxes
6 a city may certify for levy, the tax levied by a
7 city on tracts of land and improvements on the
8 tracts of land used and assessed for agricultural or
9 horticultural purposes shall not exceed three dollars
10 and three-eighths cents per thousand dollars of
11 assessed value in any year. Improvements located on
12 such tracts of land and not used for agricultural or
13 horticultural purposes and all residential dwellings
14 are subject to the same rate of tax levied by the city
15 on all other taxable property within the city.

16 7. The department of management, in consultation
17 with the city finance committee, shall adopt rules
18 to administer this section. The department shall
19 prescribe forms to be used by cities when making
20 calculations required by this section.

21 Sec. 169. NEW SECTION. 384.1B Ending fund balance.

22 1. a. Budgeted general fund ending fund balances
23 for a budget year in excess of twenty-five percent of
24 budgeted expenditures from the general fund for that
25 budget year shall be explicitly committed or assigned
26 for a specific purpose.

27 b. A city is encouraged, but not required, to
28 reduce budgeted, uncommitted, or unassigned ending
29 fund balances for the budget year to an amount equal
30 to approximately twenty-five percent of budgeted
31 expenditures and transfers from the general fund for
32 that budget year unless a decision is certified by the
33 state appeal board ordering a reduction in the ending
34 fund balance of the fund.

35 c. In a protest to the city budget under section
36 384.19, the city shall have the burden of proving that
37 the budgeted balances in excess of twenty-five percent
38 are reasonably likely to be appropriated for the
39 explicitly committed or assigned specific purpose. The
40 excess budgeted balance for the specific purpose shall
41 be considered an increase in an item in the budget for
42 purposes of section 24.28.

43 2. a. For a city that has, as of June 30,
44 2012, reduced its ending fund balance to less than
45 twenty-five percent of actual expenditures, additional
46 property taxes may be computed and levied as provided
47 in this subsection. The additional property tax levy
48 amount is an amount not to exceed the difference
49 between twenty-five percent of actual expenditures for
50 city government purposes for the fiscal year beginning

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1 July 1, 2011, minus the ending fund balance for that
2 year.

3 b. All or a portion of additional property tax
4 dollars may be levied for the purpose of increasing
5 cash reserves for city government purposes in the
6 budget year. The additional property tax dollars
7 authorized under this subsection but not levied may be
8 carried forward as unused ending fund balance taxing
9 authority until and for the fiscal year beginning
10 July 1, 2018. The amount carried forward shall not
11 exceed twenty-five percent of the maximum amount of
12 property tax dollars available in the current fiscal
13 year. Additionally, property taxes that are levied
14 as unused ending fund balance taxing authority under
15 this subsection may be the subject of a protest under
16 section 384.19, and the amount will be considered an
17 increase in an item in the budget for purposes of
18 section 24.28. The amount of additional property tax
19 dollars levied under this subsection shall not be
20 included in the computation of the maximum amount of
21 property tax dollars which may be certified and levied
22 under section 384.1.

23 Sec. 170. Section 384.12, unnumbered paragraph
24 1, Code 2011, is amended by striking the unnumbered
25 paragraph and inserting in lieu thereof the following:

26 A city may certify taxes for deposit in the general
27 fund, subject to the limit provided in section 384.1
28 if applicable, which are in addition to any other
29 moneys the city may wish to spend for such purposes,
30 as follows:

31 Sec. 171. Section 384.12, subsection 20, Code 2011,
32 is amended by striking the subsection.

33 Sec. 172. NEW SECTION. 384.12A Authority to levy
34 beyond maximum property tax dollars.

35 1. The city council may certify additions to the
36 maximum amount of property tax dollars to be levied
37 for a budget year if the city conducts a second public
38 hearing prior to certification of the budget to the
39 county auditor, in addition to the hearing held as
40 required under section 384.16. The second public
41 hearing shall be conducted in the same manner as
42 the public hearing on the budget required in section
43 384.16.

44 2. The amount of additional property tax dollars
45 certified under this section shall not be included in
46 the computation of the maximum amount of property tax
47 dollars which may be certified and levied under section
48 384.1 for future budget years.

49 Sec. 173. Section 384.16, subsection 1, paragraph
50 b, Code 2011, is amended to read as follows:

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1 b. A budget must show comparisons between the
2 estimated expenditures in each program in the following
3 year, the latest estimated expenditures in each program
4 in the current year, and the actual expenditures in
5 each program from the annual report as provided in
6 section 384.22, or as corrected by a subsequent audit
7 report. Wherever practicable, as provided in rules
8 of the committee, a budget must show comparisons
9 between the levels of service provided by each program
10 as estimated for the following year, and actual
11 levels of service provided by each program during
12 the two preceding years. For each city that has
13 established an urban renewal area, the budget shall
14 include estimated and actual tax increment financing
15 revenues and all estimated and actual expenditures of
16 the revenues, proceeds from debt and all estimated
17 and actual expenditures of the debt proceeds, and
18 identification of any entity receiving a direct payment
19 of taxes funded by tax increment financing revenues
20 and shall include the total amount of loans, advances,
21 indebtedness, or bonds outstanding at the close of
22 the most recently ended fiscal year, which qualify
23 for payment from the special fund created in section
24 403.19, including interest negotiated on such loans,
25 advances, indebtedness, or bonds. The amount of loans,
26 advances, indebtedness, or bonds shall be listed in the
27 aggregate for each city reporting. ~~The city finance
28 committee, in consultation with the department of
29 management and the legislative services agency, shall
30 determine reporting criteria and shall prepare a form
31 for reports filed with the department pursuant to this
32 section. The department shall make the information
33 available by electronic means.~~

34 Sec. 174. Section 384.19, Code 2011, is amended by
35 adding the following new unnumbered paragraph:
36 NEW UNNUMBERED PARAGRAPH. For purposes of a tax
37 protest filed under this section, "item" means a
38 budgeted expenditure, appropriation, or cash reserve
39 from a fund for a service area, program, program
40 element, or purpose.

41 Sec. 175. Section 386.8, Code 2011, is amended to
42 read as follows:

43 386.8 Operation tax.

44 A city may establish a self-supported improvement
45 district operation fund, and may certify taxes not
46 to exceed the rate limitation as established in the
47 ordinance creating the district, or any amendment
48 thereto, each year to be levied for the fund against
49 all of the property in the district, for the purpose
50 of paying the administrative expenses of the district,

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1 which may include but are not limited to administrative
2 personnel salaries, a separate administrative office,
3 planning costs including consultation fees, engineering
4 fees, architectural fees, and legal fees and all other
5 expenses reasonably associated with the administration
6 of the district and the fulfilling of the purposes of
7 the district. The taxes levied for this fund may also
8 be used for the purpose of paying maintenance expenses
9 of improvements or self-liquidating improvements for a
10 specified length of time with one or more options to
11 renew if such is clearly stated in the petition which
12 requests the council to authorize construction of the
13 improvement or self-liquidating improvement, whether
14 or not such petition is combined with the petition
15 requesting creation of a district. Parcels of property
16 which are assessed as residential property for property
17 tax purposes are exempt from the tax levied under this
18 section except residential properties within a duly
19 designated historic district. A tax levied under
20 this section is not subject to the ~~levy~~ limitation in
21 section 384.1.

22 Sec. 176. Section 386.9, Code 2011, is amended to
23 read as follows:

24 386.9 Capital improvement tax.

25 A city may establish a capital improvement fund
26 for a district and may certify taxes, not to exceed
27 the rate established by the ordinance creating the
28 district, or any subsequent amendment thereto,
29 each year to be levied for the fund against all of
30 the property in the district, for the purpose of
31 accumulating moneys for the financing or payment
32 of a part or all of the costs of any improvement or
33 self-liquidating improvement. However, parcels of
34 property which are assessed as residential property
35 for property tax purposes are exempt from the tax
36 levied under this section except residential properties
37 within a duly designated historic district. A tax
38 levied under this section is not subject to the ~~levy~~
39 limitations in section 384.1 or 384.7.

40 Sec. 177. REPEAL. Sections 331.425 and 331.426,
41 Code 2011, are repealed.

42 Sec. 178. EFFECTIVE DATE AND APPLICABILITY. This
43 division of this Act takes effect July 1, 2012, and
44 applies to fiscal years beginning on or after July 1,
45 2013.

46 DIVISION XX

47 RESIDENTIAL PROPERTY ASSESSMENT LIMITATION

48 Sec. 179. Section 441.21, subsection 4, Code 2011,
49 is amended to read as follows:

50 4. For valuations established as of January

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1 1, 1979, the percentage of actual value at which
2 agricultural and residential property shall be assessed
3 shall be the quotient of the dividend and divisor as
4 defined in this section. The dividend for each class
5 of property shall be the dividend as determined for
6 each class of property for valuations established as
7 of January 1, 1978, adjusted by the product obtained
8 by multiplying the percentage determined for that year
9 by the amount of any additions or deletions to actual
10 value, excluding those resulting from the revaluation
11 of existing properties, as reported by the assessors
12 on the abstracts of assessment for 1978, plus six
13 percent of the amount so determined. However, if the
14 difference between the dividend so determined for
15 either class of property and the dividend for that
16 class of property for valuations established as of
17 January 1, 1978, adjusted by the product obtained by
18 multiplying the percentage determined for that year
19 by the amount of any additions or deletions to actual
20 value, excluding those resulting from the revaluation
21 of existing properties, as reported by the assessors
22 on the abstracts of assessment for 1978, is less than
23 six percent, the 1979 dividend for the other class of
24 property shall be the dividend as determined for that
25 class of property for valuations established as of
26 January 1, 1978, adjusted by the product obtained by
27 multiplying the percentage determined for that year
28 by the amount of any additions or deletions to actual
29 value, excluding those resulting from the revaluation
30 of existing properties, as reported by the assessors on
31 the abstracts of assessment for 1978, plus a percentage
32 of the amount so determined which is equal to the
33 percentage by which the dividend as determined for the
34 other class of property for valuations established as
35 of January 1, 1978, adjusted by the product obtained
36 by multiplying the percentage determined for that year
37 by the amount of any additions or deletions to actual
38 value, excluding those resulting from the revaluation
39 of existing properties, as reported by the assessors
40 on the abstracts of assessment for 1978, is increased
41 in arriving at the 1979 dividend for the other class
42 of property. The divisor for each class of property
43 shall be the total actual value of all such property
44 in the state in the preceding year, as reported by the
45 assessors on the abstracts of assessment submitted
46 for 1978, plus the amount of value added to said
47 total actual value by the revaluation of existing
48 properties in 1979 as equalized by the director of
49 revenue pursuant to section 441.49. The director shall
50 utilize information reported on abstracts of assessment

1 submitted pursuant to section 441.45 in determining
 2 such percentage. For valuations established as
 3 of January 1, 1980, and each year thereafter, the
 4 percentage of actual value as equalized by the director
 5 of revenue as provided in section 441.49 at which
 6 agricultural and residential property shall be assessed
 7 shall be calculated in accordance with the methods
 8 provided herein including the limitation of increases
 9 in agricultural and residential assessed values to the
 10 percentage increase of the other class of property if
 11 the other class increases less than the allowable limit
 12 adjusted to include the applicable and current values
 13 as equalized by the director of revenue, except that
 14 any references to six percent in this subsection shall
 15 be four percent. For valuations established as of
 16 January 1, 2012, and each assessment year thereafter,
 17 the percentage of actual value as equalized by the
 18 director of revenue as provided in section 441.49 at
 19 which residential property shall be assessed shall be
 20 calculated in accordance with the methods provided
 21 herein including the limitation of increases in
 22 agricultural and residential assessed values to the
 23 percentage increase of the other class of property if
 24 the other class increases less than the allowable limit
 25 adjusted to include the applicable and current values
 26 as equalized by the director of revenue, except that
 27 in no assessment year shall the percentage of actual
 28 value at which residential property is assessed be less
 29 than fifty percent.

30 DIVISION XXI
 31 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE
 32 APPLICABILITY

33 Sec. 180. EFFECTIVE DATE AND RETROACTIVE
 34 APPLICABILITY. Unless otherwise provided, this Act,
 35 if approved by the governor on or after July 1, 2011,
 36 takes effect upon enactment and applies retroactively
 37 to July 1, 2011.>

38 2. By renumbering as necessary.

ROBERT E. DVORSKY

S-3374

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 646

1 Amend the Senate amendment, H-1682, to House File
 2 646, as amended, passed, and reprinted by the House, as
 3 follows:

4 1. By striking page 1, line 5, through page 36,

5 line 47, and inserting:

6 <DIVISION I
7 FY 2011–2012

8 Section 1. DEPARTMENT OF ADMINISTRATIVE SERVICES.

9 1. There is appropriated from the general fund of
10 the state to the department of administrative services
11 for the fiscal year beginning July 1, 2011, and ending
12 June 30, 2012, the following amounts, or so much
13 thereof as is necessary, to be used for the purposes
14 designated, and for not more than the following
15 full-time equivalent positions:

16 a. For salaries, support, maintenance, and
17 miscellaneous purposes:

18	\$	4,020,344
19	FTEs	84.18

20 b. For the payment of utility costs:

21	\$	2,626,460
22	FTEs	1.00

23 Notwithstanding section 8.33, any excess funds
24 appropriated for utility costs in this lettered
25 paragraph shall not revert to the general fund of the
26 state at the end of the fiscal year but shall remain
27 available for expenditure for the purposes of this
28 lettered paragraph during the succeeding fiscal year.

29 c. For Terrace Hill operations:

30	\$	405,914
31	FTEs	6.88

32 d. For the I3 distribution account:

33	\$	3,277,946
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34 e. For operations and maintenance of the Iowa
35 building:

36	\$	995,535
37	FTEs	7.00

38 2. Members of the general assembly serving as
39 members of the deferred compensation advisory board
40 shall be entitled to receive per diem and necessary
41 travel and actual expenses pursuant to section 2.10,
42 subsection 5, while carrying out their official duties
43 as members of the board.

44 3. Any funds and premiums collected by the
45 department for workers' compensation shall be
46 segregated into a separate workers' compensation
47 fund in the state treasury to be used for payment of
48 state employees' workers' compensation claims and
49 administrative costs. Notwithstanding section 8.33,
50 unencumbered or unobligated moneys remaining in this

1 workers' compensation fund at the end of the fiscal
2 year shall not revert but shall be available for
3 expenditure for purposes of the fund for subsequent

4 fiscal years.

5 Sec. 2. LEASING AUTHORITY IMPLEMENTATION.

6 1. A state agency that has entered into a lease
7 for any buildings or office space shall forward a
8 copy of each such existing lease to the department of
9 administrative services for review prior to July 1,
10 2011.

11 2. A state agency that is in the process of
12 entering into or renewing a lease for any building
13 or office space shall contact the department of
14 administrative services prior to finalizing such lease.
15 Such lease shall not be entered into or renewed without
16 the approval of the department.

17 3. The department shall provide space management
18 services and begin to lease all buildings and office
19 space wherever located throughout the state as provided
20 in section 8A.321, as amended by this Act, as soon
21 as practicable, but by no later than December 1,
22 2011. Prior to assuming those responsibilities,
23 the department shall review and approve leases under
24 subsection 2 unless, in the department's discretion, it
25 is determined that entering into or renewing such lease
26 would not be in the best interests of the state.

27 4. The department is authorized to assess a fee
28 to a state agency for which a lease is negotiated
29 or renewed pursuant to this Act sufficient to cover
30 the department's costs in providing space management
31 services under this Act.

32 Sec. 3. TRAVEL REIMBURSEMENT IMPLEMENTATION.

33 1. If this Act is approved by the governor
34 prior to July 1, 2011, the electronic online travel
35 authorization form provided for in section 8A.512A, if
36 enacted, shall be developed on or before July 1, 2011,
37 and executive branch employees subject to that section
38 traveling out of state on behalf of the state shall
39 utilize the form on and after that date.

40 2. The database to be made available by the
41 department of administrative services as provided in
42 section 8A.512A, if enacted, shall be developed and
43 available for public access on or before January 1,
44 2012.

45 3. The department shall develop a plan for
46 converting the existing reimbursement process to a
47 paperless process, including implementation steps, a
48 timeline, and an estimated budget. The plan shall be
49 submitted to the governor by no later than January 1,
50 2012.

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1 Sec. 4. REVOLVING FUNDS. There is appropriated
2 to the department of administrative services for the

3 fiscal year beginning July 1, 2011, and ending June
 4 30, 2012, from the revolving funds designated in
 5 chapter 8A and from internal service funds created
 6 by the department such amounts as the department
 7 deems necessary for the operation of the department
 8 consistent with the requirements of chapter 8A.

9 Sec. 5. FUNDING FOR IOWACCESS.

10 1. Notwithstanding section 321A.3, subsection
 11 1, for the fiscal year beginning July 1, 2011, and
 12 ending June 30, 2012, the first \$750,000 collected
 13 and transferred by the department of transportation
 14 to the treasurer of state with respect to the fees
 15 for transactions involving the furnishing of a
 16 certified abstract of a vehicle operating record under
 17 section 321A.3, subsection 1, shall be transferred
 18 to the IowAccess revolving fund for the purposes of
 19 developing, implementing, maintaining, and expanding
 20 electronic access to government records as provided by
 21 law.

22 2. All fees collected with respect to transactions
 23 involving IowAccess shall be deposited in the IowAccess
 24 revolving fund and shall be used only for the support
 25 of IowAccess projects.

26 3. For the fiscal year beginning July 1, 2011,
 27 and ending June 30, 2012, there is appropriated from
 28 the IowAccess revolving fund, to the office of the
 29 secretary of state \$75,000 for costs associated with
 30 decennial redistricting.

31 Sec. 6. STATE EMPLOYEE HEALTH INSURANCE
 32 ADMINISTRATION CHARGE. For the fiscal year beginning
 33 July 1, 2011, and ending June 30, 2012, the monthly per
 34 contract administrative charge which may be assessed by
 35 the department of administrative services shall be \$2
 36 per contract on all health insurance plans administered
 37 by the department.

38 Sec. 7. AUDITOR OF STATE.

39 1. There is appropriated from the general fund of
 40 the state to the office of the auditor of state for the
 41 fiscal year beginning July 1, 2011, and ending June 30,
 42 2012, the following amount, or so much thereof as is
 43 necessary, to be used for the purposes designated, and
 44 for not more than the following full-time equivalent
 45 positions:

46 For salaries, support, maintenance, and
 47 miscellaneous purposes:

48	\$	905,468
49	FTEs	103.00

50 2. The auditor of state may retain additional

1 full-time equivalent positions as is reasonable and
 2 necessary to perform governmental subdivision audits
 3 which are reimbursable pursuant to section 11.20
 4 or 11.21, to perform audits which are requested by
 5 and reimbursable from the federal government, and
 6 to perform work requested by and reimbursable from
 7 departments or agencies pursuant to section 11.5A
 8 or 11.5B. The auditor of state shall notify the
 9 department of management, the legislative fiscal
 10 committee, and the legislative services agency of the
 11 additional full-time equivalent positions retained.

12 3. The auditor of state shall allocate resources
 13 from the appropriation in this section solely for audit
 14 work related to the comprehensive annual financial
 15 report, federally required audits, and investigations
 16 of embezzlement, theft, or other significant financial
 17 irregularities until the audit of the comprehensive
 18 annual financial report is complete.

19 Sec. 8. IOWA ETHICS AND CAMPAIGN DISCLOSURE
 20 BOARD. There is appropriated from the general fund of
 21 the state to the Iowa ethics and campaign disclosure
 22 board for the fiscal year beginning July 1, 2011, and
 23 ending June 30, 2012, the following amount, or so much
 24 thereof as is necessary, for the purposes designated:

25 For salaries, support, maintenance, and
 26 miscellaneous purposes, and for not more than the
 27 following full-time equivalent positions:
 28 \$ 475,000
 29 FTEs 5.00

30 Sec. 9. DEPARTMENT OF COMMERCE.

31 1. There is appropriated from the general fund
 32 of the state to the department of commerce for the
 33 fiscal year beginning July 1, 2011, and ending June 30,
 34 2012, the following amounts, or so much thereof as is
 35 necessary, for the purposes designated:

36 a. ALCOHOLIC BEVERAGES DIVISION

37 (1) For salaries, support, maintenance, and
 38 miscellaneous purposes, and for not more than the
 39 following full-time equivalent positions:
 40 \$ 1,220,391
 41 FTEs 21.00

42 (2) Of the funds appropriated pursuant to this
 43 paragraph, up to \$60,000 shall be used to establish
 44 and implement a web-based alcohol compliance employee
 45 training program for alcoholic beverage sales
 46 personnel.

47 b. PROFESSIONAL LICENSING AND REGULATION BUREAU

48 For salaries, support, maintenance, and
 49 miscellaneous purposes, and for not more than the
 50 following full-time equivalent positions:

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1	\$	600,353
2	FTEs	12.00
3	2. There is appropriated from the department of		
4	commerce revolving fund created in section 546.12		
5	to the department of commerce for the fiscal year		
6	beginning July 1, 2011, and ending June 30, 2012, the		
7	following amounts, or so much thereof as is necessary,		
8	for the purposes designated:		
9	a. BANKING DIVISION		
10	For salaries, support, maintenance, and		
11	miscellaneous purposes, and for not more than the		
12	following full-time equivalent positions:		
13	.....	\$	8,851,670
14	.....	FTEs	80.00
15	b. CREDIT UNION DIVISION		
16	For salaries, support, maintenance, and		
17	miscellaneous purposes, and for not more than the		
18	following full-time equivalent positions:		
19	.....	\$	1,727,995
20	.....	FTEs	19.00
21	c. INSURANCE DIVISION		
22	(1) For salaries, support, maintenance, and		
23	miscellaneous purposes, and for not more than the		
24	following full-time equivalent positions:		
25	.....	\$	4,983,244
26	.....	FTEs	106.50
27	(2) The insurance division may reallocate		
28	authorized full-time equivalent positions as necessary		
29	to respond to accreditation recommendations or		
30	requirements. The insurance division expenditures		
31	for examination purposes may exceed the projected		
32	receipts, refunds, and reimbursements, estimated		
33	pursuant to section 505.7, subsection 7, including the		
34	expenditures for retention of additional personnel,		
35	if the expenditures are fully reimbursable and the		
36	division first does both of the following:		
37	(a) Notifies the department of management, the		
38	legislative services agency, and the legislative fiscal		
39	committee of the need for the expenditures.		
40	(b) Files with each of the entities named in		
41	subparagraph division (a) the legislative and		
42	regulatory justification for the expenditures, along		
43	with an estimate of the expenditures.		
44	d. UTILITIES DIVISION		
45	(1) For salaries, support, maintenance, and		
46	miscellaneous purposes, and for not more than the		
47	following full-time equivalent positions:		
48	.....	\$	8,173,069
49	.....	FTEs	79.00
50	(2) The utilities division may expend additional		

1 funds, including funds for additional personnel, if
 2 those additional expenditures are actual expenses which
 3 exceed the funds budgeted for utility regulation and
 4 the expenditures are fully reimbursable. Before the
 5 division expends or encumbers an amount in excess of
 6 the funds budgeted for regulation, the division shall
 7 first do both of the following:

8 (a) Notify the department of management, the
 9 legislative services agency, and the legislative fiscal
 10 committee of the need for the expenditures.

11 (b) File with each of the entities named in
 12 subparagraph division (a) the legislative and
 13 regulatory justification for the expenditures, along
 14 with an estimate of the expenditures.

15 (3) Notwithstanding sections 8.33 and 476.10 or
 16 any other provisions to the contrary, any unencumbered
 17 or unobligated balance of the appropriation made in
 18 this paragraph for the utilities division or any other
 19 operational appropriation made for the fiscal year
 20 beginning July 1, 2011, and ending June 30, 2012,
 21 that remains unused, unencumbered, or unobligated
 22 at the close of the fiscal year shall not revert but
 23 shall remain available to be used for purposes of the
 24 energy-efficient building project authorized under
 25 section 476.10B, or for relocation costs in succeeding
 26 fiscal years.

27 (4) In addition to the funds otherwise appropriated
 28 to the division in subparagraph (1), and contingent
 29 upon the enactment of legislation during the 2011
 30 legislative session relating to the permitting,
 31 licensing, construction, and operation of nuclear
 32 generation facilities and establishing rate-making
 33 principles in relation thereto, for salaries, support,
 34 maintenance, and miscellaneous purposes, and for not
 35 more than the following full-time equivalent positions:

36	\$	500,000
37	FTEs	3.50

38 3. CHARGES. Each division and the office of
 39 consumer advocate shall include in its charges
 40 assessed or revenues generated an amount sufficient
 41 to cover the amount stated in its appropriation and
 42 any state-assessed indirect costs determined by the
 43 department of administrative services.

44 Sec. 10. DEPARTMENT OF COMMERCE — PROFESSIONAL
 45 LICENSING AND REGULATION BUREAU. There is appropriated
 46 from the housing trust fund of the Iowa finance
 47 authority created in section 16.181, to the bureau of
 48 professional licensing and regulation of the banking
 49 division of the department of commerce for the fiscal
 50 year beginning July 1, 2011, and ending June 30,

1 2012, the following amount, or so much thereof as is
 2 necessary, to be used for the purposes designated:
 3 For salaries, support, maintenance, and
 4 miscellaneous purposes:
 5 \$ 62,317
 6 Sec. 11. GOVERNOR AND LIEUTENANT GOVERNOR. There
 7 is appropriated from the general fund of the state to
 8 the offices of the governor and the lieutenant governor
 9 for the fiscal year beginning July 1, 2011, and ending
 10 June 30, 2012, the following amounts, or so much
 11 thereof as is necessary, to be used for the purposes
 12 designated:
 13 For salaries, support, maintenance, and
 14 miscellaneous purposes:
 15 \$ 2,288,025
 16 FTEs 22.88
 17 Sec. 12. GOVERNOR'S OFFICE OF DRUG CONTROL
 18 POLICY. There is appropriated from the general fund
 19 of the state to the governor's office of drug control
 20 policy for the fiscal year beginning July 1, 2011, and
 21 ending June 30, 2012, the following amount, or so much
 22 thereof as is necessary, to be used for the purposes
 23 designated:
 24 For salaries, support, maintenance, and
 25 miscellaneous purposes, including statewide
 26 coordination of the drug abuse resistance education
 27 (D.A.R.E.) programs or similar programs, and for not
 28 more than the following full-time equivalent positions:
 29 \$ 290,000
 30 FTEs 8.00
 31 Sec. 13. DEPARTMENT OF HUMAN RIGHTS. There is
 32 appropriated from the general fund of the state to
 33 the department of human rights for the fiscal year
 34 beginning July 1, 2011, and ending June 30, 2012, the
 35 following amounts, or so much thereof as is necessary,
 36 to be used for the purposes designated:
 37 1. CENTRAL ADMINISTRATION DIVISION
 38 For salaries, support, maintenance, and
 39 miscellaneous purposes, and for not more than the
 40 following full-time equivalent positions:
 41 \$ 206,103
 42 FTEs 7.00
 43 2. COMMUNITY ADVOCACY AND SERVICES DIVISION
 44 For salaries, support, maintenance, and
 45 miscellaneous purposes, and for not more than the
 46 following full-time equivalent positions:
 47 \$ 1,028,077
 48 FTEs 17.00
 49 3. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION
 50 For salaries, support, maintenance, and

1 miscellaneous purposes, and for not more than the
2 following full-time equivalent positions:
3 \$ 1,023,892
4 FTEs 10.00
5 The criminal and juvenile justice planning advisory
6 council and the juvenile justice advisory council
7 shall coordinate their efforts in carrying out their
8 respective duties relative to juvenile justice.
9 Sec. 14. DEPARTMENT OF INSPECTIONS AND
10 APPEALS. There is appropriated from the general fund
11 of the state to the department of inspections and
12 appeals for the fiscal year beginning July 1, 2011, and
13 ending June 30, 2012, the following amounts, or so much
14 thereof as is necessary, for the purposes designated:
15 1. ADMINISTRATION DIVISION
16 For salaries, support, maintenance, and
17 miscellaneous purposes, and for not more than the
18 following full-time equivalent positions:
19 \$ 1,527,740
20 FTEs 37.40
21 2. ADMINISTRATIVE HEARINGS DIVISION
22 For salaries, support, maintenance, and
23 miscellaneous purposes, and for not more than the
24 following full-time equivalent positions:
25 \$ 528,753
26 FTEs 23.00
27 3. INVESTIGATIONS DIVISION
28 a. For salaries, support, maintenance, and
29 miscellaneous purposes, and for not more than the
30 following full-time equivalent positions:
31 \$ 1,168,639
32 FTEs 58.50
33 b. The department, in coordination with the
34 investigations division, shall provide a report to
35 the general assembly by January 10, 2012, concerning
36 the fiscal impact of additional full-time equivalent
37 positions on the department's efforts relative to the
38 Medicaid divestiture program under chapter 249F.
39 4. HEALTH FACILITIES DIVISION
40 a. For salaries, support, maintenance, and
41 miscellaneous purposes, and for not more than the
42 following full-time equivalent positions:
43 \$ 3,555,328
44 FTEs 134.75
45 b. The department shall, in coordination with
46 the health facilities division, make the following
47 information available to the public in a timely
48 manner, to include providing the information on the
49 department's internet website, during the fiscal year
50 beginning July 1, 2011, and ending June 30, 2012:

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1 (1) The number of inspections conducted by the
 2 division annually by type of service provider and type
 3 of inspection.

4 (2) The total annual operations budget for the
 5 division, including general fund appropriations and
 6 federal contract dollars received by type of service
 7 provider inspected.

8 (3) The total number of full-time equivalent
 9 positions in the division, to include the number of
 10 full-time equivalent positions serving in a supervisory
 11 capacity, and serving as surveyors, inspectors, or
 12 monitors in the field by type of service provider
 13 inspected.

14 (4) Identification of state and federal survey
 15 trends, cited regulations, the scope and severity of
 16 deficiencies identified, and federal and state fines
 17 assessed and collected concerning nursing and assisted
 18 living facilities and programs.

19 c. It is the intent of the general assembly that
 20 the department and division continuously solicit input
 21 from facilities regulated by the division to assess and
 22 improve the division's level of collaboration and to
 23 identify new opportunities for cooperation.

24 5. EMPLOYMENT APPEAL BOARD

25 a. For salaries, support, maintenance, and
 26 miscellaneous purposes, and for not more than the
 27 following full-time equivalent positions:

28	\$	42,215
29	FTEs	14.00

30 b. The employment appeal board shall be reimbursed
 31 by the labor services division of the department
 32 of workforce development for all costs associated
 33 with hearings conducted under chapter 91C, related
 34 to contractor registration. The board may expend,
 35 in addition to the amount appropriated under this
 36 subsection, additional amounts as are directly billable
 37 to the labor services division under this subsection
 38 and to retain the additional full-time equivalent
 39 positions as needed to conduct hearings required
 40 pursuant to chapter 91C.

41 6. CHILD ADVOCACY BOARD

42 a. For foster care review and the court appointed
 43 special advocate program, including salaries, support,
 44 maintenance, and miscellaneous purposes, and for not
 45 more than the following full-time equivalent positions:

46	\$	2,680,290
47	FTEs	40.80

48 b. The department of human services, in
 49 coordination with the child advocacy board and the
 50 department of inspections and appeals, shall submit an

1 application for funding available pursuant to Tit. IV-E
 2 of the federal Social Security Act for claims for child
 3 advocacy board administrative review costs.
 4 c. The court appointed special advocate program
 5 shall investigate and develop opportunities for
 6 expanding fund-raising for the program.

7 d. Administrative costs charged by the department
 8 of inspections and appeals for items funded under this
 9 subsection shall not exceed 4 percent of the amount
 10 appropriated in this subsection.

11 Sec. 15. DEPARTMENT OF INSPECTIONS AND APPEALS
 12 — MUNICIPAL CORPORATION FOOD INSPECTIONS. For the
 13 fiscal year beginning July 1, 2011, and ending June 30,
 14 2012, the department of inspections and appeals shall
 15 retain any license fees generated during the fiscal
 16 year as a result of actions under section 137F.3A
 17 occurring during the period beginning July 1, 2009, and
 18 ending June 30, 2011, for the purpose of enforcing the
 19 provisions of chapters 137C, 137D, and 137F.

20 Sec. 16. DEPARTMENT OF INSPECTIONS AND APPEALS —
 21 HEALTH CARE FACILITIES INSPECTIONS. Notwithstanding
 22 any provision of section 135C.16 to the contrary,
 23 inspections of health care facilities that are only
 24 state-licensed and not certified under the Medicare
 25 or Medicaid programs shall not be inspected by the
 26 department of inspections and appeals every thirty
 27 months, but only as provided pursuant to sections
 28 135C.9 and 135C.38.

29 Sec. 17. DEPARTMENT OF INSPECTIONS AND
 30 APPEALS — GENERAL SUPPORT — MEDICAID FRAUD FUND
 31 APPROPRIATION. There is appropriated from the Medicaid
 32 fraud fund created in section 249A.7 to the health
 33 facilities division of the department of inspections
 34 and appeals for the fiscal year beginning July 1, 2011,
 35 and ending June 30, 2012, the following amount, or
 36 so much thereof as is necessary, to be used for the
 37 purposes designated:

38 For salaries, support, maintenance, and
 39 miscellaneous purposes:
 40 \$ 650,000

41 Sec. 18. DEPARTMENT OF INSPECTIONS AND APPEALS
 42 — STATE MATCH REQUIREMENTS — MEDICAID FRAUD FUND
 43 APPROPRIATION. There is appropriated from the Medicaid
 44 fraud fund created in section 249A.7 to the department
 45 of inspections and appeals for the fiscal year
 46 beginning July 1, 2011, and ending June 30, 2012, the
 47 amounts necessary for the purposes designated:

48 1. To cover the cost of any state match to draw
 49 down matching federal funds through the department of
 50 human services for additional full-time equivalent

1 positions for conducting investigations of alleged
 2 fraud and overpayments of food assistance benefits
 3 through electronic benefits transfer.
 4 2. For the state financial match requirement
 5 for meeting the federal mandates connected with the
 6 department's Medicaid fraud and abuse activities, and
 7 the amount necessary to cover costs incurred by the
 8 department or other agencies in providing regulation,
 9 responding to allegations, or other activity involving
 10 chapter 135O.

11 Sec. 19. DEPARTMENT OF INSPECTIONS AND APPEALS
 12 — LEGISLATIVE IMPLEMENTATION — MEDICAID FRAUD FUND
 13 APPROPRIATION. There is appropriated from the Medicaid

14 fraud fund created in section 249A.7 to the department
 15 of inspections and appeals for the fiscal year
 16 beginning July 1, 2011, and ending June 30, 2012, the
 17 following amount, or so much thereof as is necessary,
 18 to be used for the purposes designated:

19 For salaries, support, maintenance, miscellaneous
 20 purposes, administration, and other costs associated
 21 with implementation of 2010 Iowa Acts, chapter 1177:
 22 \$ 250,000

23 Sec. 20. RACING AND GAMING COMMISSION.
 24 1. RACETRACK REGULATION

25 There is appropriated from the gaming regulatory
 26 revolving fund established in section 99F.20 to the
 27 racing and gaming commission of the department of
 28 inspections and appeals for the fiscal year beginning
 29 July 1, 2011, and ending June 30, 2012, the following
 30 amount, or so much thereof as is necessary, to be used
 31 for the purposes designated:

32 For salaries, support, maintenance, and
 33 miscellaneous purposes for the regulation of
 34 pari-mutuel racetracks, and for not more than the
 35 following full-time equivalent positions:
 36 \$ 2,511,440
 37 FTEs 28.53

38 2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION

39 There is appropriated from the gaming regulatory
 40 revolving fund established in section 99F.20 to the
 41 racing and gaming commission of the department of
 42 inspections and appeals for the fiscal year beginning
 43 July 1, 2011, and ending June 30, 2012, the following
 44 amount, or so much thereof as is necessary, to be used
 45 for the purposes designated:

46 For salaries, support, maintenance, and
 47 miscellaneous purposes for administration and
 48 enforcement of the excursion boat gambling and gambling
 49 structure laws, and for not more than the following
 50 full-time equivalent positions:

1	.....	\$	3,078,100
2	.....	FTEs	44.22
3	Sec. 21. ROAD USE TAX FUND APPROPRIATION —		
4	DEPARTMENT OF INSPECTIONS AND APPEALS. There is		
5	appropriated from the road use tax fund created in		
6	section 312.1 to the administrative hearings division		
7	of the department of inspections and appeals for the		
8	fiscal year beginning July 1, 2011, and ending June 30,		
9	2012, the following amount, or so much thereof as is		
10	necessary, for the purposes designated:		
11	For salaries, support, maintenance, and		
12	miscellaneous purposes:		
13	.....	\$	1,623,897
14	Sec. 22. DEPARTMENT OF MANAGEMENT.		
15	1. There is appropriated from the general fund		
16	of the state to the department of management for the		
17	fiscal year beginning July 1, 2011, and ending June 30,		
18	2012, the following amounts, or so much thereof as is		
19	necessary, to be used for the purposes designated:		
20	For salaries, support, maintenance, and		
21	miscellaneous purposes, and for not more than the		
22	following full-time equivalent positions:		
23	.....	\$	2,393,998
24	.....	FTEs	25.00
25	2. Of the moneys appropriated in this section, the		
26	department shall use a portion for enterprise resource		
27	planning, providing for a salary model administrator,		
28	conducting performance audits, and for the department's		
29	LEAN process.		
30	Sec. 23. ROAD USE TAX APPROPRIATION — DEPARTMENT		
31	OF MANAGEMENT. There is appropriated from the road use		
32	tax fund created in section 312.1 to the department		
33	of management for the fiscal year beginning July 1,		
34	2011, and ending June 30, 2012, the following amount,		
35	or so much thereof as is necessary, to be used for the		
36	purposes designated:		
37	For salaries, support, maintenance, and		
38	miscellaneous purposes:		
39	.....	\$	56,000
40	Sec. 24. DEPARTMENT OF REVENUE.		
41	1. There is appropriated from the general fund		
42	of the state to the department of revenue for the		
43	fiscal year beginning July 1, 2011, and ending June 30,		
44	2012, the following amounts, or so much thereof as is		
45	necessary, to be used for the purposes designated:		
46	For salaries, support, maintenance, and		
47	miscellaneous purposes, and for not more than the		
48	following full-time equivalent positions:		
49	.....	\$	17,659,484
50	.....	FTEs	303.48

2. Of the funds appropriated pursuant to this section, \$400,000 shall be used to pay the direct costs of compliance related to the collection and distribution of local sales and services taxes imposed pursuant to chapters 423B and 423E.

3. The director of revenue shall prepare and issue a state appraisal manual and the revisions to the state appraisal manual as provided in section 421.17, subsection 17, without cost to a city or county.

Sec. 25. MOTOR VEHICLE FUEL TAX

APPROPRIATION. There is appropriated from the motor fuel tax fund created by section 452A.77 to the department of revenue for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for administration and enforcement of the provisions of chapter 452A and the motor vehicle use tax program:

.....	\$	1,305,775
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Sec. 26. SECRETARY OF STATE.

1. There is appropriated from the general fund of the state to the office of the secretary of state for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,895,585
.....	FTEs	45.00

2. The state department or state agency which provides data processing services to support voter registration file maintenance and storage shall provide those services without charge.

Sec. 27. SECRETARY OF STATE FILING FEES REFUND.

Notwithstanding the obligation to collect fees pursuant to the provisions of section 490.122, subsection 1, paragraphs "a" and "s", and section 504.113, subsection 1, paragraphs "a", "c", "d", "j", "k", "l", and "m", for the fiscal year beginning July 1, 2011, the secretary of state may refund these fees to the filer pursuant to rules established by the secretary of state. The decision of the secretary of state not to issue a refund under rules established by the secretary of state is final and not subject to review pursuant to chapter 17A.

Sec. 28. TREASURER.

1. There is appropriated from the general fund of

1 the state to the office of treasurer of state for the
 2 fiscal year beginning July 1, 2011, and ending June 30,
 3 2012, the following amount, or so much thereof as is
 4 necessary, to be used for the purposes designated:

5 For salaries, support, maintenance, and
 6 miscellaneous purposes, and for not more than the
 7 following full-time equivalent positions:
 8 \$ 854,289
 9 FTEs 28.80

10 2. The office of treasurer of state shall supply
 11 clerical and secretarial support for the executive
 12 council.

13 Sec. 29. ROAD USE TAX APPROPRIATION — OFFICE
 14 OF TREASURER OF STATE. There is appropriated from
 15 the road use tax fund created in section 312.1 to
 16 the office of treasurer of state for the fiscal year
 17 beginning July 1, 2011, and ending June 30, 2012, the
 18 following amount, or so much thereof as is necessary,
 19 to be used for the purposes designated:

20 For enterprise resource management costs related to
 21 the distribution of road use tax funds:
 22 \$ 93,148

23 Sec. 30. IPERS — GENERAL OFFICE. There is
 24 appropriated from the Iowa public employees' retirement
 25 system fund to the Iowa public employees' retirement
 26 system for the fiscal year beginning July 1, 2011, and
 27 ending June 30, 2012, the following amount, or so much
 28 thereof as is necessary, to be used for the purposes
 29 designated:

30 For salaries, support, maintenance, and other
 31 operational purposes to pay the costs of the Iowa
 32 public employees' retirement system, and for not more
 33 than the following full-time equivalent positions:
 34 \$ 17,686,968
 35 FTEs 90.13

36 Sec. 31. STATE CAPITOL SIDEWALK HEATING —
 37 DISCONNECTION. The department of administrative
 38 services shall disconnect electricity to the heated
 39 sidewalk installed in the entry walkway on the East
 40 side of the state capitol building, and shall not
 41 reconnect the electricity without the authorization of
 42 the general assembly.

43 Sec. 32. Section 8A.111, subsection 4, Code 2011,
 44 is amended by striking the subsection.

45 Sec. 33. Section 8A.311, subsection 15, Code 2011,
 46 is amended to read as follows:

47 15. a. A bidder ~~awarded~~, to be considered for an
 48 award of a state construction contract, shall disclose
 49 to the state agency awarding the contract the names of
 50 all subcontractors, and suppliers who will work on the

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1 project being bid, within forty-eight hours after the
2 ~~award of the contract~~ published date and time by which
3 ~~bids must be submitted.~~

4 b. A bidder shall not replace a subcontractor or
5 supplier disclosed under paragraph "a" without the
6 approval of the state agency awarding the contract.

7 c. A bidder, prior to an award or who is awarded a
8 state construction contract, shall disclose all of the
9 following, as applicable:

10 ~~b. (1) If a subcontractor named or supplier~~
11 ~~disclosed under paragraph "a" by a bidder awarded~~
12 ~~a state construction contract is replaced, or if~~
13 ~~the reason for replacement and the name of the new~~
14 ~~subcontractor or supplier.~~

15 (2) If the cost of work to be done by a
16 subcontractor or supplier is reduced, the bidder shall
17 disclose the name of the new subcontractor or changed
18 or if the replacement of a subcontractor or supplier
19 results in a change in the cost, the amount of the
20 ~~reduced change in cost.~~

21 Sec. 34. Section 8A.315, subsection 1, paragraph d,
22 Code 2011, is amended by striking the paragraph.

23 Sec. 35. Section 8A.321, subsection 6, Code 2011,
24 is amended to read as follows:

25 6. a. Lease all buildings and office space
26 necessary to carry out the provisions of this
27 subchapter or necessary for the proper functioning of
28 any state agency ~~at the seat of government~~ wherever
29 located throughout the state. For state agencies
30 at the seat of government, the director may lease
31 buildings and office space in Polk county or in a
32 county contiguous to Polk county. If no specific
33 appropriation has been made, the proposed lease
34 shall be submitted to the executive council for
35 approval. The cost of any lease for which no specific
36 appropriation has been made shall be paid from the fund
37 provided in section 7D.29. Additionally, the director
38 shall also develop cooperative relationships with the
39 state board of regents in order to promote colocation
40 of state agencies.

41 b. When the general assembly is not in session,
42 the director may request moneys from the executive
43 council for moving state agencies ~~located at the seat~~
44 ~~of government~~ from one location to another. The
45 request may include moving costs, telecommunications
46 costs, repair costs, or any other costs relating to the
47 move. The executive council may approve and shall pay
48 the costs from funds provided in section 7D.29 if it
49 determines the agency or department has no available
50 funds for these expenses.

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1 ~~e. Coordinate the leasing of buildings and office~~
2 ~~space by state agencies throughout the state and~~
3 ~~develop cooperative relationships with the state board~~
4 ~~of regents in order to promote the colocation of state~~
5 ~~agencies.~~

6 Sec. 36. Section 8A.327, subsection 1, Code 2011,
7 is amended to read as follows:

8 1. A rent revolving fund is created in the state
9 treasury under the control of the department to be used
10 by the department to pay the lease or rental costs of
11 all buildings and office space necessary for the proper
12 functioning of any state agency ~~at the seat of state~~
13 ~~government wherever located throughout the state~~ as
14 provided in section 8A.321, subsection 6, except that
15 this fund shall not be used to pay the rental or lease
16 costs of a state agency which has not received funds
17 budgeted for rental or lease purposes.

18 Sec. 37. Section 8A.361, Code 2011, is amended to
19 read as follows:

20 8A.361 Vehicle assignment — authority in
21 department.

22 The department shall provide for the assignment of
23 all ~~state owned~~ motor vehicles ~~to~~ utilized by all state
24 officers and employees, and ~~to~~ by all state offices,
25 departments, bureaus, and commissions, except the state
26 department of transportation, institutions under the
27 control of the state board of regents, the department
28 for the blind, and any other agencies exempted by law.

29 Sec. 38. Section 8A.362, subsection 4, paragraphs a
30 through c, Code 2011, are amended to read as follows:

31 a. The director shall provide for the purchase
32 of ~~all~~ motor vehicles for all branches of the
33 state government, except the state department of
34 transportation, institutions under the control of the
35 state board of regents, the department for the blind,
36 and any other state agency exempted by law, which are
37 not rented or leased pursuant to section 8A.367. The
38 director shall purchase new vehicles in accordance with
39 competitive bidding procedures for items or services as
40 provided in this subchapter. The director may purchase
41 used or preowned vehicles at governmental or dealer
42 auctions if the purchase is determined to be in the
43 best interests of the state.

44 b. The director, and any other state agency,
45 which for purposes of this subsection includes but is
46 not limited to community colleges and institutions
47 under the control of the state board of regents, or
48 local governmental subdivisions purchasing new motor
49 vehicles, shall purchase ~~new passenger motor~~
50 and light trucks, which are not rented or leased

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1 pursuant to section 8A.367, so that the average fuel
2 efficiency for the fleet of new passenger vehicles and
3 light trucks purchased in that year equals or exceeds
4 the average fuel economy standard for the vehicles'
5 model year as established by the United States
6 secretary of transportation under 15 U.S.C. § 2002.
7 This paragraph does not apply to vehicles purchased
8 for law enforcement purposes or used for off-road
9 maintenance work, or work vehicles used to pull loaded
10 trailers.

11 c. Not later than June 15 of each year, the
12 director shall report compliance with the corporate
13 average fuel economy standards published by the United
14 States secretary of transportation for ~~new assigned~~
15 motor vehicles, other than motor vehicles purchased by
16 the state department of transportation, institutions
17 under the control of the state board of regents, the
18 department for the blind, and any other state agency
19 exempted from the requirements of this subsection.
20 The report of compliance shall classify the vehicles
21 ~~purchased assigned~~ for the current vehicle model year
22 using the following categories: passenger automobiles,
23 enforcement automobiles, vans, and light trucks.
24 The director shall deliver a copy of the report to
25 the office of energy independence. As used in this
26 paragraph, "corporate average fuel economy" means the
27 corporate average fuel economy as defined in 49 C.F.R.
28 § 533.5.

29 Sec. 39. Section 8A.362, subsection 5, Code 2011,
30 is amended by striking the subsection.

31 Sec. 40. Section 8A.362, subsections 7 through 9,
32 Code 2011, are amended to read as follows:

33 7. The director may authorize the establishment
34 of motor pools consisting of a number of ~~state-owned~~
35 state-assigned motor vehicles under the director's
36 supervision. The director may store the motor vehicles
37 in a public or private garage. If the director
38 establishes a motor pool, any state officer or employee
39 desiring the use of a ~~state-owned~~ state-assigned motor
40 vehicle on state business shall notify the director
41 of the need for a vehicle within a reasonable time
42 prior to actual use of the motor vehicle. The director
43 may assign a motor vehicle from the motor pool to the
44 state officer or employee, or from the vendor awarded
45 a contract pursuant to section 8A.367. If two or
46 more state officers or employees desire the use of a
47 ~~state-owned~~ state-assigned motor vehicle for a trip to
48 the same destination for the same length of time, the
49 director may assign one vehicle to make the trip.

50 8. The director shall require that a sign be placed

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1 on each state-owned motor vehicle in a conspicuous
2 place which indicates its ownership by the state.
3 This requirement shall not apply to motor vehicles
4 requested to be exempt by the director or by the
5 commissioner of public safety. All state-owned motor
6 vehicles shall display registration plates bearing the
7 word "official" except motor vehicles requested to be
8 furnished with ordinary plates by the director or by
9 the commissioner of public safety pursuant to section
10 321.19. The director shall keep an accurate record
11 of the registration plates used on all state-owned
12 motor vehicles. This subsection shall not apply to an
13 assigned vehicle rented or leased pursuant to section
14 8A.367.

15 9. All fuel used in ~~state-owned~~ state-assigned
16 automobiles shall be purchased at cost from the various
17 installations or garages of the state department of
18 transportation, state board of regents, department of
19 human services, or state motor pools throughout the
20 state, unless the state-owned sources for the purchase
21 of fuel are not reasonably accessible. If the director
22 determines that state-owned sources for the purchase of
23 fuel are not reasonably accessible, the director shall
24 authorize the purchase of fuel from other sources. The
25 director may prescribe a manner, other than the use
26 of the revolving fund, in which the purchase of fuel
27 from state-owned sources is charged to the state agency
28 responsible for the use of the motor vehicle. The
29 director shall prescribe the manner in which oil and
30 other normal motor vehicle maintenance for state-owned
31 motor vehicles may be purchased from private sources,
32 if they cannot be reasonably obtained from a state
33 motor pool. The director may advertise for bids and
34 award contracts in accordance with competitive bidding
35 procedures for items and services as provided in
36 this subchapter for furnishing fuel, oil, grease, and
37 vehicle replacement parts for all state-owned motor
38 vehicles. The director and other state agencies, when
39 advertising for bids for gasoline, shall also seek bids
40 for ethanol blended gasoline.

41 Sec. 41. Section 8A.363, subsection 1, Code 2011,
42 is amended to read as follows:

43 1. A state officer or employee shall not use a
44 ~~state-owned~~ state-assigned motor vehicle for personal
45 private use. A state officer or employee shall not be
46 compensated for driving a privately owned motor vehicle
47 unless it is done on state business with the approval
48 of the director. In that case the state officer or
49 employee shall receive an amount to be determined by
50 the director. The amount shall not exceed the maximum

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1 allowable under the federal internal revenue service
2 rules per mile, notwithstanding established mileage
3 requirements or depreciation allowances. However, the
4 director may authorize private motor vehicle rates in
5 excess of the rate allowed under the federal internal
6 revenue service rules for state business use of
7 substantially modified or specially equipped privately
8 owned vehicles required by persons with disabilities.
9 A statutory provision establishing reimbursement for
10 necessary mileage, travel, or actual expenses to a
11 state officer falls under the private motor vehicle
12 mileage rate limitation provided in this section
13 unless specifically provided otherwise. Any peace
14 officer employed by the state as defined in section
15 801.4 who is required to use a private motor vehicle
16 in the performance of official duties shall receive
17 the private vehicle mileage rate at the rate provided
18 in this section. However, the director may delegate
19 authority to officials of the state, and department
20 heads, for the use of private vehicles on state
21 business up to a yearly mileage figure established
22 by the director. If a ~~state~~ motor vehicle has been
23 assigned to a state officer or employee, the officer
24 or employee shall not collect mileage for the use of a
25 privately owned motor vehicle unless the ~~state~~ motor
26 vehicle assigned is not usable.

27 Sec. 42. NEW SECTION. 8A.367 State-owned passenger
28 vehicles — disposition and sale — fleet privatization.

29 1. For purposes of this section, “passenger
30 vehicles” means United States environmental protection
31 agency designated compact sedans, compact wagons,
32 midsize sedans, midsize wagons, full-size sedans,
33 and passenger minivans, and additional vehicle
34 classes determined by the department to be able to be
35 reasonably supported by a private entity for rental or
36 leasing. “Passenger vehicles” does not mean utility
37 vehicles, vans other than passenger minivans, fire
38 trucks, ambulances, motor homes, buses, medium-duty and
39 heavy-duty trucks, heavy construction equipment and
40 other highway maintenance vehicles, vehicles assigned
41 for law enforcement purposes, and any other classes
42 of vehicles of limited application approved by the
43 director of the department of administrative services.

44 2. On or before September 30, 2011, the department
45 shall implement a request for proposal process to enter
46 into a contract for the purpose of state passenger
47 vehicle rental or leasing from a private entity.
48 Prior to awarding a contract, a private entity shall
49 demonstrate the following:

50 a. Existence of sufficient inventory of passenger

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1 vehicles within this state to accommodate the needs of
2 the state in assigning passenger vehicles.

3 b. Existence of adequate personnel in any county
4 within the state where rental and leasing activity can
5 be supported to satisfy the terms of the contract in
6 renting or leasing state-assigned vehicles.

7 c. Existence of adequate personnel to facilitate
8 the sale and disposition of the existing state-owned
9 passenger vehicles returned to the department pursuant
10 to subsection 3 or otherwise under the control of the
11 department. Notwithstanding the provisions of section
12 8A.364 to the contrary, proceeds from the sale of
13 motor vehicles as provided by this subsection shall be
14 credited to the fund from which the motor vehicles were
15 purchased.

16 3. By March 1, 2012, the department shall award
17 a vehicle rental or leasing contract to a private
18 entity, and shall assign passenger vehicles for rental
19 or lease pursuant to that contract, to the extent the
20 department determines doing so would be economically
21 feasible and financially advantageous. By March 1,
22 2012, all state-assigned passenger vehicles designated
23 for use by multiple drivers, and located in any county
24 of this state which can support the operation of a
25 private entity for rental and leasing purposes, which
26 the department determines would be suitable for rental
27 or leasing shall be returned to the department for use
28 and disposition as provided in this section.

29 4. Notwithstanding any other provision of state law
30 to the contrary, a private entity awarded a contract
31 pursuant to this section shall not be required to
32 indemnify or hold harmless the state for any liability
33 the state might have to any third party due to the
34 negligence of the state or any of its employees.

35 5. The department shall conduct an ongoing
36 evaluation regarding the economic advantages of
37 renting or leasing state-assigned vehicles versus state
38 ownership of such vehicles, and shall accordingly
39 adjust the number of vehicles subject to the rental and
40 leasing contract pursuant to this section at intervals
41 specified in the contract.

42 Sec. 43. Section 8A.512, subsection 2, Code 2011,
43 is amended by striking the subsection.

44 Sec. 44. NEW SECTION. 8A.512A Executive branch
45 employee travel — information and database.

46 1. The department shall develop and maintain the
47 following:

48 a. An electronic travel authorization form to be
49 used for any executive branch employee's out-of-state
50 travel, conference, or related expenditures associated

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1 with the employee's official duties. The electronic
2 travel authorization form shall include all of the
3 following:
4 (1) The identification of the employee, the
5 employee's title, and the employee's department or
6 agency.
7 (2) The travel departure point and destination
8 point.
9 (3) The reason for the travel.
10 (4) The estimated reimbursable expenses.
11 (5) The date or dates upon which the travel is to
12 occur.
13 b. A searchable database available on the
14 department's internet site containing information
15 related to all executive branch employee travel that
16 includes all of the following:
17 (1) The identification of the employee who engaged
18 in the travel, the employee's department or agency, and
19 the employee's title.
20 (2) The travel departure point and destination
21 point.
22 (3) The reason for the travel.
23 (4) The actual amount of expenses reimbursed.
24 (5) The date or dates upon which the travel
25 occurred.
26 c. Notwithstanding paragraph "b" of this
27 subsection, the searchable database shall not
28 include information regarding travel by officers and
29 employees of the department of public safety occurring
30 in relation to or during the course of criminal
31 investigations, including but not limited to undercover
32 operations.
33 2. A claim for reimbursement for any out-of-state
34 travel, conference, or related expenditures shall
35 only be allowed after the occurrence of both of the
36 following:
37 a. The electronic travel authorization form is
38 approved by the head of the employee's department.
39 b. The request for reimbursement is submitted by
40 the employee on the appropriate form with required
41 approvals.
42 3. For purposes of this section, "executive branch
43 employee" means an employee of the executive branch
44 as defined in section 7E.2, other than a member or
45 employee of the state board of regents and institutions
46 under the control of the state board of regents.
47 Sec. 45. Section 22.3A, subsection 1, paragraph e,
48 Code 2011, is amended to read as follows:
49 e. "Data processing software" means an ordered set
50 of instructions or statements that, when executed by

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1 a computer, causes the computer to process data, and
2 includes any program or set of programs, procedures,
3 or routines used to employ and control capabilities of
4 computer hardware. As used in this paragraph “data
5 processing software” includes but is not limited to an
6 operating system, compiler, assembler, utility, library
7 resource, maintenance routine, application, ~~or~~ computer
8 networking program, or the associated documentation.

9 Sec. 46. Section 99D.14, subsection 2, Code 2011,
10 is amended by adding the following new paragraph:

11 NEW PARAGRAPH. c. Notwithstanding sections 8.60
12 and 99D.17, the portion of the fee paid pursuant to
13 paragraph “a” relating to the costs of the commission,
14 shall not be deposited in the general fund of the
15 state but instead shall be deposited into the gaming
16 regulatory revolving fund established in section
17 99F.20.

18 Sec. 47. Section 99F.10, subsection 4, Code 2011,
19 is amended by adding the following new paragraph:

20 NEW PARAGRAPH. c. Notwithstanding sections 8.60
21 and 99F.4, the portion of the fee paid pursuant to
22 paragraph “a” relating to the costs of the commission,
23 shall not be deposited in the general fund of the
24 state but instead shall be deposited into the gaming
25 regulatory revolving fund established in section
26 99F.20.

27 Sec. 48. NEW SECTION. 99F.20 Gaming regulatory
28 revolving fund.

29 1. A gaming regulatory revolving fund is created in
30 the state treasury under the control of the department
31 of inspections and appeals. The fund shall consist
32 of fees collected and deposited into the fund paid by
33 licensees pursuant to section 99D.14, subsection 2,
34 paragraph “c”, and fees paid by licensees pursuant to
35 section 99F.10, subsection 4, paragraph “c”. All costs
36 relating to racetrack, excursion boat, and gambling
37 structure regulation shall be paid from the fund as
38 provided in appropriations made for this purpose by
39 the general assembly. The department shall provide
40 quarterly reports to the department of management and
41 the legislative services agency specifying revenues
42 billed and collected and expenditures from the fund in
43 a format as determined by the department of management
44 in consultation with the legislative services agency.

45 2. To meet the department’s cash flow needs, the
46 department may temporarily use funds from the general
47 fund of the state to pay expenses in excess of moneys
48 available in the revolving fund if those additional
49 expenditures are fully reimbursable and the department
50 reimburses the general fund of the state and ensures

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1 all moneys are repaid in full by the close of the
2 fiscal year. Notwithstanding any provision to the
3 contrary, the department shall, to the fullest extent
4 possible, make an estimate of billings and make such
5 billings as early as possible in each fiscal year,
6 so that the need for the use of general fund moneys
7 is minimized to the lowest extent possible. Periodic
8 billings shall be deemed sufficient to satisfy this
9 requirement. Because any general fund moneys used
10 shall be fully reimbursed, such temporary use of funds
11 from the general fund of the state shall not constitute
12 an appropriation for purposes of calculating the state
13 general fund expenditure limitation pursuant to section
14 8.54.

15 3. Section 8.33 does not apply to any moneys
16 credited or appropriated to the revolving fund from any
17 other fund.

18 4. The establishment of the revolving fund pursuant
19 to this section shall not be interpreted in any manner
20 to compromise or impact the accountability of, or limit
21 authority with respect to, the department under state
22 law. Any provision applicable to, or responsibility
23 of, the department shall not be altered or impacted by
24 the existence of the fund and shall remain applicable
25 to the same extent as if the department were receiving
26 moneys pursuant to a general fund appropriation. The
27 department shall comply with directions by the governor
28 to executive branch departments regarding restrictions
29 on out-of-state travel, hiring justifications,
30 association memberships, equipment purchases,
31 consulting contracts, and any other expenditure
32 efficiencies that the governor deems appropriate.

33 Sec. 49. Section 249A.7, subsection 3, as amended
34 by 2011 Iowa Acts, House File 389, section 1, is
35 amended by striking the subsection and inserting in
36 lieu thereof the following:

37 3. a. A Medicaid fraud fund is created in the
38 state treasury under the authority of the department
39 of inspections and appeals. Moneys from penalties,
40 investigative costs recouped by the Medicaid fraud
41 control unit, and other amounts received as a result of
42 prosecutions involving the department of inspections
43 and appeals investigations and audits to ensure
44 compliance with the medical assistance program that are
45 not credited to the program shall be credited to the
46 fund.

47 b. Notwithstanding section 8.33, moneys credited
48 to the fund from any other account or fund shall not
49 revert to the other account or fund. Moneys in the
50 fund shall only be used as provided in appropriations

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1 from the fund and shall be used in accordance with
 2 applicable laws, regulations, and the policies of
 3 the office of inspector general of the United States
 4 department of health and human services.

5 c. For the purposes of this subsection,
 6 “investigative costs” means the reasonable value of a
 7 Medicaid fraud control unit investigator’s, auditor’s
 8 or employee’s time, any moneys expended by the Medicaid
 9 fraud control unit, and the reasonable fair market
 10 value of resources used or expended by the Medicaid
 11 fraud control unit in a case resulting in a criminal
 12 conviction of a provider under this chapter or chapter
 13 714 or 715A.

14 Sec. 50. Section 542.3, subsection 1, paragraph
 15 a, subparagraph (3), Code 2011, is amended to read as
 16 follows:

17 (3) ~~An examination of prospective financial~~
 18 ~~information~~ Any engagement to be performed in
 19 accordance with the statements on standards for
 20 attestation engagements.

21 Sec. 51. Section 546.12, Code 2011, is amended to
 22 read as follows:

23 546.12 Department of commerce revolving fund.

24 1. A department of commerce revolving fund is
 25 created in the state treasury. The fund shall consist
 26 of moneys collected by the banking division; credit
 27 union division; utilities division, including moneys
 28 collected on behalf of the office of consumer advocate
 29 established in section 475A.3; and the insurance
 30 division of the department; and deposited into an
 31 account for that division or office within the fund
 32 on a monthly basis. Except as otherwise provided by
 33 statute, all costs for operating the office of consumer
 34 advocate and the banking division, the credit union
 35 division, the utilities division, and the insurance
 36 division of the department shall be paid from the
 37 division’s accounts within the fund, subject to
 38 appropriation by the general assembly. The insurance
 39 division shall administer the fund and all other
 40 divisions shall work with the insurance division to
 41 make sure the fund is properly accounted and reported
 42 to the department of management and the department of
 43 administrative services. The divisions shall provide
 44 quarterly reports to the department of management and
 45 the legislative services agency on revenues billed
 46 and collected and expenditures from the fund in a
 47 format as determined by the department of management in
 48 consultation with the legislative services agency.

49 2. To meet cash flow needs for the office of
 50 consumer advocate and the banking division, credit

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1 union division, utilities division, or the insurance
2 division of the department, the administrative head of
3 that division or office may temporarily use funds from
4 the general fund of the state to pay expenses in excess
5 of moneys available in the revolving fund for that
6 division or office if those additional expenditures
7 are fully reimbursable and the division or office
8 reimburses the general fund of the state and ensures
9 all moneys are repaid in full by the close of the
10 fiscal year. Notwithstanding any provision to the
11 contrary, the divisions shall, to the fullest extent
12 possible, make an estimate of billings and make such
13 billings as early as possible in each fiscal year,
14 so that the need for the use of general fund moneys
15 is minimized to the lowest extent possible. Periodic
16 billings shall be deemed sufficient to satisfy this
17 requirement. Because any general fund moneys used
18 shall be fully reimbursed, such temporary use of funds
19 from the general fund of the state shall not constitute
20 an appropriation for purposes of calculating the state
21 general fund expenditure limitation pursuant to section
22 8.54.

23 3. Section 8.33 does not apply to any moneys
24 credited or appropriated to the revolving fund from any
25 other fund.

26 4. The establishment of the revolving fund pursuant
27 to this section shall not be interpreted in any manner
28 to compromise or impact the accountability of, or
29 limit authority with respect to, an agency or entity
30 under state law. Any provision applicable to, or
31 responsibility of, a division or office collecting
32 moneys for deposit into the fund established pursuant
33 to this section shall not be altered or impacted by
34 the existence of the fund and shall remain applicable
35 to the same extent as if the division or office
36 were receiving moneys pursuant to a general fund
37 appropriation. Appropriations from the revolving
38 fund shall not be subject to the provisions of section
39 8.31, subsection 5. The divisions of the department of
40 commerce shall comply with directions by the governor
41 to executive branch departments regarding restrictions
42 on out-of-state travel, hiring justifications,
43 association memberships, equipment purchases,
44 consulting contracts, and any other expenditure
45 efficiencies that the governor deems appropriate.

46 Sec. 52. Section 904.114, Code 2011, is amended to
47 read as follows:

48 904.114 Travel expenses.

49 The director, staff members, assistants, and
50 employees, in addition to salary, shall receive their

1 necessary traveling expenses by the nearest practicable
2 route, when engaged in the performance of official
3 business. Permission shall not be granted to any
4 person to travel to another state except by approval of
5 the board ~~and the executive council.~~

6 Sec. 53. 2009 Iowa Acts, chapter 169, section 4,
7 subsection 2, is amended to read as follows:

8 2. From the moneys appropriated in this section,
9 there is transferred to the department of human rights
10 two hundred fifty thousand dollars for deposit in the
11 individual development account state match fund created
12 in section 541A.7. Notwithstanding other provisions to
13 the contrary in section 541A.3, subsection 1, moneys
14 appropriated to the individual development account
15 state match fund under this subsection shall be used
16 to provide the state match to account holders affected
17 by a natural disaster ~~occurring in 2008~~ for which the
18 president of the United States declared a disaster
19 area, and who have a household income that is equal
20 to or less than three hundred percent of the federal
21 poverty level as defined by the most recently revised
22 poverty income guidelines published by the United
23 States department of health and human services.

24 Sec. 54. 2010 Iowa Acts, chapter 1193, section 29,
25 is amended to read as follows:

26 SEC. 29. DEPARTMENT OF ADMINISTRATIVE SERVICES —
27 INFORMATION TECHNOLOGY.

28 1. There is appropriated from the general fund of
29 the state to the department of administrative services
30 for the fiscal year beginning July 1, 2010, and
31 ending June 30, 2011, the following amount, or so much
32 thereof as is necessary, to be used for the purposes
33 designated:

34 For implementing 2010 Iowa Acts, Senate File 2088,
35 division I, including salaries, support, maintenance,
36 and miscellaneous purposes:
37 \$ 2,300,000

38 2. Notwithstanding section 8.33, moneys
39 appropriated in this section that remain unencumbered
40 or unobligated at the close of the fiscal year ending
41 June 30, 2011, shall not revert but shall remain
42 available for expenditure for the purposes designated
43 until the close of the fiscal year ending June 30,
44 2012.

45 Sec. 55. 2011 Iowa Acts, House File 45, section 8,
46 is amended to read as follows:

47 SEC. 8. SALE OR LEASE OF IOWA COMMUNICATIONS
48 NETWORK. The Iowa telecommunications and technology
49 commission shall implement a request for proposals
50 process to sell or lease the Iowa communications

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1 network. The request for proposals shall provide for
2 the sale to be concluded or the lease to commence
3 during the fiscal year beginning July 1, ~~2011~~ 2012.
4 The commission shall condition the sale or lease of the
5 Iowa communications network with terms that will allow
6 existing authorized users of the network to continue
7 such use at a lower overall long-term cost when
8 compared to the anticipated operation and maintenance
9 costs if state ownership and control were to continue.
10 Public funds shall not be used to secure the purchase
11 of the network. The commission shall submit periodic
12 status reports to the general assembly at three-month
13 intervals, beginning on October 1, 2011, regarding
14 progress made toward selling or leasing the network.
15 The prior authorization and approval requirements
16 specified in section 8D.12 shall be complied with prior
17 to a sale or lease of the network pursuant to this
18 section.

19 Sec. 56. REPEAL. Section 217.20, Code 2011, is
20 repealed.

21 Sec. 57. REPEAL. 2009 Iowa Acts, chapter 179,
22 section 146, is repealed.

23 Sec. 58. CODE EDITOR DIRECTIVE. The Code editor
24 is directed to change the words “state-owned” to
25 “state-assigned”, to the extent not otherwise changed
26 pursuant to this Act, in Code sections 8A.362, 8A.363,
27 8A.364, and 8A.366.

28 Sec. 59. MEDICAID FRAUD FUND TRANSITION.

29 1. Unencumbered and unobligated moneys in and
30 moneys reverting to the Medicaid fraud account created
31 in section 249A.7, Code 2011, on or after June 30,
32 2011, shall be credited to the Medicaid fraud fund
33 created in section 249A.7, by this division of this
34 Act.

35 2. The appropriations made from the Medicaid fraud
36 account for the fiscal years beginning July 1, 2011,
37 and July 1, 2012, shall instead be charged to the
38 Medicaid fraud fund created in section 249A.7, by this
39 division of this Act.

40 3. This section of this Act, being deemed of
41 immediate importance, takes effect upon enactment, and,
42 if this Act is approved by the governor on or after
43 July 1, 2011, subsection 1 of this section applies
44 retroactively to June 30, 2011.

45 Sec. 60. EFFECTIVE UPON ENACTMENT.

46 1. The section of this division of this Act
47 directing the department of administrative services
48 to disconnect electricity to the heated sidewalk
49 installed at the state capitol building, being deemed
50 of immediate importance, takes effect upon enactment.

1 2. The section of this division of this Act
 2 providing implementation provisions regarding leasing
 3 authority of the department of administrative services,
 4 being deemed of immediate importance, takes effect upon
 5 enactment.

6 3. The sections of this division of this Act
 7 relating to executive branch employee travel and travel
 8 reimbursement implementation, being deemed of immediate
 9 importance, take effect upon enactment.

10 4. The section of this division of this Act
 11 relating to nonreversion of moneys appropriated
 12 to the department of administrative services for
 13 implementation of 2010 Iowa Acts, chapter 1031,
 14 division I, being deemed of immediate importance, takes
 15 effect upon enactment.

16 DIVISION II
 17 FY 2012–2013

18 Sec. 61. DEPARTMENT OF ADMINISTRATIVE SERVICES.

19 1. There is appropriated from the general fund of
 20 the state to the department of administrative services
 21 for the fiscal year beginning July 1, 2012, and ending
 22 June 30, 2013, the following amounts, or so much
 23 thereof as is necessary, to be used for the purposes
 24 designated, and for not more than the following
 25 full-time equivalent positions:

26 a. For salaries, support, maintenance, and		
27 miscellaneous purposes:		
28	\$	2,010,172
29	FTEs	84.18
30 b. For the payment of utility costs:		
31	\$	1,313,230
32	FTEs	1.00

33 Notwithstanding section 8.33, any excess funds
 34 appropriated for utility costs in this lettered
 35 paragraph shall not revert to the general fund of the
 36 state at the end of the fiscal year but shall remain
 37 available for expenditure for the purposes of this
 38 lettered paragraph during the succeeding fiscal year.

39 c. For Terrace Hill operations:		
40	\$	202,957
41	FTEs	6.88
42 d. For the I3 distribution account:		
43	\$	1,638,973
44 e. For operations and maintenance of the Iowa		
45 building:		
46	\$	497,768
47	FTEs	7.00

48 2. Members of the general assembly serving as
 49 members of the deferred compensation advisory board
 50 shall be entitled to receive per diem and necessary

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1 travel and actual expenses pursuant to section 2.10,
2 subsection 5, while carrying out their official duties
3 as members of the board.

4 3. Any funds and premiums collected by the
5 department for workers' compensation shall be
6 segregated into a separate workers' compensation
7 fund in the state treasury to be used for payment of
8 state employees' workers' compensation claims and
9 administrative costs. Notwithstanding section 8.33,
10 unencumbered or unobligated moneys remaining in this
11 workers' compensation fund at the end of the fiscal
12 year shall not revert but shall be available for
13 expenditure for purposes of the fund for subsequent
14 fiscal years.

15 Sec. 62. REVOLVING FUNDS. There is appropriated
16 to the department of administrative services for the
17 fiscal year beginning July 1, 2012, and ending June
18 30, 2013, from the revolving funds designated in
19 chapter 8A and from internal service funds created
20 by the department such amounts as the department
21 deems necessary for the operation of the department
22 consistent with the requirements of chapter 8A.

23 Sec. 63. FUNDING FOR IOWACCESS.

24 1. Notwithstanding section 321A.3, subsection
25 1, for the fiscal year beginning July 1, 2012, and
26 ending June 30, 2013, the first \$750,000 collected
27 and transferred by the department of transportation
28 to the treasurer of state with respect to the fees
29 for transactions involving the furnishing of a
30 certified abstract of a vehicle operating record under
31 section 321A.3, subsection 1, shall be transferred
32 to the IowAccess revolving fund for the purposes of
33 developing, implementing, maintaining, and expanding
34 electronic access to government records as provided by
35 law.

36 2. All fees collected with respect to transactions
37 involving IowAccess shall be deposited in the IowAccess
38 revolving fund and shall be used only for the support
39 of IowAccess projects.

40 Sec. 64. STATE EMPLOYEE HEALTH INSURANCE
41 ADMINISTRATION CHARGE. For the fiscal year beginning
42 July 1, 2012, and ending June 30, 2013, the monthly per
43 contract administrative charge which may be assessed by
44 the department of administrative services shall be \$2
45 per contract on all health insurance plans administered
46 by the department.

47 Sec. 65. AUDITOR OF STATE.

48 1. There is appropriated from the general fund of
49 the state to the office of the auditor of state for the
50 fiscal year beginning July 1, 2012, and ending June

1 30, 2013, subject to subsection 3 of this section, the
2 following amount, or so much thereof as is necessary,
3 to be used for the purposes designated, and for not
4 more than the following full-time equivalent positions:
5 For salaries, support, maintenance, and
6 miscellaneous purposes:
7 \$ 452,734
8 FTEs 103.00

9 2. The auditor of state may retain additional
10 full-time equivalent positions as is reasonable and
11 necessary to perform governmental subdivision audits
12 which are reimbursable pursuant to section 11.20
13 or 11.21, to perform audits which are requested by
14 and reimbursable from the federal government, and
15 to perform work requested by and reimbursable from
16 departments or agencies pursuant to section 11.5A
17 or 11.5B. The auditor of state shall notify the
18 department of management, the legislative fiscal
19 committee, and the legislative services agency of the
20 additional full-time equivalent positions retained.

21 3. The auditor of state shall allocate resources
22 from the appropriation in this section solely for audit
23 work related to the comprehensive annual financial
24 report, federally required audits, and investigations
25 of embezzlement, theft, or other significant financial
26 irregularities until the audit of the comprehensive
27 annual financial report is complete.

28 **Sec. 66. IOWA ETHICS AND CAMPAIGN DISCLOSURE**
29 **BOARD.** There is appropriated from the general fund of
30 the state to the Iowa ethics and campaign disclosure
31 board for the fiscal year beginning July 1, 2012, and
32 ending June 30, 2013, the following amount, or so much
33 thereof as is necessary, for the purposes designated:
34 For salaries, support, maintenance, and
35 miscellaneous purposes, and for not more than the
36 following full-time equivalent positions:
37 \$ 237,500
38 FTEs 5.00

39 **Sec. 67. DEPARTMENT OF COMMERCE.**
40 1. There is appropriated from the general fund
41 of the state to the department of commerce for the
42 fiscal year beginning July 1, 2012, and ending June 30,
43 2013, the following amounts, or so much thereof as is
44 necessary, for the purposes designated:
45 a. **ALCOHOLIC BEVERAGES DIVISION**
46 For salaries, support, maintenance, and
47 miscellaneous purposes, and for not more than the
48 following full-time equivalent positions:
49 \$ 610,196
50 FTEs 21.00

1 b. PROFESSIONAL LICENSING AND REGULATION BUREAU
 2 For salaries, support, maintenance, and
 3 miscellaneous purposes, and for not more than the
 4 following full-time equivalent positions:
 5 \$ 300,177
 6 FTEs 12.00
 7 2. There is appropriated from the department of
 8 commerce revolving fund created in section 546.12
 9 to the department of commerce for the fiscal year
 10 beginning July 1, 2012, and ending June 30, 2013, the
 11 following amounts, or so much thereof as is necessary,
 12 for the purposes designated:
 13 a. BANKING DIVISION
 14 For salaries, support, maintenance, and
 15 miscellaneous purposes, and for not more than the
 16 following full-time equivalent positions:
 17 \$ 4,425,835
 18 FTEs 80.00
 19 b. CREDIT UNION DIVISION
 20 For salaries, support, maintenance, and
 21 miscellaneous purposes, and for not more than the
 22 following full-time equivalent positions:
 23 \$ 863,998
 24 FTEs 19.00
 25 c. INSURANCE DIVISION
 26 (1) For salaries, support, maintenance, and
 27 miscellaneous purposes, and for not more than the
 28 following full-time equivalent positions:
 29 \$ 2,491,622
 30 FTEs 106.50
 31 (2) The insurance division may reallocate
 32 authorized full-time equivalent positions as necessary
 33 to respond to accreditation recommendations or
 34 requirements. The insurance division expenditures
 35 for examination purposes may exceed the projected
 36 receipts, refunds, and reimbursements, estimated
 37 pursuant to section 505.7, subsection 7, including the
 38 expenditures for retention of additional personnel,
 39 if the expenditures are fully reimbursable and the
 40 division first does both of the following:
 41 (a) Notifies the department of management, the
 42 legislative services agency, and the legislative fiscal
 43 committee of the need for the expenditures.
 44 (b) Files with each of the entities named in
 45 subparagraph division (a) the legislative and
 46 regulatory justification for the expenditures, along
 47 with an estimate of the expenditures.
 48 d. UTILITIES DIVISION
 49 (1) For salaries, support, maintenance, and
 50 miscellaneous purposes, and for not more than the

1 following full-time equivalent positions:

2 \$ 4,086,535

3 FTEs 79.00

4 (2) The utilities division may expend additional

5 funds, including funds for additional personnel, if

6 those additional expenditures are actual expenses which

7 exceed the funds budgeted for utility regulation and

8 the expenditures are fully reimbursable. Before the

9 division expends or encumbers an amount in excess of

10 the funds budgeted for regulation, the division shall

11 first do both of the following:

12 (a) Notify the department of management, the

13 legislative services agency, and the legislative fiscal

14 committee of the need for the expenditures.

15 (b) File with each of the entities named in

16 subparagraph division (a) the legislative and

17 regulatory justification for the expenditures, along

18 with an estimate of the expenditures.

19 (3) Notwithstanding sections 8.33 and 476.10 or

20 any other provisions to the contrary, any unencumbered

21 or unobligated balance of the appropriation made in

22 this paragraph for the utilities division or any other

23 operational appropriation made for the fiscal year

24 beginning July 1, 2012, and ending June 30, 2013,

25 that remains unused, unencumbered, or unobligated

26 at the close of the fiscal year shall not revert but

27 shall remain available to be used for purposes of the

28 energy-efficient building project authorized under

29 section 476.10B, or for relocation costs in succeeding

30 fiscal years.

31 (4) In addition to the funds otherwise appropriated

32 to the division in subparagraph (1), and contingent

33 upon the enactment of legislation during the 2011

34 legislative session relating to the permitting,

35 licensing, construction, and operation of nuclear

36 generation facilities and establishing rate-making

37 principles in relation thereto, for salaries, support,

38 maintenance, and miscellaneous purposes, and for not

39 more than the following full-time equivalent positions:

40 \$ 425,000

41 FTEs 3.50

42 3. CHARGES. Each division and the office of

43 consumer advocate shall include in its charges

44 assessed or revenues generated an amount sufficient

45 to cover the amount stated in its appropriation and

46 any state-assessed indirect costs determined by the

47 department of administrative services.

48 Sec. 68. DEPARTMENT OF COMMERCE — PROFESSIONAL

49 LICENSING AND REGULATION BUREAU. There is appropriated

50 from the housing trust fund of the Iowa finance

1 authority created in section 16.181, to the bureau of
 2 professional licensing and regulation of the banking
 3 division of the department of commerce for the fiscal
 4 year beginning July 1, 2012, and ending June 30,
 5 2013, the following amount, or so much thereof as is
 6 necessary, to be used for the purposes designated:
 7 For salaries, support, maintenance, and
 8 miscellaneous purposes:
 9 \$ 31,159

10 Sec. 69. GOVERNOR AND LIEUTENANT GOVERNOR. There
 11 is appropriated from the general fund of the state to
 12 the offices of the governor and the lieutenant governor
 13 for the fiscal year beginning July 1, 2012, and ending
 14 June 30, 2013, the following amounts, or so much
 15 thereof as is necessary, to be used for the purposes
 16 designated:
 17 For salaries, support, maintenance, and
 18 miscellaneous purposes:
 19 \$ 1,144,013
 20 FTEs 22.88

21 Sec. 70. GOVERNOR'S OFFICE OF DRUG CONTROL
 22 POLICY. There is appropriated from the general fund
 23 of the state to the governor's office of drug control
 24 policy for the fiscal year beginning July 1, 2012, and
 25 ending June 30, 2013, the following amount, or so much
 26 thereof as is necessary, to be used for the purposes
 27 designated:
 28 For salaries, support, maintenance, and
 29 miscellaneous purposes, including statewide
 30 coordination of the drug abuse resistance education
 31 (D.A.R.E.) programs or similar programs, and for not
 32 more than the following full-time equivalent positions:
 33 \$ 145,000
 34 FTEs 8.00

35 Sec. 71. DEPARTMENT OF HUMAN RIGHTS. There is
 36 appropriated from the general fund of the state to
 37 the department of human rights for the fiscal year
 38 beginning July 1, 2012, and ending June 30, 2013, the
 39 following amounts, or so much thereof as is necessary,
 40 to be used for the purposes designated:

41 1. CENTRAL ADMINISTRATION DIVISION
 42 For salaries, support, maintenance, and
 43 miscellaneous purposes, and for not more than the
 44 following full-time equivalent positions:
 45 \$ 103,052
 46 FTEs 7.00

47 2. COMMUNITY ADVOCACY AND SERVICES DIVISION
 48 For salaries, support, maintenance, and
 49 miscellaneous purposes, and for not more than the
 50 following full-time equivalent positions:

1	.....	\$	514,039
2	.....	FTEs	17.00
3	3. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION		
4	For salaries, support, maintenance, and		
5	miscellaneous purposes, and for not more than the		
6	following full-time equivalent positions:		
7	.....	\$	511,946
8	.....	FTEs	10.00
9	The criminal and juvenile justice planning advisory		
10	council and the juvenile justice advisory council		
11	shall coordinate their efforts in carrying out their		
12	respective duties relative to juvenile justice.		
13	Sec. 72. DEPARTMENT OF INSPECTIONS AND		
14	APPEALS. There is appropriated from the general fund		
15	of the state to the department of inspections and		
16	appeals for the fiscal year beginning July 1, 2012, and		
17	ending June 30, 2013, the following amounts, or so much		
18	thereof as is necessary, for the purposes designated:		
19	1. ADMINISTRATION DIVISION		
20	For salaries, support, maintenance, and		
21	miscellaneous purposes, and for not more than the		
22	following full-time equivalent positions:		
23	.....	\$	763,870
24	.....	FTEs	37.40
25	2. ADMINISTRATIVE HEARINGS DIVISION		
26	For salaries, support, maintenance, and		
27	miscellaneous purposes, and for not more than the		
28	following full-time equivalent positions:		
29	.....	\$	264,377
30	.....	FTEs	23.00
31	3. INVESTIGATIONS DIVISION		
32	a. For salaries, support, maintenance, and		
33	miscellaneous purposes, and for not more than the		
34	following full-time equivalent positions:		
35	.....	\$	584,320
36	.....	FTEs	58.50
37	b. The department, in coordination with the		
38	investigations division, shall provide a report to		
39	the general assembly by January 10, 2013, concerning		
40	the fiscal impact of additional full-time equivalent		
41	positions on the department's efforts relative to the		
42	Medicaid divestiture program under chapter 249F.		
43	4. HEALTH FACILITIES DIVISION		
44	a. For salaries, support, maintenance, and		
45	miscellaneous purposes, and for not more than the		
46	following full-time equivalent positions:		
47	.....	\$	1,777,664
48	.....	FTEs	134.75
49	b. The department shall, in coordination with		
50	the health facilities division, make the following		

1 information available to the public in a timely
 2 manner, to include providing the information on the
 3 department's internet website, during the fiscal year
 4 beginning July 1, 2012, and ending June 30, 2013:

5 (1) The number of inspections conducted by the
 6 division annually by type of service provider and type
 7 of inspection.

8 (2) The total annual operations budget for the
 9 division, including general fund appropriations and
 10 federal contract dollars received by type of service
 11 provider inspected.

12 (3) The total number of full-time equivalent
 13 positions in the division, to include the number of
 14 full-time equivalent positions serving in a supervisory
 15 capacity, and serving as surveyors, inspectors, or
 16 monitors in the field by type of service provider
 17 inspected.

18 (4) Identification of state and federal survey
 19 trends, cited regulations, the scope and severity of
 20 deficiencies identified, and federal and state fines
 21 assessed and collected concerning nursing and assisted
 22 living facilities and programs.

23 c. It is the intent of the general assembly that
 24 the department and division continuously solicit input
 25 from facilities regulated by the division to assess and
 26 improve the division's level of collaboration and to
 27 identify new opportunities for cooperation.

28 **5. EMPLOYMENT APPEAL BOARD**

29 a. For salaries, support, maintenance, and
 30 miscellaneous purposes, and for not more than the
 31 following full-time equivalent positions:

32	\$	21,108
33	FTEs	14.00

34 b. The employment appeal board shall be reimbursed
 35 by the labor services division of the department
 36 of workforce development for all costs associated
 37 with hearings conducted under chapter 91C, related
 38 to contractor registration. The board may expend,
 39 in addition to the amount appropriated under this
 40 subsection, additional amounts as are directly billable
 41 to the labor services division under this subsection
 42 and to retain the additional full-time equivalent
 43 positions as needed to conduct hearings required
 44 pursuant to chapter 91C.

45 **6. CHILD ADVOCACY BOARD**

46 a. For foster care review and the court appointed
 47 special advocate program, including salaries, support,
 48 maintenance, and miscellaneous purposes, and for not
 49 more than the following full-time equivalent positions:

50	\$	1,340,145
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1 FTEs 40.80

2 b. The department of human services, in

3 coordination with the child advocacy board and the

4 department of inspections and appeals, shall submit an

5 application for funding available pursuant to Tit. IV-E

6 of the federal Social Security Act for claims for child

7 advocacy board administrative review costs.

8 c. The court appointed special advocate program

9 shall investigate and develop opportunities for

10 expanding fund-raising for the program.

11 d. Administrative costs charged by the department

12 of inspections and appeals for items funded under this

13 subsection shall not exceed 4 percent of the amount

14 appropriated in this subsection.

15 Sec. 73. DEPARTMENT OF INSPECTIONS AND APPEALS

16 — MUNICIPAL CORPORATION FOOD INSPECTIONS. For the

17 fiscal year beginning July 1, 2012, and ending June 30,

18 2013, the department of inspections and appeals shall

19 retain any license fees generated during the fiscal

20 year as a result of actions under section 137F.3A

21 occurring during the period beginning July 1, 2009, and

22 ending June 30, 2011, for the purpose of enforcing the

23 provisions of chapters 137C, 137D, and 137F.

24 Sec. 74. DEPARTMENT OF INSPECTIONS AND APPEALS —

25 HEALTH CARE FACILITIES INSPECTIONS. Notwithstanding

26 any provision of section 135C.16 to the contrary,

27 inspections of health care facilities that are only

28 state-licensed and not certified under the Medicare

29 or Medicaid programs shall not be inspected by the

30 department of inspections and appeals every thirty

31 months, but only as provided pursuant to sections

32 135C.9 and 135C.38.

33 Sec. 75. DEPARTMENT OF INSPECTIONS AND

34 APPEALS — GENERAL SUPPORT — MEDICAID FRAUD FUND

35 APPROPRIATION. There is appropriated from the Medicaid

36 fraud fund created in section 249A.7 to the department

37 of inspections and appeals for the fiscal year

38 beginning July 1, 2012, and ending June 30, 2013, the

39 following amount, or so much thereof as is necessary,

40 to be used for the purposes designated:

41 For additional health facility surveyors, compliance

42 officers, and residential care facility surveyors:

43 \$ 325,000

44 Sec. 76. DEPARTMENT OF INSPECTIONS AND APPEALS

45 — STATE MATCH REQUIREMENTS — MEDICAID FRAUD FUND

46 APPROPRIATION. There is appropriated from the Medicaid

47 fraud fund created in section 249A.7 to the department

48 of inspections and appeals for the fiscal year

49 beginning July 1, 2012, and ending June 30, 2013, the

50 amounts necessary for the purposes designated:

1 1. To cover the cost of any state match to draw
 2 down matching federal funds through the department of
 3 human services for additional full-time equivalent
 4 positions for conducting investigations of alleged
 5 fraud and overpayments of food assistance benefits
 6 through electronic benefits transfer.

7 2. For the state financial match requirement
 8 for meeting the federal mandates connected with the
 9 department's Medicaid fraud and abuse activities, and
 10 the amount necessary to cover costs incurred by the
 11 department or other agencies in providing regulation,
 12 responding to allegations, or other activity involving
 13 chapter 135O.

14 Sec. 77. DEPARTMENT OF INSPECTIONS AND APPEALS
 15 — LEGISLATIVE IMPLEMENTATION — MEDICAID FRAUD FUND

16 APPROPRIATION. There is appropriated from the Medicaid
 17 fraud fund created in section 249A.7 to the department
 18 of inspections and appeals for the fiscal year
 19 beginning July 1, 2012, and ending June 30, 2013, the
 20 following amount, or so much thereof as is necessary,
 21 to be used for the purposes designated:

22 For salaries, support, maintenance, miscellaneous
 23 purposes, administration, and other costs associated
 24 with implementation of 2010 Iowa Acts, chapter 1177:
 25 \$ 125,000

26 Sec. 78. RACING AND GAMING COMMISSION.

27 1. RACETRACK REGULATION

28 There is appropriated from the gaming regulatory
 29 revolving fund established in section 99F.20 to the
 30 racing and gaming commission of the department of
 31 inspections and appeals for the fiscal year beginning
 32 July 1, 2012, and ending June 30, 2013, the following
 33 amount, or so much thereof as is necessary, to be used
 34 for the purposes designated:

35 For salaries, support, maintenance, and
 36 miscellaneous purposes for the regulation of
 37 pari-mutuel racetracks, and for not more than the
 38 following full-time equivalent positions:
 39 \$ 1,255,720
 40 FTEs 28.53

41 2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION

42 There is appropriated from the gaming regulatory
 43 revolving fund established in section 99F.20 to the
 44 racing and gaming commission of the department of
 45 inspections and appeals for the fiscal year beginning
 46 July 1, 2012, and ending June 30, 2013, the following
 47 amount, or so much thereof as is necessary, to be used
 48 for the purposes designated:

49 For salaries, support, maintenance, and
 50 miscellaneous purposes for administration and

1 enforcement of the excursion boat gambling and gambling
2 structure laws, and for not more than the following
3 full-time equivalent positions:
4 \$ 1,539,050
5 FTEs 44.22

6 Sec. 79. ROAD USE TAX FUND APPROPRIATION —
7 DEPARTMENT OF INSPECTIONS AND APPEALS. There is
8 appropriated from the road use tax fund created in
9 section 312.1 to the administrative hearings division
10 of the department of inspections and appeals for the
11 fiscal year beginning July 1, 2012, and ending June 30,
12 2013, the following amount, or so much thereof as is
13 necessary, for the purposes designated:
14 For salaries, support, maintenance, and
15 miscellaneous purposes:
16 \$ 811,949
17 Sec. 80. DEPARTMENT OF MANAGEMENT.
18 1. There is appropriated from the general fund
19 of the state to the department of management for the
20 fiscal year beginning July 1, 2012, and ending June 30,
21 2013, the following amounts, or so much thereof as is
22 necessary, to be used for the purposes designated:
23 For salaries, support, maintenance, and
24 miscellaneous purposes, and for not more than the
25 following full-time equivalent positions:
26 \$ 1,196,999
27 FTEs 25.00

28 2. Of the moneys appropriated in this section, the
29 department shall use a portion for enterprise resource
30 planning, providing for a salary model administrator,
31 conducting performance audits, and for the department's
32 LEAN process.

33 Sec. 81. ROAD USE TAX APPROPRIATION — DEPARTMENT
34 OF MANAGEMENT. There is appropriated from the road use
35 tax fund created in section 312.1 to the department
36 of management for the fiscal year beginning July 1,
37 2012, and ending June 30, 2013, the following amount,
38 or so much thereof as is necessary, to be used for the
39 purposes designated:
40 For salaries, support, maintenance, and
41 miscellaneous purposes:
42 \$ 28,000

43 Sec. 82. DEPARTMENT OF REVENUE.
44 1. There is appropriated from the general fund
45 of the state to the department of revenue for the
46 fiscal year beginning July 1, 2012, and ending June 30,
47 2013, the following amounts, or so much thereof as is
48 necessary, to be used for the purposes designated:
49 For salaries, support, maintenance, and
50 miscellaneous purposes, and for not more than the

1 following full-time equivalent positions:
 2 \$ 8,829,742
 3 FTEs 303.48
 4 2. Of the funds appropriated pursuant to this
 5 section, \$400,000 shall be used to pay the direct
 6 costs of compliance related to the collection and
 7 distribution of local sales and services taxes imposed
 8 pursuant to chapters 423B and 423E.
 9 3. The director of revenue shall prepare and issue
 10 a state appraisal manual and the revisions to the
 11 state appraisal manual as provided in section 421.17,
 12 subsection 17, without cost to a city or county.
 13 Sec. 83. MOTOR VEHICLE FUEL TAX
 14 APPROPRIATION. There is appropriated from the motor
 15 fuel tax fund created by section 452A.77 to the
 16 department of revenue for the fiscal year beginning
 17 July 1, 2012, and ending June 30, 2013, the following
 18 amount, or so much thereof as is necessary, to be used
 19 for the purposes designated:
 20 For salaries, support, maintenance, miscellaneous
 21 purposes, and for administration and enforcement of the
 22 provisions of chapter 452A and the motor vehicle use
 23 tax program:
 24 \$ 652,888
 25 Sec. 84. SECRETARY OF STATE.
 26 1. There is appropriated from the general fund of
 27 the state to the office of the secretary of state for
 28 the fiscal year beginning July 1, 2012, and ending June
 29 30, 2013, the following amounts, or so much thereof as
 30 is necessary, to be used for the purposes designated:
 31 For salaries, support, maintenance, and
 32 miscellaneous purposes, and for not more than the
 33 following full-time equivalent positions:
 34 \$ 1,447,793
 35 FTEs 45.00
 36 2. The state department or state agency which
 37 provides data processing services to support voter
 38 registration file maintenance and storage shall provide
 39 those services without charge.
 40 Sec. 85. SECRETARY OF STATE FILING FEES REFUND.
 41 Notwithstanding the obligation to collect fees pursuant
 42 to the provisions of section 490.122, subsection 1,
 43 paragraphs "a" and "s", and section 504.113, subsection
 44 1, paragraphs "a", "c", "d", "j", "k", "l", and
 45 "m", for the fiscal year beginning July 1, 2012, the
 46 secretary of state may refund these fees to the filer
 47 pursuant to rules established by the secretary of
 48 state. The decision of the secretary of state not to
 49 issue a refund under rules established by the secretary
 50 of state is final and not subject to review pursuant

1 to chapter 17A.

2 Sec. 86. TREASURER.

3 1. There is appropriated from the general fund of
4 the state to the office of treasurer of state for the
5 fiscal year beginning July 1, 2012, and ending June 30,
6 2013, the following amount, or so much thereof as is
7 necessary, to be used for the purposes designated:

8 For salaries, support, maintenance, and
9 miscellaneous purposes, and for not more than the
10 following full-time equivalent positions:

11	\$	427,145
12	FTEs	28.80

13 2. The office of treasurer of state shall supply
14 clerical and secretarial support for the executive
15 council.

16 Sec. 87. ROAD USE TAX APPROPRIATION — OFFICE
17 OF TREASURER OF STATE. There is appropriated from
18 the road use tax fund created in section 312.1 to
19 the office of treasurer of state for the fiscal year
20 beginning July 1, 2012, and ending June 30, 2013, the
21 following amount, or so much thereof as is necessary,
22 to be used for the purposes designated:

23 For enterprise resource management costs related to
24 the distribution of road use tax funds:

25	\$	46,574
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26 Sec. 88. IPERS — GENERAL OFFICE. There is
27 appropriated from the Iowa public employees' retirement
28 system fund to the Iowa public employees' retirement
29 system for the fiscal year beginning July 1, 2012, and
30 ending June 30, 2013, the following amount, or so much
31 thereof as is necessary, to be used for the purposes
32 designated:

33 For salaries, support, maintenance, and other
34 operational purposes to pay the costs of the Iowa
35 public employees' retirement system, and for not more
36 than the following full-time equivalent positions:

37	\$	8,843,484
38	FTEs	90.13

39 DIVISION III
40 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE
41 APPLICABILITY

42 Sec. 89. EFFECTIVE DATE AND RETROACTIVE
43 APPLICABILITY. Unless otherwise provided, this Act,
44 if approved by the governor on or after July 1, 2011,
45 takes effect upon enactment and applies retroactively
46 to July 1, 2011.>

S-3375

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 649

1 Amend the Senate amendment, H-1732, to House File
2 649, as amended, passed, and reprinted by the House, as
3 follows:

4 1. By striking page 1, line 1, through page 53,
5 line 18, and inserting:

6 <Amend House File 649, as amended, passed, and
7 reprinted by the House, as follows:

8 _____. By striking everything after the enacting
9 clause and inserting:

<DIVISION I

HEALTH AND HUMAN SERVICES

DEPARTMENT ON AGING — FY 2011–2012

11 Section 1. DEPARTMENT ON AGING. There is
12 appropriated from the general fund of the state to
13 the department on aging for the fiscal year beginning
14 July 1, 2011, and ending June 30, 2012, the following
15 amount, or so much thereof as is necessary, to be used
16 for the purposes designated:

17 For aging programs for the department on aging and
18 area agencies on aging to provide citizens of Iowa who
19 are 60 years of age and older with case management for
20 frail elders, Iowa’s aging and disabilities resource
21 center, and other services which may include but are
22 not limited to adult day services, respite care, chore
23 services, information and assistance, and material aid,
24 for information and options counseling for persons with
25 disabilities who are 18 years of age or older, and
26 for salaries, support, administration, maintenance,
27 and miscellaneous purposes, and for not more than the
28 following full-time equivalent positions:

29	\$	10,302,577
30	FTEs	35.00

31 1. Funds appropriated in this section may be used
32 to supplement federal funds under federal regulations.
33 To receive funds appropriated in this section, a local
34 area agency on aging shall match the funds with moneys
35 from other sources according to rules adopted by the
36 department. Funds appropriated in this section may be
37 used for elderly services not specifically enumerated
38 in this section only if approved by an area agency on
39 aging for provision of the service within the area.

40 2. The amount appropriated in this section includes
41 additional funding of \$450,000 for delivery of
42 long-term care services to older individuals with low
43 or moderate incomes.

44 3. Of the funds appropriated in this section,
45
46

47 \$179,946 shall be transferred to the department
48 of economic development for the Iowa commission on
49 volunteer services to be used for the retired and
50 senior volunteer program.

Page 2

1 4. a. The department on aging shall establish and
2 enforce procedures relating to expenditure of state and
3 federal funds by area agencies on aging that require
4 compliance with both state and federal laws, rules, and
5 regulations, including but not limited to all of the
6 following:

7 (1) Requiring that expenditures are incurred only
8 for goods or services received or performed prior to
9 the end of the fiscal period designated for use of the
10 funds.

11 (2) Prohibiting prepayment for goods or services
12 not received or performed prior to the end of the
13 fiscal period designated for use of the funds.

14 (3) Prohibiting the prepayment for goods or
15 services not defined specifically by good or service,
16 time period, or recipient.

17 (4) Prohibiting the establishment of accounts from
18 which future goods or services which are not defined
19 specifically by good or service, time period, or
20 recipient, may be purchased.

21 b. The procedures shall provide that if any funds
22 are expended in a manner that is not in compliance with
23 the procedures and applicable federal and state laws,
24 rules, and regulations, and are subsequently subject
25 to repayment, the area agency on aging expending such
26 funds in contravention of such procedures, laws, rules
27 and regulations, not the state, shall be liable for
28 such repayment.

29 DIVISION II

30 HEALTH AND HUMAN SERVICES

31 DEPARTMENT OF PUBLIC HEALTH — FY 2011–2012

32 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. There is
33 appropriated from the general fund of the state to
34 the department of public health for the fiscal year
35 beginning July 1, 2011, and ending June 30, 2012, the
36 following amounts, or so much thereof as is necessary,
37 to be used for the purposes designated:

38 1. ADDICTIVE DISORDERS

39 For reducing the prevalence of use of tobacco,
40 alcohol, and other drugs, and treating individuals
41 affected by addictive behaviors, including gambling,
42 and for not more than the following full-time
43 equivalent positions:

44	\$	20,703,190
45	FTEs	13.00

46 a. (1) Of the funds appropriated in this
47 subsection 1, \$453,830 shall be transferred to the
48 alcoholic beverages division of the department of
49 commerce for enforcement of tobacco laws, regulations,
50 and ordinances in accordance with 2011 Iowa Acts, House

Page 3

1 File 467, as enacted.

2 (2) Implementation of the tobacco use prevention
3 and control initiative for the fiscal year beginning
4 July 1, 2011, including efforts at the state and local
5 levels, as provided in chapter 142A, shall be limited
6 to the extent of the funding available.

7 b. Of the funds appropriated in this subsection
8 1, \$20,249,360 shall be used for problem gambling and
9 substance abuse prevention, treatment, and recovery
10 services, including a 24-hour helpline, public
11 information resources, professional training, and
12 program evaluation.

13 (1) Of the funds allocated in this paragraph
14 "b", \$17,132,508 shall be used for substance abuse
15 prevention and treatment.

16 (a) Of the funds allocated in this subparagraph
17 (1), \$899,300 shall be used for the public purpose of
18 a grant program to provide substance abuse prevention
19 programming for children.

20 (i) Of the funds allocated in this subparagraph
21 division (a), \$427,539 shall be used for grant funding
22 for organizations that provide programming for
23 children by utilizing mentors. Programs approved for
24 such grants shall be certified or will be certified
25 within six months of receiving the grant award by the
26 Iowa commission on volunteer services as utilizing
27 the standards for effective practice for mentoring
28 programs.

29 (ii) Of the funds allocated in this subparagraph
30 division (a), \$426,839 shall be used for grant
31 funding for organizations that provide programming
32 that includes youth development and leadership. The
33 programs shall also be recognized as being programs
34 that are scientifically based with evidence of their
35 effectiveness in reducing substance abuse in children.

36 (iii) The department of public health shall utilize
37 a request for proposals process to implement the grant
38 program.

39 (iv) All grant recipients shall participate in a
40 program evaluation as a requirement for receiving grant
41 funds.

42 (v) Of the funds allocated in this subparagraph
43 division (a), up to \$44,922 may be used to administer
44 substance abuse prevention grants and for program

45 evaluations.

46 (b) Of the funds allocated in this subparagraph
47 (1), \$273,062 shall be used for culturally competent
48 substance abuse treatment pilot projects.

49 (i) The department shall utilize the amount
50 allocated in this subparagraph division (b) for at

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1 least three pilot projects to provide culturally
2 competent substance abuse treatment in various areas
3 of the state. Each pilot project shall target a
4 particular ethnic minority population. The populations
5 targeted shall include but are not limited to African
6 American, Asian, and Latino.

7 (ii) The pilot project requirements shall provide
8 for documentation or other means to ensure access
9 to the cultural competence approach used by a pilot
10 project so that such approach can be replicated and
11 improved upon in successor programs.

12 (2) Of the funds allocated in this paragraph "b",
13 up to \$3,116,852 may be used for problem gambling
14 prevention, treatment, and recovery services.

15 (a) Of the funds allocated in this subparagraph
16 (2), \$2,579,000 shall be used for problem gambling
17 prevention and treatment.

18 (b) Of the funds allocated in this subparagraph
19 (2), up to \$437,852 may be used for a 24-hour helpline,
20 public information resources, professional training,
21 and program evaluation.

22 (c) Of the funds allocated in this subparagraph
23 (2), up to \$100,000 may be used for the licensing of
24 problem gambling treatment programs.

25 (3) It is the intent of the general assembly that
26 from the moneys allocated in this paragraph "b",
27 persons with a dual diagnosis of substance abuse
28 and gambling addictions shall be given priority in
29 treatment services.

30 c. Notwithstanding any provision of law to the
31 contrary, to standardize the availability, delivery,
32 cost of delivery, and accountability of problem
33 gambling and substance abuse treatment services
34 statewide, the department shall continue implementation
35 of a process to create a system for delivery of
36 treatment services in accordance with the requirements
37 specified in 2008 Iowa Acts, chapter 1187, section
38 3, subsection 4. To ensure the system provides a
39 continuum of treatment services that best meets the
40 needs of Iowans, the problem gambling and substance
41 abuse treatment services in any area may be provided
42 either by a single agency or by separate agencies
43 submitting a joint proposal.

44 (1) The system for delivery of substance abuse
 45 and problem gambling treatment shall include problem
 46 gambling prevention by July 1, 2012. The department
 47 shall submit a proposed legislative bill in accordance
 48 with section 2.16, for consideration during the 2012
 49 legislative session, addressing any statutory revisions
 50 necessary for full implementation of the system.

Page 5

1 (2) The system for delivery of substance abuse and
 2 problem gambling treatment shall include substance
 3 abuse prevention by July 1, 2014.

4 (3) Of the funds allocated in paragraph "b", the
 5 department may use up to \$100,000 for administrative
 6 costs to continue developing and implementing the
 7 process in accordance with this paragraph "c".

8 d. The requirement of section 123.53, subsection
 9 5, is met by the appropriations and allocations made
 10 in the health and human services divisions of this Act
 11 for purposes of substance abuse treatment and addictive
 12 disorders for the fiscal year beginning July 1, 2011.

13 e. The department of public health shall work
 14 with all other departments that fund substance
 15 abuse prevention and treatment services and all
 16 such departments shall, to the extent necessary,
 17 collectively meet the state maintenance of effort
 18 requirements for expenditures for substance abuse
 19 services as required under the federal substance abuse
 20 prevention and treatment block grant.

21 f. The department shall amend or otherwise
 22 revise departmental policies and contract provisions
 23 in order to eliminate free t-shirt distribution,
 24 banner production, and other unnecessary promotional
 25 expenditures.

26 2. HEALTHY CHILDREN AND FAMILIES

27 For promoting the optimum health status for
 28 children, adolescents from birth through 21 years of
 29 age, and families, and for not more than the following
 30 full-time equivalent positions:

31	\$	2,594,270
32	FTEs	10.00

33 a. Of the funds appropriated in this subsection,
 34 not more than \$739,318 shall be used for the healthy
 35 opportunities to experience success (HOPES)-healthy
 36 families Iowa (HFI) program established pursuant to
 37 section 135.106. The funding shall be distributed to
 38 renew the grants that were provided to the grantees
 39 that operated the program during the fiscal year ending
 40 June 30, 2011.

41 b. Of the funds appropriated in this subsection,
 42 \$329,885 shall be used to continue to address the

43 healthy mental development of children from birth
 44 through five years of age through local evidence-based
 45 strategies that engage both the public and private
 46 sectors in promoting healthy development, prevention,
 47 and treatment for children.
 48 c. Of the funds appropriated in this subsection,
 49 \$31,597 shall be distributed to a statewide dental
 50 carrier to provide funds to continue the donated dental

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1 services program patterned after the projects developed
 2 by the dental lifeline network to provide dental
 3 services to indigent elderly and disabled individuals.

4 d. Of the funds appropriated in this subsection,
 5 \$112,677 shall be used for childhood obesity
 6 prevention.

7 e. Of the funds appropriated in this subsection,
 8 \$163,760 shall be used to provide audiological services
 9 and hearing aids for children. The department may
 10 enter into a contract to administer this paragraph.

11 3. CHRONIC CONDITIONS

12 For serving individuals identified as having chronic
 13 conditions or special health care needs, and for not
 14 more than the following full-time equivalent positions:

15	\$	3,438,591
16	FTEs	4.00

17 a. Of the funds appropriated in this subsection,
 18 \$160,582 shall be used for grants to individual
 19 patients who have phenylketonuria (PKU) to assist with
 20 the costs of necessary special foods.

21 b. Of the funds appropriated in this subsection,
 22 \$483,600 is allocated for continuation of the contracts
 23 for resource facilitator services in accordance with
 24 section 135.22B, subsection 9, and for brain injury
 25 training services and recruiting of service providers
 26 to increase the capacity within this state to address
 27 the needs of individuals with brain injuries and such
 28 individuals' families.

29 c. Of the funds appropriated in this subsection,
 30 \$468,874 shall be used as additional funding to
 31 leverage federal funding through the federal Ryan
 32 White Care Act, Tit. II, AIDS drug assistance program
 33 supplemental drug treatment grants.

34 d. Of the funds appropriated in this subsection,
 35 \$31,254 shall be used for the public purpose of
 36 providing a grant to an existing national-affiliated
 37 organization to provide education, client-centered
 38 programs, and client and family support for people
 39 living with epilepsy and their families.

40 e. Of the funds appropriated in this subsection,
 41 \$12,500 shall be used for the purposes of the epilepsy

42 treatment and education task force as specified in 2011
 43 Iowa Acts, House File 322, as enacted.
 44 f. Of the funds appropriated in this subsection,
 45 \$788,303 shall be used for child health specialty
 46 clinics.
 47 g. Of the funds appropriated in this subsection,
 48 \$711,052 shall be used for the comprehensive cancer
 49 control program to reduce the burden of cancer in
 50 Iowa through prevention, early detection, effective

Page 7

1 treatment, and ensuring quality of life. Of the funds
 2 allocated in this lettered paragraph, \$363,987 shall
 3 be used to support a melanoma research symposium,
 4 a melanoma biorepository and registry, basic and
 5 translational melanoma research, and clinical trials.

6 h. Of the funds appropriated in this subsection,
 7 \$126,450 shall be used for cervical and colon cancer
 8 screening.

9 i. Of the funds appropriated in this subsection,
 10 \$421,782 shall be used for the center for congenital
 11 and inherited disorders.

12 j. Of the funds appropriated in this subsection,
 13 \$129,937 shall be used for the prescription drug
 14 donation repository program created in chapter 135M.

15 4. COMMUNITY CAPACITY

16 For strengthening the health care delivery system at
 17 the local level, and for not more than the following
 18 full-time equivalent positions:

19	\$	4,414,063
20	FTEs	14.00

21 a. Of the funds appropriated in this subsection,
 22 \$100,000 is allocated for a child vision screening
 23 program implemented through the university of Iowa
 24 hospitals and clinics in collaboration with early
 25 childhood Iowa areas.

26 b. Of the funds appropriated in this subsection,
 27 \$111,308 is allocated for continuation of an initiative
 28 implemented at the university of Iowa and \$100,493 is
 29 allocated for continuation of an initiative at the
 30 state mental health institute at Cherokee to expand
 31 and improve the workforce engaged in mental health
 32 treatment and services. The initiatives shall receive
 33 input from the university of Iowa, the department of
 34 human services, the department of public health, and
 35 the mental health, mental retardation, developmental
 36 disabilities, and brain injury commission to address
 37 the focus of the initiatives.

38 c. Of the funds appropriated in this subsection,
 39 \$1,171,491 shall be used for essential public health
 40 services that promote healthy aging throughout the

41 lifespan, contracted through a formula for local boards
42 of health, to enhance health promotion and disease
43 prevention services.

44 d. Of the funds appropriated in this section,
45 \$121,817 shall be deposited in the governmental public
46 health system fund created in section 135A.8 to be used
47 for the purposes of the fund.

48 e. Of the funds appropriated in this subsection,
49 \$106,279 shall be used for the mental health
50 professional shortage area program implemented pursuant

Page 8

1 to section 135.80.

2 f. Of the funds appropriated in this subsection,
3 \$38,263 shall be used for a grant to a statewide
4 association of psychologists that is affiliated
5 with the American psychological association to be
6 used for continuation of a program to rotate intern
7 psychologists in placements in urban and rural mental
8 health professional shortage areas, as defined in
9 section 135.80.

10 g. Of the funds appropriated in this subsection,
11 the following amounts shall be allocated to the Iowa
12 collaborative safety net provider network established
13 pursuant to section 135.153 to be used for the purposes
14 designated. The following amounts allocated under
15 this lettered paragraph shall be distributed to
16 the specified provider and shall not be reduced for
17 administrative or other costs prior to distribution:

18 (1) For distribution to the Iowa primary care
19 association for statewide coordination of the Iowa
20 collaborative safety net provider network:
21 \$ 116,597

22 (2) For distribution to the local boards of health
23 that provide direct services for pilot programs in
24 three counties to assist patients in determining an
25 appropriate medical home:
26 \$ 68,332

27 (3) For distribution to maternal and child health
28 centers for pilot programs in three counties to assist
29 patients in determining an appropriate medical home:
30 \$ 68,332

31 (4) For distribution to free clinics for necessary
32 infrastructure, statewide coordination, provider
33 recruitment, service delivery, and provision of
34 assistance to patients in determining an appropriate
35 medical home:
36 \$ 113,754

37 (5) For distribution to rural health clinics for
38 necessary infrastructure, statewide coordination,
39 provider recruitment, service delivery, and provision

40	of assistance to patients in determining an appropriate	
41	medical home:	
42	.....	\$ 101,264
43	(6) For continuation of the safety net provider	
44	patient access to specialty health care initiative as	
45	described in 2007 Iowa Acts, chapter 218, section 109:	
46	.....	\$ 238,420
47	(7) For continuation of the pharmaceutical	
48	infrastructure for safety net providers as described in	
49	2007 Iowa Acts, chapter 218, section 108:	
50	\$ 247,590

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1 The Iowa collaborative safety net provider network
 2 may continue to distribute funds allocated pursuant to
 3 this lettered paragraph through existing contracts or
 4 renewal of existing contracts.

5 h. (1) Of the funds appropriated in this
 6 subsection, \$100,000 shall be used for continued
 7 implementation of the recommendations of the direct
 8 care worker task force established pursuant to 2005
 9 Iowa Acts, chapter 88, based upon the report submitted
 10 to the governor and the general assembly in December
 11 2006. The department may use a portion of the funds
 12 allocated in this lettered paragraph for an additional
 13 position to assist in the continued implementation.

14 (2) The direct care worker advisory council
 15 shall submit a final report no later than March 1,
 16 2012, to the governor and the general assembly, in
 17 accordance with 2010 Iowa Acts, chapter 1192, section
 18 2, subsection 4, paragraph “h”, subparagraph (3).

19 (3) The department of public health shall report
 20 to the persons designated in the department of human
 21 services division of this Act for FY 2011–2012 for
 22 submission of reports regarding use of the funds
 23 allocated in this lettered paragraph, on or before
 24 January 15, 2012.

25 i. Of the funds appropriated in this subsection,
 26 \$150,000 shall be used for allocation through a request
 27 for proposals process to a statewide direct care worker
 28 association for education, outreach, and mentoring
 29 intended to enhance the recruitment and retention of
 30 direct care workers in health care and long-term care
 31 settings. Funding allocated in this lettered paragraph
 32 shall not be used by the recipient association for
 33 lobbying activities as described in section 689B.36.

34 j. The department may utilize one of the full-time
 35 equivalent positions authorized in this subsection for
 36 administration of the activities related to the Iowa
 37 collaborative safety net provider network.

38 k. Of the funds appropriated in this subsection,

39 the department may use up to \$60,000 for up to one
40 full-time equivalent position to administer the
41 volunteer health care provider program pursuant to
42 section 135.24.

43 1. Of the funds appropriated in this subsection,
44 \$50,000 shall be used for a matching dental education
45 loan repayment program to be allocated to a dental
46 nonprofit health service corporation to develop the
47 criteria and implement the loan repayment program.

48 m. Of the funds appropriated in this subsection,
49 \$363,987 shall be used as state matching funds for
50 the health information network as established by the

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1	department of public health.		
2	5. HEALTHY AGING		
3	To provide public health services that reduce risks		
4	and invest in promoting and protecting good health over		
5	the course of a lifetime with a priority given to older		
6	Iowans and vulnerable populations:		
7	.....	\$	7,297,142
8	a. Of the funds appropriated in this subsection,		
9	\$2,009,187 shall be used for local public health		
10	nursing services.		
11	b. Of the funds appropriated in this subsection,		
12	\$5,287,955 shall be used for home care aide services.		
13	6. ENVIRONMENTAL HAZARDS		
14	For reducing the public's exposure to hazards in the		
15	environment, primarily chemical hazards, and for not		
16	more than the following full-time equivalent positions:		
17	.....	\$	813,777
18	.....	FTEs	4.00
19	Of the funds appropriated in this subsection,		
20	\$544,377 shall be used for childhood lead poisoning		
21	provisions.		
22	7. INFECTIOUS DISEASES		
23	For reducing the incidence and prevalence of		
24	communicable diseases, and for not more than the		
25	following full-time equivalent positions:		
26	.....	\$	1,345,847
27	.....	FTEs	4.00
28	8. PUBLIC PROTECTION		
29	For protecting the health and safety of the		
30	public through establishing standards and enforcing		
31	regulations, and for not more than the following		
32	full-time equivalent positions:		
33	.....	\$	2,776,232
34	.....	FTEs	125.00
35	a. Of the funds appropriated in this subsection,		
36	not more than \$471,690 shall be credited to the		
37	emergency medical services fund created in section		

38 135.25. Moneys in the emergency medical services fund
 39 are appropriated to the department to be used for the
 40 purposes of the fund.

41 b. Of the funds appropriated in this subsection,
 42 \$210,619 shall be used for sexual violence prevention
 43 programming through a statewide organization
 44 representing programs serving victims of sexual
 45 violence through the department's sexual violence
 46 prevention program. The amount allocated in this
 47 lettered paragraph shall not be used to supplant
 48 funding administered for other sexual violence
 49 prevention or victims assistance programs.

50 c. Of the funds appropriated in this subsection,

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1 not more than \$436,582 shall be used for the state
 2 poison control center.

3 9. RESOURCE MANAGEMENT

4 For establishing and sustaining the overall
 5 ability of the department to deliver services to the
 6 public, and for not more than the following full-time
 7 equivalent positions:

8	\$	819,554
9	FTEs	7.00

10 The university of Iowa hospitals and clinics under
 11 the control of the state board of regents shall not
 12 receive indirect costs from the funds appropriated in
 13 this section. The university of Iowa hospitals and
 14 clinics billings to the department shall be on at least
 15 a quarterly basis.

16 DIVISION III

17 HEALTH AND HUMAN SERVICES

18 DEPARTMENT OF VETERANS AFFAIRS — FY 2011–2012

19 Sec. 3. DEPARTMENT OF VETERANS AFFAIRS. There is

20 appropriated from the general fund of the state to the
 21 department of veterans affairs for the fiscal year
 22 beginning July 1, 2011, and ending June 30, 2012, the
 23 following amounts, or so much thereof as is necessary,
 24 to be used for the purposes designated:

25 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

26 For salaries, support, maintenance, and
 27 miscellaneous purposes, including the war orphans
 28 educational assistance fund created in section
 29 35.8, and for not more than the following full-time
 30 equivalent positions:

31	\$	998,832
32	FTEs	16.34

33 2. IOWA VETERANS HOME

34 For salaries, support, maintenance, and
 35 miscellaneous purposes:

36	\$	8,952,151
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37 a. The Iowa veterans home billings involving the
38 department of human services shall be submitted to the
39 department on at least a monthly basis.

40 b. If there is a change in the employer of
41 employees providing services at the Iowa veterans home
42 under a collective bargaining agreement, such employees
43 and the agreement shall be continued by the successor
44 employer as though there had not been a change in
45 employer.

46 c. Within available resources and in conformance
47 with associated state and federal program eligibility
48 requirements, the Iowa veterans home may implement
49 measures to provide financial assistance to or on
50 behalf of veterans or their spouses participating in

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1 the community reentry program.

2 3. STATE EDUCATIONAL ASSISTANCE — CHILDREN OF
3 DECEASED VETERANS

4 For provision of educational assistance pursuant to
5 section 35.9:

6 \$ 12,416

7 Sec. 4. LIMITATION OF COUNTY COMMISSION OF VETERANS
8 AFFAIRS FUND STANDING APPROPRIATIONS. Notwithstanding

9 the standing appropriation in the following designated
10 section for the fiscal year beginning July 1, 2011, and
11 ending June 30, 2012, the amounts appropriated from the
12 general fund of the state pursuant to that section for
13 the following designated purposes shall not exceed the
14 following amount:

15 For the county commissions of veterans affairs fund
16 under section 35A.16:

17 \$ 990,000

18 DIVISION IV

19 HEALTH AND HUMAN SERVICES

20 DEPARTMENT OF HUMAN SERVICES — FY 2011–2012

21 Sec. 5. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

22 BLOCK GRANT. There is appropriated from the fund
23 created in section 8.41 to the department of human
24 services for the fiscal year beginning July 1, 2011,
25 and ending June 30, 2012, from moneys received under
26 the federal temporary assistance for needy families
27 (TANF) block grant pursuant to the federal Personal
28 Responsibility and Work Opportunity Reconciliation
29 Act of 1996, Pub. L. No. 104-193, and successor
30 legislation, and from moneys received under the
31 emergency contingency fund for temporary assistance
32 for needy families state program established pursuant
33 to the federal American Recovery and Reinvestment
34 Act of 2009, Pub. L. No. 111-5 § 2101, and successor
35 legislation, the following amounts, or so much

36	thereof as is necessary, to be used for the purposes		
37	designated:		
38	1. To be credited to the family investment program		
39	and used for assistance under the family		
40	investment program under chapter 239B:		
41	.....	\$	21,500,738
42	2. To be credited to the family investment program		
43	account and used for the job opportunities and		
44	basic skills (JOBS) program and implementing family		
45	investment agreements in accordance with chapter 239B:		
46	.....	\$	12,411,528
47	3. To be used for the family development and		
48	self-sufficiency grant program in accordance with		
49	section 216A.107:		
50	\$	2,898,980

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1 Notwithstanding section 8.33, moneys appropriated in
2 this subsection that remain unencumbered or unobligated
3 at the close of the fiscal year shall not revert but
4 shall remain available for expenditure for the purposes
5 designated until the close of the succeeding fiscal
6 year. However, unless such moneys are encumbered or
7 obligated on or before September 30, 2012, the moneys
8 shall revert.

9	4. For field operations:		
10	.....	\$	31,296,232
11	5. For general administration:		
12	.....	\$	3,744,000
13	6. For state child care assistance:		
14	.....	\$	16,382,687

15 The funds appropriated in this subsection shall be
16 transferred to the child care and development block
17 grant appropriation made by the Eighty-fourth General
18 Assembly, 2011 Session, for the federal fiscal year
19 beginning October 1, 2011, and ending September 30,
20 2012. Of this amount, \$200,000 shall be used for
21 provision of educational opportunities to registered
22 child care home providers in order to improve services
23 and programs offered by this category of providers and
24 to increase the number of providers. The department
25 may contract with institutions of higher education or
26 child care resource and referral centers to provide the
27 educational opportunities. Allowable administrative
28 costs under the contracts shall not exceed 5 percent.
29 The application for a grant shall not exceed two pages
30 in length.

31	7. For mental health and developmental disabilities		
32	community services:		
33	.....	\$	4,894,052
34	8. For child and family services:		

35	.....	\$	32,084,430
36	9. For child abuse prevention grants:		
37	.....	\$	125,000
38	10. For pregnancy prevention grants on the		
39	condition that family planning services are funded:		
40	.....	\$	1,930,067
41	Pregnancy prevention grants shall be awarded		
42	to pregnancy prevention programs that are based		
43	on existing models that have demonstrated positive		
44	outcomes. Grants shall comply with the requirements		
45	provided in 1997 Iowa Acts, chapter 208, section 14,		
46	subsections 1 and 2, including the requirement that		
47	grant programs must emphasize sexual abstinence.		
48	Priority in the awarding of grants shall be given		
49	to programs that serve areas of the state which		
50	demonstrate the highest percentage of unplanned		

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1	pregnancies of females of childbearing age within the		
2	geographic area to be served by the grant.		
3	11. For technology needs and other resources		
4	necessary to meet federal welfare reform reporting,		
5	tracking, and case management requirements:		
6	.....	\$	1,037,186
7	12. To be credited to the state child care		
8	assistance appropriation made in this section to be		
9	used for funding of community-based early childhood		
10	programs targeted to children from birth through five		
11	years of age developed by early childhood Iowa areas as		
12	provided in section 256I.11:		
13	.....	\$	6,350,000
14	The department shall transfer TANF block grant		
15	funding appropriated and allocated in this subsection		
16	to the child care and development block grant		
17	appropriation in accordance with federal law as		
18	necessary to comply with the provisions of this		
19	subsection.		
20	13. a. Notwithstanding any provision to the		
21	contrary, including but not limited to requirements		
22	in section 8.41 or provisions in 2010 or 2011 Iowa		
23	Acts regarding the receipt and appropriation of		
24	federal block grants, federal funds from the emergency		
25	contingency fund for temporary assistance for needy		
26	families state program established pursuant to the		
27	federal American Recovery and Reinvestment Act of		
28	2009, Pub. L. No. 111-5 § 2101, received by the state		
29	during the fiscal year beginning July 1, 2010, and		
30	ending June 30, 2011, not otherwise appropriated in		
31	this section and remaining available as of July 1,		
32	2011, and received by the state during the fiscal year		
33	beginning July 1, 2011, and ending June 30, 2012, are		

34 appropriated to the extent as may be necessary to be
 35 used in the following priority order: the family
 36 investment program for the fiscal year and for state
 37 child care assistance program payments for individuals
 38 enrolled in the family investment program who are
 39 employed. The federal funds appropriated in this
 40 paragraph "a" shall be expended only after all other
 41 funds appropriated in subsection 1 for the assistance
 42 under the family investment program under chapter 239B
 43 have been expended.

44 b. The department shall, on a quarterly basis,
 45 advise the legislative services agency and department
 46 of management of the amount of funds appropriated in
 47 this subsection that was expended in the prior quarter.

48 14. Of the amounts appropriated in this section,
 49 \$12,962,008 for the fiscal year beginning July 1,
 50 2011, shall be transferred to the appropriation of

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1 the federal social services block grant made for that
 2 fiscal year.

3 15. For continuation of the program allowing the
 4 department to maintain categorical eligibility for the
 5 food assistance program as required under the section
 6 of this division of this Act relating to the family
 7 investment account:

8 \$ 146,072

9 16. The department may transfer funds allocated
 10 in this section to the appropriations made in this
 11 division of this Act for general administration and
 12 field operations for resources necessary to implement
 13 and operate the services referred to in this section
 14 and those funded in the appropriation made in this
 15 division of this Act for the family investment program
 16 from the general fund of the state.

17 Sec. 6. FAMILY INVESTMENT PROGRAM ACCOUNT.

18 1. Moneys credited to the family investment program
 19 (FIP) account for the fiscal year beginning July
 20 1, 2011, and ending June 30, 2012, shall be used to
 21 provide assistance in accordance with chapter 239B.

22 2. The department may use a portion of the moneys
 23 credited to the FIP account under this section as
 24 necessary for salaries, support, maintenance, and
 25 miscellaneous purposes.

26 3. The department may transfer funds allocated in
 27 this section to the appropriations in this division
 28 of this Act for general administration and field
 29 operations for resources necessary to implement and
 30 operate the services referred to in this section and
 31 those funded in the appropriation made in this division
 32 of this Act for the family investment program from the

33 general fund of the state.

34 4. Moneys appropriated in this division of this Act
35 and credited to the FIP account for the fiscal year
36 beginning July 1, 2011, and ending June 30, 2012, are
37 allocated as follows:

- 38 a. To be retained by the department of human
39 services to be used for coordinating with the
40 department of human rights to more effectively serve
41 participants in the FIP program and other shared
42 clients and to meet federal reporting requirements
43 under the federal temporary assistance for needy
44 families block grant:
45 \$ 20,000
- 46 b. To the department of human rights for staffing,
47 administration, and implementation of the family
48 development and self-sufficiency grant program in
49 accordance with section 216A.107:
50 \$ 5,342,834

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1 (1) Of the funds allocated for the family
2 development and self-sufficiency grant program in this
3 lettered paragraph, not more than 5 percent of the
4 funds shall be used for the administration of the grant
5 program.

6 (2) The department of human rights may continue to
7 implement the family development and self-sufficiency
8 grant program statewide during fiscal year 2011-2012.

- 9 c. For the diversion subaccount of the FIP account:
10 \$ 1,698,400

11 A portion of the moneys allocated for the subaccount
12 may be used for field operations salaries, data
13 management system development, and implementation
14 costs and support deemed necessary by the director of
15 human services in order to administer the FIP diversion
16 program.

- 17 d. For the food stamp employment and training
18 program:
19 \$ 66,588

20 (1) The department shall amend the food stamp
21 employment and training state plan in order to maximize
22 to the fullest extent permitted by federal law the
23 use of the 50-50 match provisions for the claiming
24 of allowable federal matching funds from the United
25 States department of agriculture pursuant to the
26 federal food stamp employment and training program for
27 providing education, employment, and training services
28 for eligible food assistance program participants,
29 including but not limited to related dependent care and
30 transportation expenses.

31 (2) The department shall continue the categorical

32 federal food assistance program eligibility at 160
 33 percent of the federal poverty level and continue to
 34 eliminate the asset test from eligibility requirements,
 35 consistent with federal food assistance program
 36 requirements. The department shall include as many
 37 food assistance households as is allowed by federal
 38 law. The eligibility provisions shall conform to all
 39 federal requirements including requirements addressing
 40 individuals who are incarcerated or otherwise
 41 ineligible.

42 e. For the JOBS program:
 43 \$ 20,235,905

44 5. Of the child support collections assigned under
 45 FIP, an amount equal to the federal share of support
 46 collections shall be credited to the child support
 47 recovery appropriation made in this division of this
 48 Act. Of the remainder of the assigned child support
 49 collections received by the child support recovery
 50 unit, a portion shall be credited to the FIP account,

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1 a portion may be used to increase recoveries, and a
 2 portion may be used to sustain cash flow in the child
 3 support payments account. If as a consequence of the
 4 appropriations and allocations made in this section
 5 the resulting amounts are insufficient to sustain
 6 cash assistance payments and meet federal maintenance
 7 of effort requirements, the department shall seek
 8 supplemental funding. If child support collections
 9 assigned under FIP are greater than estimated or are
 10 otherwise determined not to be required for maintenance
 11 of effort, the state share of either amount may be
 12 transferred to or retained in the child support payment
 13 account.

14 6. The department may adopt emergency rules for
 15 the family investment, JOBS, food stamp, and medical
 16 assistance programs if necessary to comply with federal
 17 requirements.

18 Sec. 7. FAMILY INVESTMENT PROGRAM GENERAL
 19 FUND. There is appropriated from the general fund of
 20 the state to the department of human services for the
 21 fiscal year beginning July 1, 2011, and ending June 30,
 22 2012, the following amount, or so much thereof as is
 23 necessary, to be used for the purpose designated:

24 To be credited to the family investment program
 25 (FIP) account and used for family investment program
 26 assistance under chapter 239B:
 27 \$ 50,171,027

28 1. Of the funds appropriated in this section,
 29 \$7,824,377 is allocated for the JOBS program.

30 2. Of the funds appropriated in this section,

31 \$2,463,854 is allocated for the family development and
 32 self-sufficiency grant program.

33 3. Notwithstanding section 8.39, for the fiscal
 34 year beginning July 1, 2011, if necessary to meet
 35 federal maintenance of effort requirements or to
 36 transfer federal temporary assistance for needy
 37 families block grant funding to be used for purposes
 38 of the federal social services block grant or to meet
 39 cash flow needs resulting from delays in receiving
 40 federal funding or to implement, in accordance with
 41 this division of this Act, activities currently funded
 42 with juvenile court services, county, or community
 43 moneys and state moneys used in combination with such
 44 moneys, the department of human services may transfer
 45 funds within or between any of the appropriations made
 46 in this division of this Act and appropriations in law
 47 for the federal social services block grant to the
 48 department for the following purposes, provided that
 49 the combined amount of state and federal temporary
 50 assistance for needy families block grant funding for

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1 each appropriation remains the same before and after
 2 the transfer:

- 3 a. For the family investment program.
- 4 b. For child care assistance.
- 5 c. For child and family services.
- 6 d. For field operations.
- 7 e. For general administration.
- 8 f. MH/MR/DD/BI community services (local purchase).

9 This subsection shall not be construed to prohibit
 10 the use of existing state transfer authority for other
 11 purposes. The department shall report any transfers
 12 made pursuant to this subsection to the legislative
 13 services agency.

14 4. Of the funds appropriated in this section,
 15 \$195,678 shall be used for continuation of a grant to
 16 an Iowa-based nonprofit organization with a history
 17 of providing tax preparation assistance to low-income
 18 Iowans in order to expand the usage of the earned
 19 income tax credit. The purpose of the grant is to
 20 supply this assistance to underserved areas of the
 21 state.

22 Sec. 8. CHILD SUPPORT RECOVERY. There is
 23 appropriated from the general fund of the state to
 24 the department of human services for the fiscal year
 25 beginning July 1, 2011, and ending June 30, 2012, the
 26 following amount, or so much thereof as is necessary,
 27 to be used for the purposes designated:

28 For child support recovery, including salaries,
 29 support, maintenance, and miscellaneous purposes, and

30 for not more than the following full-time equivalent
31 positions:

32	\$	13,044,451
33	FTEs	475.00

- 34 1. The department shall expend up to \$24,329,
35 including federal financial participation, for the
36 fiscal year beginning July 1, 2011, for a child support
37 public awareness campaign. The department and the
38 office of the attorney general shall cooperate in
39 continuation of the campaign. The public awareness
40 campaign shall emphasize, through a variety of media
41 activities, the importance of maximum involvement of
42 both parents in the lives of their children as well as
43 the importance of payment of child support obligations.
- 44 2. Federal access and visitation grant moneys shall
45 be issued directly to private not-for-profit agencies
46 that provide services designed to increase compliance
47 with the child access provisions of court orders,
48 including but not limited to neutral visitation sites
49 and mediation services.
- 50 3. The appropriation made to the department for

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1 child support recovery may be used throughout the
2 fiscal year in the manner necessary for purposes of
3 cash flow management, and for cash flow management
4 purposes the department may temporarily draw more
5 than the amount appropriated, provided the amount
6 appropriated is not exceeded at the close of the fiscal
7 year.

8 4. With the exception of the funding amount
9 specified, the requirements established under 2001
10 Iowa Acts, chapter 191, section 3, subsection 5,
11 paragraph "c", subparagraph (3), shall be applicable
12 to parental obligation pilot projects for the fiscal
13 year beginning July 1, 2011, and ending June 30,
14 2012. Notwithstanding 441 IAC 100.8, providing for
15 termination of rules relating to the pilot projects,
16 the rules shall remain in effect until June 30, 2012.

17 Sec. 9. HEALTH CARE TRUST FUND — MEDICAL
18 ASSISTANCE. Any funds remaining in the health
19 care trust fund created in section 453A.35A for the
20 fiscal year beginning July 1, 2011, and ending June
21 30, 2012, are appropriated to the department of
22 human services to supplement the medical assistance
23 program appropriations made in the health and human
24 services divisions of this Act, for medical assistance
25 reimbursement and associated costs, including
26 program administration and costs associated with
27 implementation.

28 Sec. 10. MEDICAL ASSISTANCE. There is appropriated

29 from the general fund of the state to the department of
30 human services for the fiscal year beginning July 1,
31 2011, and ending June 30, 2012, the following amount,
32 or so much thereof as is necessary, to be used for the
33 purpose designated:

34 For medical assistance reimbursement and associated
35 costs as specifically provided in the reimbursement
36 methodologies in effect on June 30, 2011, except as
37 otherwise expressly authorized by law, including
38 reimbursement for abortion services which shall be
39 available under the medical assistance program only for
40 those abortions which are medically necessary:

41 \$ 907,087,190

42 1. Medically necessary abortions are those
43 performed under any of the following conditions:

44 a. The attending physician certifies that
45 continuing the pregnancy would endanger the life of the
46 pregnant woman.

47 b. Any spontaneous abortion, commonly known as a
48 miscarriage, if not all of the products of conception
49 are expelled.

50 2. The department shall utilize not more than

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1 \$60,000 of the funds appropriated in this section
2 to continue the AIDS/HIV health insurance premium
3 payment program as established in 1992 Iowa Acts,
4 Second Extraordinary Session, chapter 1001, section
5 409, subsection 6. Of the funds allocated in this
6 subsection, not more than \$5,000 may be expended for
7 administrative purposes.

8 3. Of the funds appropriated in the department of
9 public health division of this Act for FY 2011–2012
10 to the department of public health for addictive
11 disorders, \$950,000 for the fiscal year beginning
12 July 1, 2011, shall be transferred to the department
13 of human services for an integrated substance abuse
14 managed care system. The department shall not assume
15 management of the substance abuse system in place
16 of the managed care contractor unless such a change
17 in approach is specifically authorized in law. The
18 departments of human services and public health shall
19 work together to maintain the level of mental health
20 and substance abuse services provided by the managed
21 care contractor through the Iowa plan for behavioral
22 health. Each department shall take the steps necessary
23 to continue the federal waivers as necessary to
24 maintain the level of services.

25 4. a. The department shall aggressively pursue
26 options for providing medical assistance or other
27 assistance to individuals with special needs who become

28 ineligible to continue receiving services under the
29 early and periodic screening, diagnostic, and treatment
30 program under the medical assistance program due
31 to becoming 21 years of age who have been approved
32 for additional assistance through the department's
33 exception to policy provisions, but who have health
34 care needs in excess of the funding available through
35 the exception to policy provisions.

36 b. Of the funds appropriated in this section,
37 \$100,000 shall be used for participation in one or more
38 pilot projects operated by a private provider to allow
39 the individual or individuals to receive service in the
40 community in accordance with principles established in
41 *Olmstead v. L.C.*, 527 U.S. 581 (1999), for the purpose
42 of providing medical assistance or other assistance to
43 individuals with special needs who become ineligible
44 to continue receiving services under the early and
45 periodic screening, diagnosis, and treatment program
46 under the medical assistance program due to becoming
47 21 years of age who have been approved for additional
48 assistance through the department's exception to policy
49 provisions, but who have health care needs in excess
50 of the funding available through the exception to the

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1 policy provisions.
2 5. Of the funds appropriated in this section, up to
3 \$3,050,082 may be transferred to the field operations
4 or general administration appropriations in this
5 division of this Act for operational costs associated
6 with Part D of the federal Medicare Prescription Drug
7 Improvement and Modernization Act of 2003, Pub. L. No.
8 108-173.
9 6. Of the funds appropriated in this section, up
10 to \$442,100 may be transferred to the appropriation
11 in this division of this Act for medical contracts
12 to be used for clinical assessment services and prior
13 authorization of services.
14 7. A portion of the funds appropriated in this
15 section may be transferred to the appropriations in
16 this division of this Act for general administration,
17 medical contracts, the children's health insurance
18 program, or field operations to be used for the
19 state match cost to comply with the payment error
20 rate measurement (PERM) program for both the medical
21 assistance and children's health insurance programs
22 as developed by the centers for Medicare and Medicaid
23 services of the United States department of health and
24 human services to comply with the federal Improper
25 Payments Information Act of 2002, Pub. L. No. 107-300.
26 8. It is the intent of the general assembly

27 that the department continue to implement the
28 recommendations of the assuring better child health
29 and development initiative II (ABCDII) clinical panel
30 to the Iowa early and periodic screening, diagnostic,
31 and treatment services healthy mental development
32 collaborative board regarding changes to billing
33 procedures, codes, and eligible service providers.

34 9. Of the funds appropriated in this section,
35 a sufficient amount is allocated to supplement
36 the incomes of residents of nursing facilities,
37 intermediate care facilities for persons with mental
38 illness, and intermediate care facilities for persons
39 with mental retardation, with incomes of less than \$50
40 in the amount necessary for the residents to receive a
41 personal needs allowance of \$50 per month pursuant to
42 section 249A.30A.

43 10. Of the funds appropriated in this section,
44 the following amounts shall be transferred to the
45 appropriations made in this division of this Act for
46 the state mental health institutes:

- 47 a. Cherokee mental health institute \$
- 48 9,098,425
- 49 b. Clarinda mental health institute \$
- 50 1,977,305

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- 1 c. Independence mental health institute \$
- 2 9,045,894
- 3 d. Mount Pleasant mental health institute \$
- 4 5,752,587

5 11. a. Of the funds appropriated in this section,
6 \$7,425,684 is allocated for the state match for a
7 disproportionate share hospital payment of \$19,133,430
8 to hospitals that meet both of the conditions specified
9 in subparagraphs (1) and (2). In addition, the
10 hospitals that meet the conditions specified shall
11 either certify public expenditures or transfer to
12 the medical assistance program an amount equal to
13 provide the nonfederal share for a disproportionate
14 share hospital payment of \$7,500,000. The hospitals
15 that meet the conditions specified shall receive and
16 retain 100 percent of the total disproportionate share
17 hospital payment of \$26,633,430.

- 18 (1) The hospital qualifies for disproportionate
- 19 share and graduate medical education payments.
- 20 (2) The hospital is an Iowa state-owned hospital
- 21 with more than 500 beds and eight or more distinct
- 22 residency specialty or subspecialty programs recognized
- 23 by the American college of graduate medical education.
- 24 b. Distribution of the disproportionate share
- 25 payments shall be made on a monthly basis. The total

26 amount of disproportionate share payments including
27 graduate medical education, enhanced disproportionate
28 share, and Iowa state-owned teaching hospital payments
29 shall not exceed the amount of the state's allotment
30 under Pub. L. No. 102-234. In addition, the total
31 amount of all disproportionate share payments shall not
32 exceed the hospital-specific disproportionate share
33 limits under Pub. L. No. 103-66.

34 12. The university of Iowa hospitals and clinics
35 shall either certify public expenditures or transfer to
36 the medical assistance appropriation an amount equal
37 to provide the nonfederal share for increased medical
38 assistance payments for inpatient and outpatient
39 hospital services of \$9,900,000. The university of
40 Iowa hospitals and clinics shall receive and retain 100
41 percent of the total increase in medical assistance
42 payments.

43 13. Of the funds appropriated in this section,
44 up to \$4,480,304 may be transferred to the IowaCare
45 account created in section 249J.24.

46 14. Of the funds appropriated in this section,
47 \$200,000 shall be used for the Iowa chronic care
48 consortium pursuant to 2003 Iowa Acts, chapter 112,
49 section 12, as amended by 2003 Iowa Acts, chapter 179,
50 sections 166 and 167.

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1 15. One hundred percent of the nonfederal share of
2 payments to area education agencies that are medical
3 assistance providers for medical assistance-covered
4 services provided to medical assistance-covered
5 children, shall be made from the appropriation made in
6 this section.

7 16. Any new or renewed contract entered into by the
8 department with a third party to administer behavioral
9 health services under the medical assistance program
10 shall provide that any interest earned on payments
11 from the state during the state fiscal year shall be
12 remitted to the department and treated as recoveries to
13 offset the costs of the medical assistance program.

14 17. The department shall continue to implement the
15 provisions in 2007 Iowa Acts, chapter 218, section
16 124 and section 126, as amended by 2008 Iowa Acts,
17 chapter 1188, section 55, relating to eligibility for
18 certain persons with disabilities under the medical
19 assistance program in accordance with the federal
20 family opportunity Act.

21 18. A portion of the funds appropriated in this
22 section may be transferred to the appropriation in this
23 division of this Act for medical contracts to be used
24 for administrative activities associated with the money

25 follows the person demonstration project.

26 19. Of the funds appropriated in this section,
27 \$349,011 shall be used for the administration of the
28 health insurance premium payment program, including
29 salaries, support, maintenance, and miscellaneous
30 purposes for the fiscal year beginning July 1, 2011.

31 20. a. The department may implement cost
32 containment strategies recommended by the governor, and
33 may adopt emergency rules for such implementation.

34 b. The department may increase the amounts
35 allocated for salaries, support, maintenance, and
36 miscellaneous purposes associated with the medical
37 assistance program, as necessary, to implement the cost
38 containment strategies. The department shall report
39 any such increase to the legislative services agency
40 and the department of management.

41 c. If the savings to the medical assistance
42 program exceed the cost, the department may transfer
43 any savings generated for the fiscal year due to
44 medical assistance program cost containment efforts
45 initiated pursuant to 2010 Iowa Acts, chapter 1031,
46 Executive Order No. 20, issued December 16, 2009, or
47 cost containment strategies initiated pursuant to
48 this subsection, to the appropriation made in this
49 division of this Act for medical contracts or general
50 administration to defray the increased contract costs

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1 associated with implementing such efforts.

2 d. The department shall report the implementation
3 of any cost containment strategies under this
4 subsection to the individuals specified in this
5 division of this Act for submission of reports on a
6 quarterly basis.

7 21. Notwithstanding any provision of law to the
8 contrary, the department of human services shall amend
9 the section 1915(b) waiver and Iowa plan contract to
10 include remedial services under the Iowa plan contract
11 effective July 1, 2011.

12 22. a. The department may submit medical
13 assistance program state plan amendments to the centers
14 for Medicare and Medicaid services of the United
15 States department of health and human services, and may
16 adopt administrative rules pursuant to chapter 17A to
17 implement any of the following if the respective state
18 plan amendment is approved:

19 (1) Health homes pursuant to section 2703 of the
20 federal Patient Protection and Affordable Care Act,
21 Pub. L. No. 111-148. The department shall collaborate
22 with the medical home system advisory council created
23 pursuant to section 135.159 in developing such health

24 homes.

25 (2) Accountable care organization pilot programs,
26 if such programs are advantageous to the medical
27 assistance program.

28 b. Any health home or accountable care organization
29 pilot program implemented pursuant to this subsection
30 shall demonstrate value to the state with a
31 positive return on investment within two years of
32 implementation, and may utilize care coordination fees,
33 pay-for-performance fees, or shared saving strategies
34 if approved as part of the state plan amendment.

35 23. The department, in consultation with the
36 Iowa pharmacy association and other appropriate
37 entities, shall develop recommendations to replace the
38 reimbursement methodology of average wholesale price
39 minus 12 percent for covered brand-name prescription
40 drugs, generic drugs, and over-the-counter drugs. The
41 department shall report the recommendations to the
42 persons designated in this division of this Act for
43 submission of reports by December 15, 2011.

44 Sec. 11. MEDICAL CONTRACTS. There is appropriated
45 from the general fund of the state to the department of
46 human services for the fiscal year beginning July 1,
47 2011, and ending June 30, 2012, the following amount,
48 or so much thereof as is necessary, to be used for the
49 purpose designated:

50 For medical contracts:

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<p>1</p> <p>2 1. The department of inspections and appeals</p> <p>3 shall provide all state matching funds for survey and</p> <p>4 certification activities performed by the department</p> <p>5 of inspections and appeals. The department of human</p> <p>6 services is solely responsible for distributing the</p> <p>7 federal matching funds for such activities.</p> <p>8 2. The department shall amend the state Medicaid</p> <p>9 health information technology plan to include costs</p> <p>10 related to the one-time development costs of the health</p> <p>11 information network established by the department of</p> <p>12 public health.</p> <p>13 3. Of the amount appropriated in this section, up</p> <p>14 to \$200,000 may be transferred to the appropriation for</p> <p>15 general administration in this division of this Act to</p> <p>16 be used for additional full-time equivalent positions</p> <p>17 in the development of key health initiatives such as</p> <p>18 cost containment, development and oversight of managed</p> <p>19 care programs, and development of health strategies</p> <p>20 targeted toward improved quality and reduced costs in</p> <p>21 the Medicaid program.</p> <p>22 4. Of the funds appropriated in this section,</p>	<p>\$ 5,823,844</p>
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23 \$50,000 shall be used for home and community-based
 24 services waiver quality assurance programs, including
 25 the review and streamlining of processes and policies
 26 related to oversight and quality management to meet
 27 state and federal requirements. The department shall
 28 submit a report to the persons designated in this
 29 division of this Act for submission of reports by
 30 December 15, 2011, regarding the modifications to the
 31 quality assurance programs.

32 Sec. 12. STATE SUPPLEMENTARY ASSISTANCE.

33 1. There is appropriated from the general fund of
 34 the state to the department of human services for the
 35 fiscal year beginning July 1, 2011, and ending June 30,
 36 2012, the following amount, or so much thereof as is
 37 necessary, to be used for the purpose designated:

38 For the state supplementary assistance program:
 39 \$ 16,850,747

40 2. The department shall increase the personal needs
 41 allowance for residents of residential care facilities
 42 by the same percentage and at the same time as federal
 43 supplemental security income and federal social
 44 security benefits are increased due to a recognized
 45 increase in the cost of living. The department may
 46 adopt emergency rules to implement this subsection.

47 3. If during the fiscal year beginning July 1,
 48 2011, the department projects that state supplementary
 49 assistance expenditures for a calendar year will not
 50 meet the federal pass-through requirement specified

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1 in Tit. XVI of the federal Social Security Act,
 2 section 1618, as codified in 42 U.S.C. § 1382g,
 3 the department may take actions including but not
 4 limited to increasing the personal needs allowance
 5 for residential care facility residents and making
 6 programmatic adjustments or upward adjustments of the
 7 residential care facility or in-home health-related
 8 care reimbursement rates prescribed in this division of
 9 this Act to ensure that federal requirements are met.
 10 In addition, the department may make other programmatic
 11 and rate adjustments necessary to remain within the
 12 amount appropriated in this section while ensuring
 13 compliance with federal requirements. The department
 14 may adopt emergency rules to implement the provisions
 15 of this subsection.

16 Sec. 13. CHILDREN'S HEALTH INSURANCE PROGRAM.

17 There is appropriated from the general fund of the
 18 state to the department of human services for the
 19 fiscal year beginning July 1, 2011, and ending June 30,
 20 2012, the following amount, or so much thereof as is
 21 necessary, to be used for the purpose designated:

22 For maintenance of the healthy and well kids in Iowa
 23 (hawk-i) program pursuant to chapter 514I, including
 24 supplemental dental services, for receipt of federal
 25 financial participation under Tit. XXI of the federal
 26 Social Security Act, which creates the children's
 27 health insurance program:
 28 \$ 32,677,152
 29 Sec. 14. CHILD CARE ASSISTANCE. There is
 30 appropriated from the general fund of the state to
 31 the department of human services for the fiscal year
 32 beginning July 1, 2011, and ending June 30, 2012, the
 33 following amount, or so much thereof as is necessary,
 34 to be used for the purpose designated:
 35 For child care programs:
 36 \$ 55,237,662
 37 1. Of the funds appropriated in this section,
 38 \$51,868,235 shall be used for state child care
 39 assistance in accordance with section 237A.13.
 40 2. Nothing in this section shall be construed or
 41 is intended as or shall imply a grant of entitlement
 42 for services to persons who are eligible for assistance
 43 due to an income level consistent with the waiting
 44 list requirements of section 237A.13. Any state
 45 obligation to provide services pursuant to this section
 46 is limited to the extent of the funds appropriated in
 47 this section.
 48 3. Of the funds appropriated in this section,
 49 \$432,453 is allocated for the statewide program for
 50 child care resource and referral services under section

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1 237A.26. A list of the registered and licensed child
 2 care facilities operating in the area served by a
 3 child care resource and referral service shall be made
 4 available to the families receiving state child care
 5 assistance in that area.
 6 4. Of the funds appropriated in this section,
 7 \$936,974 is allocated for child care quality
 8 improvement initiatives including but not limited to
 9 the voluntary quality rating system in accordance with
 10 section 237.30.
 11 5. The department may use any of the funds
 12 appropriated in this section as a match to obtain
 13 federal funds for use in expanding child care
 14 assistance and related programs. For the purpose of
 15 expenditures of state and federal child care funding,
 16 funds shall be considered obligated at the time
 17 expenditures are projected or are allocated to the
 18 department's service areas. Projections shall be based
 19 on current and projected caseload growth, current and
 20 projected provider rates, staffing requirements for

21 eligibility determination and management of program
22 requirements including data systems management,
23 staffing requirements for administration of the
24 program, contractual and grant obligations and any
25 transfers to other state agencies, and obligations for
26 decategorization or innovation projects.

27 6. A portion of the state match for the federal
28 child care and development block grant shall be
29 provided as necessary to meet federal matching
30 funds requirements through the state general fund
31 appropriation made for child development grants and
32 other programs for at-risk children in section 279.51.

33 7. If a uniform reduction ordered by the governor
34 under section 8.31 or other operation of law,
35 transfer, or federal funding reduction reduces the
36 appropriation made in this section for the fiscal year,
37 the percentage reduction in the amount paid out to or
38 on behalf of the families participating in the state
39 child care assistance program shall be equal to or
40 less than the percentage reduction made for any other
41 purpose payable from the appropriation made in this
42 section and the federal funding relating to it. The
43 percentage reduction to the other allocations made in
44 this section shall be the same as the uniform reduction
45 ordered by the governor or the percentage change of the
46 federal funding reduction, as applicable. If there is
47 an unanticipated increase in federal funding provided
48 for state child care assistance, the entire amount
49 of the increase shall be used for state child care
50 assistance payments. If the appropriations made for

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1 purposes of the state child care assistance program for
2 the fiscal year are determined to be insufficient, it
3 is the intent of the general assembly to appropriate
4 sufficient funding for the fiscal year in order to
5 avoid establishment of waiting list requirements.

6 8. Notwithstanding section 8.33, moneys
7 appropriated in this section or received from the
8 federal appropriations made for the purposes of this
9 section that remain unencumbered or unobligated at the
10 close of the fiscal year shall not revert to any fund
11 but shall remain available for expenditure for the
12 purposes designated until the close of the succeeding
13 fiscal year.

14 Sec. 15. JUVENILE INSTITUTIONS. There is
15 appropriated from the general fund of the state to
16 the department of human services for the fiscal year
17 beginning July 1, 2011, and ending June 30, 2012, the
18 following amounts, or so much thereof as is necessary,
19 to be used for the purposes designated:

20	1. For operation of the Iowa juvenile home at		
21	Toledo and for salaries, support, maintenance, and		
22	miscellaneous purposes, and for not more than the		
23	following full-time equivalent positions:		
24	.....	\$	8,258,251
25	.....	FTEs	114.00
26	2. For operation of the state training school at		
27	Eldora and for salaries, support, maintenance, and		
28	miscellaneous purposes, and for not more than the		
29	following full-time equivalent positions:		
30	.....	\$	10,638,677
31	.....	FTEs	164.30
32	Of the funds appropriated in this subsection,		
33	\$91,150 shall be used for distribution to licensed		
34	classroom teachers at this and other institutions under		
35	the control of the department of human services based		
36	upon the average student yearly enrollment at each		
37	institution as determined by the department.		
38	3. A portion of the moneys appropriated in this		
39	section shall be used by the state training school and		
40	by the Iowa juvenile home for grants for adolescent		
41	pregnancy prevention activities at the institutions in		
42	the fiscal year beginning July 1, 2011.		
43	Sec. 16. CHILD AND FAMILY SERVICES.		
44	1. There is appropriated from the general fund of		
45	the state to the department of human services for the		
46	fiscal year beginning July 1, 2011, and ending June 30,		
47	2012, the following amount, or so much thereof as is		
48	necessary, to be used for the purpose designated:		
49	For child and family services:		
50	\$	82,330,967

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1 2. In order to address a reduction of \$5,200,000
2 from the amount allocated under the appropriation made
3 for the purposes of this section in prior years for
4 purposes of juvenile delinquent graduated sanction
5 services, up to \$5,200,000 of the amount of federal
6 temporary assistance for needy families block grant
7 funding appropriated in this division of this Act for
8 child and family services shall be made available for
9 purposes of juvenile delinquent graduated sanction
10 services.
11 3. The department may transfer funds appropriated
12 in this section as necessary to pay the nonfederal
13 costs of services reimbursed under the medical
14 assistance program, state child care assistance
15 program, or the family investment program which are
16 provided to children who would otherwise receive
17 services paid under the appropriation in this section.
18 The department may transfer funds appropriated in this

19 section to the appropriations made in this division
20 of this Act for general administration and for field
21 operations for resources necessary to implement and
22 operate the services funded in this section.

23 4. a. Of the funds appropriated in this section,
24 up to \$30,169,129 is allocated as the statewide
25 expenditure target under section 232.143 for group
26 foster care maintenance and services. If the
27 department projects that such expenditures for the
28 fiscal year will be less than the target amount
29 allocated in this lettered paragraph, the department
30 may reallocate the excess to provide additional
31 funding for shelter care or the child welfare emergency
32 services addressed with the allocation for shelter
33 care.

34 b. If at any time after September 30, 2011,
35 annualization of a service area's current expenditures
36 indicates a service area is at risk of exceeding its
37 group foster care expenditure target under section
38 232.143 by more than 5 percent, the department and
39 juvenile court services shall examine all group
40 foster care placements in that service area in order
41 to identify those which might be appropriate for
42 termination. In addition, any aftercare services
43 believed to be needed for the children whose
44 placements may be terminated shall be identified. The
45 department and juvenile court services shall initiate
46 action to set dispositional review hearings for the
47 placements identified. In such a dispositional review
48 hearing, the juvenile court shall determine whether
49 needed aftercare services are available and whether
50 termination of the placement is in the best interest of

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1 the child and the community.
2 5. In accordance with the provisions of section
3 232.188, the department shall continue the child
4 welfare and juvenile justice funding initiative during
5 fiscal year 2011–2012. Of the funds appropriated in
6 this section, \$1,717,753 is allocated specifically
7 for expenditure for fiscal year 2011–2012 through the
8 decategorization service funding pools and governance
9 boards established pursuant to section 232.188.
10 However, if this subsection is enacted on or after June
11 15, 2011, the determination shall be made not later
12 than 10 calendar days after the effective date.
13 6. A portion of the funds appropriated in this
14 section may be used for emergency family assistance
15 to provide other resources required for a family
16 participating in a family preservation or reunification
17 project or successor project to stay together or to be

18 reunified.

19 7. Notwithstanding section 234.35 or any other
20 provision of law to the contrary, state funding for
21 shelter care and the child welfare emergency services
22 contracting implemented to provide for or prevent the
23 need for shelter care shall be limited to \$7,170,116.
24 The department may execute contracts that result from
25 the department's request for proposal, bid number
26 ACFS-11-114, to provide the range of child welfare
27 emergency services described in the request for
28 proposals, and any subsequent amendments to the request
29 for proposals.

30 8. Federal funds received by the state during
31 the fiscal year beginning July 1, 2011, as the
32 result of the expenditure of state funds appropriated
33 during a previous state fiscal year for a service or
34 activity funded under this section are appropriated
35 to the department to be used as additional funding
36 for services and purposes provided for under this
37 section. Notwithstanding section 8.33, moneys
38 received in accordance with this subsection that remain
39 unencumbered or unobligated at the close of the fiscal
40 year shall not revert to any fund but shall remain
41 available for the purposes designated until the close
42 of the succeeding fiscal year.

43 9. Of the funds appropriated in this section, at
44 least \$3,696,285 shall be used for protective child
45 care assistance.

46 10. a. Of the funds appropriated in this section,
47 up to \$2,062,488 is allocated for the payment of
48 the expenses of court-ordered services provided to
49 juveniles who are under the supervision of juvenile
50 court services, which expenses are a charge upon the

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1 state pursuant to section 232.141, subsection 4. Of
2 the amount allocated in this lettered paragraph,
3 up to \$1,556,287 shall be made available to provide
4 school-based supervision of children adjudicated under
5 chapter 232, of which not more than \$15,000 may be used
6 for the purpose of training. A portion of the cost of
7 each school-based liaison officer shall be paid by the
8 school district or other funding source as approved by
9 the chief juvenile court officer.

10 b. Of the funds appropriated in this section, up to
11 \$748,985 is allocated for the payment of the expenses
12 of court-ordered services provided to children who are
13 under the supervision of the department, which expenses
14 are a charge upon the state pursuant to section
15 232.141, subsection 4.

16 c. Notwithstanding section 232.141 or any other

17 provision of law to the contrary, the amounts allocated
18 in this subsection shall be distributed to the
19 judicial districts as determined by the state court
20 administrator and to the department's service areas as
21 determined by the administrator of the department's
22 division of child and family services. The state court
23 administrator and the division administrator shall make
24 the determination of the distribution amounts on or
25 before June 15, 2011. However, if this subsection is
26 enacted on or after June 15, 2011, the determination
27 shall be made not later than 10 calendar days after the
28 effective date of this subsection.

29 d. Notwithstanding chapter 232 or any other
30 provision of law to the contrary, a district or
31 juvenile court shall not order any service which is
32 a charge upon the state pursuant to section 232.141
33 if there are insufficient court-ordered services
34 funds available in the district court or departmental
35 service area distribution amounts to pay for the
36 service. The chief juvenile court officer and the
37 departmental service area manager shall encourage use
38 of the funds allocated in this subsection such that
39 there are sufficient funds to pay for all court-related
40 services during the entire year. The chief juvenile
41 court officers and departmental service area managers
42 shall attempt to anticipate potential surpluses and
43 shortfalls in the distribution amounts and shall
44 cooperatively request the state court administrator
45 or division administrator to transfer funds between
46 the judicial districts' or departmental service areas'
47 distribution amounts as prudent.

48 e. Notwithstanding any provision of law to the
49 contrary, a district or juvenile court shall not order
50 a county to pay for any service provided to a juvenile

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1 pursuant to an order entered under chapter 232 which
2 is a charge upon the state under section 232.141,
3 subsection 4.

4 f. Of the funds allocated in this subsection, not
5 more than \$83,000 may be used by the judicial branch
6 for administration of the requirements under this
7 subsection.

8 g. Of the funds allocated in this subsection,
9 \$17,000 shall be used by the department of human
10 services to support the interstate commission for
11 juveniles in accordance with the interstate compact for
12 juveniles as provided in section 232.173.

13 11. Of the funds appropriated in this section,
14 \$5,422,602 is allocated for juvenile delinquent
15 graduated sanctions services. Any state funds saved as

16 a result of efforts by juvenile court services to earn
 17 federal Tit. IV-E match for juvenile court services
 18 administration may be used for the juvenile delinquent
 19 graduated sanctions services.

20 12. Of the funds appropriated in this section,
 21 \$988,285 shall be transferred to the department of
 22 public health to be used for the child protection
 23 center grant program in accordance with section
 24 135.118.

25 13. If the department receives federal approval
 26 to implement a waiver under Tit. IV-E of the federal
 27 Social Security Act to enable providers to serve
 28 children who remain in the children’s families and
 29 communities, for purposes of eligibility under the
 30 medical assistance program, children who participate in
 31 the waiver shall be considered to be placed in foster
 32 care.

33 14. Of the funds appropriated in this section,
 34 \$3,069,832 is allocated for the preparation for adult
 35 living program pursuant to section 234.46.

36 15. Of the funds appropriated in this section,
 37 \$520,150 shall be used for juvenile drug courts.
 38 The amount allocated in this subsection shall be
 39 distributed as follows:

40 To the judicial branch for salaries to assist with
 41 the operation of juvenile drug court programs operated
 42 in the following jurisdictions:

43 a. Marshall county:		
44	\$	62,708
45 b. Woodbury county:		
46	\$	125,682
47 c. Polk county:		
48	\$	195,892
49 d. The third judicial district:		
50	\$	67,934

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1 e. The eighth judicial district:		
2	\$	67,934

3 16. Of the funds appropriated in this section,
 4 \$227,337 shall be used for the public purpose of
 5 providing a grant to a nonprofit human services
 6 organization providing services to individuals and
 7 families in multiple locations in southwest Iowa and
 8 Nebraska for support of a project providing immediate,
 9 sensitive support and forensic interviews, medical
 10 exams, needs assessments, and referrals for victims of
 11 child abuse and their nonoffending family members.

12 17. Of the funds appropriated in this section,
 13 \$125,590 is allocated for the elevate approach of
 14 providing a support network to children placed in

15 foster care.

16 18. Of the funds appropriated in this section,
17 \$202,000 is allocated for use pursuant to section
18 235A.1 for continuation of the initiative to address
19 child sexual abuse implemented pursuant to 2007 Iowa
20 Acts, chapter 218, section 18, subsection 21.

21 19. Of the funds appropriated in this section,
22 \$630,240 is allocated for the community partnership for
23 child protection sites.

24 20. Of the funds appropriated in this section,
25 \$371,250 is allocated for the department's minority
26 youth and family projects under the redesign of the
27 child welfare system.

28 21. Of the funds appropriated in this section,
29 \$1,200,495 is allocated for funding of the state match
30 for the federal substance abuse and mental health
31 services administration (SAMHSA) system of care grant.

32 22. Of the funds appropriated in this section, at
33 least \$147,158 shall be used for the child welfare
34 training academy.

35 23. Of the funds appropriated in this section,
36 \$25,000 shall be used for the public purpose of
37 providing a grant to a child welfare services provider
38 headquartered in a county with a population between
39 205,000 and 215,000 in the latest certified federal
40 census that provides multiple services including but
41 not limited to a psychiatric medical institution for
42 children, shelter, residential treatment, after school
43 programs, school-based programming, and an Asperger's
44 syndrome program, to be used for support services
45 for children with autism spectrum disorder and their
46 families.

47 24. Of the funds appropriated in this section,
48 \$250,804 shall be used for the public purpose of
49 continuing the central Iowa system of care program
50 grant through June 30, 2012.

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1 25. Of the funds appropriated in this section,
2 \$160,000 shall be used for the public purpose of
3 providing a system of care grant to be implemented
4 in Mason City and Cedar Rapids by a nonprofit agency
5 which has been in existence more than 37 years and is
6 headquartered in a county with a population of more
7 than 200,000 but less than 300,000, according to the
8 2010 census issued by the United States bureau of the
9 census, and is providing child welfare treatment and
10 prevention services in at least 19 locations throughout
11 the state of Iowa.

12 Sec. 17. ADOPTION SUBSIDY.

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, 2011, and ending June 30,
 16 2012, the following amount, or so much thereof as is
 17 necessary, to be used for the purpose designated:

18 For adoption subsidy payments and services:
 19 \$ 34,897,591

20 2. The department may transfer funds appropriated
 21 in this section to the appropriation made in this
 22 division of this Act for general administration for
 23 costs paid from the appropriation relating to adoption
 24 subsidy.

25 3. Federal funds received by the state during the
 26 fiscal year beginning July 1, 2011, as the result of
 27 the expenditure of state funds during a previous state
 28 fiscal year for a service or activity funded under
 29 this section are appropriated to the department to
 30 be used as additional funding for the services and
 31 activities funded under this section. Notwithstanding
 32 section 8.33, moneys received in accordance with this
 33 subsection that remain unencumbered or unobligated at
 34 the close of the fiscal year shall not revert to any
 35 fund but shall remain available for expenditure for the
 36 purposes designated until the close of the succeeding
 37 fiscal year.

38 Sec. 18. JUVENILE DETENTION HOME FUND.

39 1. Moneys deposited in the juvenile detention home
 40 fund created in section 232.142 during the fiscal year
 41 beginning July 1, 2011, and ending June 30, 2012, are
 42 appropriated to the department of human services for
 43 the fiscal year beginning July 1, 2011, and ending
 44 June 30, 2012, for distribution of an amount equal
 45 to a percentage of the costs of the establishment,
 46 improvement, operation, and maintenance of county or
 47 multicounty juvenile detention homes in the fiscal
 48 year beginning July 1, 2010. Moneys appropriated for
 49 distribution in accordance with this section shall be
 50 allocated among eligible detention homes, prorated on

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1 the basis of an eligible detention home's proportion
 2 of the costs of all eligible detention homes in the
 3 fiscal year beginning July 1, 2010. The percentage
 4 figure shall be determined by the department based on
 5 the amount available for distribution for the fund.
 6 Notwithstanding section 232.142, subsection 3, the
 7 financial aid payable by the state under that provision
 8 for the fiscal year beginning July 1, 2011, shall be
 9 limited to the amount appropriated for the purposes of
 10 this section.

11 2. Representatives of chief juvenile court
 12 officers, the department of human rights, and the

13 department of human services shall work with juvenile
 14 detention centers and other stakeholders to review the
 15 current methodology for distribution of moneys from
 16 the juvenile detention home fund, consider alternative
 17 distribution methodologies, and report findings and
 18 recommendations to the persons designated by this
 19 division of this Act for the submission of reports by
 20 December 15, 2011. It is the intent of the general
 21 assembly to shift responsibility for administering
 22 the fund from the department of human services to the
 23 division of criminal and juvenile justice planning of
 24 the department of human rights, effective with the
 25 fiscal year beginning July 1, 2012.

26 Sec. 19. FAMILY SUPPORT SUBSIDY PROGRAM.

27 1. There is appropriated from the general fund of
 28 the state to the department of human services for the
 29 fiscal year beginning July 1, 2011, and ending June 30,
 30 2012, the following amount, or so much thereof as is
 31 necessary, to be used for the purpose designated:

32 For the family support subsidy program subject
 33 to the enrollment restrictions in section 225C.37,
 34 subsection 3:
 35 \$ 1,167,998

36 2. The department shall use at least \$385,500 of
 37 the moneys appropriated in this section for the family
 38 support center component of the comprehensive family
 39 support program under section 225C.47. Not more than
 40 \$25,000 of the amount allocated in this subsection
 41 shall be used for administrative costs.

42 3. If at any time during the fiscal year, the
 43 amount of funding available for the family support
 44 subsidy program is reduced from the amount initially
 45 used to establish the figure for the number of family
 46 members for whom a subsidy is to be provided at any one
 47 time during the fiscal year, notwithstanding section
 48 225C.38, subsection 2, the department shall revise the
 49 figure as necessary to conform to the amount of funding
 50 available.

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1 Sec. 20. CONNER DECREE. There is appropriated from
 2 the general fund of the state to the department of
 3 human services for the fiscal year beginning July 1,
 4 2011, and ending June 30, 2012, the following amount,
 5 or so much thereof as is necessary, to be used for the
 6 purpose designated:

7 For building community capacity through the
 8 coordination and provision of training opportunities
 9 in accordance with the consent decree of Conner v.
 10 Branstad, No. 4-86-CV-30871(S.D. Iowa, July 14, 1994):
 11 \$ 33,622

12 Sec. 21. MENTAL HEALTH INSTITUTES.

13 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, 2011, and ending June 30,
 16 2012, the following amounts, or so much thereof as is
 17 necessary, to be used for the purposes designated:

18 1. For the state mental health institute at
 19 Cherokee for salaries, support, maintenance, and
 20 miscellaneous purposes, and for not more than the
 21 following full-time equivalent positions:
 22 \$ 5,877,308
 23 FTEs 168.50

24 2. For the state mental health institute at
 25 Clarinda for salaries, support, maintenance, and
 26 miscellaneous purposes, and for not more than the
 27 following full-time equivalent positions:
 28 \$ 6,411,734
 29 FTEs 86.10

30 3. For the state mental health institute at
 31 Independence for salaries, support, maintenance, and
 32 miscellaneous purposes, and for not more than the
 33 following full-time equivalent positions:
 34 \$ 10,275,685
 35 FTEs 233.00

36 4. For the state mental health institute at Mount
 37 Pleasant for salaries, support, maintenance, and
 38 miscellaneous purposes, and for not more than the
 39 following full-time equivalent positions:
 40 \$ 944,323
 41 FTEs 91.72

42 Sec. 22. STATE RESOURCE CENTERS.

43 1. There is appropriated from the general fund of
 44 the state to the department of human services for the
 45 fiscal year beginning July 1, 2011, and ending June 30,
 46 2012, the following amounts, or so much thereof as is
 47 necessary, to be used for the purposes designated:

48 a. For the state resource center at Glenwood for
 49 salaries, support, maintenance, and miscellaneous
 50 purposes:

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1 \$ 18,607,801
 2 b. For the state resource center at Woodward for
 3 salaries, support, maintenance, and miscellaneous
 4 purposes:
 5 \$ 12,885,658

6 2. The department may continue to bill for state
 7 resource center services utilizing a scope of services,
 8 approach used for private providers of ICFMR services,
 9 in a manner which does not shift costs between the
 10 medical assistance program, counties, or other sources

11 of funding for the state resource centers.
12 3. The state resource centers may expand the
13 time-limited assessment and respite services during the
14 fiscal year.

15 4. If the department’s administration and the
16 department of management concur with a finding by a
17 state resource center’s superintendent that projected
18 revenues can reasonably be expected to pay the salary
19 and support costs for a new employee position, or
20 that such costs for adding a particular number of new
21 positions for the fiscal year would be less than the
22 overtime costs if new positions would not be added, the
23 superintendent may add the new position or positions.
24 If the vacant positions available to a resource center
25 do not include the position classification desired to
26 be filled, the state resource center’s superintendent
27 may reclassify any vacant position as necessary to
28 fill the desired position. The superintendents of the
29 state resource centers may, by mutual agreement, pool
30 vacant positions and position classifications during
31 the course of the fiscal year in order to assist one
32 another in filling necessary positions.

33 5. If existing capacity limitations are reached
34 in operating units, a waiting list is in effect
35 for a service or a special need for which a payment
36 source or other funding is available for the service
37 or to address the special need, and facilities for
38 the service or to address the special need can be
39 provided within the available payment source or other
40 funding, the superintendent of a state resource center
41 may authorize opening not more than two units or
42 other facilities and begin implementing the service
43 or addressing the special need during fiscal year
44 2011–2012.

45 Sec. 23. MI/MR/DD STATE CASES.

46 1. There is appropriated from the general fund of
47 the state to the department of human services for the
48 fiscal year beginning July 1, 2011, and ending June 30,
49 2012, the following amount, or so much thereof as is
50 necessary, to be used for the purpose designated:

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1	For distribution to counties for state case services	
2	for persons with mental illness, mental retardation,	
3	and developmental disabilities in accordance with	
4	section 331.440:	
5	.....	\$ 12,169,482
6	2. For the fiscal year beginning July 1, 2011,	
7	and ending June 30, 2012, \$200,000 is allocated for	
8	state case services from the amounts appropriated from	
9	the fund created in section 8.41 to the department	

10 of human services from the funds received from the
11 federal government under 42 U.S.C. ch. 6A, subch. XVII,
12 relating to the community mental health center block
13 grant, for the federal fiscal years beginning October
14 1, 2009, and ending September 30, 2010, beginning
15 October 1, 2010, and ending September 30, 2011, and
16 beginning October 1, 2011, and ending September 30,
17 2012. The allocation made in this subsection shall be
18 made prior to any other distribution allocation of the
19 appropriated federal funds.

20 3. Notwithstanding section 8.33, moneys
21 appropriated in this section that remain unencumbered
22 or unobligated at the close of the fiscal year shall
23 not revert but shall remain available for expenditure
24 for the purposes designated until the close of the
25 succeeding fiscal year.

26 Sec. 24. MENTAL HEALTH AND DEVELOPMENTAL
27 DISABILITIES — COMMUNITY SERVICES FUND. There is
28 appropriated from the general fund of the state to the
29 mental health and developmental disabilities community
30 services fund created in section 225C.7 for the fiscal
31 year beginning July 1, 2011, and ending June 30,
32 2012, the following amount, or so much thereof as is
33 necessary, to be used for the purpose designated:

34 For mental health and developmental disabilities
35 community services in accordance with this division of
36 this Act:

37 \$ 14,211,100

38 1. Of the funds appropriated in this section,
39 \$14,187,556 shall be allocated to counties for funding
40 of community-based mental health and developmental
41 disabilities services. The moneys shall be allocated
42 to a county as follows:

43 a. Fifty percent based upon the county’s proportion
44 of the state’s population of persons with an annual
45 income which is equal to or less than the poverty
46 guideline established by the federal office of
47 management and budget.

48 b. Fifty percent based upon the county’s proportion
49 of the state’s general population.

50 2. a. A county shall utilize the funding the

1 county receives pursuant to subsection 1 for services
2 provided to persons with a disability, as defined in
3 section 225C.2. However, no more than 50 percent of
4 the funding shall be used for services provided to any
5 one of the service populations.

6 b. A county shall use at least 50 percent of
7 the funding the county receives under subsection 1
8 for contemporary services provided to persons with

9 a disability, as described in rules adopted by the
10 department.

11 3. Of the funds appropriated in this section,
12 \$23,544 shall be used to support the Iowa compass
13 program providing computerized information and referral
14 services for Iowans with disabilities and their
15 families.

16 4. a. Funding appropriated for purposes of the
17 federal social services block grant is allocated for
18 distribution to counties for local purchase of services
19 for persons with mental illness or mental retardation
20 or other developmental disability.

21 b. The funds allocated in this subsection shall be
22 expended by counties in accordance with the county's
23 county management plan approved by the board of
24 supervisors. A county without an approved county
25 management plan shall not receive allocated funds until
26 the county's management plan is approved.

27 c. The funds provided by this subsection shall be
28 allocated to each county as follows:

29 (1) Fifty percent based upon the county's
30 proportion of the state's population of persons with
31 an annual income which is equal to or less than the
32 poverty guideline established by the federal office of
33 management and budget.

34 (2) Fifty percent based upon the amount provided
35 to the county for local purchase of services in the
36 preceding fiscal year.

37 5. A county is eligible for funds under this
38 section if the county qualifies for a state payment as
39 described in section 331.439.

40 6. The latest certified census issued by the United
41 States bureau of the census shall be applied for the
42 population factors utilized in this section.

43 Sec. 25. SEXUALLY VIOLENT PREDATORS.

44 1. There is appropriated from the general fund of
45 the state to the department of human services for the
46 fiscal year beginning July 1, 2011, and ending June 30,
47 2012, the following amount, or so much thereof as is
48 necessary, to be used for the purpose designated:

49 For costs associated with the commitment and
50 treatment of sexually violent predators in the unit

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1	located at the state mental health institute at		
2	Cherokee, including costs of legal services and		
3	other associated costs, including salaries, support,		
4	maintenance, and miscellaneous purposes, and for not		
5	more than the following full-time equivalent positions:		
6	.....	\$	7,550,727
7	.....	FTEs	89.50

8 2. Unless specifically prohibited by law, if the
 9 amount charged provides for recoupment of at least
 10 the entire amount of direct and indirect costs, the
 11 department of human services may contract with other
 12 states to provide care and treatment of persons placed
 13 by the other states at the unit for sexually violent
 14 predators at Cherokee. The moneys received under such
 15 a contract shall be considered to be repayment receipts
 16 and used for the purposes of the appropriation made in
 17 this section.

18 Sec. 26. FIELD OPERATIONS. There is appropriated
 19 from the general fund of the state to the department of
 20 human services for the fiscal year beginning July 1,
 21 2011, and ending June 30, 2012, the following amount,
 22 or so much thereof as is necessary, to be used for the
 23 purposes designated:

24 For field operations, including salaries, support,
 25 maintenance, and miscellaneous purposes, and for not
 26 more than the following full-time equivalent positions:

27	\$	55,339,921
28	FTEs	1,781.00

29 Priority in filling full-time equivalent positions
 30 shall be given to those positions related to child
 31 protection services and eligibility determination for
 32 low-income families.

33 Sec. 27. GENERAL ADMINISTRATION. There is
 34 appropriated from the general fund of the state to
 35 the department of human services for the fiscal year
 36 beginning July 1, 2011, and ending June 30, 2012, the
 37 following amount, or so much thereof as is necessary,
 38 to be used for the purpose designated:

39 For general administration, including salaries,
 40 support, maintenance, and miscellaneous purposes, and
 41 for not more than the following full-time equivalent
 42 positions:

43	\$	15,146,745
44	FTEs	290.00

45 1. Of the funds appropriated in this section,
 46 \$38,543 allocated for the prevention of disabilities
 47 policy council established in section 225B.3.

48 2. The department shall report at least monthly
 49 to the legislative services agency concerning the
 50 department's operational and program expenditures.

1 3. Of the funds appropriated in this section,
 2 \$132,300 shall be used to contract with a statewide
 3 association representing community providers of mental
 4 health, mental retardation and brain injury services
 5 programs to provide technical assistance, support, and
 6 consultation to providers of habilitation services and

7 home and community-based waiver services for adults
8 with disabilities under the medical assistance program.
9 Notwithstanding section 8.47 or any other provision of
10 law to the contrary, the department may utilize a sole
11 source approach to contract with the association.

12 4. Of the funds appropriated in this section,
13 \$176,400 shall be used to contract with an appropriate
14 entity to expand the provision of nationally accredited
15 and recognized internet-based training to include
16 mental health and disability services providers.
17 Notwithstanding section 8.47 or any other provision of
18 law to the contrary, the department may utilize a sole
19 site source approach to enter into such contract.

20 5. Of the funds appropriated in this section,
21 \$500,000 shall be used for implementation of child
22 protection system improvements addressed in 2011 Iowa
23 Acts, House File 562, as enacted.

24 Sec. 28. VOLUNTEERS. There is appropriated from
25 the general fund of the state to the department of
26 human services for the fiscal year beginning July 1,
27 2011, and ending June 30, 2012, the following amount,
28 or so much thereof as is necessary, to be used for the
29 purpose designated:

30 For development and coordination of volunteer
31 services:
32 \$ 84,660

33 Sec. 29. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
34 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED
35 UNDER THE DEPARTMENT OF HUMAN SERVICES.

36 1. a. (1) For the fiscal year beginning July 1,
37 2011, the total state funding amount for the nursing
38 facility budget shall not exceed \$225,502,551.

39 (2) For the fiscal year beginning July 1, 2011,
40 the department shall rebase case-mix nursing facility
41 rates effective July 1, 2011. However, total nursing
42 facility budget expenditures, including both case-mix
43 and noncase-mix shall not exceed the amount specified
44 in subparagraph (1). When calculating case-mix per
45 diem cost and the patient-day-weighted medians used in
46 rate-setting for nursing facilities effective July 1,
47 2011, the inflation factor applied from the midpoint
48 of the cost report period to the first day of the
49 state fiscal year rate period shall be adjusted to
50 maintain state funding within the amount specified in

1 subparagraph (1).
2 (3) The department, in cooperation with nursing
3 facility representatives, shall review projections for
4 state funding expenditures for reimbursement of nursing
5 facilities on a quarterly basis and the department

6 shall determine if an adjustment to the medical
7 assistance reimbursement rate is necessary in order to
8 provide reimbursement within the state funding amount
9 for the fiscal year. Notwithstanding 2001 Iowa Acts,
10 chapter 192, section 4, subsection 2, paragraph "c",
11 and subsection 3, paragraph "a", subparagraph (2), if
12 the state funding expenditures for the nursing facility
13 budget for the fiscal year is projected to exceed the
14 amount specified in subparagraph (1), the department
15 shall adjust the reimbursement for nursing facilities
16 reimbursed under the case-mix reimbursement system to
17 maintain expenditures of the nursing facility budget
18 within the specified amount for the fiscal year.

19 (4) For the fiscal year beginning July 1, 2011,
20 special population nursing facilities shall be
21 reimbursed in accordance with the methodology in effect
22 on June 30, 2011.

23 b. For the fiscal year beginning July 1, 2011, the
24 department shall reimburse pharmacy dispensing fees
25 using a single rate of \$4.34 per prescription or the
26 pharmacy's usual and customary fee, whichever is lower.
27 However, the department shall adjust the dispensing fee
28 specified in this paragraph to distribute an additional
29 \$3,000,000 in reimbursements for pharmacy dispensing
30 fees under this paragraph for the fiscal year.

31 c. (1) For the fiscal year beginning July 1, 2011,
32 reimbursement rates for outpatient hospital services
33 shall be rebased effective January 1, 2012.

34 (2) For the fiscal year beginning July 1, 2011,
35 reimbursement rates for inpatient hospital services
36 shall be rebased effective October 1, 2011.

37 (3) The total amount of increased funding available
38 for reimbursement attributable to rebasing under this
39 paragraph for the fiscal year beginning July 1, 2011,
40 shall not exceed \$4,500,000.

41 (4) For the fiscal year beginning July 1, 2011,
42 the graduate medical education and disproportionate
43 share hospital fund shall remain at the amount in
44 effect on June 30, 2011, except that the portion of
45 the fund attributable to graduate medical education
46 shall be reduced in an amount that reflects the
47 elimination of graduate medical education payments made
48 to out-of-state hospitals.

49 (5) In order to ensure the efficient use of limited
50 state funds in procuring health care services for

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1 low-income Iowans, funds appropriated in this division
2 of this Act for hospital services shall not be used for
3 activities which would be excluded from a determination
4 of reasonable costs under the federal Medicare program

5 pursuant to 42 U.S.C. § 1395X(v)(1)(N).
6 d. For the fiscal year beginning July 1, 2011,
7 reimbursement rates for rural health clinics, hospices,
8 and acute mental hospitals shall be increased in
9 accordance with increases under the federal Medicare
10 program or as supported by their Medicare audited
11 costs.
12 e. For the fiscal year beginning July 1, 2011,
13 independent laboratories and rehabilitation agencies
14 shall be reimbursed using the same methodology in
15 effect on June 30, 2011.
16 f. For the fiscal year beginning July 1, 2011,
17 reimbursement rates for home health agencies shall
18 remain at the rates in effect on June 30, 2011, not to
19 exceed a home health agency's actual allowable cost.
20 g. For the fiscal year beginning July 1, 2011,
21 federally qualified health centers shall receive
22 cost-based reimbursement for 100 percent of the
23 reasonable costs for the provision of services to
24 recipients of medical assistance.
25 h. For the fiscal year beginning July 1, 2011, the
26 reimbursement rates for dental services shall remain at
27 the rates in effect on June 30, 2011.
28 i. (1) For the fiscal year beginning July 1,
29 2011, state-owned psychiatric medical institutions
30 for children shall receive cost-based reimbursement
31 for 100 percent of the actual and allowable costs for
32 the provision of services to recipients of medical
33 assistance.
34 (2) (a) For nonstate-owned psychiatric medical
35 institutions for children, reimbursement rates
36 shall remain at the rates in effect on June 30,
37 2011. However, the department shall adjust the
38 reimbursement rates in effect on June 30, 2011, to
39 distribute an additional \$350,000 in reimbursements for
40 nonstate-owned psychiatric medical institutions for
41 children under this subparagraph (2) for the fiscal
42 year. Of the additional \$350,000, the department shall
43 distribute \$50,000 in reimbursements to qualified
44 outpatient services providers. For the purposes of
45 this subparagraph division (a), "qualified outpatient
46 services provider" means a nonprofit agency holding
47 an Iowa psychiatric medical institution for children
48 license that has an outpatient clinic for children's
49 mental health services in operation on or before
50 January 1, 2011, and whose client base consists

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1 of at least 40 percent medical assistance program
2 enrollees. The additional \$50,000 shall be distributed
3 to qualified outpatient services providers based on

4 reimbursement at the federal maximum allowable rate for
5 mental health outpatient services for children.

6 (b) The department, in consultation with
7 representatives of the nonstate-owned psychiatric
8 medical institutions for children, shall develop a
9 reimbursement methodology to include all ancillary
10 medical services costs and any other changes required
11 for federal compliance, to be implemented on July
12 1, 2012. To the extent possible, the reimbursement
13 methodology shall be developed in a manner so as to be
14 budget neutral to the institutions and cost effective
15 for the state.

16 j. For the fiscal year beginning July 1, 2011,
17 unless otherwise specified in the health and human
18 services divisions of this Act, all noninstitutional
19 medical assistance provider reimbursement rates shall
20 remain at the rates in effect on June 30, 2011, except
21 for area education agencies, local education agencies,
22 infant and toddler services providers, and those
23 providers whose rates are required to be determined
24 pursuant to section 249A.20.

25 k. Notwithstanding any provision to the contrary,
26 for the fiscal year beginning July 1, 2011, the
27 reimbursement rate for anesthesiologists shall remain
28 at the rate in effect on June 30, 2011.

29 l. Notwithstanding section 249A.20, for the fiscal
30 year beginning July 1, 2011, the average reimbursement
31 rate for health care providers eligible for use of the
32 federal Medicare resource-based relative value scale
33 reimbursement methodology under that section shall
34 remain at the rate in effect on June 30, 2011; however,
35 this rate shall not exceed the maximum level authorized
36 by the federal government.

37 m. For the fiscal year beginning July 1, 2011, the
38 reimbursement rate for residential care facilities
39 shall not be less than the minimum payment level as
40 established by the federal government to meet the
41 federally mandated maintenance of effort requirement.
42 The flat reimbursement rate for facilities electing not
43 to file annual cost reports shall not be less than the
44 minimum payment level as established by the federal
45 government to meet the federally mandated maintenance
46 of effort requirement.

47 n. For the fiscal year beginning July 1, 2011,
48 inpatient mental health services provided at hospitals
49 shall be rebased effective October 1, 2011, subject to
50 Medicaid program upper payment limit rules; community

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1 mental health centers and providers of mental health
2 services to county residents pursuant to a waiver

3 approved under section 225C.7, subsection 3, shall be
4 reimbursed at 100 percent of the reasonable costs for
5 the provision of services to recipients of medical
6 assistance; and psychiatrists shall be reimbursed at
7 the medical assistance program fee for service rate.

8 o. For the fiscal year beginning July 1, 2011, the
9 reimbursement rate for consumer-directed attendant care
10 shall remain at the rates in effect on June 30, 2011.

11 p. For the fiscal year beginning July 1, 2011, the
12 reimbursement rate for providers of family planning
13 services that are eligible to receive a 90 percent
14 federal match shall remain at the rates in effect on
15 June 30, 2011.

16 q. For the fiscal year beginning July 1, 2011, the
17 department shall adjust the rates in effect on June
18 30, 2011, for providers of home and community-based
19 services waiver services to distribute an additional
20 \$1,500,000 in reimbursements to such providers for the
21 fiscal year.

22 2. For the fiscal year beginning July 1, 2011, the
23 reimbursement rate for providers reimbursed under the
24 in-home-related care program shall not be less than the
25 minimum payment level as established by the federal
26 government to meet the federally mandated maintenance
27 of effort requirement.

28 3. Unless otherwise directed in this section, when
29 the department's reimbursement methodology for any
30 provider reimbursed in accordance with this section
31 includes an inflation factor, this factor shall not
32 exceed the amount by which the consumer price index for
33 all urban consumers increased during the calendar year
34 ending December 31, 2002.

35 4. For the fiscal year beginning July 1, 2011,
36 notwithstanding section 234.38, the foster family basic
37 daily maintenance rate and the maximum adoption subsidy
38 rate for children ages 0 through 5 years shall be
39 \$15.74, the rate for children ages 6 through 11 years
40 shall be \$16.37, the rate for children ages 12 through
41 15 years shall be \$17.92, and the rate for children
42 and young adults ages 16 and older shall be \$18.16.
43 The maximum supervised apartment living foster care
44 reimbursement rate shall be \$25.00 per day. For youth
45 ages 18 to 21 who have exited foster care, the maximum
46 preparation for adult living program maintenance rate
47 shall be \$574.00 per month. The maximum payment for
48 adoption subsidy nonrecurring expenses shall be limited
49 to \$500 and the disallowance of additional amounts
50 for court costs and other related legal expenses

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1 implemented pursuant to 2010 Iowa Acts, chapter 1031,
2 section 408 shall be continued.

3 5. For the fiscal year beginning July 1, 2011,
4 the maximum reimbursement rates under the supervised
5 apartment living program and for social services
6 providers under contract shall remain at the rates
7 in effect on June 30, 2011, or the provider's actual
8 and allowable cost plus inflation for each service,
9 whichever is less. However, if a new service or
10 service provider is added after June 30, 2011, the
11 initial reimbursement rate for the service or provider
12 shall be based upon actual and allowable costs.
13 Providers may also be eligible for an additional
14 amount as specified under the department's request for
15 proposal, bid number ACFS-11-115.

16 6. For the fiscal year beginning July 1, 2011,
17 the reimbursement rates for family-centered service
18 providers, family foster care service providers, group
19 foster care service providers, and the resource family
20 recruitment and retention contractor shall remain at
21 the rates in effect on June 30, 2011.

22 7. The group foster care reimbursement rates
23 paid for placement of children out of state shall
24 be calculated according to the same rate-setting
25 principles as those used for in-state providers,
26 unless the director of human services or the director's
27 designee determines that appropriate care cannot be
28 provided within the state. The payment of the daily
29 rate shall be based on the number of days in the
30 calendar month in which service is provided.

31 8. a. For the fiscal year beginning July 1, 2011,
32 the reimbursement rate paid for shelter care and
33 the child welfare emergency services implemented to
34 provide or prevent the need for shelter care shall be
35 established in a contract based on the requirements
36 of the department's request for proposal, bid number
37 ACFS-11-114.

38 b. For the fiscal year beginning July 1, 2011,
39 the combined service and maintenance components of
40 the reimbursement rate paid for shelter care services
41 shall be based on the financial and statistical report
42 submitted to the department. The maximum reimbursement
43 rate shall be \$92.36 per day. The department shall
44 reimburse a shelter care provider at the provider's
45 actual and allowable unit cost, plus inflation, not to
46 exceed the maximum reimbursement rate.

47 c. Notwithstanding section 232.141, subsection 8,
48 for the fiscal year beginning July 1, 2011, the amount
49 of the statewide average of the actual and allowable
50 rates for reimbursement of juvenile shelter care homes

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1 that is utilized for the limitation on recovery of
2 unpaid costs shall remain at the amount in effect for
3 this purpose in the fiscal year beginning July 1, 2010.
4 9. For the fiscal year beginning July 1, 2011, the
5 department shall calculate reimbursement rates for
6 intermediate care facilities for persons with mental
7 retardation at the 80th percentile. Beginning July 1,
8 2011, the rate calculation methodology shall utilize
9 the consumer price index inflation factor applicable to
10 the fiscal year beginning July 1, 2011.

11 10. For the fiscal year beginning July 1, 2011,
12 for child care providers reimbursed under the state
13 child care assistance program, the department shall
14 set provider reimbursement rates based on the rate
15 reimbursement survey completed in December 2004.
16 Effective July 1, 2011, the child care provider
17 reimbursement rates shall remain at the rates in effect
18 on June 30, 2011. The department shall set rates in a
19 manner so as to provide incentives for a nonregistered
20 provider to become registered by applying the increase
21 only to registered and licensed providers.

22 11. The department may adopt emergency rules to
23 implement this section.

24 Sec. 30. EMERGENCY RULES.

25 1. If specifically authorized by a provision of
26 this division of this Act, the department of human
27 services or the mental health, and disability services
28 commission may adopt administrative rules under section
29 17A.4, subsection 3, and section 17A.5, subsection
30 2, paragraph "b", to implement the provisions and
31 the rules shall become effective immediately upon
32 filing or on a later effective date specified in the
33 rules, unless the effective date is delayed by the
34 administrative rules review committee. Any rules
35 adopted in accordance with this section shall not
36 take effect before the rules are reviewed by the
37 administrative rules review committee. The delay
38 authority provided to the administrative rules review
39 committee under section 17A.4, subsection 7, and
40 section 17A.8, subsection 9, shall be applicable to a
41 delay imposed under this section, notwithstanding a
42 provision in those sections making them inapplicable
43 to section 17A.5, subsection 2, paragraph "b". Any
44 rules adopted in accordance with the provisions of this
45 section shall also be published as notice of intended
46 action as provided in section 17A.4.

47 2. If during the fiscal year beginning July 1,
48 2011, the department of human services is adopting
49 rules in accordance with this section or as otherwise
50 directed or authorized by state law, and the rules will

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1 result in an expenditure increase beyond the amount
2 anticipated in the budget process or if the expenditure
3 was not addressed in the budget process for the
4 fiscal year, the department shall notify the persons
5 designated by this division of this Act for submission
6 of reports, the chairpersons and ranking members of
7 the committees on appropriations, and the department
8 of management concerning the rules and the expenditure
9 increase. The notification shall be provided at least
10 30 calendar days prior to the date notice of the rules
11 is submitted to the administrative rules coordinator
12 and the administrative code editor.

13 Sec. 31. CIVIL MONETARY PENALTIES — DIRECT CARE
14 WORKER INITIATIVES PROPOSAL. The department of human
15 services shall develop a proposal, in collaboration
16 with the department of public health, requesting
17 federal approval for the use of a portion of the
18 funds received by the department of human services as
19 civil monetary penalties from nursing facilities to
20 support direct care worker initiatives that enhance the
21 quality of care in nursing facilities. The proposal
22 shall request use of the funds for direct care worker
23 initiatives based on recommendations of the direct care
24 worker task force established pursuant to 2005 Iowa
25 Acts, chapter 88, as included in the report submitted
26 to the governor and the general assembly in December
27 2006. Upon completion of the proposal, the department
28 of human services shall submit the proposal to the
29 centers for Medicare and Medicaid services of the
30 United States department of health and human services
31 for approval. The department of human services shall
32 notify the persons designated in this division of this
33 Act for submission of reports upon receipt of approval
34 of the proposal.

35 Sec. 32. FEDERAL GRANTS REPORTING. During the
36 fiscal year beginning July 1, 2011, the departments
37 and agencies receiving an appropriation in the health
38 and human services divisions of this Act from the
39 general fund of the state shall report to the persons
40 designated by this division of this Act for submission
41 of reports and the department of management within 60
42 calendar days of applying for or renewing a federal
43 grant with a value over \$1,000. The report shall list
44 the federal funding source and address the potential
45 need for the commitment of state funding in order to
46 match or continue the funding provided by the federal
47 grant in the present or the future.

48 Sec. 33. REPORTS. Any reports or information
49 required to be compiled and submitted under the health
50 and human services divisions of this Act shall be

1 submitted to the chairpersons and ranking members of
 2 the joint appropriations subcommittee on health and
 3 human services, the legislative services agency, and
 4 the legislative caucus staffs on or before the dates
 5 specified for submission of the reports or information.

6 Sec. 34. EFFECTIVE DATE. The following provision
 7 of this division of this Act, being deemed of immediate
 8 importance, take effect upon enactment:

9 The provision under the appropriation for child and
 10 family services, relating to requirements of section
 11 232.143 for representatives of the department of human
 12 services and juvenile court services to establish a
 13 plan for continuing group foster care expenditures for
 14 fiscal year 2011–2012.

15 DIVISION V

16 HEALTH AND HUMAN SERVICES

17 PHARMACEUTICAL SETTLEMENT ACCOUNT,
 18 IOWACARE ACCOUNT, NONPARTICIPATING PROVIDER
 19 REIMBURSEMENT FUND, HEALTH CARE
 20 TRANSFORMATION ACCOUNT, MEDICAID FRAUD ACCOUNT,
 21 QUALITY ASSURANCE TRUST FUND,
 22 AND HOSPITAL HEALTH CARE ACCESS TRUST FUND

23 Sec. 35. PHARMACEUTICAL SETTLEMENT ACCOUNT. There
 24 is appropriated from the pharmaceutical settlement
 25 account created in section 249A.33 to the department of
 26 human services for the fiscal year beginning July 1,
 27 2011, and ending June 30, 2012, the following amount,
 28 or so much thereof as is necessary, to be used for the
 29 purpose designated:

30 Notwithstanding any provision of law to the
 31 contrary, to supplement the appropriations made in the
 32 department of human services division of this Act for
 33 medical contracts under the medical assistance program
 34 for the same fiscal year:

35 \$ 5,433,613

36 Sec. 36. APPROPRIATIONS FROM IOWACARE ACCOUNT.

37 1. There is appropriated from the IowaCare account
 38 created in section 249J.24 to the state board of
 39 regents for distribution to the university of Iowa
 40 hospitals and clinics for the fiscal year beginning
 41 July 1, 2011, and ending June 30, 2012, the following
 42 amount, or so much thereof as is necessary, to be used
 43 for the purposes designated:

44 For salaries, support, maintenance, equipment, and
 45 miscellaneous purposes, for the provision of medical
 46 and surgical treatment of indigent patients, for
 47 provision of services to members of the expansion
 48 population pursuant to chapter 249J, and for medical
 49 education:

50 \$ 27,284,584

1 a. Funds appropriated in this subsection shall
 2 not be used to perform abortions except medically
 3 necessary abortions, and shall not be used to operate
 4 the early termination of pregnancy clinic except for
 5 the performance of medically necessary abortions. For
 6 the purpose of this subsection, medically necessary
 7 abortions are those performed under any of the
 8 following conditions:

9 (1) The attending physician certifies that
 10 continuing the pregnancy would endanger the life of the
 11 pregnant woman.

12 (2) Any spontaneous abortion, commonly known as a
 13 miscarriage, if not all of the products of conception
 14 are expelled.

15 b. Notwithstanding any provision of law to the
 16 contrary, the amount appropriated in this subsection
 17 shall be distributed based on claims submitted,
 18 adjudicated, and paid by the Iowa Medicaid enterprise.

19 c. The university of Iowa hospitals and clinics
 20 shall certify public expenditures in an amount equal
 21 to provide the nonfederal share on total expenditures
 22 not to exceed \$20,000,000.

23 2. There is appropriated from the IowaCare account
 24 created in section 249J.24 to the state board of
 25 regents for distribution to the university of Iowa
 26 hospitals and clinics for the fiscal year beginning
 27 July 1, 2011, and ending June 30, 2012, the following
 28 amount, or so much thereof as is necessary, to be used
 29 for the purposes designated:

30 For salaries, support, maintenance, equipment, and
 31 miscellaneous purposes, for the provision of medical
 32 and surgical treatment of indigent patients, for
 33 provision of services to members of the expansion
 34 population pursuant to chapter 249J, and for medical
 35 education:

36 \$ 44,226,279

37 Notwithstanding any provision of law to the
 38 contrary, the amount appropriated in this subsection
 39 shall be distributed based on claims submitted,
 40 adjudicated, and paid by the Iowa Medicaid enterprise.

41 3. There is appropriated from the IowaCare account
 42 created in section 249J.24, to the state board
 43 of regents for distribution to university of Iowa
 44 physicians for the fiscal year beginning July 1, 2011,
 45 and ending June 30, 2012, the following amount, or
 46 so much thereof as is necessary to be used for the
 47 purposes designated:

48 For salaries, support, maintenance, equipment, and
 49 miscellaneous purposes for the provision of medical and
 50 surgical treatment of indigent patients, for provision

1 of services to members of the expansion population
2 pursuant to chapter 249J, and for medical education:
3 \$ 16,277,753
4 Notwithstanding any provision of law to the
5 contrary, the amount appropriated in this subsection
6 shall be distributed based on claims submitted,
7 adjudicated, and paid by the Iowa Medicaid enterprise.
8 Once the entire amount appropriated in this subsection
9 has been distributed, claims shall continue to
10 be submitted and adjudicated by the Iowa Medicaid
11 enterprise; however, no payment shall be made based
12 upon such claims.

13 4. There is appropriated from the IowaCare account
14 created in section 249J.24 to the department of human
15 services for the fiscal year beginning July 1, 2011,
16 and ending June 30, 2012, the following amount, or
17 so much thereof as is necessary, to be used for the
18 purposes designated:

19 For distribution to a publicly owned acute care
20 teaching hospital located in a county with a population
21 over 350,000 for the provision of medical and surgical
22 treatment of indigent patients, for provision of
23 services to members of the expansion population
24 pursuant to chapter 249J, and for medical education:
25 \$ 65,000,000

26 a. Notwithstanding any provision of law to the
27 contrary, the amount appropriated in this subsection
28 shall be distributed based on claims submitted,
29 adjudicated, and paid by the Iowa Medicaid enterprise
30 plus a monthly disproportionate share hospital payment.
31 Any amount appropriated in this subsection in excess
32 of \$60,000,000 shall be distributed only if the sum of
33 the expansion population claims adjudicated and paid
34 by the Iowa Medicaid enterprise plus the estimated
35 disproportionate share hospital payments exceeds
36 \$60,000,000. The amount paid in excess of \$60,000,000
37 shall not adjust the original monthly payment amount
38 but shall be distributed monthly based on actual
39 claims adjudicated and paid by the Iowa Medicaid
40 enterprise plus the estimated disproportionate share
41 hospital amount. Any amount appropriated in this
42 subsection in excess of \$60,000,000 shall be allocated
43 only if federal funds are available to match the
44 amount allocated. Pursuant to paragraph “b”, of the
45 amount appropriated in this subsection, not more than
46 \$4,000,000 shall be distributed for prescription drugs
47 and podiatry services.

48 b. Notwithstanding any provision of law to the
49 contrary, the hospital identified in this subsection,
50 shall be reimbursed for outpatient prescription drugs

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1 and podiatry services provided to members of the
2 expansion population pursuant to all applicable medical
3 assistance program rules, in an amount not to exceed
4 \$4,000,000.

5 c. Notwithstanding the total amount of proceeds
6 distributed pursuant to section 249J.24, subsection 4,
7 paragraph "a", unnumbered paragraph 1, for the fiscal
8 year beginning July 1, 2011, and ending June 30, 2012,
9 the county treasurer of a county with a population
10 of over 350,000 in which a publicly owned acute care
11 teaching hospital is located shall distribute the
12 proceeds collected pursuant to section 347.7 in a
13 total amount of \$38,000,000, which would otherwise be
14 distributed to the county hospital, to the treasurer of
15 state for deposit in the IowaCare account.

16 d. (1) Notwithstanding the amount collected
17 and distributed for deposit in the IowaCare account
18 pursuant to section 249J.24, subsection 4, paragraph
19 "a", subparagraph (1), the first \$19,000,000 in
20 proceeds collected pursuant to section 347.7 between
21 July 1, 2011, and December 31, 2011, shall be
22 distributed to the treasurer of state for deposit in
23 the IowaCare account and collections during this time
24 period in excess of \$19,000,000 shall be distributed
25 to the acute care teaching hospital identified in
26 this subsection. Of the collections in excess of
27 the \$19,000,000 received by the acute care teaching
28 hospital under this subparagraph (1), \$2,000,000 shall
29 be distributed by the acute care teaching hospital to
30 the treasurer of state for deposit in the IowaCare
31 account in the month of January 2012, following the
32 July 1 through December 31, 2011, period.

33 (2) Notwithstanding the amount collected and
34 distributed for deposit in the IowaCare account
35 pursuant to section 249J.24, subsection 4, paragraph
36 "a", subparagraph (2), the first \$19,000,000 in
37 collections pursuant to section 347.7 between January
38 1, 2012, and June 30, 2012, shall be distributed to
39 the treasurer of state for deposit in the IowaCare
40 account and collections during this time period in
41 excess of \$19,000,000 shall be distributed to the acute
42 care teaching hospital identified in this subsection.
43 Of the collections in excess of the \$19,000,000
44 received by the acute care teaching hospital under this
45 subparagraph (2), \$2,000,000 shall be distributed by
46 the acute care teaching hospital to the treasurer of
47 state for deposit in the IowaCare account in the month
48 of July 2012, following the January 1 through June 30,
49 2012, period.

50 5. There is appropriated from the IowaCare account

1 created in section 249J.24 to the department of human
 2 services for the fiscal year beginning July 1, 2011,
 3 and ending June 30, 2012, the following amount, or so
 4 much thereof as is necessary to be used for the purpose
 5 designated:

6 For payment to the regional provider network
 7 specified by the department pursuant to section 249J.7
 8 for provision of covered services to members of the
 9 expansion population pursuant to chapter 249J:

10 \$ 3,472,176

11 Notwithstanding any provision of law to the
 12 contrary, the amount appropriated in this subsection
 13 shall be distributed based on claims submitted,
 14 adjudicated, and paid by the Iowa Medicaid enterprise.
 15 Once the entire amount appropriated in this subsection
 16 has been distributed, claims shall continue to
 17 be submitted and adjudicated by the Iowa Medicaid
 18 enterprise; however, no payment shall be made based
 19 upon such claims.

20 6. There is appropriated from the IowaCare account
 21 created in section 249J.24 to the department of human
 22 services for the fiscal year beginning July 1, 2011,
 23 and ending June 30, 2012, the following amount, or
 24 so much thereof as is necessary to be used for the
 25 purposes designated:

26 For a care coordination pool to pay the expansion
 27 population providers consisting of the university of
 28 Iowa hospitals and clinics, the publicly owned acute
 29 care teaching hospital as specified in section 249J.7,
 30 and current medical assistance program providers that
 31 are not expansion population network providers pursuant
 32 to section 249J.7, for services covered by the full
 33 benefit medical assistance program but not under the
 34 IowaCare program pursuant to section 249J.6, that are
 35 provided to expansion population members:

36 \$ 1,500,000

37 a. Notwithstanding sections 249J.6 and 249J.7,
 38 the amount appropriated in this subsection is
 39 intended to provide payment for medically necessary
 40 services provided to expansion population members for
 41 continuation of care provided by the university of
 42 Iowa hospitals and clinics or the publicly owned acute
 43 care teaching hospital as specified in section 249J.7.
 44 Payment may only be made for services that are not
 45 otherwise covered under section 249J.6, and which are
 46 follow-up services to covered services provided by the
 47 hospitals specified in this paragraph "a".

48 b. The funds appropriated in this subsection are
 49 intended to provide limited payment for continuity
 50 of care services for an expansion population member,

1 and are intended to cover the costs of services
2 to expansion population members, regardless of
3 the member’s county of residence or medical home
4 assignment, if the care is related to specialty or
5 hospital services provided by the hospitals specified
6 in paragraph “a”.

7 c. The funds appropriated in this subsection are
8 not intended to provide for expanded coverage under
9 the IowaCare program, and shall not be used to cover
10 emergency transportation services.

11 d. The department shall adopt administrative
12 rules pursuant to chapter 17A to establish a prior
13 authorization process and to identify covered services
14 for reimbursement under this subsection.

15 7. There is appropriated from the IowaCare account
16 created in section 249J.24 to the department of human
17 services for the fiscal year beginning July 1, 2011,
18 and ending June 30, 2012, the following amount or
19 so much thereof as is necessary to be used for the
20 purposes designated:

21 For a laboratory test and radiology pool for
22 services authorized by a federally qualified health
23 center designated by the department as part of the
24 IowaCare regional provider network that does not have
25 the capability to provide these services on site:

26 \$ 500,000

27 Notwithstanding sections 249J.6 and 249J.7, the
28 amount appropriated in this subsection is intended
29 to provide reimbursement for services provided to
30 expansion population members that have previously
31 been paid for through expenditure by designated
32 regional provider network providers of their own
33 funds, not to expand coverage under the IowaCare
34 program or to expand the expansion population
35 provider network. The department shall designate the
36 laboratory and radiology provider associated with
37 each designated regional provider network provider
38 that may receive reimbursement. The department shall
39 adopt administrative rules pursuant to chapter 17A
40 to establish a prior authorization process and to
41 identify covered services for reimbursement under this
42 subsection. All other medical assistance program
43 payment policies and rules for laboratory and radiology
44 services shall apply to services provided under this
45 subsection. If the entire amount appropriated under
46 this subsection is expended, laboratory tests and
47 radiology services ordered by a designated regional
48 provider network provider shall be the financial
49 responsibility of the regional provider network
50 provider.

1	Sec. 37. APPROPRIATIONS FROM NONPARTICIPATING	
2	PROVIDER REIMBURSEMENT FUND — DEPARTMENT OF HUMAN	
3	SERVICES. Notwithstanding any provision to the	
4	contrary, and subject to the availability of funds,	
5	there is appropriated from the nonparticipating	
6	provider reimbursement fund created in section 249J.24A	
7	to the department of human services for the fiscal year	
8	beginning July 1, 2011, and ending June 30, 2012, the	
9	following amount or so much thereof as is necessary for	
10	the purposes designated:	
11	To reimburse nonparticipating providers in	
12	accordance with section 249J.24A:	
13	.....	\$ 2,000,000
14	Sec. 38. APPROPRIATIONS FROM ACCOUNT FOR HEALTH	
15	CARE	
16	TRANSFORMATION — DEPARTMENT OF HUMAN SERVICES.	
17	Notwithstanding any provision to the contrary, there	
18	is appropriated from the account for health care	
19	transformation created in section 249J.23 to the	
20	department of human services for the fiscal year	
21	beginning July 1, 2011, and ending June 30, 2012, the	
22	following amounts, or so much thereof as is necessary,	
23	to be used for the purposes designated:	
24	1. For the provision of an IowaCare nurse helpline	
25	for the expansion population as provided in section	
26	249J.6:	
27	.....	\$ 100,000
28	2. For other health promotion partnership	
29	activities pursuant to section 249J.14:	
30	.....	\$ 600,000
31	3. For the costs related to audits, performance	
32	evaluations, and studies required pursuant to chapter	
33	249J:	
34	.....	\$ 125,000
35	4. For administrative costs associated with chapter	
36	249J:	
37	.....	\$ 1,132,412
38	5. For planning and development, in cooperation	
39	with the department of public health, of a phased-in	
40	program to provide a dental home for children in	
41	accordance with section 249J.14:	
42	.....	\$ 1,000,000
43	6. For continuation of the establishment of the	
44	tuition assistance for individuals serving individuals	
45	with disabilities pilot program, as enacted in 2008	
46	Iowa Acts, chapter 1187, section 130:	
47	.....	\$ 50,000
48	7. For medical contracts:	
49	.....	\$ 2,000,000
50	8. For payment to the publicly owned acute care	

1 teaching hospital located in a county with a population
2 of over 350,000 that is a participating provider
3 pursuant to chapter 249J:
4 \$ 290,000
5 Disbursements under this subsection shall be made
6 monthly. The hospital shall submit a report following
7 the close of the fiscal year regarding use of the
8 funds appropriated in this subsection to the persons
9 specified in this Act to receive reports.

10 9. For transfer to the department of public
11 health to be used for the costs of medical home
12 system advisory council established pursuant to
13 section 135.159, including for the incorporation of
14 the work and duties of the prevention and chronic
15 care management advisory council pursuant to section
16 135.161, as amended by the FY 2011–2012 health and
17 human services divisions of this Act:
18 \$ 233,357

19 10. For implementation of a uniform cost report:
20 \$ 100,000

21 The uniform cost report shall be used in the
22 development of specified Medicaid reimbursement rates
23 over a multiyear timeframe. The department of human
24 services, in collaboration with affected providers,
25 shall finalize a uniform cost report that includes
26 provider type-specific cost schedules by December 15,
27 2011. The uniform cost report shall be applied to
28 providers of home and community-based services waiver
29 services, habilitation services, case management
30 services and community mental health centers,
31 residential care facilities, psychiatric medical
32 institutions for children, and intermediate care
33 facilities for the mentally retarded in the development
34 of Medicaid reimbursement rates. The department
35 shall collaborate with affected Medicaid providers to
36 test the effectiveness of the uniform cost report and
37 determine the fiscal impact of implementing the uniform
38 cost report during the fiscal year beginning July 1,
39 2012. A report of the findings and fiscal impact shall
40 be submitted to the governor and the general assembly
41 by December 31, 2013. The rates paid in the fiscal
42 year beginning July 1, 2014, shall be established
43 using uniform cost reports submitted in the fiscal
44 year beginning July 1, 2012. Implementation of the
45 uniform cost report shall be limited to the extent of
46 the funding available.

47 11. For implementation of an electronic medical
48 records system:
49 \$ 100,000

50 a. The implementation of an electronic medical

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1 records system shall include system purchase or
2 development for home and community-based services
3 providers and mental health services providers that
4 comply with the requirements of federal and state laws
5 and regulation by the fiscal year beginning July 1,
6 2013.

7 b. The department shall analyze the costs and
8 benefits of providing an electronic medical records and
9 billing system for home and community-based services
10 providers and mental health services providers that
11 comply with the requirements of federal and state laws
12 and regulation. The analysis shall include a review of
13 all of the following: including the capability for an
14 electronic medical records and billing system within
15 the procurement for the Medicaid management information
16 system, developing the system, and utilizing capacity
17 within the health information network established
18 by the department of public health. If the analysis
19 demonstrates that a program may be implemented in a
20 cost-effective manner and within available funds,
21 the department may take steps to implement such a
22 system. The department shall report the results of
23 the analysis, activities, and recommendations to the
24 persons designated in the department of human services
25 division of this Act for submission of reports by
26 December 15, 2011.

27 c. Notwithstanding section 8.33, funds allocated in
28 this subsection that remain unencumbered or unobligated
29 at the close of the fiscal year shall not revert but
30 shall remain available in succeeding fiscal years to be
31 used for the purposes designated.

32 Notwithstanding section 8.39, subsection 1, without
33 the prior written consent and approval of the governor
34 and the director of the department of management, the
35 director of human services may transfer funds among
36 the appropriations made in this section as necessary
37 to carry out the purposes of the account for health
38 care transformation. The department shall report
39 any transfers made pursuant to this section to the
40 legislative services agency.

41 Sec. 39. MEDICAID FRAUD ACCOUNT — DEPARTMENT OF
42 INSPECTIONS AND APPEALS. There is appropriated from
43 the Medicaid fraud account created in section 249A.7
44 to the department of inspections and appeals for the
45 fiscal year beginning July 1, 2011, and ending June 30,
46 2012, the following amount, or so much thereof as is
47 necessary, to be used for the purposes designated:

48 For the inspection and certification of assisted
49 living programs and adult day care services, including
50 program administration and costs associated with

1	implementation:	
2	.....	\$ 1,339,527
3	Sec. 40. MEDICAID FRAUD ACCOUNT — DEPARTMENT	
4	OF HUMAN SERVICES. There is appropriated from the	
5	Medicaid fraud account created in section 249A.7 to	
6	the department of human services for the fiscal year	
7	beginning July 1, 2011, and ending June 30, 2012, the	
8	following amount, or so much thereof as is necessary,	
9	to be used for the purposes designated:	
10	To supplement the appropriation made in the	
11	department of human services division of this Act	
12	from the general fund of the state to the department	
13	of human services for medical assistance for the same	
14	fiscal year:	
15	.....	\$ 2,000,000
16	Sec. 41. QUALITY ASSURANCE TRUST FUND — DEPARTMENT	
17	OF HUMAN SERVICES. Notwithstanding any provision to	
18	the contrary and subject to the availability of funds,	
19	there is appropriated from the quality assurance trust	
20	fund created in section 249L.4 to the department of	
21	human services for the fiscal year beginning July 1,	
22	2011, and ending June 30, 2012, the following amounts,	
23	or so much thereof as is necessary for the purposes	
24	designated:	
25	To supplement the appropriation made in the	
26	department of human services division of this Act	
27	from the general fund of the state to the department	
28	of human services for medical assistance for the same	
29	fiscal year:	
30	.....	\$ 29,000,000
31	Sec. 42. HOSPITAL HEALTH CARE ACCESS TRUST FUND	
32	— DEPARTMENT OF HUMAN SERVICES. Notwithstanding	
33	any provision to the contrary and subject to the	
34	availability of funds, there is appropriated from	
35	the hospital health care access trust fund created in	
36	section 249M.4 to the department of human services for	
37	the fiscal year beginning July 1, 2011, and ending June	
38	30, 2012, the following amounts, or so much thereof as	
39	is necessary, for the purposes designated:	
40	1. To supplement the appropriation made in the	
41	department of human services division of this Act	
42	from the general fund of the state to the department	
43	of human services for medical assistance for the same	
44	fiscal year:	
45	.....	\$ 39,223,800
46	2. For deposit in the nonparticipating provider	
47	reimbursement fund created in section 249J.24A to be	
48	used for the purposes of the fund:	
49	.....	\$ 776,200
50	Sec. 43. MEDICAL ASSISTANCE PROGRAM — NONREVERSION	

1 FOR FY 2011–2012. Notwithstanding section 8.33,
 2 if moneys appropriated for purposes of the medical
 3 assistance program for the fiscal year beginning July
 4 1, 2011, and ending June 30, 2012, in the health and
 5 human services divisions of this Act from the general
 6 fund of the state, the Medicaid fraud account, the
 7 quality assurance trust fund, and the hospital health
 8 care access trust fund, are in excess of actual
 9 expenditures for the medical assistance program and
 10 remain unencumbered or unobligated at the close of the
 11 fiscal year, the excess moneys shall not revert but
 12 shall remain available for expenditure for the purposes
 13 of the medical assistance program until the close of
 14 the succeeding fiscal year.

15 DIVISION VI

16 HEALTH AND HUMAN SERVICES

17 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING FOR FISCAL
 18 YEAR 2011–2012

19 Sec. 44. MENTAL HEALTH, MENTAL RETARDATION, AND
 20 DEVELOPMENTAL DISABILITIES SERVICES PROPERTY TAX
 21 RELIEF. Notwithstanding the standing appropriation
 22 in section 426B.1, subsection 2, for the fiscal year
 23 beginning July 1, 2011, and ending June 30, 2012,
 24 the amount appropriated from the general fund of the
 25 state pursuant to that provision shall not exceed the
 26 following amount:

27 \$ 81,199,911

28 Sec. 45. SENATE FILE 209 APPROPRIATION — FY
 29 2010–2011.

30 1. Of the amount credited to the property tax
 31 relief fund from the appropriation made pursuant to
 32 2011 Iowa Acts, Senate File 209, section 21, subsection
 33 1, there is appropriated to the department of human
 34 services for the fiscal year beginning July 1, 2010,
 35 and ending June 30, 2011, the following amount, or
 36 so much thereof as is necessary, to be used for the
 37 purpose designated:

38 For distribution in accordance with this section:
 39 \$ 10,000,000

40 2. a. For the purposes of this subsection, unless
 41 the context otherwise requires:
 42 (1) “County management plan” means the county
 43 management plan for the county’s mental health, mental
 44 retardation, and developmental disabilities services
 45 system in accordance with section 331.439.
 46 (2) “Risk pool board” means the risk pool board
 47 created in section 426B.5.
 48 (3) “Services fund” means the county mental health,
 49 mental retardation, and developmental disabilities
 50 services fund created in section 331.424A.

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1 b. The appropriation made in this section shall be
2 distributed to counties with persons on a waiting list
3 as of April 21, 2011, for adult mental health, mental
4 retardation, and developmental disabilities services in
5 accordance with the county management plan in effect as
6 of January 1, 2011. All of the following provisions
7 shall apply to such distribution:

8 (1) A county's application for the funding
9 distribution must be received by the department on or
10 before July 15, 2011, or within 10 calendar days of the
11 enactment date of this section, whichever is later.

12 (2) The county's application shall provide all of
13 the following information:

14 (a) A declaration that the county cannot provide
15 services in accordance with the county's management
16 plan and remain in compliance with the 99 percent
17 budgeting requirement in section 331.439, subsection 5,
18 resulting in the creation of a waiting list.

19 (b) An accounting of the individuals to be removed
20 from the county's waiting list as a result of the
21 funding applied for under this subsection, along with
22 the following information in a format specified by the
23 department:

24 (i) Each individual's unique client identifier
25 established pursuant to section 225C.6A, subsection 3.

26 (ii) The date the individual was originally placed
27 on the county waiting list.

28 (iii) The services needed by the individual.

29 (iv) The projected cost for the fiscal year for
30 each service needed for that individual.

31 (v) The total cost for all of the services for each
32 individual for the fiscal year.

33 (3) The application shall be accompanied by a
34 signed statement by the county's board of supervisors
35 certifying that the individuals for whom funding is
36 provided under this subsection will not subsequently
37 be placed by the county on a waiting list for services
38 through June 30, 2012.

39 (4) The risk pool board may accept or reject an
40 application for assistance in whole or in part and may
41 prorate distribution of funding as necessary to conform
42 to the amount available for distribution. The decision
43 of the risk pool board is final. The risk pool board
44 shall issue a funding decision within 15 working days
45 of the final receipt date for applications.

46 (5) The funding under this subsection shall be
47 distributed within 15 working days of the date the risk
48 pool board's funding decision is issued.

49 c. If there is a balance remaining following the
50 distribution of funding under paragraph "b", the

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1 balance shall be distributed in a second distribution
2 process for individuals placed on a waiting list
3 after April 21, 2011, in accordance with the county
4 management plan provisions for the services in effect
5 as of January 1, 2011. In addition, notwithstanding
6 2010 Iowa Acts, chapter 1192, section 48, subsection 4,
7 paragraph “c”, any funding rebated by counties pursuant
8 to that provision and any moneys otherwise available in
9 the risk pool in the property tax relief fund for the
10 fiscal year beginning July 1, 2011, pursuant to section
11 426B.5, subsection 2, shall also be included in the
12 second distribution process. The distribution process
13 under this lettered paragraph shall be in lieu of any
14 risk pool distribution for the fiscal year beginning
15 July 1, 2011, under section 426B.5. All provisions
16 applicable under paragraph “b” shall apply except
17 that a county’s application for the second funding
18 distribution process must be received by the department
19 on or before December 1, 2011.

20 d. If moneys from a distribution made under this
21 subsection are not expended by a county by November
22 1, 2012, for services provided prior to July 1, 2012,
23 the county shall reimburse the unexpended moneys to
24 the department by November 30, 2012, and the moneys
25 reimbursed shall be credited to the risk pool in the
26 property tax relief fund.

27 e. The risk pool board shall submit a report to the
28 governor and general assembly on or before December 31,
29 2012, regarding the expenditure of funds distributed
30 under this subsection.

31 Sec. 46. SENATE FILE 209 APPROPRIATION — FY
32 2011–2012. In addition to the appropriations made in
33 this division of this Act for distribution to counties
34 of the county mental health, mental retardation, and
35 developmental disabilities allowed growth factor
36 adjustment for FY 2011–2012, and for county waiting
37 lists beginning with the fiscal year beginning July 1,
38 2010, of the amount credited to the property tax relief
39 fund from the appropriation made pursuant to 2011 Iowa
40 Acts, Senate File 209, section 21, subsection 1, there
41 is appropriated to the department of human services for
42 the fiscal year beginning July 1, 2011, and ending June
43 30, 2012, the following amounts, or so much thereof as
44 is necessary, to be used for the purposes designated:

45 To be credited to the appropriation made in the
46 department of human services division of this Act from
47 the general fund of the state to the department of
48 human services for the medical assistance program for
49 the fiscal year beginning July 1, 2011, and used to
50 reduce home and community-based services waiver waiting

1 lists for children’s mental health, intellectual
2 disabilities, and brain injury:
3 \$ 5,000,000
4 Sec. 47. 2010 Iowa Acts, chapter 1193, section 1,
5 is amended to read as follows:
6 SECTION 1. ADULT MH/MR/DD SERVICES ALLOWED GROWTH
7 FUNDING — FY 2011–2012.
8 1. Notwithstanding section 331.439, subsection
9 3, the allowed growth factor adjustment for county
10 mental health, mental retardation, and developmental
11 disabilities service expenditures for the fiscal year
12 beginning July 1, 2011, shall be established by statute
13 which shall be enacted within thirty calendar days of
14 the convening of the Eighty-fourth General Assembly,
15 2011 Session, on January 10, 2011. The governor shall
16 submit to the general assembly a recommendation for
17 such allowed growth factor adjustment and the amounts
18 of related appropriations to the general assembly on
19 or before January 11, 2011.
20 2. The appropriation and allocations made in this
21 section fulfill the requirements of the governor and
22 general assembly under subsection 1.
23 3. a. There is appropriated from the general fund
24 of the state to the department of human services for
25 the fiscal year beginning July 1, 2011, and ending June
26 30, 2012, the following amount, or so much thereof as
27 is necessary, to be used for the purpose designated:
28 For distribution to counties of the county mental
29 health, mental retardation, and developmental
30 disabilities allowed growth factor adjustment for
31 fiscal year 2011–2012 as provided in this section in
32 lieu of the allowed growth factor provisions of section
33 331.438, subsection 2, and section 331.439, subsection
34 3, and chapter 426B:
35 \$ 68,697,893
36 b. Of the amount credited to the property tax
37 relief fund from the appropriation made pursuant to
38 2011 Iowa Acts, Senate File 209, section 21, subsection
39 1, there is appropriated to the department of human
40 services for the fiscal year beginning July 1, 2011,
41 and ending June 30, 2012, the following amount, or
42 so much thereof as is necessary, to be used for the
43 purpose designated:
44 For distribution to counties as described in
45 paragraph “a”:
46 \$ 5,000,000
47 Sec. 48. 2010 Iowa Acts, chapter 1193, section 1,
48 as amended by this division of this Act, is amended by
49 adding the following new subsections:
50 NEW SUBSECTION. 4. Of the amounts appropriated

1 in this section, \$12,000,000 shall be distributed as
2 provided in this subsection.

3 a. To be eligible to receive a distribution under
4 this subsection, a county must meet the following
5 requirements:

6 (1) The county is levying for the maximum amount
7 allowed for the county’s mental health, mental
8 retardation, and developmental disabilities services
9 fund under section 331.424A for taxes due and payable
10 in the fiscal year beginning July 1, 2011, or the
11 county is levying for at least 90 percent of the
12 maximum amount allowed for the county’s services fund
13 and that levy rate is more than \$2 per \$1,000 of the
14 assessed value of all taxable property in the county.

15 (2) In the fiscal year beginning July 1, 2009,
16 the county’s mental health, mental retardation, and
17 developmental disabilities services fund ending balance
18 under generally accepted accounting principles was
19 equal to or less than 15 percent of the county’s actual
20 gross expenditures for that fiscal year.

21 b. The amount of a county’s distribution from
22 the allocation made in this subsection shall be
23 determined based upon the county’s proportion of the
24 general population of the counties eligible to receive
25 a distribution under this subsection. The latest
26 certified federal census issued by the United States
27 bureau of the census shall be applied in determining
28 population for the purposes of this paragraph.

29 c. The distributions made pursuant to this
30 subsection are subject to the distribution provisions
31 and withholding requirements established in this
32 section for the county mental health, mental
33 retardation, and developmental disabilities allowed
34 growth factor adjustment for the fiscal year beginning
35 July 1, 2011.

36 NEW SUBSECTION. 5. The following amount of the
37 funding appropriated in this section for distribution
38 to counties is the allowed growth factor adjustment for
39 fiscal year 2011–2012, and shall be credited to the
40 allowed growth funding pool created in the property tax
41 relief fund and for distribution in accordance with
42 section 426B.5, subsection 1:

43 \$ 61,697,893

44 For the distribution made for the fiscal year
45 beginning July 1, 2011, a county that is levying
46 at least 92 percent of the maximum amount allowed
47 for the county’s mental health, mental retardation,
48 and developmental disabilities services fund under
49 section 331.424A for the fiscal year and that had
50 a negative services fund balance for the fiscal

1 year beginning July 1, 2009, after disregarding the
 2 temporary funding increase provided to counties for
 3 the fiscal year beginning July 1, 2009, through the
 4 federal American Recovery and Reinvestment Act of
 5 2009, Pub. L. No. 111-5, shall be deemed to have met
 6 the allocation eligibility requirement under section
 7 426B.5, subsection 1, paragraph “d”, subparagraph (1),
 8 subparagraph division (a).

9 NEW SUBSECTION. 6. The following formula amounts
 10 shall be utilized only to calculate preliminary
 11 distribution amounts for the allowed growth factor
 12 adjustment for fiscal year 2011–2012 under this
 13 section by applying the indicated formula provisions
 14 to the formula amounts and producing a preliminary
 15 distribution total for each county:

16 a. For calculation of a distribution amount for
 17 eligible counties from the allowed growth funding pool
 18 created in the property tax relief fund in accordance
 19 with the requirements in section 426B.5, subsection
 20 1, and including the allocation eligibility provision
 21 authorized in subsection 5 of this section:
 22 \$ 74,773,346

23 b. For calculation of a distribution amount for
 24 counties from the mental health and developmental
 25 disabilities (MH/DD) community services fund
 26 in accordance with the formula provided in the
 27 appropriation made for the MH/DD community services
 28 fund for the fiscal year beginning July 1, 2011:
 29 \$ 14,187,556

30 NEW SUBSECTION. 7. a. After applying the
 31 applicable statutory distribution formulas to the
 32 amounts indicated in subsection 6 for purposes of
 33 producing preliminary distribution totals, the
 34 department of human services shall apply a withholding
 35 factor to adjust an eligible individual county’s
 36 preliminary distribution total. In order to be
 37 eligible for a distribution under this section, a
 38 county must be levying 90 percent or more of the
 39 maximum amount allowed for the county’s mental health,
 40 mental retardation, and developmental disabilities
 41 services fund under section 331.424A for taxes due and
 42 payable in the fiscal year for which the distribution
 43 is payable.

44 b. An ending balance percentage for each county
 45 shall be determined by expressing the county’s ending
 46 balance on a modified accrual basis under generally
 47 accepted accounting principles for the fiscal year
 48 beginning July 1, 2009, in the county’s mental health,
 49 mental retardation, and developmental disabilities
 50 services fund created under section 331.424A, as a

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1 percentage of the county's gross expenditures from that
2 fund for that fiscal year. If a county borrowed moneys
3 for purposes of providing services from the county's
4 services fund on or before July 1, 2009, and the
5 county's services fund ending balance for that fiscal
6 year includes the loan proceeds or an amount designated
7 in the county budget to service the loan for the
8 borrowed moneys, those amounts shall not be considered
9 to be part of the county's ending balance for purposes
10 of calculating an ending balance percentage under this
11 subsection.

12 c. For purposes of calculating withholding
13 factors and for ending balance amounts used for other
14 purposes under law, the county ending balances shall
15 be adjusted, using forms developed for this purpose
16 by the county finance committee, to disregard the
17 temporary funding increase provided to the counties for
18 the fiscal year through the federal American Recovery
19 and Reinvestment Act of 2009, Pub. L. No. 111-5. In
20 addition, a county may adjust the ending balance amount
21 by rebating to the department all or a portion of
22 the allowed growth and MH/DD services fund moneys the
23 county received for the fiscal year beginning July 1,
24 2010, in accordance with 2009 Iowa Acts, chapter 179,
25 section 1, as amended by 2009 Iowa Acts, chapter 1192,
26 sections 47 and 48, or from any other services fund
27 moneys available to the county. The rebate must be
28 remitted to the department on or before June 1, 2011,
29 in order to be counted. However, if this division of
30 this Act is enacted after June 1, 2011, the rebate
31 must be remitted not later than 10 calendar days
32 after the date of the governor's approval of this Act.
33 The amount rebated by a county shall be subtracted
34 dollar-for-dollar from the county's ending balance
35 amount for the fiscal year beginning July 1, 2009, for
36 purposes of calculating the withholding factor and
37 for other ending balance purposes for the fiscal year
38 beginning July 1, 2011. The rebates received by the
39 department shall be credited to the property tax relief
40 fund and distributed as additional funding for the
41 fiscal year beginning July 1, 2011, in accordance with
42 the formula provisions in this section.

43 d. The withholding factor for a county shall be the
44 following applicable percent:

45 (1) For an ending balance percentage of less than
46 5 percent, a withholding factor of 0 percent. In
47 addition, a county that is subject to this lettered
48 paragraph shall receive an inflation adjustment equal
49 to 3 percent of the gross expenditures reported for the
50 county's services fund for the fiscal year.

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1 (2) For an ending balance percentage of 5 percent
2 or more but less than 10 percent, a withholding factor
3 of 0 percent. In addition, a county that is subject
4 to this lettered paragraph shall receive an inflation
5 adjustment equal to 2 percent of the gross expenditures
6 reported for the county's services fund for the fiscal
7 year.

8 (3) For an ending balance percentage of 10 percent
9 or more but less than 25 percent, a withholding factor
10 of 25 percent. However, for counties with an ending
11 balance percentage of 10 percent or more but less than
12 15 percent, the amount withheld shall be limited to
13 the amount by which the county's ending balance was in
14 excess of the ending balance percentage of 10 percent.

15 (4) For an ending balance percentage of 25 percent
16 or more, a withholding percentage of 100 percent.
17 NEW SUBSECTION. 8. The total withholding amounts
18 applied pursuant to subsection 7 shall be equal to
19 a withholding target amount of \$13,075,453. If the
20 department of human services determines that the
21 amount appropriated is insufficient or the amount to be
22 withheld in accordance with subsection 7 is not equal
23 to the target withholding amount, the department shall
24 adjust the withholding factors listed in subsection 7
25 as necessary to achieve the target withholding amount.
26 However, in making such adjustments to the withholding
27 factors, the department shall strive to minimize
28 changes to the withholding factors for those ending
29 balance percentage ranges that are lower than others
30 and shall only adjust the zero withholding factor
31 or the inflation adjustment percentages specified
32 in subsection 7, paragraph "d", when the amount
33 appropriated is insufficient.

34 Sec. 49. 2010 Iowa Acts, chapter 1193, section 99,
35 is amended to read as follows:

36 **SEC. 99. MH/MR/DD SERVICES FUND**

37 **TRANSFER.** Notwithstanding section 331.424A, subsection
38 5, and section 331.432, subsection 3, for the
39 fiscal year beginning July 1, 2010, and ending June
40 30, 2011, a county may transfer moneys from other
41 funds of the county to the county's mental health,
42 mental retardation, and developmental disabilities
43 services fund created in section 331.424A. A county
44 transferring moneys from other funds of the county
45 to the county's services fund pursuant to this
46 section shall submit a report detailing the transfers
47 made and funds affected. The county shall submit
48 the report along with the county expenditure and
49 information report submitted by December 1, ~~2010~~ 2011,
50 in accordance with section 331.439.

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1 Sec. 50. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
 2 APPLICABILITY. The section of this division of this
 3 Act amending 2010 Iowa Acts, chapter 1193, section 99,
 4 being deemed of immediate importance, takes effect upon
 5 enactment and is retroactively applicable to December
 6 1, 2010.

7 Sec. 51. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
 8 APPLICABILITY. The section of this division of
 9 this Act making an appropriation for the fiscal year
 10 beginning July 1, 2010, of moneys credited to the
 11 property tax relief fund pursuant to 2011 Iowa Acts,
 12 Senate File 209, being deemed of immediate importance,
 13 takes effect upon enactment and applies retroactively
 14 to April 21, 2011.

15 DIVISION VII

16 HEALTH AND HUMAN SERVICES

17 PRIOR APPROPRIATIONS AND RELATED CHANGES

18 VIETNAM CONFLICT VETERANS BONUS

19 Sec. 52. Section 35A.8A, subsection 2, paragraph d,
 20 Code 2011, is amended to read as follows:

21 d. The person files an application for compensation
 22 under this section, in a manner determined by the
 23 department of veterans affairs, by ~~July 1, 2010~~ May 1,
 24 2011.

25 COMMUNITY HOUSING AND SERVICES REVOLVING LOAN PROGRAM

26 Sec. 53. NEW SECTION. 16.185 Community housing and
 27 services for persons with disabilities revolving loan
 28 program fund.

29 1. A community housing and services for persons
 30 with disabilities loan program fund is created
 31 within the authority to further the availability of
 32 affordable housing and supportive services for Medicaid
 33 waiver-eligible individuals with behaviors that
 34 provide significant barriers to accessing traditional
 35 rental and supportive services opportunities. The
 36 moneys in the fund are annually appropriated to the
 37 authority to be used for the development and operation
 38 of a revolving loan program to provide financing to
 39 construct affordable permanent supportive housing or
 40 develop infrastructure in which to provide supportive
 41 services, including through new construction,
 42 acquisition and rehabilitation of existing housing or
 43 infrastructure, or conversion or adaptive reuse.

44 2. Moneys transferred by the authority for deposit
 45 in the community housing and services for persons
 46 with disabilities revolving loan program fund, moneys
 47 appropriated to the community housing and services
 48 for persons with disabilities revolving loan program,
 49 and any other moneys available to and obtained or
 50 accepted by the authority for placement in the fund

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1 shall be credited to the fund. Additionally, payment
2 of interest, recaptures of awards, and other repayments
3 to the community housing and services for persons with
4 disabilities loan program fund shall be credited to
5 the fund. Notwithstanding section 12C.7, subsection
6 2, interest or earnings on moneys in the fund shall be
7 credited to the fund. Notwithstanding section 8.33,
8 moneys credited to the fund from any other fund that
9 remain unencumbered or unobligated at the close of the
10 fiscal year shall not revert to the other fund.

11 3. a. The authority shall annually allocate moneys
12 available in the fund for the development of permanent
13 supportive housing for Medicaid waiver-eligible
14 individuals. The authority shall develop a joint
15 application process for the allocation of United
16 States housing and urban development HOME investment
17 partnerships program funding and the funds available
18 under this section. Moneys allocated to such projects
19 may be in the form of loans, forgivable loans, or a
20 combination of loans and forgivable loans.

21 b. The authority shall annually allocate moneys
22 available in the fund for the development of
23 infrastructure in which to provide supportive services
24 for Medicaid waiver-eligible individuals who meet the
25 psychiatric medical institution for children level of
26 care. Moneys allocated to such projects may be in the
27 form of loans, forgivable loans, or a combination of
28 loans and forgivable loans.

29 4. a. A project shall demonstrate written approval
30 of the project by the department of human services to
31 the authority prior to application for funding under
32 this section.

33 b. In order to be approved by the department
34 of human services for application for funding for
35 development of permanent supportive housing under this
36 section, a project shall include all of the following
37 components:

38 (1) Provision of services to any of the following
39 Medicaid waiver-eligible individuals:

40 (a) Individuals who are currently underserved
41 in community placements, including individuals who
42 are physically aggressive or have behaviors that
43 are difficult to manage or individuals who meet the
44 psychiatric medical institution for children level of
45 care.

46 (b) Individuals who are currently residing in
47 out-of-state facilities.

48 (c) Individuals who are currently receiving care in
49 a licensed health care facility.

50 (2) A plan to provide each individual with crisis

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1 stabilization services to ensure that the individual's
2 behavioral issues are appropriately addressed by the
3 provider.

4 (3) Policies and procedures that prohibit discharge
5 of the individual from the waiver services provided by
6 the project provider unless an alternative placement
7 that is acceptable to the client or the client's
8 guardian is identified.

9 c. In order to be approved by the department
10 of human services for application for funding for
11 development of infrastructure in which to provide
12 supportive services under this section, a project shall
13 include all of the following components:

14 (1) Provision of services to Medicaid
15 waiver-eligible individuals who meet the psychiatric
16 medical institution for children level of care.

17 (2) Policies and procedures that prohibit discharge
18 of the individual from the waiver services provided by
19 the project provider unless an alternative placement
20 that is acceptable to the client or the client's
21 guardian is identified.

22 d. Housing provided through a project under this
23 section is exempt from the requirements of chapter
24 135O.

25 5. The authority, in collaboration with the
26 department of human services, shall adopt rules
27 pursuant to chapter 17A to administer this section.

28 VIETNAM CONFLICT VETERANS 29 BONUS FUND

30 Sec. 54. 2008 Iowa Acts, chapter 1187, section 68,
31 as amended by 2009 Iowa Acts, chapter 182, section
32 82, and 2010 Iowa Acts, chapter 1192, section 55, is
33 amended to read as follows:

34 Notwithstanding section 8.33, moneys appropriated in
35 this section that remain unencumbered or unobligated
36 at the close of the fiscal year shall not revert but
37 shall remain available for expenditure for the purposes
38 designated until the ~~close of the fiscal year beginning~~
39 July 1, 2010 repeal of section 35A.8A. Upon such
40 repeal, the remaining moneys shall be transferred to
41 the veterans trust fund and, notwithstanding section
42 35A.13, subsection 3, shall only be expended in
43 accordance with an appropriation for purposes of a
44 bonus enacted for veterans of the conflicts in Panama,
45 Grenada, Lebanon, or the Persian Gulf.

46 INJURED VETERANS GRANT PROGRAM

47 Sec. 55. 2008 Iowa Acts, chapter 1187, section 69,
48 unnumbered paragraph 1, as amended by 2009 Iowa Acts,
49 chapter 182, section 83, and 2010 Iowa Acts, chapter
50 1192, section 56, is amended to read as follows:

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1 Notwithstanding section 8.33, moneys appropriated in
2 this subsection that remain unencumbered or unobligated
3 at the close of the fiscal year shall not revert but
4 shall remain available for expenditure for the purposes
5 designated until the close of the fiscal year beginning
6 July 1, ~~2010~~ 2011.

7 BEHAVIORAL HEALTH SERVICES
8 ACCOUNT — MEDICAL ASSISTANCE

9 Sec. 56. 2009 Iowa Acts, chapter 182, section 9,
10 subsection 16, paragraph b, as amended by 2010 Iowa
11 Acts, chapter 1192, section 63, is amended to read as
12 follows:

13 b. The department shall continue to maintain a
14 separate account within the medical assistance budget
15 for the deposit of all funds remitted pursuant to a
16 contract with a third party to administer behavioral
17 health services under the medical assistance program
18 established pursuant to 2008 Iowa Acts, chapter
19 1187, section 9, subsection 20. Notwithstanding
20 section 8.33, other than funds remaining from the
21 appropriation allocations made for implementation of
22 the emergency mental health crisis services and system,
23 for implementation of the mental health services
24 system for children and youth, and for training of
25 child welfare services providers in 2008 Iowa Acts,
26 chapter 1187, section 9, subsection 20, paragraph
27 “c”, subparagraphs (1), (2), and (6), as authorized
28 in 2009 Iowa Acts, chapter 182, section 72, shall
29 not revert but shall remain available in succeeding
30 fiscal years to be used for the purposes designated
31 until expended and any other funds remaining in the
32 account that remain unencumbered or unobligated at
33 the end of the fiscal year shall not revert but shall
34 remain available in succeeding fiscal years ~~and are~~
35 ~~appropriated to the department to be used for the~~
36 ~~medical assistance program to be used for purposes of~~
37 crisis stabilization and other mental and behavioral
38 health service improvements.

39 CHILD WELFARE DECATEGORIZATION
40 FY 2009–2010 NONREVERSION

41 Sec. 57. 2009 Iowa Acts, chapter 182, section 14,
42 subsection 5, is amended by adding the following new
43 unnumbered paragraph:
44 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
45 232.188, subsection 5, moneys from the allocations
46 made in this subsection or made from any other
47 source for the decategorization of child welfare and
48 juvenile justice funding initiative under section
49 232.188 for the fiscal year beginning July 1, 2009,
50 that are designated as carryover funding that remain

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1 unencumbered or unobligated at the close of the fiscal
2 year beginning July 1, 2010, shall not revert but shall
3 be transferred to the community housing and services
4 for persons with disabilities revolving loan program
5 fund created in section 16.185, as enacted by this
6 division of this Act.

7 AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 —
8 ALLOCATION FOR INFANT AND TODDLER CARE QUALITY

9 Sec. 58. 2009 Iowa Acts, chapter 183, section 62,
10 subsection 3, is amended to read as follows:

11 3. For the purposes of this subsection, “federal
12 poverty level” means the poverty level defined by
13 the most recently revised poverty income guidelines
14 published by the United States department of health and
15 human services. The program shall provide financial
16 assistance to families with infants and toddlers less
17 than thirty-six months of age ~~two~~ that have a family
18 income of more than 145 percent but not more than 185
19 percent of the federal poverty level. However, the
20 department may adjust the qualifying criteria or the
21 financial assistance purpose provisions specified in
22 this subsection or make other changes as necessary for
23 implementation to conform with federal requirements
24 for the funding. Outcome reporting and other grant
25 requirements shall be developed by the department in
26 cooperation with the Iowa empowerment board.

27 Sec. 59. 2009 Iowa Acts, chapter 183, section 62,
28 subsection 4, is amended to read as follows:

29 4. The financial assistance shall be for any of the
30 following purposes:

31 a. For making temporary payments to qualifying
32 families whose members are recently unemployed and
33 seeking work to use in meeting immediate family needs.

34 b. For providing sliding scale subsidies for
35 qualifying families for child care provided to the
36 families’ infants and toddlers by providers who
37 are accredited by the national association for the
38 education of young children or the national association
39 for family child care, or who have a rating at level ~~3~~
40 2 or higher under the child care quality rating system
41 implemented pursuant to section 237A.30.

42 c. For expanding training and other support for
43 infant care providers in the community and this state.

44 d. For ensuring child care environments are healthy
45 and safe.

46 e. For promoting positive relationships between
47 parents and providers in their mutual efforts to care
48 for very young children.

49 f. For ensuring that parents have the information
50 and resources needed to choose quality child care.

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1 IOWA DEPARTMENT ON AGING CASE MANAGEMENT REVIEW

2 Sec. 60. 2010 Iowa Acts, chapter 1192, section 1,
3 subsection 2, is amended to read as follows:

4 2. ~~a.~~ Of the funds appropriated in this section,
5 \$1,246,514 shall be transferred to the department of
6 human services in equal amounts on a quarterly basis
7 for reimbursement of case management services provided
8 under the medical assistance elderly waiver. The
9 department of human services shall adopt rules for
10 case management services provided under the medical
11 assistance elderly waiver in consultation with the
12 department on aging.

13 ~~b. The department of human services shall review
14 projections for state funding expenditures for
15 reimbursement of case management services under the
16 medical assistance elderly waiver on a quarterly basis
17 and shall determine if an adjustment to the medical
18 assistance reimbursement rates are necessary to provide
19 reimbursement within the state funding amounts budgeted
20 under the appropriations made for the fiscal year
21 for the medical assistance program. Any temporary
22 enhanced federal financial participation that may
23 become available for the medical assistance program
24 during the fiscal year shall not be used in projecting
25 the medical assistance elderly waiver case management
26 budget. The department of human services shall revise
27 such reimbursement rates as necessary to maintain case
28 expenditures for medical assistance elderly waiver case
29 management services within the state funding amounts
30 budgeted under the appropriations made for the fiscal
31 year for the medical assistance program.~~

32 IOWA VETERANS HOME

33 Sec. 61. 2010 Iowa Acts, chapter 1192, section 3,
34 subsection 2, is amended by adding the following new
35 paragraph:

36 NEW PARAGRAPH. d. The funds appropriated in this
37 subsection to the Iowa veterans home that remain
38 available for expenditure for the succeeding fiscal
39 year pursuant to section 35D.18, subsection 5, shall
40 be distributed to be used in the succeeding fiscal
41 year in accordance with this lettered paragraph. The
42 first \$500,000 shall remain available to be used for
43 the purposes of the Iowa veterans home. On or before
44 October 15, 2011, the department of management shall
45 transfer the remaining balance to the appropriation
46 to the department of human services for medical
47 assistance.

48 MEDICAL ASSISTANCE PROGRAM

49 Sec. 62. 2010 Iowa Acts, chapter 1192, section 11,
50 is amended by adding the following new subsection:

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1 NEW SUBSECTION. 25. The department may increase
 2 the amounts allocated for salaries, support,
 3 maintenance, and miscellaneous purposes associated
 4 with the medical assistance program as necessary
 5 to implement cost containment efforts in order to
 6 accomplish medical assistance program savings. These
 7 amounts may be transferred to the appropriation made
 8 in this division of this Act for the health insurance
 9 premium payment program.

10 STATE SUPPLEMENTARY ASSISTANCE PROGRAM

11 Sec. 63. 2010 Iowa Acts, chapter 1192, section 14,
 12 is amended by adding the following new subsection:

13 NEW SUBSECTION. 4. Notwithstanding section
 14 8.33, moneys appropriated in this section that remain
 15 unencumbered or unobligated at the close of the fiscal
 16 year shall remain available for expenditure for the
 17 purposes designated until the close of the succeeding
 18 fiscal year.

19 ADOPTION SUBSIDY TRANSFER

20 Sec. 64. 2010 Iowa Acts, chapter 1192, section 20,
 21 is amended by adding the following new subsection:

22 NEW SUBSECTION. 4. Of the funds appropriated
 23 in this section, \$60,000 shall be transferred to the
 24 appropriation made in this division of this Act for the
 25 state mental health institute at Cherokee to be used
 26 for children's beds at the institute.

27 IOWA DEPARTMENT ON AGING CASE MANAGEMENT REVIEW

28 Sec. 65. 2010 Iowa Acts, chapter 1192, section 37,
 29 subsection 1, is amended to read as follows:

30 1. ~~a.~~ Of the funds appropriated in this section,
 31 \$1,010,000 shall be transferred to the department of
 32 human services in equal amounts on a quarterly basis
 33 for reimbursement of case management services provided
 34 under the medical assistance elderly waiver.

35 ~~b. The department of human services shall review~~
 36 ~~projections for state funding expenditures for~~
 37 ~~reimbursement of case management services under the~~
 38 ~~medical assistance elderly waiver on a quarterly basis~~
 39 ~~and shall determine if an adjustment to the medical~~
 40 ~~assistance reimbursement rates are necessary to provide~~
 41 ~~reimbursement within the state funding amounts budgeted~~
 42 ~~under the appropriations made for the fiscal year~~
 43 ~~for the medical assistance program. Any temporary~~
 44 ~~enhanced federal financial participation that may~~
 45 ~~become available for the medical assistance program~~
 46 ~~during the fiscal year shall not be used in projecting~~
 47 ~~the medical assistance elderly waiver case management~~
 48 ~~budget. The department of human services shall revise~~
 49 ~~such reimbursement rates as necessary to maintain~~
 50 ~~expenditures for medical assistance elderly waiver case~~

~~1 management services within the state funding amounts
2 budgeted under the appropriations made for the fiscal
3 year for the medical assistance program.~~

4 QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF HUMAN
5 SERVICES

6 Sec. 66. 2010 Iowa Acts, chapter 1192, section 44,
7 is amended to read as follows:

8 SEC. 44. QUALITY ASSURANCE TRUST FUND — DEPARTMENT

9 OF HUMAN SERVICES. Notwithstanding any provision to

10 the contrary and subject to the availability of funds,

11 there is appropriated from the quality assurance trust

12 fund created in section 249L.4 to the department of

13 human services for the fiscal year beginning July 1,

14 2010, and ending June 30, 2011, the following amounts,

15 or so much thereof as is necessary for the purposes

16 designated:

17 To supplement the appropriation made in this Act
18 from the general fund of the state to the department of
19 human services for medical assistance:

20 \$ 13,900,000
21 33,708,458

22 1. Of the funds appropriated in this section,
23 \$7,500,000 shall be used for nursing facility
24 reimbursement under the medical assistance program in
25 accordance with the nursing facility reimbursement
26 provisions of division IV of this Act, to continue
27 application of the administrative rules changes
28 relating to nursing facility reimbursement and payment
29 procedures made pursuant to 2010 Iowa Acts, Senate
30 File 2366, if enacted, for the fiscal year beginning
31 July 1, 2010, and ending June 30, 2011, and to restore
32 the 5 percent reduction made in nursing facility
33 reimbursement in accordance with executive order number
34 19 issued October 8, 2009.

35 2. The costs associated with the implementation of
36 this section shall be funded exclusively through moneys
37 appropriated from the quality assurance trust fund,
38 and shall result in budget neutrality to the general
39 fund of the state for the fiscal year beginning July 1,
40 2010, and ending June 30, 2011.

41 INJURED VETERANS TRUST FUND

42 Sec. 67. INJURED VETERANS TRUST FUND. There is
43 appropriated from the general fund of the state to the
44 department of veterans affairs for the fiscal year
45 beginning July 1, 2010, and ending June 30, 2011, the
46 following amount, or so much thereof as is necessary,
47 to be used for the purposes designated:

48 To be credited to the injured veterans trust fund
49 created pursuant to section 35A.14 to be used for the
50 injured veterans grant program:

1 \$ 1,000,000

2 The department shall review the rules and statutory

3 provisions pertaining to the injured veterans grant

4 program and propose amendments to improve the program.

5 Notwithstanding section 8.33, moneys appropriated in

6 this section that remain unencumbered or unobligated

7 at the close of the fiscal year shall not revert but

8 shall remain available for expenditure for the purposes

9 designated until expended.

10 MERCHANT MARINE BONUS FUND TRANSFER

11 Sec. 68. DEPARTMENT OF CULTURAL AFFAIRS — MERCHANT

12 MARINE BONUS FUND.

13 1. The appropriation made from the merchant marine

14 bonus fund to the department of cultural affairs for

15 the fiscal year beginning July 1, 2010, and ending June

16 30, 2011, in 2010 Iowa Acts, chapter 1193, section 82,

17 shall be transferred on the effective date of this

18 section to the department of veterans affairs to be

19 used for departmental costs.

20 2. Moneys transferred pursuant to this section that

21 remain unencumbered or unobligated at the close of the

22 fiscal year shall be credited to the veterans trust

23 fund created in section 35A.13.

24 STATE INSTITUTION — APPROPRIATION TRANSFERS

25 Sec. 69. DEPARTMENT OF HUMAN SERVICES. There

26 is transferred between the following designated

27 appropriations made to the department of human services

28 for the fiscal year beginning July 1, 2010, and ending

29 June 30, 2011, not more than the following amounts:

30 1. From the appropriation made for purposes of the

31 state resource center at Glenwood in 2010 Iowa Acts,

32 chapter 1192, section 25, subsection 1, paragraph “a”,

33 to the appropriation made for purposes of the Iowa

34 juvenile home at Toledo in 2010 Iowa Acts, chapter

35 1192, section 17, subsection 1:

36 \$ 400,000

37 2. From the appropriation made for purposes of the

38 state resource center at Woodward in 2010 Iowa Acts,

39 chapter 1192, section 25, subsection 1, paragraph “b”,

40 to the appropriation made for purposes of the state

41 mental health institute at Independence in 2010 Iowa

42 Acts, chapter 1192, section 24, subsection 1, paragraph

43 “c”:

44 \$ 400,000

45 Sec. 70. FAMILY PLANNING WAIVER AND MAINTENANCE OF

46 EFFORT. Notwithstanding 2010 Iowa Acts, chapter 1192,

47 section 11, subsection 24, the department of human

48 services shall not amend the medical assistance waiver

49 for the Iowa family planning network in accordance

50 with that provision, but shall instead continue the

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1 Iowa family planning waiver in effect prior to June
2 30, 2011, and shall only amend the waiver to increase
3 the income eligibility percentage above the percentage
4 provided in the waiver in effect if necessary and only
5 by the minimum percentage required to comply with
6 maintenance of effort requirements.

7 Sec. 71. DECATEGORIZATION PROJECT FUNDING. For
8 the period beginning June 1, 2010, and ending June
9 30, 2012, a child welfare and juvenile justice
10 funding decategorization initiative project that is
11 incorporated and owns real property may utilize project
12 funding to purchase liability insurance.

13 Sec. 72. ACCOUNTABLE CARE ORGANIZATION — PILOT.

14 1. a. If an entity applies for certification from
15 the secretary of the United States department of health
16 and human services prior to January 1, 2012, and is
17 subsequently certified to administer an accountable
18 care organization pilot project, pursuant to the
19 federal Patient Protection and Accountability Act, Pub.
20 L. No. 111-148, the department of human services shall
21 work with the entity to provide access to the complete
22 identified claims data of the medical assistance
23 recipients receiving health care services through the
24 pilot project for the purposes of identifying areas of
25 utilization, need, and potential cost savings to the
26 medical assistance program subject to all applicable
27 state and federal laws and regulations. The department
28 may also employ new payment models, information
29 technology, and data analytics provisions necessary to
30 the administration of the pilot project.

31 b. The department of human services shall work
32 with an entity to administer an accountable care
33 organization pilot project, only if the centers for
34 Medicare and Medicaid services of the United States
35 department of health and human services approves
36 participation of the medical assistance program in the
37 pilot project and the entity meets all of the following
38 requirements:

39 (1) At a minimum, includes the participation of a
40 prospective payment system hospital, ten primary care
41 physicians, a home health care practice, a palliative
42 care services, a hospice service, and a community
43 mental health center, all of which agree to be paid
44 under a partial or global payment for identified
45 services.

46 (2) Requires all participating providers to utilize
47 electronic health records.

48 (3) Includes delivery of mental health services to
49 recipients of medical assistance through collaboration
50 with the regional community mental health center, a

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1 federally qualified health center, and at least one
2 nursing facility as consistent with any other law
3 enacted by the Eighty-fourth general assembly, 2011
4 session, that redesigns the mental health delivery
5 system in the state.

6 c. The entity certified to implement the pilot
7 project shall report to the joint appropriations
8 subcommittee for health and human services during the
9 2012 legislative session detailing the progress and
10 expected outcomes of the pilot project.

11 Sec. 73. EMERGENCY RULES. For purposes of the
12 initial rules to implement the provisions of section
13 16.185, as enacted by this division of this Act,
14 the Iowa finance authority may adopt administrative
15 rules under section 17A.4, subsection 3, and section
16 17A.5, subsection 2, paragraph "b", to implement
17 the provisions and the rules shall become effective
18 immediately upon filing or on a later effective date
19 specified in the rules, unless the effective date is
20 delayed by the administrative rules review committee.
21 Any rules adopted in accordance with this section
22 shall not take effect before the rules are reviewed
23 by the administrative rules review committee. The
24 delay authority provided to the administrative rules
25 review committee under section 17A.4, subsection 7, and
26 section 17A.8, subsection 9, shall be applicable to a
27 delay imposed under this section, notwithstanding a
28 provision in those sections making them inapplicable
29 to section 17A.5, subsection 2, paragraph "b". Any
30 rules adopted in accordance with the provisions of this
31 section shall also be published as a notice of intended
32 action as provided in section 17A.4.

33 Sec. 74. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
34 APPLICABILITY. Except as otherwise provided by this
35 division of this Act, this division of this Act, being
36 deemed of immediate importance, takes effect upon
37 enactment and if approved by the governor after July 1,
38 2011, applies retroactively to June 30, 2011.

39 Sec. 75. RETROACTIVE APPLICABILITY. The section of
40 this division of this Act addressing child welfare and
41 juvenile justice funding decategorization initiative
42 project funding for the period beginning June 1, 2010,
43 and ending June 30, 2012, applies retroactively to June
44 1, 2010.

45 Sec. 76. RETROACTIVE APPLICABILITY. The section
46 of this division of this Act amending section 35A.8A,
47 applies retroactively to July 1, 2010.

48 Sec. 77. RETROACTIVE APPLICABILITY. The section
49 of this division of this Act making transfers between
50 appropriations made to the department of human services

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1 for state institutions in 2010 Iowa Acts, chapter 1192,
2 applies retroactively to January 1, 2011.

3 DIVISION VII

4 HEALTH AND HUMAN SERVICES

5 PREVENTION AND CHRONIC CARE MANAGEMENT

6 Sec. 78. Section 135.159, subsection 10, Code 2011,
7 is amended to read as follows:

8 10. The department shall integrate the
9 recommendations and policies developed ~~by the~~
10 ~~prevention and chronic care management advisory~~
11 ~~council pursuant to section 135.161, Code 2011,~~ into
12 the medical home system and shall incorporate the
13 development and implementation of the state initiative
14 for prevention and chronic care management as developed
15 pursuant to section 135.161, Code 2011, into the duties
16 of the medical home system advisory council beginning
17 January 1, 2012.

18 Sec. 79. Section 135.162, subsections 1 and 3, Code
19 2011, are amended to read as follows:

20 1. The director shall convene a clinicians advisory
21 panel to advise and recommend to the department
22 clinically appropriate, evidence-based best practices
23 regarding the implementation of the medical home
24 as defined in section 135.157 ~~and the prevention and~~
25 ~~chronic care management initiative pursuant to section~~
26 ~~135.161.~~ The director shall act as chairperson of the
27 advisory panel.

28 3. The clinicians advisory panel shall meet on a
29 quarterly basis to receive updates from the director
30 regarding strategic planning and implementation
31 progress on the medical home ~~and the prevention and~~
32 ~~chronic care management initiative~~ and shall provide
33 clinical consultation to the department regarding the
34 medical home ~~and the initiative.~~

35 Sec. 80. Section 136.3, subsection 14, Code 2011,
36 is amended to read as follows:

37 14. Perform those duties authorized pursuant to
38 sections 135.156; and 135.159; ~~and 135.161,~~ and other
39 provisions of law.

40 Sec. 81. REPEAL. Section 135.161, Code 2011, is
41 repealed.

42 Sec. 82. EFFECTIVE DATE. This division of this Act
43 takes effect December 31, 2011.

44 DIVISION IX

45 HEALTH AND HUMAN SERVICES

46 MISCELLANEOUS

47 Sec. 83. Section 29C.20B, Code 2011, is amended to
48 read as follows:

49 29C.20B Disaster case management.

50 1. The ~~rebuild Iowa office~~ homeland security

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1 and emergency management division shall work with
 2 the department of human services and nonprofit,
 3 voluntary, and faith-based organizations active
 4 in disaster recovery and response in coordination
 5 with ~~the homeland security and emergency management~~
 6 ~~division~~ the department of human services to establish
 7 a statewide system of disaster case management to be
 8 activated following the governor's proclamation of
 9 a disaster emergency or the declaration of a major
 10 disaster by the president of the United States for
 11 individual assistance purposes. Under the system, the
 12 ~~department of human services~~ homeland security and
 13 emergency management division shall coordinate case
 14 management services locally through local committees
 15 as established in each local emergency management
 16 commission's emergency plan. ~~Beginning July 1,~~
 17 ~~2011, the department of human services shall assume~~
 18 ~~the duties of the rebuild Iowa office under this~~
 19 ~~subsection.~~

20 2. The ~~department of human services~~ homeland
 21 security and emergency management division, in
 22 conjunction with the ~~rebuild Iowa office, the homeland~~
 23 ~~security and emergency management division~~ department
 24 of human services, and an Iowa representative to
 25 the national voluntary organizations active in
 26 disaster, shall adopt rules pursuant to chapter 17A to
 27 create coordination mechanisms and standards for the
 28 establishment and implementation of a statewide system
 29 of disaster case management which shall include at
 30 least all of the following:

- 31 a. Disaster case management standards.
- 32 b. Disaster case management policies.
- 33 c. Reporting requirements.
- 34 d. Eligibility criteria.
- 35 e. Coordination mechanisms necessary to carry out
 36 the services provided.
- 37 f. Develop formal working relationships with
 38 agencies and create interagency agreements for
 39 those considered to provide disaster case management
 40 services.
- 41 g. Coordination of all available services for
 42 individuals from multiple agencies.

43 Sec. 84. Section 135.106, Code 2011, is amended by
 44 adding the following new subsection:

45 NEW SUBSECTION. 4. It is the intent of the general
 46 assembly that priority for home visitation funding be
 47 given to approaches using evidence-based or promising
 48 models for home visitation.

49 Sec. 85. Section 135C.4, Code 2011, is amended to
 50 read as follows:

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1 135C.4 Residential care facilities.

2 1. Each facility licensed as a residential care
3 facility shall provide an organized continuous
4 twenty-four-hour program of care commensurate with
5 the needs of the residents of the home and under
6 the immediate direction of a person approved and
7 certified by the department whose combined training and
8 supervised experience is such as to ensure adequate and
9 competent care.

10 2. All admissions to residential care facilities
11 shall be based on an order written by a physician
12 certifying that the individual being admitted does
13 not require nursing services or that the individual's
14 need for nursing services can be avoided if home and
15 community-based services, other than nursing care, as
16 defined by this chapter and departmental rule, are
17 provided.

18 3. For the purposes of this section, the home
19 and community-based services to be provided shall
20 be limited to the type included under the medical
21 assistance program provided pursuant to chapter 249A,
22 shall be subject to cost limitations established by
23 the department of human services under the medical
24 assistance program, and except as otherwise provided
25 by the department of inspections and appeals with
26 the concurrence of the department of human services,
27 shall be limited in capacity to the number of licensed
28 residential care facilities and the number of licensed
29 residential care facility beds in the state as of
30 December 1, 2003.

31 4. A residential care facility is not required
32 to admit an individual through court order, referral,
33 or other means if the individual has been arrested,
34 charged, or convicted of assault, a forcible felony,
35 arson, or an offense that requires registration as a
36 sex offender under chapter 692A. The court order,
37 referral, or other documentation for admission of
38 an individual to a residential care facility shall
39 contain sufficient information relating to the criminal
40 history of the individual in order for the facility
41 to make an informed decision about the admittance of
42 the individual. The court order, referral, or other
43 documentation shall be provided to the facility prior
44 to the facility determining whether to admit the
45 individual.

46 Sec. 86. Section 147.136, Code 2011, is amended to
47 read as follows:

48 147.136 Scope of recovery.

49 1. ~~In~~ Except as otherwise provided in subsection 2,
50 in an action for damages for personal injury against

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1 a physician and surgeon, osteopathic physician and
 2 surgeon, dentist, podiatric physician, optometrist,
 3 pharmacist, chiropractor, or nurse licensed to
 4 practice that profession in this state, or against a
 5 hospital licensed for operation in this state, based
 6 on the alleged negligence of the practitioner in the
 7 practice of the profession or occupation, or upon the
 8 alleged negligence of the hospital in patient care,
 9 in which liability is admitted or established, the
 10 damages awarded shall not include actual economic
 11 losses incurred or to be incurred in the future
 12 by the claimant by reason of the personal injury,
 13 including but not limited to, the cost of reasonable
 14 and necessary medical care, rehabilitation services,
 15 and custodial care, and the loss of services and loss
 16 of earned income, to the extent that those losses
 17 are replaced or are indemnified by insurance, or by
 18 governmental, employment, or service benefit programs
 19 or from any other source ~~except the assets of the~~
 20 ~~claimant or of the members of the claimant's immediate~~
 21 ~~family.~~

22 2. This section shall not bar recovery of economic
 23 losses replaced or indemnified by any of the following:

- 24 a. Benefits received under the medical assistance
 25 program under chapter 249A.
 26 b. The assets of the claimant or of the members of
 27 the claimant's immediate family.

28 Sec. 87. Section 153.14, subsection 1, Code 2011,
 29 is amended to read as follows:

30 1. Students of dentistry who practice dentistry
 31 upon patients at clinics in connection with their
 32 regular course of instruction at ~~the state an~~
 33 accredited dental college, students of dental
 34 hygiene who practice upon patients at clinics in
 35 connection with their regular course of instruction
 36 at state-approved schools, and students of dental
 37 assisting who practice upon patients at clinics
 38 in connection with a regular course of instruction
 39 determined by the board pursuant to section 153.39.

40 Sec. 88. NEW SECTION. 155A.43 Pharmaceutical
 41 collection and disposal program — annual allocation.
 42 Of the fees collected pursuant to sections 124.301
 43 and 147.80 and chapter 155A by the board of pharmacy,
 44 and retained by the board pursuant to section 147.82,
 45 not more than one hundred twenty-five thousand
 46 dollars, may be allocated annually by the board for
 47 administering the pharmaceutical collection and
 48 disposal program originally established pursuant to
 49 2009 Iowa Acts, chapter 175, section 9. The program
 50 shall provide for the management and disposal of

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1 unused, excess, and expired pharmaceuticals. The
2 board of pharmacy may cooperate with the Iowa pharmacy
3 association and may consult with the department and
4 sanitary landfill operators in administering the
5 program.

6 Sec. 89. Section 225B.8, Code 2011, is amended to
7 read as follows:

8 225B.8 Repeal.

9 This chapter is repealed July 1, ~~2011~~ 2012.

10 Sec. 90. Section 232.188, subsection 5, paragraph
11 b, unnumbered paragraph 1, Code 2011, is amended to
12 read as follows:

13 Notwithstanding section 8.33, moneys designated for
14 a project's decategorization services funding pool that
15 remain unencumbered or unobligated at the close of the
16 fiscal year shall not revert but shall remain available
17 for expenditure as directed by the project's governance
18 board for child welfare and juvenile justice systems
19 enhancements and other purposes of the project ~~until~~
20 ~~the close of the succeeding fiscal year and for the~~
21 ~~next two succeeding fiscal years.~~ Such moneys shall
22 be known as "carryover funding". Moneys may be made
23 available to a funding pool from one or more of the
24 following sources:

25 Sec. 91. Section 249A.4B, subsection 2, paragraph
26 a, subparagraph (18), Code 2011, is amended to read as
27 follows:

28 (18) The ~~Iowa/Nebraska~~ Iowa primary care
29 association.

30 Sec. 92. REPEAL. Section 135.27A, Code 2011, is
31 repealed December 31, 2011.

32 DIVISION X

33 HEALTH AND HUMAN SERVICES

34 MEDICAID PRESCRIPTION DRUGS

35 Sec. 93. Section 249A.20A, subsection 4, Code 2011,
36 is amended to read as follows:

37 4. With the exception of drugs prescribed for the
38 treatment of human immunodeficiency virus or acquired
39 immune deficiency syndrome, transplantation, or cancer
40 and drugs prescribed for mental illness with the
41 exception of drugs and drug compounds that do not
42 have a significant variation in a therapeutic profile
43 or side effect profile within a therapeutic class,
44 prescribing and dispensing of prescription drugs not
45 included on the preferred drug list shall be subject to
46 prior authorization.

47 Sec. 94. 2010 Iowa Acts, chapter 1031, section 348,
48 is amended to read as follows:

49 SEC. 348. MEDICAID NONPREFERRED DRUG LIST
50 PRESCRIBING.

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1 ~~1.~~ The department shall adopt rules pursuant
 2 to chapter 17A to restrict physicians and other
 3 prescribers to prescribing not more than a 72-hour
 4 or three-day supply of a prescription drug not
 5 included on the medical assistance preferred drug list
 6 while seeking approval to continue prescribing the
 7 medication.

8 ~~2. Notwithstanding subsection 1, the department~~
 9 ~~shall adopt rules pursuant to chapter 17A to restrict a~~
 10 ~~physician or other prescriber prescribing a chemically~~
 11 ~~unique mental health prescription drug to prescribing~~
 12 ~~not more than a seven-day supply of the prescription~~
 13 ~~drug while requesting approval to continue to prescribe~~
 14 ~~the medication. The rules shall provide that if~~
 15 ~~an approval or disapproval is not received by the~~
 16 ~~physician or other prescriber within 48 hours of the~~
 17 ~~request, the request is deemed approved.~~

18 Sec. 95. REPEAL. 2010 Iowa Acts, chapter 1031,
 19 section 349, is repealed.

20 Sec. 96. RESCINDING AND ADOPTION OF RULES. The
 21 department of human services shall rescind the rules
 22 adopted pursuant to 2010 Iowa Acts, chapter 1031,
 23 section 347, chapter 1031, section 348, subsection
 24 2, and chapter 1031, section 349, and shall instead
 25 adopt emergency rules under section 17A.4, subsection
 26 3, and section 17A.5, subsection 2, paragraph "b",
 27 to implement section 249A.20A, as amended in this
 28 division of this Act, and the rules shall be effective
 29 immediately upon filing and retroactively applicable to
 30 January 1, 2011, unless a later date is specified in
 31 the rules. Any rules adopted in accordance with this
 32 section shall also be published as a notice of intended
 33 action as provided in section 17A.4.

34 Sec. 97. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
 35 APPLICABILITY. This division of this Act, being deemed
 36 of immediate importance, takes effect upon enactment
 37 and applies retroactively to January 1, 2011.

38 DIVISION XI

39 HEALTH AND HUMAN SERVICES 40 IOWA FALSE CLAIMS ACT

41 Sec. 98. Section 685.1, subsection 11, Code 2011,
 42 is amended to read as follows:

43 11. "Original source" means an individual who ~~has~~
 44 direct and independent prior to a public disclosure
 45 under section 685.3, subsection 5, paragraph "c", has
 46 voluntarily disclosed to the state the information on
 47 which the allegations or transactions in a claim are
 48 based; or who has knowledge of the information on which
 49 the allegations are based that is independent of and
 50 materially adds to the publicly disclosed allegations

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1 ~~or transactions~~, and has voluntarily provided the
2 information to the state before filing an action under
3 ~~section 685.3 which is based on the information this~~
4 ~~chapter.~~

5 Sec. 99. Section 685.1, Code 2011, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 15. "State" means the state of
8 Iowa.

9 Sec. 100. Section 685.2, subsection 1, unnumbered
10 paragraph 1, Code 2011, is amended to read as follows:

11 A person who commits any of the following acts is
12 liable to the state for a civil penalty of not less
13 than ~~five thousand dollars~~ and not more than ~~ten~~
14 ~~thousand dollars~~ the civil penalty allowed under the
15 federal False Claims Act, as codified in 31 U.S.C. §
16 3729 et seq., as may be adjusted in accordance with
17 the inflation adjustment procedures prescribed in the
18 federal Civil Penalties Inflation Adjustment Act of
19 1990, Pub. L. No. 101-410, for each false or fraudulent
20 claim, plus three times the amount of damages which the
21 state sustains because of the act of that person.

22 Sec. 101. Section 685.3, subsection 5, paragraph
23 c, Code 2011, is amended by striking the paragraph and
24 inserting in lieu thereof the following:

25 c. A court shall dismiss an action or claim
26 under this section, unless opposed by the state, if
27 substantially the same allegations or transactions as
28 alleged in the action or claim were publicly disclosed
29 in a state criminal, civil, or administrative hearing
30 in which the state or an agent of the state is a
31 party; in a state legislative, state auditor, or other
32 state report, hearing, audit, or investigation; or
33 by the news media, unless the action is brought by
34 the attorney general or the qui tam plaintiff is an
35 original source of the information.

36 Sec. 102. Section 685.3, subsection 6, Code 2011,
37 is amended to read as follows:

38 6. a. Any employee, contractor, or agent ~~who~~
39 shall be entitled to all relief necessary to make
40 that employee, contractor, or agent whole, if that
41 employee, contractor, or agent is discharged, demoted,
42 suspended, threatened, harassed, or in any other manner
43 discriminated against in the terms and conditions of
44 employment because of lawful acts ~~performed done~~ by
45 the employee, contractor, or agent ~~on behalf of the~~
46 ~~employee, contractor, or agent~~ or associated others in
47 furtherance of an action under this section or other
48 efforts to stop a violation one or more violations of
49 this chapter, shall be entitled to all relief necessary
50 to make the employee, contractor, or agent whole. Such

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1 ~~relief~~

2 b. Relief under paragraph "a" shall include
 3 reinstatement with the same seniority status ~~such~~
 4 that employee, contractor, or agent would have had
 5 but for the discrimination, two times the amount of
 6 back pay, interest on the back pay, and compensation
 7 for any special damages sustained as a result of
 8 the discrimination, including litigation costs and
 9 reasonable attorney fees. An ~~employee, contractor, or~~
 10 ~~agent may bring an~~ action under this subsection may be
 11 brought in the appropriate district court of the state
 12 for the relief provided in this subsection.

13 c. A civil action under this subsection shall not
 14 be brought more than three years after the date when
 15 the retaliation occurred.

16 DIVISION XII

17 HEALTH AND HUMAN SERVICES

18 VOLUNTEER HEALTH CARE PROVIDER PROGRAM

19 Sec. 103. Section 135.24, subsection 2, paragraphs
 20 b and c, Code 2011, are amended to read as follows:

21 b. Procedures for registration of hospitals, free
 22 clinics, field dental clinics, and specialty health
 23 care provider offices.

24 c. Criteria for and identification of hospitals,
 25 clinics, free clinics, field dental clinics, specialty
 26 health care provider offices, or other health care
 27 facilities, health care referral programs, or
 28 charitable organizations, eligible to participate in
 29 the provision of free medical, dental, chiropractic,
 30 pharmaceutical, nursing, optometric, psychological,
 31 social work, behavioral science, podiatric, physical
 32 therapy, occupational therapy, respiratory therapy, or
 33 emergency medical care services through the volunteer
 34 health care provider program. A hospital, a clinic, a
 35 free clinic, a field dental clinic, a specialty health
 36 care provider office, a health care facility, a health
 37 care referral program, a charitable organization, or
 38 a health care provider participating in the program
 39 shall not bill or charge a patient for any health care
 40 provider service provided under the volunteer health
 41 care provider program.

42 Sec. 104. Section 135.24, Code 2011, is amended by
 43 adding the following new subsection:

44 NEW SUBSECTION. 6A. A hospital providing free care
 45 under this section shall be considered a state agency
 46 solely for the purposes of this section and chapter 669
 47 and shall be afforded protection under chapter 669 as a
 48 state agency for all claims arising from the provision
 49 of free care by a health care provider registered under
 50 subsection 3 who is providing services at the hospital

1 in accordance with this section, if the hospital has
 2 registered with the department pursuant to subsection
 3 1.
 4 Sec. 105. Section 135.24, subsection 7, Code 2011,
 5 is amended by adding the following new paragraph:
 6 NEW PARAGRAPH. 0e. "Hospital" means hospital as
 7 defined in section 135B.1.

8 DIVISION XIII
 9 HEALTH AND HUMAN SERVICES
 10 DEPARTMENT ON AGING — FY 2012–2013

11 Sec. 106. DEPARTMENT ON AGING. There is
 12 appropriated from the general fund of the state to
 13 the department on aging for the fiscal year beginning
 14 July 1, 2012, and ending June 30, 2013, the following
 15 amount, or so much thereof as is necessary, to be used
 16 for the purposes designated:

17 For aging programs for the department on aging and
 18 area agencies on aging to provide citizens of Iowa who
 19 are 60 years of age and older with case management for
 20 frail elders, Iowa's aging and disabilities resource
 21 center, and other services which may include but are
 22 not limited to adult day services, respite care, chore
 23 services, information and assistance, and material aid,
 24 for information and options counseling for persons with
 25 disabilities who are 18 years of age or older, and
 26 for salaries, support, administration, maintenance,
 27 and miscellaneous purposes, and for not more than the
 28 following full-time equivalent positions:

29	\$	8,757,190
30	FTEs	35.00

31 1. Funds appropriated in this section may be used
 32 to supplement federal funds under federal regulations.
 33 To receive funds appropriated in this section, a local
 34 area agency on aging shall match the funds with moneys
 35 from other sources according to rules adopted by the
 36 department. Funds appropriated in this section may be
 37 used for elderly services not specifically enumerated
 38 in this section only if approved by an area agency on
 39 aging for provision of the service within the area.

40 2. The amount appropriated in this section includes
 41 additional funding of \$382,500 for delivery of
 42 long-term care services to older individuals with low
 43 or moderate incomes.

44 3. Of the funds appropriated in this section,
 45 \$152,954 shall be transferred to the department
 46 of economic development for the Iowa commission on
 47 volunteer services to be used for the retired and
 48 senior volunteer program.

49 4. a. The department on aging shall establish and
 50 enforce procedures relating to expenditure of state and

1 federal funds by area agencies on aging that require
2 compliance with both state and federal laws, rules, and
3 regulations, including but not limited to all of the
4 following:

5 (1) Requiring that expenditures are incurred only
6 for goods or services received or performed prior to
7 the end of the fiscal period designated for use of the
8 funds.

9 (2) Prohibiting prepayment for goods or services
10 not received or performed prior to the end of the
11 fiscal period designated for use of the funds.

12 (3) Prohibiting the prepayment for goods or
13 services not defined specifically by good or service,
14 time period, or recipient.

15 (4) Prohibiting the establishment of accounts from
16 which future goods or services which are not defined
17 specifically by good or service, time period, or
18 recipient, may be purchased.

19 b. The procedures shall provide that if any funds
20 are expended in a manner that is not in compliance with
21 the procedures and applicable federal and state laws,
22 rules, and regulations, and are subsequently subject
23 to repayment, the area agency on aging expending such
24 funds in contravention of such procedures, laws, rules
25 and regulations, not the state, shall be liable for
26 such repayment.

27 DIVISION XIV

28 HEALTH AND HUMAN SERVICES

29 DEPARTMENT OF PUBLIC HEALTH — FY 2012–2013

30 Sec. 107. DEPARTMENT OF PUBLIC HEALTH. There is

31 appropriated from the general fund of the state to
32 the department of public health for the fiscal year
33 beginning July 1, 2012, and ending June 30, 2013, the
34 following amounts, or so much thereof as is necessary,
35 to be used for the purposes designated:

36 1. ADDICTIVE DISORDERS

37 For reducing the prevalence of use of tobacco,
38 alcohol, and other drugs, and treating individuals
39 affected by addictive behaviors, including gambling,
40 and for not more than the following full-time
41 equivalent positions:

42	\$	17,597,712
43	FTEs	13.00

44 a. (1) Of the funds appropriated in this
45 subsection, \$385,756 shall be transferred to the
46 alcoholic beverages division of the department of
47 commerce for enforcement of tobacco laws, regulations,
48 and ordinances in accordance with 2011 Iowa Acts, House
49 File 467, as enacted.

50 (2) Implementation of the tobacco use prevention

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1 and control initiative for the fiscal year beginning
2 July 1, 2011, including efforts at the state and local
3 levels, as provided in chapter 142A, shall be limited
4 to the extent of the funding available.

5 b. Of the funds appropriated in this subsection
6 1, \$17,211,956 shall be used for problem gambling and
7 substance abuse prevention, treatment, and recovery
8 services, including a 24-hour helpline, public
9 information resources, professional training, and
10 program evaluation.

11 (1) Of the funds allocated in this paragraph
12 "b", \$14,562,632 shall be used for substance abuse
13 prevention and treatment.

14 (a) Of the funds allocated in this subparagraph
15 (1), \$764,405 shall be used for the public purpose of
16 a grant program to provide substance abuse prevention
17 programming for children.

18 (i) Of the funds allocated in this subparagraph
19 division (a), \$363,408 shall be used for grant funding
20 for organizations that provide programming for
21 children by utilizing mentors. Programs approved for
22 such grants shall be certified or will be certified
23 within six months of receiving the grant award by the
24 Iowa commission on volunteer services as utilizing
25 the standards for effective practice for mentoring
26 programs.

27 (ii) Of the funds allocated in this subparagraph
28 division (a), \$362,813 shall be used for grant
29 funding for organizations that provide programming
30 that includes youth development and leadership. The
31 programs shall also be recognized as being programs
32 that are scientifically based with evidence of their
33 effectiveness in reducing substance abuse in children.

34 (iii) The department of public health shall utilize
35 a request for proposals process to implement the grant
36 program.

37 (iv) All grant recipients shall participate in a
38 program evaluation as a requirement for receiving grant
39 funds.

40 (v) Of the funds allocated in this subparagraph
41 division (a), up to \$38,184 may be used to administer
42 substance abuse prevention grants and for program
43 evaluations.

44 (b) Of the funds allocated in this subparagraph
45 (1), \$232,103 shall be used for culturally competent
46 substance abuse treatment pilot projects.

47 (i) The department shall utilize the amount
48 allocated in this subparagraph division (b) for at
49 least three pilot projects to provide culturally
50 competent substance abuse treatment in various areas

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1 of the state. Each pilot project shall target a
2 particular ethnic minority population. The populations
3 targeted shall include but are not limited to African
4 American, Asian, and Latino.

5 (ii) The pilot project requirements shall provide
6 for documentation or other means to ensure access
7 to the cultural competence approach used by a pilot
8 project so that such approach can be replicated and
9 improved upon in successor programs.

10 (2) Of the funds allocated in this paragraph "b",
11 up to \$2,649,324 may be used for problem gambling
12 prevention, treatment, and recovery services.

13 (a) Of the funds allocated in this subparagraph
14 (2), \$2,192,150 shall be used for problem gambling
15 prevention and treatment.

16 (b) Of the funds allocated in this subparagraph
17 (2), up to \$372,174 may be used for a 24-hour helpline,
18 public information resources, professional training,
19 and program evaluation.

20 (c) Of the funds allocated in this subparagraph
21 (2), up to \$85,000 may be used for the licensing of
22 problem gambling treatment programs.

23 (3) It is the intent of the general assembly that
24 from the moneys allocated in this paragraph "b",
25 persons with a dual diagnosis of substance abuse
26 and gambling addictions shall be given priority in
27 treatment services.

28 c. Notwithstanding any provision of law to the
29 contrary, to standardize the availability, delivery,
30 cost of delivery, and accountability of problem
31 gambling and substance abuse treatment services
32 statewide, the department shall continue implementation
33 of a process to create a system for delivery of
34 treatment services in accordance with the requirements
35 specified in 2008 Iowa Acts, chapter 1187, section
36 3, subsection 4. To ensure the system provides a
37 continuum of treatment services that best meets the
38 needs of Iowans, the problem gambling and substance
39 abuse treatment services in any area may be provided
40 either by a single agency or by separate agencies
41 submitting a joint proposal.

42 (1) The system for delivery of substance abuse
43 and problem gambling treatment shall include problem
44 gambling prevention by July 1, 2012. The department
45 shall submit a proposed legislative bill in accordance
46 with section 2.16, for consideration during the 2012
47 legislative session, addressing any statutory revisions
48 necessary for full implementation of the system.

49 (2) The system for delivery of substance abuse and
50 problem gambling treatment shall include substance

1 abuse prevention by July 1, 2014.

2 (3) Of the funds allocated in paragraph "b", the
3 department may use up to \$85,000 for administrative
4 costs to continue developing and implementing the
5 process in accordance with this paragraph "c".

6 d. The requirement of section 123.53, subsection
7 5, is met by the appropriations and allocations made
8 in the health and human services divisions of this Act
9 for purposes of substance abuse treatment and addictive
10 disorders for the fiscal year beginning July 1, 2012.

11 e. The department of public health shall work
12 with all other departments that fund substance
13 abuse prevention and treatment services and all
14 such departments shall, to the extent necessary,
15 collectively meet the state maintenance of effort
16 requirements for expenditures for substance abuse
17 services as required under the federal substance abuse
18 prevention and treatment block grant.

19 f. The department shall amend or otherwise
20 revise departmental policies and contract provisions
21 in order to eliminate free t-shirt distribution,
22 banner production, and other unnecessary promotional
23 expenditures.

24 2. HEALTHY CHILDREN AND FAMILIES

25 For promoting the optimum health status for
26 children, adolescents from birth through 21 years of
27 age, and families, and for not more than the following
28 full-time equivalent positions:

29	\$	2,205,130
30	FTEs	10.00

31 a. Of the funds appropriated in this subsection,
32 not more than \$628,420 shall be used for the healthy
33 opportunities to experience success (HOPES)-healthy
34 families Iowa (HFI) program established pursuant to
35 section 135.106. The funding shall be distributed to
36 renew the grants that were provided to the grantees
37 that operated the program during the fiscal year ending
38 June 30, 2012.

39 b. Of the funds appropriated in this subsection,
40 \$280,402 shall be used to continue to address the
41 healthy mental development of children from birth
42 through five years of age through local evidence-based
43 strategies that engage both the public and private
44 sectors in promoting healthy development, prevention,
45 and treatment for children.

46 c. Of the funds appropriated in this subsection,
47 \$26,857 shall be distributed to a statewide dental
48 carrier to provide funds to continue the donated dental
49 services program patterned after the projects developed
50 by the lifeline network to provide dental services to

1 indigent elderly and disabled individuals.

2 d. Of the funds appropriated in this subsection,
3 \$95,775 shall be used for childhood obesity prevention.

4 e. Of the funds appropriated in this subsection,
5 \$139,196 shall be used to provide audiological services
6 and hearing aids for children. The department may
7 enter into a contract to administer this paragraph.

8 3. CHRONIC CONDITIONS

9 For serving individuals identified as having chronic
10 conditions or special health care needs, and for not
11 more than the following full-time equivalent positions:

12	\$	2,922,802
13	FTEs	4.00

14 a. Of the funds appropriated in this subsection,
15 \$136,495 shall be used for grants to individual
16 patients who have phenylketonuria (PKU) to assist with
17 the costs of necessary special foods.

18 b. Of the funds appropriated in this subsection,
19 \$411,060 is allocated for continuation of the contracts
20 for resource facilitator services in accordance with
21 section 135.22B, subsection 9, and for brain injury
22 training services and recruiting of service providers
23 to increase the capacity within this state to address
24 the needs of individuals with brain injuries and such
25 individuals' families.

26 c. Of the funds appropriated in this subsection,
27 \$398,543 shall be used as additional funding to
28 leverage federal funding through the federal Ryan
29 White Care Act, Tit. II, AIDS drug assistance program
30 supplemental drug treatment grants.

31 d. Of the funds appropriated in this subsection,
32 \$26,566 shall be used for the public purpose of
33 providing a grant to an existing national-affiliated
34 organization to provide education, client-centered
35 programs, and client and family support for people
36 living with epilepsy and their families.

37 e. Of the funds appropriated in this subsection,
38 \$670,057 shall be used for child health specialty
39 clinics.

40 f. Of the funds appropriated in this subsection,
41 \$604,394 shall be used for the comprehensive cancer
42 control program to reduce the burden of cancer in
43 Iowa through prevention, early detection, effective
44 treatment, and ensuring quality of life. Of the funds
45 allocated in this lettered paragraph, \$309,389 shall
46 be used to support a melanoma research symposium,
47 a melanoma biorepository and registry, basic and
48 translational melanoma research, and clinical trials.

49 g. Of the funds appropriated in this subsection,
50 \$107,483 shall be used for cervical and colon cancer

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1 screening.

2 h. Of the funds appropriated in this subsection,
 3 \$358,515 shall be used for the center for congenital
 4 and inherited disorders.

5 i. Of the funds appropriated in this subsection,
 6 \$110,446 shall be used for the prescription drug
 7 donation repository program created in chapter 135M.

8 4. COMMUNITY CAPACITY

9 For strengthening the health care delivery system at
 10 the local level, and for not more than the following
 11 full-time equivalent positions:

12	\$	3,751,954
13	FTEs	14.00

14 a. Of the funds appropriated in this subsection,
 15 \$85,000 is allocated for a child vision screening
 16 program implemented through the university of Iowa
 17 hospitals and clinics in collaboration with early
 18 childhood Iowa areas.

19 b. Of the funds appropriated in this subsection,
 20 \$94,612 is allocated for continuation of an initiative
 21 implemented at the university of Iowa and \$85,419 is
 22 allocated for continuation of an initiative at the
 23 state mental health institute at Cherokee to expand
 24 and improve the workforce engaged in mental health
 25 treatment and services. The initiatives shall receive
 26 input from the university of Iowa, the department of
 27 human services, the department of public health, and
 28 the mental health, mental retardation, developmental
 29 disabilities, and brain injury commission to address
 30 the focus of the initiatives.

31 c. Of the funds appropriated in this subsection,
 32 \$995,767 shall be used for essential public health
 33 services that promote healthy aging throughout the
 34 lifespan, contracted through a formula for local boards
 35 of health, to enhance health promotion and disease
 36 prevention services.

37 d. Of the funds appropriated in this section,
 38 \$103,544 shall be deposited in the governmental public
 39 health system fund created in section 135A.8 to be used
 40 for the purposes of the fund.

41 e. Of the funds appropriated in this subsection,
 42 \$90,337 shall be used for the mental health
 43 professional shortage area program implemented pursuant
 44 to section 135.80.

45 f. Of the funds appropriated in this subsection,
 46 \$32,524 shall be used for a grant to a statewide
 47 association of psychologists that is affiliated
 48 with the American psychological association to be
 49 used for continuation of a program to rotate intern
 50 psychologists in placements in urban and rural mental

1 health professional shortage areas, as defined in
2 section 135.80.

3 g. Of the funds appropriated in this subsection,
4 the following amounts shall be allocated to the Iowa
5 collaborative safety net provider network established
6 pursuant to section 135.153 to be used for the purposes
7 designated. The following amounts allocated under
8 this lettered paragraph shall be distributed to
9 the specified provider and shall not be reduced for
10 administrative or other costs prior to distribution:

11 (1) For distribution to the Iowa primary care
12 association for statewide coordination of the Iowa
13 collaborative safety net provider network:
14 \$ 99,107

15 (2) For distribution to the local boards of health
16 that provide direct services for pilot programs in
17 three counties to assist patients in determining an
18 appropriate medical home:
19 \$ 58,082

20 (3) For distribution to maternal and child health
21 centers for pilot programs in three counties to assist
22 patients in determining an appropriate medical home:
23 \$ 58,082

24 (4) For distribution to free clinics for necessary
25 infrastructure, statewide coordination, provider
26 recruitment, service delivery, and provision of
27 assistance to patients in determining an appropriate
28 medical home:
29 \$ 96,691

30 (5) For distribution to rural health clinics for
31 necessary infrastructure, statewide coordination,
32 provider recruitment, service delivery, and provision
33 of assistance to patients in determining an appropriate
34 medical home:
35 \$ 86,074

36 (6) For continuation of the safety net provider
37 patient access to specialty health care initiative as
38 described in 2007 Iowa Acts, chapter 218, section 109:
39 \$ 202,657

40 (7) For continuation of the pharmaceutical
41 infrastructure for safety net providers as described in
42 2007 Iowa Acts, chapter 218, section 108:
43 \$ 210,452

44 The Iowa collaborative safety net provider network
45 may continue to distribute funds allocated pursuant to
46 this lettered paragraph through existing contracts or
47 renewal of existing contracts.

48 h. Of the funds appropriated in this subsection,
49 \$85,000 shall be used for continued implementation of
50 the recommendations of the direct care worker task

1 force established pursuant to 2005 Iowa Acts, chapter
2 88, based upon the report submitted to the governor and
3 the general assembly in December 2006. The department
4 may use a portion of the funds allocated in this
5 lettered paragraph for an additional position to assist
6 in the continued implementation.

7 i. Of the funds appropriated in this subsection,
8 \$127,500 shall be used for allocation through a request
9 for proposals process to a statewide direct care worker
10 association for education, outreach, and mentoring
11 intended to enhance the recruitment and retention of
12 direct care workers in health care and long-term care
13 settings. Funding allocated under this paragraph shall
14 not be used by the recipient association for lobbying
15 activities as described in section 689B.36.

16 j. The department may utilize one of the full-time
17 equivalent positions authorized in this subsection for
18 administration of the activities related to the Iowa
19 collaborative safety net provider network.

20 k. Of the funds appropriated in this subsection,
21 the department may use up to \$51,000 for up to one
22 full-time equivalent position to administer the
23 volunteer health care provider program pursuant to
24 section 135.24.

25 l. Of the funds appropriated in this subsection,
26 \$42,500 shall be used for a matching dental education
27 loan repayment program to be allocated to a dental
28 nonprofit health service corporation to develop the
29 criteria and implement the loan repayment program.

30 m. Of the funds appropriated in this subsection,
31 \$309,389 shall be used as state matching funds for
32 the health information network as established by the
33 department of public health.

34 5. HEALTHY AGING

35 To provide public health services that reduce risks
36 and invest in promoting and protecting good health over
37 the course of a lifetime with a priority given to older
38 Iowans and vulnerable populations:

39 \$ 6,202,571

40 a. Of the funds appropriated in this subsection,
41 \$1,707,809 shall be used for local public health
42 nursing services.

43 b. Of the funds appropriated in this subsection,
44 \$4,494,762 shall be used for home care aide services.

45 6. ENVIRONMENTAL HAZARDS

46 For reducing the public's exposure to hazards in the
47 environment, primarily chemical hazards, and for not
48 more than the following full-time equivalent positions:

49 \$ 691,710

50 FTEs 4.00

1 Of the funds appropriated in this subsection,
2 \$462,720 shall be used for childhood lead poisoning
3 provisions.

4 7. INFECTIOUS DISEASES

5 For reducing the incidence and prevalence of
6 communicable diseases, and for not more than the
7 following full-time equivalent positions:

8	\$	1,143,970
9	FTEs	4.00

10 8. PUBLIC PROTECTION

11 For protecting the health and safety of the
12 public through establishing standards and enforcing
13 regulations, and for not more than the following
14 full-time equivalent positions:

15	\$	2,359,797
16	FTEs	125.00

17 a. Of the funds appropriated in this subsection,
18 not more than \$400,936 shall be credited to the
19 emergency medical services fund created in section
20 135.25. Moneys in the emergency medical services fund
21 are appropriated to the department to be used for the
22 purposes of the fund.

23 b. Of the funds appropriated in this subsection,
24 \$179,026 shall be used for sexual violence prevention
25 programming through a statewide organization
26 representing programs serving victims of sexual
27 violence through the department's sexual violence
28 prevention program. The amount allocated in this
29 lettered paragraph shall not be used to supplant
30 funding administered for other sexual violence
31 prevention or victims assistance programs.

32 c. Of the funds appropriated in this subsection,
33 not more than \$371,095 shall be used for the state
34 poison control center.

35 9. RESOURCE MANAGEMENT

36 For establishing and sustaining the overall
37 ability of the department to deliver services to the
38 public, and for not more than the following full-time
39 equivalent positions:

40	\$	696,621
41	FTEs	7.00

42 The university of Iowa hospitals and clinics under
43 the control of the state board of regents shall not
44 receive indirect costs from the funds appropriated in
45 this section. The university of Iowa hospitals and
46 clinics billings to the department shall be on at least
47 a quarterly basis.

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1 Sec. 108. DEPARTMENT OF VETERANS AFFAIRS. There
 2 is appropriated from the general fund of the state to
 3 the department of veterans affairs for the fiscal year
 4 beginning July 1, 2012, and ending June 30, 2013, the
 5 following amounts, or so much thereof as is necessary,
 6 to be used for the purposes designated:
 7 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION
 8 For salaries, support, maintenance, and
 9 miscellaneous purposes, including the war orphans
 10 educational assistance fund created in section
 11 35.8, and for not more than the following full-time
 12 equivalent positions:
 13 \$ 849,007
 14 FTEs 16.34
 15 2. IOWA VETERANS HOME
 16 For salaries, support, maintenance, and
 17 miscellaneous purposes:
 18 \$ 7,609,328
 19 a. The Iowa veterans home billings involving the
 20 department of human services shall be submitted to the
 21 department on at least a monthly basis.
 22 b. If there is a change in the employer of
 23 employees providing services at the Iowa veterans home
 24 under a collective bargaining agreement, such employees
 25 and the agreement shall be continued by the successor
 26 employer as though there had not been a change in
 27 employer.
 28 c. Within available resources and in conformance
 29 with associated state and federal program eligibility
 30 requirements, the Iowa veterans home may implement
 31 measures to provide financial assistance to or on
 32 behalf of veterans or their spouses participating in
 33 the community reentry program.
 34 3. STATE EDUCATIONAL ASSISTANCE — CHILDREN OF
 35 DECEASED VETERANS
 36 For provision of educational assistance pursuant to
 37 section 35.9:
 38 \$ 10,554
 39 Sec. 109. LIMITATION OF COUNTY
 40 COMMISSION OF VETERANS AFFAIRS FUND STANDING
 41 APPROPRIATIONS. Notwithstanding the standing
 42 appropriation in the following designated section for
 43 the fiscal year beginning July 1, 2012, and ending June
 44 30, 2013, the amounts appropriated from the general
 45 fund of the state pursuant to that section for the
 46 following designated purposes shall not exceed the
 47 following amount:
 48 For the county commissions of veterans affairs fund
 49 under section 35A.16:
 50 \$ 841,500

1 DIVISION XVI
 2 HEALTH AND HUMAN SERVICES
 3 DEPARTMENT OF HUMAN SERVICES — FY 2012–2013
 4 Sec. 110. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

5 BLOCK GRANT. There is appropriated from the fund
 6 created in section 8.41 to the department of human
 7 services for the fiscal year beginning July 1, 2012,
 8 and ending June 30, 2013, from moneys received under
 9 the federal temporary assistance for needy families
 10 (TANF) block grant pursuant to the federal Personal
 11 Responsibility and Work Opportunity Reconciliation
 12 Act of 1996, Pub. L. No. 104-193, and successor
 13 legislation, and from moneys received under the
 14 emergency contingency fund for temporary assistance
 15 for needy families state program established pursuant
 16 to the federal American Recovery and Reinvestment
 17 Act of 2009, Pub. L. No. 111-5 § 2101, and successor
 18 legislation, the following amounts, or so much
 19 thereof as is necessary, to be used for the purposes
 20 designated:

- | | | |
|--|----|------------|
| 21 1. To be credited to the family investment program
22 account and used for assistance under the family
23 investment program under chapter 239B: | \$ | 18,275,627 |
| 24 | | |
| 25 2. To be credited to the family investment program
26 account and used for the job opportunities and
27 basic skills (JOBS) program and implementing family
28 investment agreements in accordance with chapter 239B: | \$ | 10,549,799 |
| 29 | | |
| 30 3. To be used for the family development and
31 self-sufficiency grant program in accordance with
32 section 216A.107: | \$ | 2,464,133 |
| 33 | | |
| 34 Notwithstanding section 8.33, moneys appropriated in
35 this subsection that remain unencumbered or unobligated
36 at the close of the fiscal year shall not revert but
37 shall remain available for expenditure for the purposes
38 designated until the close of the succeeding fiscal
39 year. However, unless such moneys are encumbered or
40 obligated on or before September 30, 2013, the moneys
41 shall revert. | | |
| 42 4. For field operations: | \$ | 26,601,797 |
| 43 | | |
| 44 5. For general administration: | \$ | 3,182,400 |
| 45 | | |
| 46 6. For state child care assistance: | \$ | 13,925,284 |
| 47 | | |

48 The funds appropriated in this subsection shall be
 49 transferred to the child care and development block
 50 grant appropriation made by the Eighty-fourth General

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1 Assembly, 2012 Session, for the federal fiscal year
 2 beginning October 1, 2012, and ending September 30,
 3 2013. Of this amount, \$170,000 shall be used for
 4 provision of educational opportunities to registered
 5 child care home providers in order to improve services
 6 and programs offered by this category of providers and
 7 to increase the number of providers. The department
 8 may contract with institutions of higher education or
 9 child care resource and referral centers to provide the
 10 educational opportunities. Allowable administrative
 11 costs under the contracts shall not exceed 5 percent.
 12 The application for a grant shall not exceed two pages
 13 in length.

14 7. For mental health and developmental disabilities
 15 community services: \$ 4,159,944

16 \$ 4,159,944

17 8. For child and family services: \$ 27,271,766

18 \$ 27,271,766

19 9. For child abuse prevention grants: \$ 106,250

20 \$ 106,250

21 10. For pregnancy prevention grants on the
 22 condition that family planning services are funded: \$ 1,640,557

23 \$ 1,640,557

24 Pregnancy prevention grants shall be awarded
 25 to pregnancy prevention programs that are based
 26 on existing models that have demonstrated positive
 27 outcomes. Grants shall comply with the requirements
 28 provided in 1997 Iowa Acts, chapter 208, section 14,
 29 subsections 1 and 2, including the requirement that
 30 grant programs must emphasize sexual abstinence.
 31 Priority in the awarding of grants shall be given
 32 to programs that serve areas of the state which
 33 demonstrate the highest percentage of unplanned
 34 pregnancies of females of childbearing age within the
 35 geographic area to be served by the grant.

36 11. For technology needs and other resources
 37 necessary to meet federal welfare reform reporting,
 38 tracking, and case management requirements: \$ 881,608

39 \$ 881,608

40 12. To be credited to the state child care
 41 assistance appropriation made in this section to be
 42 used for funding of community-based early childhood
 43 programs targeted to children from birth through five
 44 years of age developed by early childhood Iowa areas as
 45 provided in section 256I.11: \$ 5,397,500

46 \$ 5,397,500

47 The department shall transfer TANF block grant
 48 funding appropriated and allocated in this subsection
 49 to the child care and development block grant
 50 appropriation in accordance with federal law as

1 necessary to comply with the provisions of this
 2 subsection.
 3 13. a. Notwithstanding any provision to the
 4 contrary, including but not limited to requirements
 5 in section 8.41 or provisions in 2011 or 2012 Iowa
 6 Acts regarding the receipt and appropriation of
 7 federal block grants, federal funds from the emergency
 8 contingency fund for temporary assistance for needy
 9 families state program established pursuant to the
 10 federal American Recovery and Reinvestment Act of
 11 2009, Pub. L. No. 111-5 § 2101, received by the state
 12 during the fiscal year beginning July 1, 2011, and
 13 ending June 30, 2012, not otherwise appropriated in
 14 this section and remaining available as of July 1,
 15 2012, and received by the state during the fiscal year
 16 beginning July 1, 2012, and ending June 30, 2013, are
 17 appropriated to the extent as may be necessary to be
 18 used in the following priority order: the family
 19 investment program for the fiscal year and for state
 20 child care assistance program payments for individuals
 21 enrolled in the family investment program who are
 22 employed. The federal funds appropriated in this
 23 paragraph “a” shall be expended only after all other
 24 funds appropriated in subsection 1 for the assistance
 25 under the family investment program under chapter 239B
 26 have been expended.

27 b. The department shall, on a quarterly basis,
 28 advise the legislative services agency and department
 29 of management of the amount of funds appropriated in
 30 this subsection that was expended in the prior quarter.

31 14. Of the amounts appropriated in this section,
 32 \$11,017,707 for the fiscal year beginning July 1,
 33 2012, shall be transferred to the appropriation of
 34 the federal social services block grant made for that
 35 fiscal year.

36 15. For continuation of the program allowing the
 37 department to maintain categorical eligibility for the
 38 food assistance program as required under the section
 39 of this division of this Act relating to the family
 40 investment account:

41 \$ 124,161

42 16. The department may transfer funds allocated
 43 in this section to the appropriations made in this
 44 division of this Act for general administration and
 45 field operations for resources necessary to implement
 46 and operate the services referred to in this section
 47 and those funded in the appropriation made in this
 48 division of this Act for the family investment program
 49 from the general fund of the state.

50 Sec. 111. FAMILY INVESTMENT PROGRAM ACCOUNT.

1 1. Moneys credited to the family investment program
2 (FIP) account for the fiscal year beginning July
3 1, 2012, and ending June 30, 2013, shall be used to
4 provide assistance in accordance with chapter 239B.

5 2. The department may use a portion of the moneys
6 credited to the FIP account under this section as
7 necessary for salaries, support, maintenance, and
8 miscellaneous purposes.

9 3. The department may transfer funds allocated in
10 this section to the appropriations in this division
11 of this Act for general administration and field
12 operations for resources necessary to implement and
13 operate the services referred to in this section and
14 those funded in the appropriation made in this division
15 of this Act for the family investment program from the
16 general fund of the state.

17 4. Moneys appropriated in this division of this Act
18 and credited to the FIP account for the fiscal year
19 beginning July 1, 2012, and ending June 30, 2013, are
20 allocated as follows:

21 a. To be retained by the department of human
22 services to be used for coordinating with the
23 department of human rights to more effectively serve
24 participants in the FIP program and other shared
25 clients and to meet federal reporting requirements
26 under the federal temporary assistance for needy
27 families block grant:
28 \$ 17,000

29 b. To the department of human rights for staffing,
30 administration, and implementation of the family
31 development and self-sufficiency grant program in
32 accordance with section 216A.107:
33 \$ 4,541,409

34 (1) Of the funds allocated for the family
35 development and self-sufficiency grant program in this
36 lettered paragraph, not more than 5 percent of the
37 funds shall be used for the administration of the grant
38 program.

39 (2) The department of human rights may continue to
40 implement the family development and self-sufficiency
41 grant program statewide during fiscal year 2012–2013.

42 c. For the diversion subaccount of the FIP account:
43 \$ 1,443,640

44 A portion of the moneys allocated for the subaccount
45 may be used for field operations salaries, data
46 management system development, and implementation
47 costs and support deemed necessary by the director of
48 human services in order to administer the FIP diversion
49 program.

50 d. For the food stamp employment and training

1 program:

2 \$ 56,600

3 (1) The department shall amend the food stamp
4 employment and training state plan in order to maximize
5 to the fullest extent permitted by federal law the
6 use of the 50-50 match provisions for the claiming
7 of allowable federal matching funds from the United
8 States department of agriculture pursuant to the
9 federal food stamp employment and training program for
10 providing education, employment, and training services
11 for eligible food assistance program participants,
12 including but not limited to related dependent care and
13 transportation expenses.

14 (2) The department shall continue the categorical
15 federal food assistance program eligibility at 160
16 percent of the federal poverty level and continue to
17 eliminate the asset test from eligibility requirements,
18 consistent with federal food assistance program
19 requirements. The department shall include as many
20 food assistance households as is allowed by federal
21 law. The eligibility provisions shall conform to all
22 federal requirements including requirements addressing
23 individuals who are incarcerated or otherwise
24 ineligible.

25 e. For the JOBS program:
26 \$ 17,200,519

27 5. Of the child support collections assigned under
28 FIP, an amount equal to the federal share of support
29 collections shall be credited to the child support
30 recovery appropriation made in this division of this
31 Act. Of the remainder of the assigned child support
32 collections received by the child support recovery
33 unit, a portion shall be credited to the FIP account,
34 a portion may be used to increase recoveries, and a
35 portion may be used to sustain cash flow in the child
36 support payments account. If as a consequence of the
37 appropriations and allocations made in this section
38 the resulting amounts are insufficient to sustain
39 cash assistance payments and meet federal maintenance
40 of effort requirements, the department shall seek
41 supplemental funding. If child support collections
42 assigned under FIP are greater than estimated or are
43 otherwise determined not to be required for maintenance
44 of effort, the state share of either amount may be
45 transferred to or retained in the child support payment
46 account.

47 6. The department may adopt emergency rules for
48 the family investment, JOBS, food stamp, and medical
49 assistance programs if necessary to comply with federal
50 requirements.

1 Sec. 112. FAMILY INVESTMENT PROGRAM GENERAL
2 FUND. There is appropriated from the general fund of
3 the state to the department of human services for the
4 fiscal year beginning July 1, 2012, and ending June 30,
5 2013, the following amount, or so much thereof as is
6 necessary, to be used for the purpose designated:
7 To be credited to the family investment program
8 (FIP) account and used for family investment program
9 assistance under chapter 239B:
10 \$ 42,645,373
11 1. Of the funds appropriated in this section,
12 \$6,650,720 is allocated for the JOBS program.
13 2. Of the funds appropriated in this section,
14 \$2,094,276 is allocated for the family development and
15 self-sufficiency grant program.
16 3. Notwithstanding section 8.39, for the fiscal
17 year beginning July 1, 2012, if necessary to meet
18 federal maintenance of effort requirements or to
19 transfer federal temporary assistance for needy
20 families block grant funding to be used for purposes
21 of the federal social services block grant or to meet
22 cash flow needs resulting from delays in receiving
23 federal funding or to implement, in accordance with
24 this division of this Act, activities currently funded
25 with juvenile court services, county, or community
26 moneys and state moneys used in combination with such
27 moneys, the department of human services may transfer
28 funds within or between any of the appropriations made
29 in this division of this Act and appropriations in law
30 for the federal social services block grant to the
31 department for the following purposes, provided that
32 the combined amount of state and federal temporary
33 assistance for needy families block grant funding for
34 each appropriation remains the same before and after
35 the transfer:
36 a. For the family investment program.
37 b. For child care assistance.
38 c. For child and family services.
39 d. For field operations.
40 e. For general administration.
41 f. MH/MR/DD/BI community services (local purchase).
42 This subsection shall not be construed to prohibit
43 the use of existing state transfer authority for other
44 purposes. The department shall report any transfers
45 made pursuant to this subsection to the legislative
46 services agency.
47 4. Of the funds appropriated in this section,
48 \$166,326 shall be used for continuation of a grant to
49 an Iowa-based nonprofit organization with a history
50 of providing tax preparation assistance to low-income

1 Iowans in order to expand the usage of the earned
2 income tax credit. The purpose of the grant is to
3 supply this assistance to underserved areas of the
4 state.

5 Sec. 113. CHILD SUPPORT RECOVERY. There is
6 appropriated from the general fund of the state to
7 the department of human services for the fiscal year
8 beginning July 1, 2012, and ending June 30, 2013, the
9 following amount, or so much thereof as is necessary,
10 to be used for the purposes designated:

11 For child support recovery, including salaries,
12 support, maintenance, and miscellaneous purposes, and
13 for not more than the following full-time equivalent
14 positions:

15	\$	11,087,783
16	FTEs	475.00

17 1. The department shall expend up to \$20,680,
18 including federal financial participation, for the
19 fiscal year beginning July 1, 2012, for a child support
20 public awareness campaign. The department and the
21 office of the attorney general shall cooperate in
22 continuation of the campaign. The public awareness
23 campaign shall emphasize, through a variety of media
24 activities, the importance of maximum involvement of
25 both parents in the lives of their children as well as
26 the importance of payment of child support obligations.

27 2. Federal access and visitation grant moneys shall
28 be issued directly to private not-for-profit agencies
29 that provide services designed to increase compliance
30 with the child access provisions of court orders,
31 including but not limited to neutral visitation sites
32 and mediation services.

33 3. The appropriation made to the department for
34 child support recovery may be used throughout the
35 fiscal year in the manner necessary for purposes of
36 cash flow management, and for cash flow management
37 purposes the department may temporarily draw more
38 than the amount appropriated, provided the amount
39 appropriated is not exceeded at the close of the fiscal
40 year.

41 4. With the exception of the funding amount
42 specified, the requirements established under 2001
43 Iowa Acts, chapter 191, section 3, subsection 5,
44 paragraph "c", subparagraph (3), shall be applicable
45 to parental obligation pilot projects for the fiscal
46 year beginning July 1, 2012, and ending June 30,
47 2013. Notwithstanding 441 IAC 100.8, providing for
48 termination of rules relating to the pilot projects,
49 the rules shall remain in effect until June 30, 2013.

50 Sec. 114. HEALTH CARE TRUST FUND — MEDICAL

1 ASSISTANCE. Any funds remaining in the health
 2 care trust fund created in section 453A.35A for the
 3 fiscal year beginning July 1, 2012, and ending June
 4 30, 2013, are appropriated to the department of
 5 human services to supplement the medical assistance
 6 program appropriations made in the health and human
 7 services divisions of this Act, for medical assistance
 8 reimbursement and associated costs, including
 9 program administration and costs associated with
 10 implementation.

11 Sec. 115. MEDICAL ASSISTANCE. There is
 12 appropriated from the general fund of the state to
 13 the department of human services for the fiscal year
 14 beginning July 1, 2012, and ending June 30, 2013, the
 15 following amount, or so much thereof as is necessary,
 16 to be used for the purpose designated:

17 For medical assistance reimbursement and associated
 18 costs as specifically provided in the reimbursement
 19 methodologies in effect on June 30, 2012, except as
 20 otherwise expressly authorized by law, including
 21 reimbursement for abortion services which shall be
 22 available under the medical assistance program only for
 23 those abortions which are medically necessary:

24 \$ 907,162,189

25 1. Medically necessary abortions are those
 26 performed under any of the following conditions:
 27 a. The attending physician certifies that
 28 continuing the pregnancy would endanger the life of the
 29 pregnant woman.

30 b. Any spontaneous abortion, commonly known as a
 31 miscarriage, if not all of the products of conception
 32 are expelled.

33 2. The department shall utilize not more than
 34 \$60,000 of the funds appropriated in this section
 35 to continue the AIDS/HIV health insurance premium
 36 payment program as established in 1992 Iowa Acts,
 37 Second Extraordinary Session, chapter 1001, section
 38 409, subsection 6. Of the funds allocated in this
 39 subsection, not more than \$5,000 may be expended for
 40 administrative purposes.

41 3. Of the funds appropriated in the department of
 42 public health division of this Act to the department of
 43 public health for addictive disorders for FY 2012–2013,
 44 \$950,000 for the fiscal year beginning July 1, 2012,
 45 shall be transferred to the department of human
 46 services for an integrated substance abuse managed care
 47 system. The department shall not assume management
 48 of the substance abuse system in place of the managed
 49 care contractor unless such a change in approach is
 50 specifically authorized in law. The departments of

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1 human services and public health shall work together
2 to maintain the level of mental health and substance
3 abuse services provided by the managed care contractor
4 through the Iowa plan for behavioral health. Each
5 department shall take the steps necessary to continue
6 the federal waivers as necessary to maintain the level
7 of services.

8 4. a. The department shall aggressively pursue
9 options for providing medical assistance or other
10 assistance to individuals with special needs who become
11 ineligible to continue receiving services under the
12 early and periodic screening, diagnostic, and treatment
13 program under the medical assistance program due
14 to becoming 21 years of age who have been approved
15 for additional assistance through the department's
16 exception to policy provisions, but who have health
17 care needs in excess of the funding available through
18 the exception to policy provisions.

19 b. Of the funds appropriated in this section,
20 \$100,000 shall be used for participation in one or more
21 pilot projects operated by a private provider to allow
22 the individual or individuals to receive service in the
23 community in accordance with principles established in
24 *Olmstead v. L.C.*, 527 U.S. 581 (1999), for the purpose
25 of providing medical assistance or other assistance to
26 individuals with special needs who become ineligible
27 to continue receiving services under the early and
28 periodic screening, diagnosis, and treatment program
29 under the medical assistance program due to becoming
30 21 years of age who have been approved for additional
31 assistance through the department's exception to policy
32 provisions, but who have health care needs in excess
33 of the funding available through the exception to the
34 policy provisions.

35 5. Of the funds appropriated in this section, up to
36 \$3,050,082 may be transferred to the field operations
37 or general administration appropriations in this
38 division of this Act for operational costs associated
39 with Part D of the federal Medicare Prescription Drug
40 Improvement and Modernization Act of 2003, Pub. L. No.
41 108-173.

42 6. Of the funds appropriated in this section, up
43 to \$442,100 may be transferred to the appropriation
44 in this division of this Act for medical contracts
45 to be used for clinical assessment services and prior
46 authorization of services.

47 7. A portion of the funds appropriated in this
48 section may be transferred to the appropriations in
49 this division of this Act for general administration,
50 medical contracts, the children's health insurance

1 program, or field operations to be used for the
 2 state match cost to comply with the payment error
 3 rate measurement (PERM) program for both the medical
 4 assistance and children’s health insurance programs
 5 as developed by the centers for Medicare and Medicaid
 6 services of the United States department of health and
 7 human services to comply with the federal Improper
 8 Payments Information Act of 2002, Pub. L. No. 107-300.

9 8. It is the intent of the general assembly
 10 that the department continue to implement the
 11 recommendations of the assuring better child health
 12 and development initiative II (ABCDII) clinical panel
 13 to the Iowa early and periodic screening, diagnostic,
 14 and treatment services healthy mental development
 15 collaborative board regarding changes to billing
 16 procedures, codes, and eligible service providers.

17 9. Of the funds appropriated in this section,
 18 a sufficient amount is allocated to supplement
 19 the incomes of residents of nursing facilities,
 20 intermediate care facilities for persons with mental
 21 illness, and intermediate care facilities for persons
 22 with mental retardation, with incomes of less than \$50
 23 in the amount necessary for the residents to receive a
 24 personal needs allowance of \$50 per month pursuant to
 25 section 249A.30A.

26 10. Of the funds appropriated in this section,
 27 the following amounts shall be transferred to the
 28 appropriations made in this division of this Act for
 29 the state mental health institutes:

- 30 a. Cherokee mental health institute..... \$
- 31 9,098,425
- 32 b. Clarinda mental health institute..... \$
- 33 1,977,305
- 34 c. Independence mental health institute..... \$
- 35 9,045,894
- 36 d. Mount Pleasant mental health institute..... \$
- 37 5,752,587

38 11. a. Of the funds appropriated in this section,
 39 \$7,425,684 is allocated for the state match for a
 40 disproportionate share hospital payment of \$19,133,430
 41 to hospitals that meet both of the conditions specified
 42 in subparagraphs (1) and (2). In addition, the
 43 hospitals that meet the conditions specified shall
 44 either certify public expenditures or transfer to
 45 the medical assistance program an amount equal to
 46 provide the nonfederal share for a disproportionate
 47 share hospital payment of \$7,500,000. The hospitals
 48 that meet the conditions specified shall receive and
 49 retain 100 percent of the total disproportionate share
 50 hospital payment of \$26,633,430.

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1 (1) The hospital qualifies for disproportionate
2 share and graduate medical education payments.
3 (2) The hospital is an Iowa state-owned hospital
4 with more than 500 beds and eight or more distinct
5 residency specialty or subspecialty programs recognized
6 by the American college of graduate medical education.
7 b. Distribution of the disproportionate share
8 payments shall be made on a monthly basis. The total
9 amount of disproportionate share payments including
10 graduate medical education, enhanced disproportionate
11 share, and Iowa state-owned teaching hospital payments
12 shall not exceed the amount of the state's allotment
13 under Pub. L. No. 102-234. In addition, the total
14 amount of all disproportionate share payments shall not
15 exceed the hospital-specific disproportionate share
16 limits under Pub. L. No. 103-66.
17 12. The university of Iowa hospitals and clinics
18 shall either certify public expenditures or transfer to
19 the medical assistance appropriation an amount equal
20 to provide the nonfederal share for increased medical
21 assistance payments for inpatient and outpatient
22 hospital services of \$9,900,000. The university of
23 Iowa hospitals and clinics shall receive and retain 100
24 percent of the total increase in medical assistance
25 payments.
26 13. Of the funds appropriated in this section,
27 up to \$4,480,304 may be transferred to the IowaCare
28 account created in section 249J.24.
29 14. Of the funds appropriated in this section,
30 \$200,000 shall be used for the Iowa chronic care
31 consortium pursuant to 2003 Iowa Acts, chapter 112,
32 section 12, as amended by 2003 Iowa Acts, chapter 179,
33 sections 166 and 167.
34 15. One hundred percent of the nonfederal share of
35 payments to area education agencies that are medical
36 assistance providers for medical assistance-covered
37 services provided to medical assistance-covered
38 children, shall be made from the appropriation made in
39 this section.
40 16. Any new or renewed contract entered into by the
41 department with a third party to administer behavioral
42 health services under the medical assistance program
43 shall provide that any interest earned on payments
44 from the state during the state fiscal year shall be
45 remitted to the department and treated as recoveries to
46 offset the costs of the medical assistance program.
47 17. The department shall continue to implement the
48 provisions in 2007 Iowa Acts, chapter 218, section
49 124 and section 126, as amended by 2008 Iowa Acts,
50 chapter 1188, section 55, relating to eligibility for

1 certain persons with disabilities under the medical
2 assistance program in accordance with the federal
3 family opportunity Act.

4 18. A portion of the funds appropriated in this
5 section may be transferred to the appropriation in this
6 division of this Act for medical contracts to be used
7 for administrative activities associated with the money
8 follows the person demonstration project.

9 19. Of the funds appropriated in this section,
10 \$349,011 shall be used for the administration of the
11 health insurance premium payment program, including
12 salaries, support, maintenance, and miscellaneous
13 purposes for the fiscal year beginning July 1, 2012.

14 20. Notwithstanding any provision of law to the
15 contrary, the department of human services shall
16 continue implementation of the amended section 1915(b)
17 waiver and Iowa plan contract for inclusion of remedial
18 services under the Iowa plan contract for the fiscal
19 year beginning July 1, 2012.

20 Sec. 116. MEDICAL CONTRACTS. There is appropriated
21 from the general fund of the state to the department of
22 human services for the fiscal year beginning July 1,
23 2012, and ending June 30, 2013, the following amount,
24 or so much thereof as is necessary, to be used for the
25 purpose designated:

26 For medical contracts:
27 \$ 4,950,267

28 The department of inspections and appeals shall
29 provide all state matching funds for survey and
30 certification activities performed by the department
31 of inspections and appeals. The department of human
32 services is solely responsible for distributing the
33 federal matching funds for such activities.

34 Sec. 117. STATE SUPPLEMENTARY ASSISTANCE.

35 1. There is appropriated from the general fund of
36 the state to the department of human services for the
37 fiscal year beginning July 1, 2012, and ending June 30,
38 2013, the following amount, or so much thereof as is
39 necessary, to be used for the purpose designated:

40 For the state supplementary assistance program:
41 \$ 14,323,135

42 2. The department shall increase the personal needs
43 allowance for residents of residential care facilities
44 by the same percentage and at the same time as federal
45 supplemental security income and federal social
46 security benefits are increased due to a recognized
47 increase in the cost of living. The department may
48 adopt emergency rules to implement this subsection.

49 3. If during the fiscal year beginning July 1,
50 2012, the department projects that state supplementary

1 assistance expenditures for a calendar year will not
 2 meet the federal pass-through requirement specified
 3 in Tit. XVI of the federal Social Security Act,
 4 section 1618, as codified in 42 U.S.C. § 1382g,
 5 the department may take actions including but not
 6 limited to increasing the personal needs allowance
 7 for residential care facility residents and making
 8 programmatic adjustments or upward adjustments of the
 9 residential care facility or in-home health-related
 10 care reimbursement rates prescribed in this division of
 11 this Act to ensure that federal requirements are met.
 12 In addition, the department may make other programmatic
 13 and rate adjustments necessary to remain within the
 14 amount appropriated in this section while ensuring
 15 compliance with federal requirements. The department
 16 may adopt emergency rules to implement the provisions
 17 of this subsection.

18 Sec. 118. CHILDREN'S HEALTH INSURANCE
 19 PROGRAM. There is appropriated from the general
 20 fund of the state to the department of human services
 21 for the fiscal year beginning July 1, 2012, and ending
 22 June 30, 2013, the following amount, or so much thereof
 23 as is necessary, to be used for the purpose designated:

24 For maintenance of the healthy and well kids in Iowa
 25 (hawk-i) program pursuant to chapter 514I, including
 26 supplemental dental services, for receipt of federal
 27 financial participation under Tit. XXI of the federal
 28 Social Security Act, which creates the children's
 29 health insurance program:
 30 \$ 27,775,579

31 Sec. 119. CHILD CARE ASSISTANCE. There is
 32 appropriated from the general fund of the state to
 33 the department of human services for the fiscal year
 34 beginning July 1, 2012, and ending June 30, 2013, the
 35 following amount, or so much thereof as is necessary,
 36 to be used for the purpose designated:

37 For child care programs:
 38 \$ 46,952,013

- 39 1. Of the funds appropriated in this section,
 40 \$44,088,000 shall be used for state child care
 41 assistance in accordance with section 237A.13.
 42 2. Nothing in this section shall be construed or
 43 is intended as or shall imply a grant of entitlement
 44 for services to persons who are eligible for assistance
 45 due to an income level consistent with the waiting
 46 list requirements of section 237A.13. Any state
 47 obligation to provide services pursuant to this section
 48 is limited to the extent of the funds appropriated in
 49 this section.
 50 3. Of the funds appropriated in this section,

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1 \$367,585 is allocated for the statewide program for
2 child care resource and referral services under section
3 237A.26. A list of the registered and licensed child
4 care facilities operating in the area served by a
5 child care resource and referral service shall be made
6 available to the families receiving state child care
7 assistance in that area.

8 4. Of the funds appropriated in this section,
9 \$796,428 is allocated for child care quality
10 improvement initiatives including but not limited to
11 the voluntary quality rating system in accordance with
12 section 237A.30.

13 5. The department may use any of the funds
14 appropriated in this section as a match to obtain
15 federal funds for use in expanding child care
16 assistance and related programs. For the purpose of
17 expenditures of state and federal child care funding,
18 funds shall be considered obligated at the time
19 expenditures are projected or are allocated to the
20 department's service areas. Projections shall be based
21 on current and projected caseload growth, current and
22 projected provider rates, staffing requirements for
23 eligibility determination and management of program
24 requirements including data systems management,
25 staffing requirements for administration of the
26 program, contractual and grant obligations and any
27 transfers to other state agencies, and obligations for
28 decategorization or innovation projects.

29 6. A portion of the state match for the federal
30 child care and development block grant shall be
31 provided as necessary to meet federal matching
32 funds requirements through the state general fund
33 appropriation made for child development grants and
34 other programs for at-risk children in section 279.51.

35 7. If a uniform reduction ordered by the governor
36 under section 8.31 or other operation of law,
37 transfer, or federal funding reduction reduces the
38 appropriation made in this section for the fiscal year,
39 the percentage reduction in the amount paid out to or
40 on behalf of the families participating in the state
41 child care assistance program shall be equal to or
42 less than the percentage reduction made for any other
43 purpose payable from the appropriation made in this
44 section and the federal funding relating to it. The
45 percentage reduction to the other allocations made in
46 this section shall be the same as the uniform reduction
47 ordered by the governor or the percentage change of the
48 federal funding reduction, as applicable. If there is
49 an unanticipated increase in federal funding provided
50 for state child care assistance, the entire amount

1 of the increase shall be used for state child care
 2 assistance payments. If the appropriations made for
 3 purposes of the state child care assistance program for
 4 the fiscal year are determined to be insufficient, it
 5 is the intent of the general assembly to appropriate
 6 sufficient funding for the fiscal year in order to
 7 avoid establishment of waiting list requirements.

8 8. Notwithstanding section 8.33, moneys
 9 appropriated in this section or received from the
 10 federal appropriations made for the purposes of this
 11 section that remain unencumbered or unobligated at the
 12 close of the fiscal year shall not revert to any fund
 13 but shall remain available for expenditure for the
 14 purposes designated until the close of the succeeding
 15 fiscal year.

16 Sec. 120. JUVENILE INSTITUTIONS. There is
 17 appropriated from the general fund of the state to
 18 the department of human services for the fiscal year
 19 beginning July 1, 2012, and ending June 30, 2013, the
 20 following amounts, or so much thereof as is necessary,
 21 to be used for the purposes designated:

22 1. For operation of the Iowa juvenile home at
 23 Toledo and for salaries, support, maintenance, and
 24 miscellaneous purposes, and for not more than the
 25 following full-time equivalent positions:
 26 \$ 7,019,513
 27 FTEs 114.00

28 2. For operation of the state training school at
 29 Eldora and for salaries, support, maintenance, and
 30 miscellaneous purposes, and for not more than the
 31 following full-time equivalent positions:
 32 \$ 9,042,875
 33 FTEs 164.30

34 Of the funds appropriated in this subsection,
 35 \$77,478 shall be used for distribution to licensed
 36 classroom teachers at this and other institutions under
 37 the control of the department of human services based
 38 upon the average student yearly enrollment at each
 39 institution as determined by the department.

40 3. A portion of the moneys appropriated in this
 41 section shall be used by the state training school and
 42 by the Iowa juvenile home for grants for adolescent
 43 pregnancy prevention activities at the institutions in
 44 the fiscal year beginning July 1, 2012.

45 Sec. 121. CHILD AND FAMILY SERVICES.

46 1. There is appropriated from the general fund of
 47 the state to the department of human services for the
 48 fiscal year beginning July 1, 2012, and ending June 30,
 49 2013, the following amount, or so much thereof as is
 50 necessary, to be used for the purpose designated:

1 For child and family services:
2 \$ 69,981,332

3 2. In order to address a reduction of \$5,200,000
4 from the amount allocated under the appropriation made
5 for the purposes of this section in prior years for
6 purposes of juvenile delinquent graduated sanction
7 services, up to \$4,420,000 of the amount of federal
8 temporary assistance for needy families block grant
9 funding appropriated in this division of this Act for
10 child and family services shall be made available for
11 purposes of juvenile delinquent graduated sanction
12 services.

13 3. The department may transfer funds appropriated
14 in this section as necessary to pay the nonfederal
15 costs of services reimbursed under the medical
16 assistance program, state child care assistance
17 program, or the family investment program which are
18 provided to children who would otherwise receive
19 services paid under the appropriation in this section.
20 The department may transfer funds appropriated in this
21 section to the appropriations made in this division
22 of this Act for general administration and for field
23 operations for resources necessary to implement and
24 operate the services funded in this section.

25 4. a. Of the funds appropriated in this section,
26 up to \$25,643,760 is allocated as the statewide
27 expenditure target under section 232.143 for group
28 foster care maintenance and services. If the
29 department projects that such expenditures for the
30 fiscal year will be less than the target amount
31 allocated in this lettered paragraph, the department
32 may reallocate the excess to provide additional
33 funding for shelter care or the child welfare emergency
34 services addressed with the allocation for shelter
35 care.

36 b. If at any time after September 30, 2012,
37 annualization of a service area's current expenditures
38 indicates a service area is at risk of exceeding its
39 group foster care expenditure target under section
40 232.143 by more than 5 percent, the department and
41 juvenile court services shall examine all group
42 foster care placements in that service area in order
43 to identify those which might be appropriate for
44 termination. In addition, any aftercare services
45 believed to be needed for the children whose
46 placements may be terminated shall be identified. The
47 department and juvenile court services shall initiate
48 action to set dispositional review hearings for the
49 placements identified. In such a dispositional review
50 hearing, the juvenile court shall determine whether

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1 needed aftercare services are available and whether
2 termination of the placement is in the best interest of
3 the child and the community.

4 5. In accordance with the provisions of section
5 232.188, the department shall continue the child
6 welfare and juvenile justice funding initiative during
7 fiscal year 2012–2013. Of the funds appropriated in
8 this section, \$1,460,090 is allocated specifically
9 for expenditure for fiscal year 2012–2013 through the
10 decategorization service funding pools and governance
11 boards established pursuant to section 232.188.

12 6. A portion of the funds appropriated in this
13 section may be used for emergency family assistance
14 to provide other resources required for a family
15 participating in a family preservation or reunification
16 project or successor project to stay together or to be
17 reunified.

18 7. Notwithstanding section 234.35 or any other
19 provision of law to the contrary, state funding for
20 shelter care and the child welfare emergency services
21 contracting implemented to provide for or prevent the
22 need for shelter care shall be limited to \$6,094,599.
23 The department may execute contracts that result from
24 the department's request for proposal, bid number
25 ACFS-11-114, to provide the range of child welfare
26 emergency services described in the request for
27 proposals, and any subsequent amendments to the request
28 for proposals.

29 8. Federal funds received by the state during
30 the fiscal year beginning July 1, 2012, as the
31 result of the expenditure of state funds appropriated
32 during a previous state fiscal year for a service or
33 activity funded under this section are appropriated
34 to the department to be used as additional funding
35 for services and purposes provided for under this
36 section. Notwithstanding section 8.33, moneys
37 received in accordance with this subsection that remain
38 unencumbered or unobligated at the close of the fiscal
39 year shall not revert to any fund but shall remain
40 available for the purposes designated until the close
41 of the succeeding fiscal year.

42 9. Of the funds appropriated in this section, at
43 least \$3,141,842 shall be used for protective child
44 care assistance.

45 10. a. Of the funds appropriated in this section,
46 up to \$1,753,115 is allocated for the payment of
47 the expenses of court-ordered services provided to
48 juveniles who are under the supervision of juvenile
49 court services, which expenses are a charge upon the
50 state pursuant to section 232.141, subsection 4. Of

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1 the amount allocated in this lettered paragraph,
2 up to \$1,322,844 shall be made available to provide
3 school-based supervision of children adjudicated under
4 chapter 232, of which not more than \$12,750 may be used
5 for the purpose of training. A portion of the cost of
6 each school-based liaison officer shall be paid by the
7 school district or other funding source as approved by
8 the chief juvenile court officer.

9 b. Of the funds appropriated in this section, up to
10 \$636,637 is allocated for the payment of the expenses
11 of court-ordered services provided to children who are
12 under the supervision of the department, which expenses
13 are a charge upon the state pursuant to section
14 232.141, subsection 4.

15 c. Notwithstanding section 232.141 or any other
16 provision of law to the contrary, the amounts allocated
17 in this subsection shall be distributed to the
18 judicial districts as determined by the state court
19 administrator and to the department's service areas as
20 determined by the administrator of the department's
21 division of child and family services. The state court
22 administrator and the division administrator shall make
23 the determination of the distribution amounts on or
24 before June 15, 2012.

25 d. Notwithstanding chapter 232 or any other
26 provision of law to the contrary, a district or
27 juvenile court shall not order any service which is
28 a charge upon the state pursuant to section 232.141
29 if there are insufficient court-ordered services
30 funds available in the district court or departmental
31 service area distribution amounts to pay for the
32 service. The chief juvenile court officer and the
33 departmental service area manager shall encourage use
34 of the funds allocated in this subsection such that
35 there are sufficient funds to pay for all court-related
36 services during the entire year. The chief juvenile
37 court officers and departmental service area managers
38 shall attempt to anticipate potential surpluses and
39 shortfalls in the distribution amounts and shall
40 cooperatively request the state court administrator
41 or division administrator to transfer funds between
42 the judicial districts' or departmental service areas'
43 distribution amounts as prudent.

44 e. Notwithstanding any provision of law to the
45 contrary, a district or juvenile court shall not order
46 a county to pay for any service provided to a juvenile
47 pursuant to an order entered under chapter 232 which
48 is a charge upon the state under section 232.141,
49 subsection 4.

50 f. Of the funds allocated in this subsection, not

1 more than \$70,550 may be used by the judicial branch
2 for administration of the requirements under this
3 subsection.

4 g. Of the funds allocated in this subsection,
5 \$14,450 shall be used by the department of human
6 services to support the interstate commission for
7 juveniles in accordance with the interstate compact for
8 juveniles as provided in section 232.173.

9 11. Of the funds appropriated in this section,
10 \$4,609,212 is allocated for juvenile delinquent
11 graduated sanctions services. Any state funds saved as
12 a result of efforts by juvenile court services to earn
13 federal Tit. IV-E match for juvenile court services
14 administration may be used for the juvenile delinquent
15 graduated sanctions services.

16 12. Of the funds appropriated in this section,
17 \$840,042 shall be transferred to the department of
18 public health to be used for the child protection
19 center grant program in accordance with section
20 135.118.

21 13. If the department receives federal approval
22 to implement a waiver under Tit. IV-E of the federal
23 Social Security Act to enable providers to serve
24 children who remain in the children's families and
25 communities, for purposes of eligibility under the
26 medical assistance program, children who participate in
27 the waiver shall be considered to be placed in foster
28 care.

29 14. Of the funds appropriated in this section,
30 \$2,609,357 is allocated for the preparation for adult
31 living program pursuant to section 234.46.

32 15. Of the funds appropriated in this section,
33 \$442,128 shall be used for juvenile drug courts.
34 The amount allocated in this subsection shall be
35 distributed as follows:

36 To the judicial branch for salaries to assist with	
37 the operation of juvenile drug court programs operated	
38 in the following jurisdictions:	
39 a. Marshall county:	
40	\$ 53,302
41 b. Woodbury county:	
42	\$ 106,830
43 c. Polk county:	
44	\$ 166,508
45 d. The third judicial district:	
46	\$ 57,744
47 e. The eighth judicial district:	
48	\$ 57,744

49 16. Of the funds appropriated in this section,
50 \$193,236 shall be used for the public purpose of

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1 providing a grant to a nonprofit human services
2 organization providing services to individuals and
3 families in multiple locations in southwest Iowa and
4 Nebraska for support of a project providing immediate,
5 sensitive support and forensic interviews, medical
6 exams, needs assessments, and referrals for victims of
7 child abuse and their nonoffending family members.

8 17. Of the funds appropriated in this section,
9 \$106,752 is allocated for the elevate approach of
10 providing a support network to children placed in
11 foster care.

12 18. Of the funds appropriated in this section,
13 \$171,700 is allocated for use pursuant to section
14 235A.1 for continuation of the initiative to address
15 child sexual abuse implemented pursuant to 2007 Iowa
16 Acts, chapter 218, section 18, subsection 21.

17 19. Of the funds appropriated in this section,
18 \$535,704 is allocated for the community partnership for
19 child protection sites.

20 20. Of the funds appropriated in this section,
21 \$315,563 is allocated for the department's minority
22 youth and family projects under the redesign of the
23 child welfare system.

24 21. Of the funds appropriated in this section,
25 \$1,020,421 is allocated for funding of the state match
26 for the federal substance abuse and mental health
27 services administration (SAMHSA) system of care grant.

28 22. Of the funds appropriated in this section, at
29 least \$125,084 shall be used for the child welfare
30 training academy.

31 23. Of the funds appropriated in this section,
32 \$21,250 shall be used for the public purpose of
33 providing a grant to a child welfare services provider
34 headquartered in a county with a population between
35 205,000 and 215,000 in the latest certified federal
36 census that provides multiple services including but
37 not limited to a psychiatric medical institution for
38 children, shelter, residential treatment, after school
39 programs, school-based programming, and an Asperger's
40 syndrome program, to be used for support services
41 for children with autism spectrum disorder and their
42 families.

43 24. Of the funds appropriated in this section,
44 \$213,183 shall be used for the public purpose of
45 continuing the central Iowa system of care program
46 grant through June 30, 2013.

47 25. Of the funds appropriated in this section,
48 \$136,000 shall be used for the public purpose of
49 continuing the system of care grant in Mason City and
50 Cedar Rapids through June 30, 2013.

1 Sec. 122. ADOPTION SUBSIDY.

2 1. There is appropriated from the general fund of
3 the state to the department of human services for the
4 fiscal year beginning July 1, 2012, and ending June 30,
5 2013, the following amount, or so much thereof as is
6 necessary, to be used for the purpose designated:

7 For adoption subsidy payments and services:
8 \$ 29,662,952

9 2. The department may transfer funds appropriated
10 in this section to the appropriation made in this
11 division of this Act for general administration for
12 costs paid from the appropriation relating to adoption
13 subsidy.

14 3. Federal funds received by the state during the
15 fiscal year beginning July 1, 2012, as the result of
16 the expenditure of state funds during a previous state
17 fiscal year for a service or activity funded under
18 this section are appropriated to the department to
19 be used as additional funding for the services and
20 activities funded under this section. Notwithstanding
21 section 8.33, moneys received in accordance with this
22 subsection that remain unencumbered or unobligated at
23 the close of the fiscal year shall not revert to any
24 fund but shall remain available for expenditure for the
25 purposes designated until the close of the succeeding
26 fiscal year.

27 Sec. 123. JUVENILE DETENTION HOME FUND. Moneys

28 deposited in the juvenile detention home fund
29 created in section 232.142 during the fiscal year
30 beginning July 1, 2012, and ending June 30, 2013, are
31 appropriated to the department of human services for
32 the fiscal year beginning July 1, 2012, and ending
33 June 30, 2013, for distribution of an amount equal
34 to a percentage of the costs of the establishment,
35 improvement, operation, and maintenance of county or
36 multicounty juvenile detention homes in the fiscal
37 year beginning July 1, 2011. Moneys appropriated for
38 distribution in accordance with this section shall be
39 allocated among eligible detention homes, prorated on
40 the basis of an eligible detention home's proportion
41 of the costs of all eligible detention homes in the
42 fiscal year beginning July 1, 2011. The percentage
43 figure shall be determined by the department based on
44 the amount available for distribution for the fund.
45 Notwithstanding section 232.142, subsection 3, the
46 financial aid payable by the state under that provision
47 for the fiscal year beginning July 1, 2012, shall be
48 limited to the amount appropriated for the purposes of
49 this section.

50 Sec. 124. FAMILY SUPPORT SUBSIDY PROGRAM.

1 1. There is appropriated from the general fund of
2 the state to the department of human services for the
3 fiscal year beginning July 1, 2012, and ending June 30,
4 2013, the following amount, or so much thereof as is
5 necessary, to be used for the purpose designated:
6 For the family support subsidy program subject
7 to the enrollment restrictions in section 225C.37,
8 subsection 3:
9 \$ 992,798

10 2. The department shall use at least \$327,675 of
11 the moneys appropriated in this section for the family
12 support center component of the comprehensive family
13 support program under section 225C.47. Not more than
14 \$21,250 of the amount allocated in this subsection
15 shall be used for administrative costs.

16 3. If at any time during the fiscal year, the
17 amount of funding available for the family support
18 subsidy program is reduced from the amount initially
19 used to establish the figure for the number of family
20 members for whom a subsidy is to be provided at any one
21 time during the fiscal year, notwithstanding section
22 225C.38, subsection 2, the department shall revise the
23 figure as necessary to conform to the amount of funding
24 available.

25 Sec. 125. CONNER DECREE. There is appropriated
26 from the general fund of the state to the department of
27 human services for the fiscal year beginning July 1,
28 2012, and ending June 30, 2013, the following amount,
29 or so much thereof as is necessary, to be used for the
30 purpose designated:
31 For building community capacity through the
32 coordination and provision of training opportunities
33 in accordance with the consent decree of Conner v.
34 Branstad, No. 4-86-CV-30871(S.D. Iowa, July 14, 1994):
35 \$ 28,579

36 Sec. 126. MENTAL HEALTH INSTITUTES. There is
37 appropriated from the general fund of the state to
38 the department of human services for the fiscal year
39 beginning July 1, 2012, and ending June 30, 2013, the
40 following amounts, or so much thereof as is necessary,
41 to be used for the purposes designated:

42 1. For the state mental health institute at
43 Cherokee for salaries, support, maintenance, and
44 miscellaneous purposes, and for not more than the
45 following full-time equivalent positions:
46 \$ 4,995,712
47 FTEs 168.50

48 2. For the state mental health institute at
49 Clarinda for salaries, support, maintenance, and
50 miscellaneous purposes, and for not more than the

1 following full-time equivalent positions:
2 \$ 5,449,974
3 FTEs 86.10
4 3. For the state mental health institute at
5 Independence for salaries, support, maintenance, and
6 miscellaneous purposes, and for not more than the
7 following full-time equivalent positions:
8 \$ 8,734,332
9 FTEs 233.00
10 4. For the state mental health institute at Mount
11 Pleasant for salaries, support, maintenance, and
12 miscellaneous purposes, and for not more than the
13 following full-time equivalent positions:
14 \$ 802,675
15 FTEs 91.72
16 Sec. 127. STATE RESOURCE CENTERS.
17 1. There is appropriated from the general fund of
18 the state to the department of human services for the
19 fiscal year beginning July 1, 2012, and ending June 30,
20 2013, the following amounts, or so much thereof as is
21 necessary, to be used for the purposes designated:
22 a. For the state resource center at Glenwood for
23 salaries, support, maintenance, and miscellaneous
24 purposes:
25 \$ 15,816,631
26 b. For the state resource center at Woodward for
27 salaries, support, maintenance, and miscellaneous
28 purposes:
29 \$ 10,952,809
30 2. The department may continue to bill for state
31 resource center services utilizing a scope of services
32 approach used for private providers of ICFMR services,
33 in a manner which does not shift costs between the
34 medical assistance program, counties, or other sources
35 of funding for the state resource centers.
36 3. The state resource centers may expand the
37 time-limited assessment and respite services during the
38 fiscal year.
39 4. If the department's administration and the
40 department of management concur with a finding by a
41 state resource center's superintendent that projected
42 revenues can reasonably be expected to pay the salary
43 and support costs for a new employee position, or
44 that such costs for adding a particular number of new
45 positions for the fiscal year would be less than the
46 overtime costs if new positions would not be added, the
47 superintendent may add the new position or positions.
48 If the vacant positions available to a resource center
49 do not include the position classification desired to
50 be filled, the state resource center's superintendent

1 may reclassify any vacant position as necessary to
2 fill the desired position. The superintendents of the
3 state resource centers may, by mutual agreement, pool
4 vacant positions and position classifications during
5 the course of the fiscal year in order to assist one
6 another in filling necessary positions.

7 5. If existing capacity limitations are reached
8 in operating units, a waiting list is in effect
9 for a service or a special need for which a payment
10 source or other funding is available for the service
11 or to address the special need, and facilities for
12 the service or to address the special need can be
13 provided within the available payment source or other
14 funding, the superintendent of a state resource center
15 may authorize opening not more than two units or
16 other facilities and begin implementing the service
17 or addressing the special need during fiscal year
18 2012-2013.

19 Sec. 128. MI/MR/DD STATE CASES.

20 1. There is appropriated from the general fund of
21 the state to the department of human services for the
22 fiscal year beginning July 1, 2012, and ending June 30,
23 2013, the following amount, or so much thereof as is
24 necessary, to be used for the purpose designated:

25 For distribution to counties for state case services
26 for persons with mental illness, mental retardation,
27 and developmental disabilities in accordance with
28 section 331.440:

29 \$ 10,344,060

30 2. For the fiscal year beginning July 1, 2012,
31 and ending June 30, 2013, \$170,000 is allocated for
32 state case services from the amounts appropriated from
33 the fund created in section 8.41 to the department
34 of human services from the funds received from the
35 federal government under 42 U.S.C. ch. 6A, subch. XVII,
36 relating to the community mental health center block
37 grant, for the federal fiscal years beginning October
38 1, 2010, and ending September 30, 2011, beginning
39 October 1, 2011, and ending September 30, 2012, and
40 beginning October 1, 2012, and ending September 30,
41 2013. The allocation made in this subsection shall be
42 made prior to any other distribution allocation of the
43 appropriated federal funds.

44 3. Notwithstanding section 8.33, moneys
45 appropriated in this section that remain unencumbered
46 or unobligated at the close of the fiscal year shall
47 not revert but shall remain available for expenditure
48 for the purposes designated until the close of the
49 succeeding fiscal year.

50 Sec. 129. MENTAL HEALTH AND DEVELOPMENTAL

1 DISABILITIES — COMMUNITY SERVICES FUND. There is
 2 appropriated from the general fund of the state to the
 3 mental health and developmental disabilities community
 4 services fund created in section 225C.7 for the fiscal
 5 year beginning July 1, 2012, and ending June 30,
 6 2013, the following amount, or so much thereof as is
 7 necessary, to be used for the purpose designated:

8 For mental health and developmental disabilities
 9 community services in accordance with this division of
 10 this Act:

11 \$ 14,211,100

12 1. Of the funds appropriated in this section,
 13 \$14,187,556 shall be allocated to counties for funding
 14 of community-based mental health and developmental
 15 disabilities services. The moneys shall be allocated
 16 to a county as follows:

17 a. Fifty percent based upon the county’s proportion
 18 of the state’s population of persons with an annual
 19 income which is equal to or less than the poverty
 20 guideline established by the federal office of
 21 management and budget.

22 b. Fifty percent based upon the county’s proportion
 23 of the state’s general population.

24 2. a. A county shall utilize the funding the
 25 county receives pursuant to subsection 1 for services
 26 provided to persons with a disability, as defined in
 27 section 225C.2. However, no more than 50 percent of
 28 the funding shall be used for services provided to any
 29 one of the service populations.

30 b. A county shall use at least 50 percent of
 31 the funding the county receives under subsection 1
 32 for contemporary services provided to persons with
 33 a disability, as described in rules adopted by the
 34 department.

35 3. Of the funds appropriated in this section,
 36 \$20,012 shall be used to support the Iowa compass
 37 program providing computerized information and referral
 38 services for Iowans with disabilities and their
 39 families.

40 4. a. Funding appropriated for purposes of the
 41 federal social services block grant is allocated for
 42 distribution to counties for local purchase of services
 43 for persons with mental illness or mental retardation
 44 or other developmental disability.

45 b. The funds allocated in this subsection shall be
 46 expended by counties in accordance with the county’s
 47 county management plan approved by the board of
 48 supervisors. A county without an approved county
 49 management plan shall not receive allocated funds until
 50 the county’s management plan is approved.

1 c. The funds provided by this subsection shall be
2 allocated to each county as follows:

3 (1) Fifty percent based upon the county's
4 proportion of the state's population of persons with
5 an annual income which is equal to or less than the
6 poverty guideline established by the federal office of
7 management and budget.

8 (2) Fifty percent based upon the amount provided
9 to the county for local purchase of services in the
10 preceding fiscal year.

11 5. A county is eligible for funds under this
12 section if the county qualifies for a state payment as
13 described in section 331.439.

14 6. The most recent population estimates issued by
15 the United States bureau of the census shall be applied
16 for the population factors utilized in this section.

17 Sec. 130. SEXUALLY VIOLENT PREDATORS.

18 1. There is appropriated from the general fund of
19 the state to the department of human services for the
20 fiscal year beginning July 1, 2012, and ending June 30,
21 2013, the following amount, or so much thereof as is
22 necessary, to be used for the purpose designated:

23 For costs associated with the commitment and		
24 treatment of sexually violent predators in the unit		
25 located at the state mental health institute at		
26 Cherokee, including costs of legal services and		
27 other associated costs, including salaries, support,		
28 maintenance, and miscellaneous purposes, and for not		
29 more than the following full-time equivalent positions:		
30	\$	6,418,118
31	FTEs	89.50

32 2. Unless specifically prohibited by law, if the
33 amount charged provides for recoupment of at least
34 the entire amount of direct and indirect costs, the
35 department of human services may contract with other
36 states to provide care and treatment of persons placed
37 by the other states at the unit for sexually violent
38 predators at Cherokee. The moneys received under such
39 a contract shall be considered to be repayment receipts
40 and used for the purposes of the appropriation made in
41 this section.

42 Sec. 131. FIELD OPERATIONS. There is appropriated
43 from the general fund of the state to the department of
44 human services for the fiscal year beginning July 1,
45 2012, and ending June 30, 2013, the following amount,
46 or so much thereof as is necessary, to be used for the
47 purposes designated:

48 For field operations, including salaries, support,
49 maintenance, and miscellaneous purposes, and for not
50 more than the following full-time equivalent positions:

1 \$ 47,038,933
2 FTEs 1,781.00
3 Priority in filling full-time equivalent positions
4 shall be given to those positions related to child
5 protection services and eligibility determination for
6 low-income families.
7 Sec. 132. GENERAL ADMINISTRATION. There is
8 appropriated from the general fund of the state to
9 the department of human services for the fiscal year
10 beginning July 1, 2012, and ending June 30, 2013, the
11 following amount, or so much thereof as is necessary,
12 to be used for the purpose designated:
13 For general administration, including salaries,
14 support, maintenance, and miscellaneous purposes, and
15 for not more than the following full-time equivalent
16 positions:
17 \$ 12,874,733
18 FTEs 290.00
19 1. Of the funds appropriated in this section,
20 \$32,762 allocated for the prevention of disabilities
21 policy council established in section 225B.3.
22 2. The department shall report at least monthly
23 to the legislative services agency concerning the
24 department's operational and program expenditures.
25 3. Of the funds appropriated in this section,
26 \$112,455 shall be used to continue to contract with
27 a statewide association representing community
28 providers of mental health, mental retardation and
29 brain injury services programs to provide technical
30 assistance, support, and consultation to providers of
31 habilitation services and home and community-based
32 waiver services for adults with disabilities under the
33 medical assistance program. Notwithstanding section
34 8.47 or any other provision of law to the contrary,
35 the department may utilize a sole source approach to
36 contract with the association.
37 4. Of the funds appropriated in this section,
38 \$149,940 shall be used to continue to contract with
39 an appropriate entity to expand the provision of
40 nationally accredited and recognized internet-based
41 training to include mental health and disability
42 services providers. Notwithstanding section 8.47
43 or any other provision of law to the contrary, the
44 department may utilize a sole site source approach to
45 enter into such contract.
46 5. Of the funds appropriated in this section,
47 \$425,000 shall be used for continued implementation of
48 child protection system improvements addressed in 2011
49 Iowa Acts, House File 562, as enacted.
50 Sec. 133. VOLUNTEERS. There is appropriated from

1 the general fund of the state to the department of
2 human services for the fiscal year beginning July 1,
3 2012, and ending June 30, 2013, the following amount,
4 or so much thereof as is necessary, to be used for the
5 purpose designated:

6 For development and coordination of volunteer
7 services:

8 \$ 71,961

9 Sec. 134. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
10 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED
11 UNDER THE DEPARTMENT OF HUMAN SERVICES.

12 1. a. (1) For the fiscal year beginning July 1,
13 2012, the total state funding amount for the nursing
14 facility budget shall not exceed \$225,502,551.

15 (2) The department, in cooperation with nursing
16 facility representatives, shall review projections for
17 state funding expenditures for reimbursement of nursing
18 facilities on a quarterly basis and the department
19 shall determine if an adjustment to the medical
20 assistance reimbursement rate is necessary in order to
21 provide reimbursement within the state funding amount
22 for the fiscal year. Notwithstanding 2001 Iowa Acts,
23 chapter 192, section 4, subsection 2, paragraph "c",
24 and subsection 3, paragraph "a", subparagraph (2), if
25 the state funding expenditures for the nursing facility
26 budget for the fiscal year is projected to exceed the
27 amount specified in subparagraph (1), the department
28 shall adjust the reimbursement for nursing facilities
29 reimbursed under the case-mix reimbursement system to
30 maintain expenditures of the nursing facility budget
31 within the specified amount for the fiscal year.

32 (3) For the fiscal year beginning July 1, 2012,
33 special population nursing facilities shall be
34 reimbursed in accordance with the methodology in effect
35 on June 30, 2012.

36 b. For the fiscal year beginning July 1, 2012, the
37 department shall reimburse pharmacy dispensing fees
38 using a single rate of \$4.34 per prescription or the
39 pharmacy's usual and customary fee, whichever is lower.
40 However, the department shall adjust the dispensing fee
41 specified in this paragraph to distribute an additional
42 \$3,000,000 in reimbursements for pharmacy dispensing
43 fees under this paragraph for the fiscal year.

44 c. (1) For the fiscal year beginning July 1, 2012,
45 reimbursement rates for outpatient hospital services
46 shall remain at the rates in effect on June 30, 2012.

47 (2) For the fiscal year beginning July 1, 2012,
48 reimbursement rates for inpatient hospital services
49 shall remain at the rates in effect on June 30, 2012.

50 (3) For the fiscal year beginning July 1, 2012,

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1 the graduate medical education and disproportionate
2 share hospital fund shall remain at the amount in
3 effect on June 30, 2012, except that the portion of
4 the fund attributable to graduate medical education
5 shall be reduced in an amount that reflects the
6 elimination of graduate medical education payments made
7 to out-of-state hospitals.

8 (4) In order to ensure the efficient use of limited
9 state funds in procuring health care services for
10 low-income Iowans, funds appropriated in this division
11 of this Act for hospital services shall not be used for
12 activities which would be excluded from a determination
13 of reasonable costs under the federal Medicare program
14 pursuant to 42 U.S.C. § 1395X(v)(1)(N).

15 d. For the fiscal year beginning July 1, 2012,
16 reimbursement rates for rural health clinics, hospices,
17 and acute mental hospitals shall be increased in
18 accordance with increases under the federal Medicare
19 program or as supported by their Medicare audited
20 costs.

21 e. For the fiscal year beginning July 1, 2012,
22 independent laboratories and rehabilitation agencies
23 shall be reimbursed using the same methodology in
24 effect on June 30, 2012.

25 f. For the fiscal year beginning July 1, 2012,
26 reimbursement rates for home health agencies shall
27 remain at the rates in effect on June 30, 2012, not to
28 exceed a home health agency's actual allowable cost.

29 g. For the fiscal year beginning July 1, 2012,
30 federally qualified health centers shall receive
31 cost-based reimbursement for 100 percent of the
32 reasonable costs for the provision of services to
33 recipients of medical assistance.

34 h. For the fiscal year beginning July 1, 2012, the
35 reimbursement rates for dental services shall remain at
36 the rates in effect on June 30, 2012.

37 i. (1) For the fiscal year beginning July 1,
38 2012, state-owned psychiatric medical institutions
39 for children shall receive cost-based reimbursement
40 for 100 percent of the actual and allowable costs for
41 the provision of services to recipients of medical
42 assistance.

43 (2) For the nonstate-owned psychiatric medical
44 institutions for children, reimbursement rates shall
45 be based on the reimbursement methodology developed by
46 the department in consultation with representatives of
47 the nonstate-owned psychiatric medical institutions
48 for children to include all ancillary medical services
49 costs and any other changes required for federal
50 compliance.

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- 1 j. For the fiscal year beginning July 1, 2012,
2 unless otherwise specified in the health and human
3 services divisions of this Act, all noninstitutional
4 medical assistance provider reimbursement rates shall
5 remain at the rates in effect on June 30, 2012, except
6 for area education agencies, local education agencies,
7 infant and toddler services providers, and those
8 providers whose rates are required to be determined
9 pursuant to section 249A.20.
- 10 k. Notwithstanding any provision to the contrary,
11 for the fiscal year beginning July 1, 2012, the
12 reimbursement rate for anesthesiologists shall remain
13 at the rate in effect on June 30, 2012.
- 14 l. Notwithstanding section 249A.20, for the fiscal
15 year beginning July 1, 2012, the average reimbursement
16 rate for health care providers eligible for use of the
17 federal Medicare resource-based relative value scale
18 reimbursement methodology under that section shall
19 remain at the rate in effect on June 30, 2012; however,
20 this rate shall not exceed the maximum level authorized
21 by the federal government.
- 22 m. For the fiscal year beginning July 1, 2012, the
23 reimbursement rate for residential care facilities
24 shall not be less than the minimum payment level as
25 established by the federal government to meet the
26 federally mandated maintenance of effort requirement.
27 The flat reimbursement rate for facilities electing not
28 to file annual cost reports shall not be less than the
29 minimum payment level as established by the federal
30 government to meet the federally mandated maintenance
31 of effort requirement.
- 32 n. For the fiscal year beginning July 1, 2012,
33 inpatient mental health services provided at hospitals
34 shall remain at the rates in effect on June 30, 2012,
35 subject to Medicaid program upper payment limit rules;
36 community mental health centers and providers of mental
37 health services to county residents pursuant to a
38 waiver approved under section 225C.7, subsection 3,
39 shall be reimbursed at 100 percent of the reasonable
40 costs for the provision of services to recipients
41 of medical assistance; and psychiatrists shall be
42 reimbursed at the medical assistance program fee for
43 service rate.
- 44 o. For the fiscal year beginning July 1, 2012, the
45 reimbursement rate for consumer-directed attendant care
46 shall remain at the rates in effect on June 30, 2012.
- 47 p. For the fiscal year beginning July 1, 2012, the
48 reimbursement rate for providers of family planning
49 services that are eligible to receive a 90 percent
50 federal match shall remain at the rates in effect on

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1 June 30, 2012.
2 q. For the fiscal year beginning July 1, 2012, the
3 department shall adjust the rates in effect on June
4 30, 2012, for providers of home and community-based
5 services waiver services to distribute an additional
6 \$1,500,000 in reimbursements to such providers for the
7 fiscal year.
8 2. For the fiscal year beginning July 1, 2012, the
9 reimbursement rate for providers reimbursed under the
10 in-home-related care program shall not be less than the
11 minimum payment level as established by the federal
12 government to meet the federally mandated maintenance
13 of effort requirement.
14 3. Unless otherwise directed in this section, when
15 the department's reimbursement methodology for any
16 provider reimbursed in accordance with this section
17 includes an inflation factor, this factor shall not
18 exceed the amount by which the consumer price index for
19 all urban consumers increased during the calendar year
20 ending December 31, 2002.
21 4. For the fiscal year beginning July 1, 2012,
22 notwithstanding section 234.38, the foster family basic
23 daily maintenance rate and the maximum adoption subsidy
24 rate for children ages 0 through 5 years shall be
25 \$15.74, the rate for children ages 6 through 11 years
26 shall be \$16.37, the rate for children ages 12 through
27 15 years shall be \$17.92, and the rate for children
28 and young adults ages 16 and older shall be \$18.16.
29 The maximum supervised apartment living foster care
30 reimbursement rate shall be \$25.00 per day. For youth
31 ages 18 to 21 who have exited foster care, the maximum
32 preparation for adult living program maintenance rate
33 shall be \$574.00 per month. The maximum payment for
34 adoption subsidy nonrecurring expenses shall be limited
35 to \$500 and the disallowance of additional amounts
36 for court costs and other related legal expenses
37 implemented pursuant to 2010 Iowa Acts, chapter 1031,
38 section 408 shall be continued.
39 5. For the fiscal year beginning July 1, 2012,
40 the maximum reimbursement rates under the supervised
41 apartment living program and for social services
42 providers under contract shall remain at the rates
43 in effect on June 30, 2012, or the provider's actual
44 and allowable cost plus inflation for each service,
45 whichever is less. However, if a new service or
46 service provider is added after June 30, 2012, the
47 initial reimbursement rate for the service or provider
48 shall be based upon actual and allowable costs.
49 Providers may also be eligible for an additional
50 amount as specified under the department's request for

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1 proposal, bid number ACFS-11-115.
2 6. For the fiscal year beginning July 1, 2012,
3 the reimbursement rates for family-centered service
4 providers, family foster care service providers, group
5 foster care service providers, and the resource family
6 recruitment and retention contractor shall remain at
7 the rates in effect on June 30, 2012.
8 7. The group foster care reimbursement rates
9 paid for placement of children out of state shall
10 be calculated according to the same rate-setting
11 principles as those used for in-state providers,
12 unless the director of human services or the director's
13 designee determines that appropriate care cannot be
14 provided within the state. The payment of the daily
15 rate shall be based on the number of days in the
16 calendar month in which service is provided.
17 8. a. For the fiscal year beginning July 1, 2012,
18 the reimbursement rate paid for shelter care and
19 the child welfare emergency services implemented to
20 provide or prevent the need for shelter care shall be
21 established in a contract based on the requirements
22 of the department's request for proposal, bid number
23 ACFS-11-114.
24 b. For the fiscal year beginning July 1, 2012,
25 the combined service and maintenance components of
26 the reimbursement rate paid for shelter care services
27 shall be based on the financial and statistical report
28 submitted to the department. The maximum reimbursement
29 rate shall be \$92.36 per day. The department shall
30 reimburse a shelter care provider at the provider's
31 actual and allowable unit cost, plus inflation, not to
32 exceed the maximum reimbursement rate.
33 c. Notwithstanding section 232.141, subsection 8,
34 for the fiscal year beginning July 1, 2012, the amount
35 of the statewide average of the actual and allowable
36 rates for reimbursement of juvenile shelter care homes
37 that is utilized for the limitation on recovery of
38 unpaid costs shall remain at the amount in effect for
39 this purpose in the fiscal year beginning July 1, 2011.
40 9. For the fiscal year beginning July 1, 2012, the
41 department shall calculate reimbursement rates for
42 intermediate care facilities for persons with mental
43 retardation at the 80th percentile. Beginning July 1,
44 2012, the rate calculation methodology shall utilize
45 the consumer price index inflation factor applicable to
46 the fiscal year beginning July 1, 2012.
47 10. For the fiscal year beginning July 1, 2012,
48 for child care providers reimbursed under the state
49 child care assistance program, the department shall
50 set provider reimbursement rates based on the rate

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1 reimbursement survey completed in December 2004.
2 Effective July 1, 2012, the child care provider
3 reimbursement rates shall remain at the rates in effect
4 on June 30, 2012. The department shall set rates in a
5 manner so as to provide incentives for a nonregistered
6 provider to become registered by applying the increase
7 only to registered and licensed providers.

8 11. The department may adopt emergency rules to
9 implement this section.

10 Sec. 135. EMERGENCY RULES.

11 1. If specifically authorized by a provision of
12 this division of this Act, the department of human
13 services or the mental health, and disability services
14 commission may adopt administrative rules under section
15 17A.4, subsection 3, and section 17A.5, subsection
16 2, paragraph "b", to implement the provisions and
17 the rules shall become effective immediately upon
18 filing or on a later effective date specified in the
19 rules, unless the effective date is delayed by the
20 administrative rules review committee. Any rules
21 adopted in accordance with this section shall not
22 take effect before the rules are reviewed by the
23 administrative rules review committee. The delay
24 authority provided to the administrative rules review
25 committee under section 17A.4, subsection 7, and
26 section 17A.8, subsection 9, shall be applicable to a
27 delay imposed under this section, notwithstanding a
28 provision in those sections making them inapplicable
29 to section 17A.5, subsection 2, paragraph "b". Any
30 rules adopted in accordance with the provisions of this
31 section shall also be published as notice of intended
32 action as provided in section 17A.4.

33 2. If during the fiscal year beginning July 1,
34 2012, the department of human services is adopting
35 rules in accordance with this section or as otherwise
36 directed or authorized by state law, and the rules will
37 result in an expenditure increase beyond the amount
38 anticipated in the budget process or if the expenditure
39 was not addressed in the budget process for the
40 fiscal year, the department shall notify the persons
41 designated by this division of this Act for submission
42 of reports, the chairpersons and ranking members of
43 the committees on appropriations, and the department
44 of management concerning the rules and the expenditure
45 increase. The notification shall be provided at least
46 30 calendar days prior to the date notice of the rules
47 is submitted to the administrative rules coordinator
48 and the administrative code editor.

49 Sec. 136. FEDERAL GRANTS REPORTING. During the
50 fiscal year beginning July 1, 2012, the departments

1 and agencies receiving an appropriation in the health
2 and human services divisions of this Act from the
3 general fund of the state shall report to the persons
4 designated by this division of this Act for submission
5 of reports and the department of management within 60
6 calendar days of applying for or renewing a federal
7 grant with a value over \$1,000. The report shall list
8 the federal funding source and address the potential
9 need for the commitment of state funding in order to
10 match or continue the funding provided by the federal
11 grant in the present or the future.

12 Sec. 137. REPORTS. Any reports or information
13 required to be compiled and submitted under the health
14 and human services divisions of this Act shall be
15 submitted to the chairpersons and ranking members of
16 the joint appropriations subcommittee on health and
17 human services, the legislative services agency, and
18 the legislative caucus staffs on or before the dates
19 specified for submission of the reports or information.

20 Sec. 138. EFFECTIVE DATE. The following provision
21 of this division of this Act, being deemed of immediate
22 importance, take effect upon enactment:

23 The provision under the appropriation for child and
24 family services, relating to requirements of section
25 232.143 for representatives of the department of human
26 services and juvenile court services to establish a
27 plan for continuing group foster care expenditures for
28 fiscal year 2012–2013.

29 DIVISION XVII

30 HEALTH AND HUMAN SERVICES

31 PHARMACEUTICAL SETTLEMENT ACCOUNT,
32 IOWACARE ACCOUNT, NONPARTICIPATING PROVIDER
33 REIMBURSEMENT FUND, HEALTH CARE
34 TRANSFORMATION ACCOUNT, MEDICAID FRAUD ACCOUNT,
35 QUALITY ASSURANCE TRUST FUND,
36 AND HOSPITAL HEALTH CARE ACCESS TRUST FUND — FY
37 2012–2013

38 Sec. 139. PHARMACEUTICAL SETTLEMENT ACCOUNT. There
39 is appropriated from the pharmaceutical settlement
40 account created in section 249A.33 to the department of
41 human services for the fiscal year beginning July 1,
42 2012, and ending June 30, 2013, the following amount,
43 or so much thereof as is necessary, to be used for the
44 purpose designated:

45 Notwithstanding any provision of law to the
46 contrary, to supplement the appropriations made in the
47 department of human services division in this Act for
48 medical contracts under the medical assistance program
49 for the same fiscal year:

50 \$ 4,618,571

1 Sec. 140. APPROPRIATIONS FROM IOWACARE ACCOUNT.

2 1. There is appropriated from the IowaCare account
3 created in section 249J.24 to the state board of
4 regents for distribution to the university of Iowa
5 hospitals and clinics for the fiscal year beginning
6 July 1, 2012, and ending June 30, 2013, the following
7 amount, or so much thereof as is necessary, to be used
8 for the purposes designated:

9 For salaries, support, maintenance, equipment, and
10 miscellaneous purposes, for the provision of medical
11 and surgical treatment of indigent patients, for
12 provision of services to members of the expansion
13 population pursuant to chapter 249J, and for medical
14 education:

15 \$ 27,284,584

16 a. Funds appropriated in this subsection shall
17 not be used to perform abortions except medically
18 necessary abortions, and shall not be used to operate
19 the early termination of pregnancy clinic except for
20 the performance of medically necessary abortions. For
21 the purpose of this subsection, medically necessary
22 abortions are those performed under any of the
23 following conditions:

24 (1) The attending physician certifies that
25 continuing the pregnancy would endanger the life of the
26 pregnant woman.

27 (2) Any spontaneous abortion, commonly known as a
28 miscarriage, if not all of the products of conception
29 are expelled.

30 b. Notwithstanding any provision of law to the
31 contrary, the amount appropriated in this subsection
32 shall be distributed based on claims submitted,
33 adjudicated, and paid by the Iowa Medicaid enterprise.

34 c. The university of Iowa hospitals and clinics
35 shall certify public expenditures in an amount equal
36 to provide the nonfederal share on total expenditures
37 not to exceed \$20,000,000.

38 2. There is appropriated from the IowaCare account
39 created in section 249J.24 to the state board of
40 regents for distribution to the university of Iowa
41 hospitals and clinics for the fiscal year beginning
42 July 1, 2012, and ending June 30, 2013, the following
43 amount, or so much thereof as is necessary, to be used
44 for the purposes designated:

45 For salaries, support, maintenance, equipment, and
46 miscellaneous purposes, for the provision of medical
47 and surgical treatment of indigent patients, for
48 provision of services to members of the expansion
49 population pursuant to chapter 249J, and for medical
50 education:

1 \$ 44,226,279

2 Notwithstanding any provision of law to the

3 contrary, the amount appropriated in this subsection

4 shall be distributed based on claims submitted,

5 adjudicated, and paid by the Iowa Medicaid enterprise.

6 3. There is appropriated from the IowaCare account

7 created in section 249J.24, to the state board

8 of regents for distribution to university of Iowa

9 physicians for the fiscal year beginning July 1, 2012,

10 and ending June 30, 2013, the following amount, or

11 so much thereof as is necessary to be used for the

12 purposes designated:

13 For salaries, support, maintenance, equipment, and

14 miscellaneous purposes for the provision of medical and

15 surgical treatment of indigent patients, for provision

16 of services to members of the expansion population

17 pursuant to chapter 249J, and for medical education:

18 \$ 16,277,753

19 Notwithstanding any provision of law to the

20 contrary, the amount appropriated in this subsection

21 shall be distributed based on claims submitted,

22 adjudicated, and paid by the Iowa Medicaid enterprise.

23 Once the entire amount appropriated in this subsection

24 has been distributed, claims shall continue to

25 be submitted and adjudicated by the Iowa Medicaid

26 enterprise; however, no payment shall be made based

27 upon such claims.

28 4. There is appropriated from the IowaCare account

29 created in section 249J.24 to the department of human

30 services for the fiscal year beginning July 1, 2012,

31 and ending June 30, 2013, the following amount, or

32 so much thereof as is necessary, to be used for the

33 purposes designated:

34 For distribution to a publicly owned acute care

35 teaching hospital located in a county with a population

36 over 350,000 for the provision of medical and surgical

37 treatment of indigent patients, for provision of

38 services to members of the expansion population

39 pursuant to chapter 249J, and for medical education:

40 \$ 65,000,000

41 a. Notwithstanding any provision of law to the

42 contrary, the amount appropriated in this subsection

43 shall be distributed based on claims submitted,

44 adjudicated, and paid by the Iowa Medicaid enterprise

45 plus a monthly disproportionate share hospital payment.

46 Any amount appropriated in this subsection in excess

47 of \$60,000,000 shall be distributed only if the sum of

48 the expansion population claims adjudicated and paid

49 by the Iowa Medicaid enterprise plus the estimated

50 disproportionate share hospital payments exceeds

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1 \$60,000,000. The amount paid in excess of \$60,000,000
2 shall not adjust the original monthly payment amount
3 but shall be distributed monthly based on actual
4 claims adjudicated and paid by the Iowa Medicaid
5 enterprise plus the estimated disproportionate share
6 hospital amount. Any amount appropriated in this
7 subsection in excess of \$60,000,000 shall be allocated
8 only if federal funds are available to match the
9 amount allocated. Pursuant to paragraph “b”, of the
10 amount appropriated in this subsection, not more than
11 \$4,000,000 shall be distributed for prescription drugs
12 and podiatry services.

13 b. Notwithstanding any provision of law to the
14 contrary, the hospital identified in this subsection,
15 shall be reimbursed for outpatient prescription drugs
16 and podiatry services provided to members of the
17 expansion population pursuant to all applicable medical
18 assistance program rules, in an amount not to exceed
19 \$4,000,000.

20 c. Notwithstanding the total amount of proceeds
21 distributed pursuant to section 249J.24, subsection 4,
22 paragraph “a”, unnumbered paragraph 1, for the fiscal
23 year beginning July 1, 2012, and ending June 30, 2013,
24 the county treasurer of a county with a population
25 of over 350,000 in which a publicly owned acute care
26 teaching hospital is located shall distribute the
27 proceeds collected pursuant to section 347.7 in a
28 total amount of \$38,000,000, which would otherwise be
29 distributed to the county hospital, to the treasurer of
30 state for deposit in the IowaCare account.

31 d. (1) Notwithstanding the amount collected
32 and distributed for deposit in the IowaCare account
33 pursuant to section 249J.24, subsection 4, paragraph
34 “a”, subparagraph (1), the first \$19,000,000 in
35 proceeds collected pursuant to section 347.7 between
36 July 1, 2012, and December 31, 2012, shall be
37 distributed to the treasurer of state for deposit in
38 the IowaCare account and collections during this time
39 period in excess of \$19,000,000 shall be distributed
40 to the acute care teaching hospital identified in
41 this subsection. Of the collections in excess of
42 the \$19,000,000 received by the acute care teaching
43 hospital under this subparagraph (1), \$2,000,000 shall
44 be distributed by the acute care teaching hospital to
45 the treasurer of state for deposit in the IowaCare
46 account in the month of January 2013, following the
47 July 1 through December 31, 2012, period.

48 (2) Notwithstanding the amount collected and
49 distributed for deposit in the IowaCare account
50 pursuant to section 249J.24, subsection 4, paragraph

1 “a”, subparagraph (2), the first \$19,000,000 in
 2 collections pursuant to section 347.7 between January
 3 1, 2013, and June 30, 2013, shall be distributed to
 4 the treasurer of state for deposit in the IowaCare
 5 account and collections during this time period in
 6 excess of \$19,000,000 shall be distributed to the acute
 7 care teaching hospital identified in this subsection.
 8 Of the collections in excess of the \$19,000,000
 9 received by the acute care teaching hospital under this
 10 subparagraph (2), \$2,000,000 shall be distributed by
 11 the acute care teaching hospital to the treasurer of
 12 state for deposit in the IowaCare account in the month
 13 of July 2013, following the January 1 through June 30,
 14 2013, period.

15 5. There is appropriated from the IowaCare account
 16 created in section 249J.24 to the department of human
 17 services for the fiscal year beginning July 1, 2012,
 18 and ending June 30, 2013, the following amount, or so
 19 much thereof as is necessary to be used for the purpose
 20 designated:

21 For payment to the regional provider network
 22 specified by the department pursuant to section 249J.7
 23 for provision of covered services to members of the
 24 expansion population pursuant to chapter 249J:

25 \$ 3,472,176

26 Notwithstanding any provision of law to the
 27 contrary, the amount appropriated in this subsection
 28 shall be distributed based on claims submitted,
 29 adjudicated, and paid by the Iowa Medicaid enterprise.
 30 Once the entire amount appropriated in this subsection
 31 has been distributed, claims shall continue to
 32 be submitted and adjudicated by the Iowa Medicaid
 33 enterprise; however, no payment shall be made based
 34 upon such claims.

35 6. There is appropriated from the IowaCare account
 36 created in section 249J.24 to the department of human
 37 services for the fiscal year beginning July 1, 2012,
 38 and ending June 30, 2013, the following amount, or
 39 so much thereof as is necessary to be used for the
 40 purposes designated:

41 For a care coordination pool to pay the expansion
 42 population providers consisting of the university of
 43 Iowa hospitals and clinics, the publicly owned acute
 44 care teaching hospital as specified in section 249J.7,
 45 and current medical assistance program providers that
 46 are not expansion population network providers pursuant
 47 to section 249J.7, for services covered by the full
 48 benefit medical assistance program but not under the
 49 IowaCare program pursuant to section 249J.6, that are
 50 provided to expansion population members:

1 \$ 1,500,000

2 a. Notwithstanding sections 249J.6 and 249J.7,
3 the amount appropriated in this subsection is
4 intended to provide payment for medically necessary
5 services provided to expansion population members for
6 continuation of care provided by the university of
7 Iowa hospitals and clinics or the publicly owned acute
8 care teaching hospital as specified in section 249J.7.
9 Payment may only be made for services that are not
10 otherwise covered under section 249J.6, and which are
11 follow-up services to covered services provided by the
12 hospitals specified in this paragraph "a".

13 b. The funds appropriated in this subsection are
14 intended to provide limited payment for continuity
15 of care services for an expansion population member,
16 and are intended to cover the costs of services
17 to expansion population members, regardless of
18 the member's county of residence or medical home
19 assignment, if the care is related to specialty or
20 hospital services provided by the hospitals specified
21 in paragraph "a".

22 c. The funds appropriated in this subsection are
23 not intended to provide for expanded coverage under
24 the IowaCare program, and shall not be used to cover
25 emergency transportation services.

26 d. The department shall adopt administrative
27 rules pursuant to chapter 17A to establish a prior
28 authorization process and to identify covered services
29 for reimbursement under this subsection.

30 7. There is appropriated from the IowaCare account
31 created in section 249J.24 to the department of human
32 services for the fiscal year beginning July 1, 2012,
33 and ending June 30, 2013, the following amount or
34 so much thereof as is necessary to be used for the
35 purposes designated:

36 For a laboratory test and radiology pool for
37 services authorized by a federally qualified health
38 center designated by the department as part of the
39 IowaCare regional provider network that does not have
40 the capability to provide these services on site:

41 \$ 500,000

42 Notwithstanding sections 249J.6 and 249J.7, the
43 amount appropriated in this subsection is intended
44 to provide reimbursement for services provided to
45 expansion population members that have previously
46 been paid for through expenditure by designated
47 regional provider network providers of their own
48 funds, not to expand coverage under the IowaCare
49 program or to expand the expansion population
50 provider network. The department shall designate the

1 laboratory and radiology provider associated with
 2 each designated regional provider network provider
 3 that may receive reimbursement. The department shall
 4 adopt administrative rules pursuant to chapter 17A
 5 to establish a prior authorization process and to
 6 identify covered services for reimbursement under this
 7 subsection. All other medical assistance program
 8 payment policies and rules for laboratory and radiology
 9 services shall apply to services provided under this
 10 subsection. If the entire amount appropriated under
 11 this subsection is expended, laboratory tests and
 12 radiology services ordered by a designated regional
 13 provider network provider shall be the financial
 14 responsibility of the regional provider network
 15 provider.

16 Sec. 141. APPROPRIATIONS FROM NONPARTICIPATING
 17 PROVIDER REIMBURSEMENT FUND — DEPARTMENT OF HUMAN
 18 SERVICES. Notwithstanding any provision to the
 19 contrary, and subject to the availability of funds,
 20 there is appropriated from the nonparticipating
 21 provider reimbursement fund created in section 249J.24A
 22 to the department of human services for the fiscal year
 23 beginning July 1, 2012, and ending June 30, 2013, the
 24 following amount or so much thereof as is necessary for
 25 the purposes designated:

26 To reimburse nonparticipating providers in
 27 accordance with section 249J.24A:
 28 \$ 2,000,000

29 Sec. 142. APPROPRIATIONS FROM ACCOUNT FOR HEALTH
 30 CARE TRANSFORMATION — DEPARTMENT OF HUMAN SERVICES.

31 Notwithstanding any provision to the contrary, there
 32 is appropriated from the account for health care
 33 transformation created in section 249J.23 to the
 34 department of human services for the fiscal year
 35 beginning July 1, 2012, and ending June 30, 2013, the
 36 following amounts, or so much thereof as is necessary,
 37 to be used for the purposes designated:

38 1. For the provision of an IowaCare nurse helpline
 39 for the expansion population as provided in section
 40 249J.6:
 41 \$ 85,000

42 2. For other health promotion partnership
 43 activities pursuant to section 249J.14:
 44 \$ 510,000

45 3. For the costs related to audits, performance
 46 evaluations, and studies required pursuant to chapter
 47 249J:
 48 \$ 106,250

49 4. For administrative costs associated with chapter
 50 249J:

1	.....	\$	962,550
2	5. For planning and development, in cooperation		
3	with the department of public health, of a phased-in		
4	program to provide a dental home for children in		
5	accordance with section 249J.14:		
6	.....	\$	850,000
7	6. For continuation of the establishment of the		
8	tuition assistance for individuals serving individuals		
9	with disabilities pilot program, as enacted in 2008		
10	Iowa Acts, chapter 1187, section 130:		
11	.....	\$	42,500
12	7. For medical contracts:		
13	.....	\$	1,700,000
14	8. For payment to the publicly owned acute care		
15	teaching hospital located in a county with a population		
16	of over 350,000 that is a participating provider		
17	pursuant to chapter 249J:		
18	.....	\$	246,500
19	Disbursements under this subsection shall be made		
20	monthly. The hospital shall submit a report following		
21	the close of the fiscal year regarding use of the		
22	funds appropriated in this subsection to the persons		
23	specified in this Act to receive reports.		
24	9. For transfer to the department of public health		
25	to be used for the costs of medical home system		
26	advisory council established pursuant to section		
27	135.159:		
28	.....	\$	198,353
29	10. For continued implementation of a uniform cost		
30	report:		
31	.....	\$	85,000
32	11. For continued implementation of an electronic		
33	medical records system:		
34	.....	\$	85,000
35	Notwithstanding section 8.39, subsection 1, without		
36	the prior written consent and approval of the governor		
37	and the director of the department of management, the		
38	director of human services may transfer funds among		
39	the appropriations made in this section as necessary		
40	to carry out the purposes of the account for health		
41	care transformation. The department shall report		
42	any transfers made pursuant to this section to the		
43	legislative services agency.		
44	Sec. 143. MEDICAID FRAUD ACCOUNT — DEPARTMENT OF		
45	INSPECTIONS AND APPEALS. There is appropriated from		
46	the Medicaid fraud account created in section 249A.7		
47	to the department of inspections and appeals for the		
48	fiscal year beginning July 1, 2012, and ending June 30,		
49	2013, the following amount, or so much thereof as is		
50	necessary, to be used for the purposes designated:		

1 For the inspection and certification of assisted
 2 living programs and adult day care services, including
 3 program administration and costs associated with
 4 implementation:
 5 \$ 1,138,598
 6 Sec. 144. MEDICAID FRAUD ACCOUNT — DEPARTMENT
 7 OF HUMAN SERVICES. There is appropriated from the
 8 Medicaid fraud account created in section 249A.7 to
 9 the department of human services for the fiscal year
 10 beginning July 1, 2012, and ending June 30, 2013, the
 11 following amount, or so much thereof as is necessary,
 12 to be used for the purposes designated:
 13 To supplement the appropriation made in the
 14 department of human services division of this Act
 15 from the general fund of the state to the department
 16 of human services for medical assistance for the same
 17 fiscal year:
 18 \$ 2,000,000
 19 Sec. 145. QUALITY ASSURANCE TRUST FUND —
 20 DEPARTMENT OF HUMAN SERVICES. Notwithstanding
 21 any provision to the contrary and subject to the
 22 availability of funds, there is appropriated from the
 23 quality assurance trust fund created in section 249L.4
 24 to the department of human services for the fiscal year
 25 beginning July 1, 2012, and ending June 30, 2013, the
 26 following amounts, or so much thereof as is necessary
 27 for the purposes designated:
 28 To supplement the appropriation made in the
 29 department of human services division of this Act
 30 from the general fund of the state to the department
 31 of human services for medical assistance for the same
 32 fiscal year:
 33 \$ 29,000,000
 34 Sec. 146. HOSPITAL HEALTH CARE ACCESS TRUST FUND
 35 — DEPARTMENT OF HUMAN SERVICES. Notwithstanding
 36 any provision to the contrary and subject to the
 37 availability of funds, there is appropriated from
 38 the hospital health care access trust fund created in
 39 section 249M.4 to the department of human services for
 40 the fiscal year beginning July 1, 2012, and ending June
 41 30, 2013, the following amounts, or so much thereof as
 42 is necessary, for the purposes designated:
 43 1. To supplement the appropriation made in the
 44 health and human services division of this Act from the
 45 general fund of the state to the department of human
 46 services for medical assistance:
 47 \$ 39,223,800
 48 2. For deposit in the nonparticipating provider
 49 reimbursement fund created in section 249J.24A to be
 50 used for the purposes of the fund:

1 \$ 776,200

2 Sec. 147. MEDICAL ASSISTANCE PROGRAM —

3 NONREVERSION FOR FY 2012–2013. Notwithstanding

4 section 8.33, if moneys appropriated for purposes of

5 the medical assistance program for the fiscal year

6 beginning July 1, 2012, and ending June 30, 2013, in

7 the health and human services divisions of this Act

8 from the general fund of the state, the Medicaid fraud

9 account, the quality assurance trust fund, and the

10 hospital health care access trust fund, are in excess

11 of actual expenditures for the medical assistance

12 program and remain unencumbered or unobligated at the

13 close of the fiscal year, the excess moneys shall not

14 revert but shall remain available for expenditure for

15 the purposes of the medical assistance program until

16 the close of the succeeding fiscal year.

17 DIVISION XVIII

18 HEALTH AND HUMAN SERVICES

19 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING FOR FISCAL

20 YEAR 2012–2013

21 Sec. 148. MENTAL HEALTH, MENTAL RETARDATION, AND

22 DEVELOPMENTAL DISABILITIES SERVICES PROPERTY TAX

23 RELIEF. Notwithstanding the standing appropriation

24 in section 426B.1, subsection 2, for the fiscal year

25 beginning July 1, 2012, and ending June 30, 2013,

26 the amount appropriated from the general fund of the

27 state pursuant to that provision shall not exceed the

28 following amount:

29 \$ 81,199,911

30 Sec. 149. ADULT MH/MR/DD SERVICES ALLOWED GROWTH

31 FUNDING — FY 2012–2013.

32 1. There is appropriated from the general fund of

33 the state to the department of human services for the

34 fiscal year beginning July 1, 2012, and ending June 30,

35 2013, the following amount, or so much thereof as is

36 necessary, to be used for the purpose designated:

37 For distribution to counties of the county mental

38 health, mental retardation, and developmental

39 disabilities allowed growth factor adjustment for

40 fiscal year 2012–2013 as provided in this section in

41 lieu of the allowed growth factor provisions of section

42 331.438, subsection 2, and section 331.439, subsection

43 3, and chapter 426B and for transfer for the medical

44 assistance program:

45 \$ 88,697,893

46 Of the amount appropriated in this subsection,

47 \$5,000,000 shall be transferred to the appropriation

48 made in the department of human services division of

49 this Act from the general fund of the state to the

50 department of human services for the medical assistance

1 program for the fiscal year beginning July 1, 2012, and
2 shall be used to continue the funding designated in the
3 previous fiscal year to reduce home and community-based
4 services waiver waiting lists for children’s mental
5 health, intellectual disabilities, and brain injury.

6 2. Of the amount appropriated in this section,
7 \$12,000,000 shall be distributed as provided in this
8 subsection.

9 a. To be eligible to receive a distribution under
10 this subsection, a county must meet the following
11 requirements:

12 (1) The county is levying for the maximum amount
13 allowed for the county’s mental health, mental
14 retardation, and developmental disabilities services
15 fund under section 331.424A for taxes due and payable
16 in the fiscal year beginning July 1, 2012, or the
17 county is levying for at least 90 percent of the
18 maximum amount allowed for the county’s services fund
19 and that levy rate is more than \$2 per \$1,000 of the
20 assessed value of all taxable property in the county.

21 (2) In the fiscal year beginning July 1, 2010,
22 the county’s mental health, mental retardation, and
23 developmental disabilities services fund ending balance
24 under generally accepted accounting principles was
25 equal to or less than 15 percent of the county’s actual
26 gross expenditures for that fiscal year.

27 b. The amount of a county’s distribution from the
28 allocation made in this subsection shall be determined
29 based upon the county’s proportion of the general
30 population of the counties eligible to receive a
31 distribution under this subsection. The most recent
32 population estimates issued by the United States
33 bureau of the census shall be applied in determining
34 population for the purposes of this paragraph.

35 c. The distributions made pursuant to this
36 subsection are subject to the distribution provisions
37 and withholding requirements established in this
38 section for the county mental health, mental
39 retardation, and developmental disabilities allowed
40 growth factor adjustment for the fiscal year beginning
41 July 1, 2012.

42 3. The following amount of the funding appropriated
43 in this section is the allowed growth factor adjustment
44 for fiscal year 2012-2013, and shall be credited to the
45 allowed growth funding pool created in the property tax
46 relief fund and for distribution in accordance with
47 section 426B.5, subsection 1:

48 \$ 71,697,893

49 4. The following formula amounts shall be utilized
50 only to calculate preliminary distribution amounts for

1 the allowed growth factor adjustment for fiscal year
2 2012–2013 under this section by applying the indicated
3 formula provisions to the formula amounts and producing
4 a preliminary distribution total for each county:
5 a. For calculation of a distribution amount for
6 eligible counties from the allowed growth funding pool
7 created in the property tax relief fund in accordance
8 with the requirements in section 426B.5, subsection 1:
9 \$ 84,773,346
10 b. For calculation of a distribution amount for
11 counties from the mental health and developmental
12 disabilities (MH/DD) community services fund
13 in accordance with the formula provided in the
14 appropriation made for the MH/DD community services
15 fund for the fiscal year beginning July 1, 2012:
16 \$ 14,187,556
17 5. a. After applying the applicable statutory
18 distribution formulas to the amounts indicated in
19 subsection 4 for purposes of producing preliminary
20 distribution totals, the department of human services
21 shall apply a withholding factor to adjust an eligible
22 individual county’s preliminary distribution total.
23 In order to be eligible for a distribution under
24 this section, a county must be levying 90 percent or
25 more of the maximum amount allowed for the county’s
26 mental health, mental retardation, and developmental
27 disabilities services fund under section 331.424A for
28 taxes due and payable in the fiscal year for which the
29 distribution is payable.
30 b. An ending balance percentage for each county
31 shall be determined by expressing the county’s ending
32 balance on a modified accrual basis under generally
33 accepted accounting principles for the fiscal year
34 beginning July 1, 2010, in the county’s mental health,
35 mental retardation, and developmental disabilities
36 services fund created under section 331.424A, as a
37 percentage of the county’s gross expenditures from that
38 fund for that fiscal year. If a county borrowed moneys
39 for purposes of providing services from the county’s
40 services fund on or before July 1, 2010, and the
41 county’s services fund ending balance for that fiscal
42 year includes the loan proceeds or an amount designated
43 in the county budget to service the loan for the
44 borrowed moneys, those amounts shall not be considered
45 to be part of the county’s ending balance for purposes
46 of calculating an ending balance percentage under this
47 subsection.
48 c. For purposes of calculating withholding
49 factors and for ending balance amounts used for other
50 purposes under law, the county ending balances shall

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1 be adjusted, using forms developed for this purpose
2 by the county finance committee, to disregard the
3 temporary funding increase provided to the counties for
4 the fiscal year through the federal American Recovery
5 and Reinvestment Act of 2009, Pub. L. No. 111-5. In
6 addition, a county may adjust the ending balance amount
7 by rebating to the department all or a portion of
8 the allowed growth and MH/DD services fund moneys the
9 county received for the fiscal year beginning July 1,
10 2011, in accordance with this Act, or from any other
11 services fund moneys available to the county. The
12 rebate must be remitted to the department on or before
13 June 1, 2012, in order to be counted. However, if this
14 division of this Act is enacted after July 1, 2012, the
15 rebate must be remitted not later than 10 calendar days
16 after the date of the governor's approval of this Act.
17 The amount rebated by a county shall be subtracted
18 dollar-for-dollar from the county's ending balance
19 amount for the fiscal year beginning July 1, 2010, for
20 purposes of calculating the withholding factor and
21 for other ending balance purposes for the fiscal year
22 beginning July 1, 2012. The rebates received by the
23 department shall be credited to the property tax relief
24 fund and distributed as additional funding for the
25 fiscal year beginning July 1, 2012, in accordance with
26 the formula provisions in this section.

27 d. The withholding factor for a county shall be the
28 following applicable percent:

29 (1) For an ending balance percentage of less than
30 5 percent, a withholding factor of 0 percent. In
31 addition, a county that is subject to this lettered
32 paragraph shall receive an inflation adjustment equal
33 to 3 percent of the gross expenditures reported for the
34 county's services fund for the fiscal year.

35 (2) For an ending balance percentage of 5 percent
36 or more but less than 10 percent, a withholding factor
37 of 0 percent. In addition, a county that is subject
38 to this lettered paragraph shall receive an inflation
39 adjustment equal to 2 percent of the gross expenditures
40 reported for the county's services fund for the fiscal
41 year.

42 (3) For an ending balance percentage of 10 percent
43 or more but less than 25 percent, a withholding factor
44 of 25 percent. However, for counties with an ending
45 balance of 10 percent or more but less than 15 percent,
46 the amount withheld shall be limited to the amount by
47 which the county's ending balance was in excess of the
48 ending balance percentage of 10 percent.

49 (4) For an ending balance percentage of 25 percent
50 or more, a withholding percentage of 100 percent.

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1 6. The total withholding amounts applied pursuant
 2 to subsection 5 shall be equal to a withholding target
 3 amount of \$13,075,453. If the department of human
 4 services determines that the amount appropriated
 5 is insufficient or the amount to be withheld in
 6 accordance with subsection 5 is not equal to the target
 7 withholding amount, the department shall adjust the
 8 withholding factors listed in subsection 5 as necessary
 9 to achieve the target withholding amount. However, in
 10 making such adjustments to the withholding factors,
 11 the department shall strive to minimize changes to the
 12 withholding factors for those ending balance percentage
 13 ranges that are lower than others and shall only adjust
 14 the zero withholding factor or the inflation adjustment
 15 percentages specified in subsection 5, paragraph "d",
 16 when the amount appropriated is insufficient.

17 DIVISION XIX

18 CONDITIONAL RETROACTIVE APPLICABILITY

19 Sec. 150. EFFECTIVE DATE AND RETROACTIVE
 20 APPLICABILITY. Unless otherwise provided, this Act,
 21 if approved by the governor on or after July 1, 2011,
 22 takes effect upon enactment and applies retroactively
 23 to July 1, 2011.>

24 2. Title page, line 3, after <appropriations,> by
 25 inserting <providing penalties,>

S-3376

1 Amend the amendment, S-3299, to House File 590,
 2 as amended, passed, and reprinted by the House, as
 3 follows:

- 4 1. Page 1, line 8, by striking <Wallace> and
 5 inserting <Iowa>
- 6 2. Page 1, line 28, by striking <Wallace> and
 7 inserting <Iowa>
- 8 3. Page 2, line 5, by striking <Four> and inserting
 9 <Six>
- 10 4. Page 2, line 32, after <Seven> by inserting
 11 <voting>
- 12 5. Page 2, by striking lines 33 through 37 and
 13 inserting <a quorum.>
- 14 6. Page 2, line 39, by striking <appointed members>
 15 and inserting <quorum described in paragraph "a">
- 16 7. Page 3, line 6, before <jobs> and inserting <net
 17 new>
- 18 8. Page 3, before line 32 by inserting:
 19 <_. Page 12, before line 7 by inserting:
 20 <(5) A contract executed pursuant to this paragraph
 21 "d" shall be drafted and executed with the assistance
 22 and advice of the attorney general. >>

23 9. Page 3, line 43, after <corporation's> by
 24 inserting <current fiscal year and its>
 25 10. Page 7, line 34, by striking <Wallace> and
 26 inserting <Iowa>
 27 11. Page 7, line 36, by striking <Wallace> and
 28 inserting <Iowa>
 29 12. By striking page 8, line 40, through page 9,
 30 line 27.
 31 13. Page 9, line 38, by striking <September 30> and
 32 inserting <December 1>
 33 14. Page 10, after line 3 by inserting:
 34 <__. Page 20, after line 30 by inserting:
 35 <Sec. __. ECONOMIC DEVELOPMENT AUTHORITY BOARD —
 36 TRANSITION PROVISION. Notwithstanding any provision
 37 of section 15.105, as amended by this Act, to the
 38 contrary, the initial board of the economic development
 39 authority shall consist of the members of the Iowa
 40 economic development board serving on the effective
 41 date of this Act and eight voting members of the
 42 initial board shall constitute a quorum. Said board
 43 members shall serve as members and fulfill the duties
 44 of the economic development authority board as created
 45 by this Act until such time as members of the economic
 46 development authority board are appointed as provided
 47 by section 15.105, as amended by this Act.>
 48 __. Page 21, after line 11 by inserting:
 49 <Sec. __. Section 15E.52, subsection 7, paragraph
 50 a, if enacted by 2011 Iowa Acts, Senate File 517, is

Page 2

1 amended to read as follows:
 2 a. The fund is organized for the purposes of making
 3 investments in promising early-stage companies which
 4 have a principal place of business in the state ~~and for~~
 5 ~~using the profits from such investments to fund further~~
 6 ~~investments.~~ >>
 7 15. Page 10, before line 5 by inserting:
 8 <__. Page 23, before line 25 by inserting:
 9 <Sec. __. Section 476C.1, subsection 6, paragraph
 10 f, as enacted by 2011 Iowa Acts, House File 672,
 11 section 4, is amended to read as follows:
 12 f. For applications filed on or after July 1, 2011,
 13 except for wind energy conversion facilities, is a
 14 facility of no greater than ~~five sixty~~ megawatts of
 15 nameplate generating capacity or the energy production
 16 capacity equivalent.>
 17 __. Page 23, after line 25 by inserting:
 18 <Sec. __. RETROACTIVE APPLICABILITY. The
 19 following provision or provisions of this division of
 20 this Act apply retroactively to January 1, 2011, for
 21 tax years beginning and investments made on or after

22 that date:

23 1. The section of this Act amending section
24 15E.52.>

25 <__. Page 26, line 2, after <purposes.> by
26 inserting <The board, as defined by section 15.102,
27 may allocate an amount of repayments and recaptures
28 for purposes of financial assistance or administrative
29 costs of the economic development authority.>>

30 16. Page 10, after line 10 by inserting:

31 <__. Page 36, after line 11 by inserting:

32 <DIVISION VI
33 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE
34 APPLICABILITY

35 Sec. __. EFFECTIVE DATE AND RETROACTIVE
36 APPLICABILITY. Unless otherwise provided, this Act,
37 if approved by the governor on or after July 1, 2011,
38 takes effect upon enactment and applies retroactively
39 to July 1, 2011. >>

40 17. By renumbering as necessary.

STEVEN J. SODDERS

S-3377

1 Amend House File 589, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. Section 717A.1, Code 2011, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 2A. "Agricultural production
8 facility" means an animal facility as defined in
9 subsection 4, paragraph "a", or a crop operation
10 property.

11 Sec. 2. NEW SECTION. 717A.3A Agricultural
12 production facility fraud.

13 1. A person is guilty of agricultural production
14 facility fraud if the person willfully does any of the
15 following:

16 a. Obtains access to an agricultural production
17 facility by false pretenses.

18 b. Makes a false statement or representation as
19 part of an application or agreement to be employed
20 at an agricultural production facility, if the
21 person knows the statement to be false, and makes
22 the statement with an intent to commit an act not
23 authorized by the owner of the agricultural production
24 facility, knowing that the act is not authorized.

25 2. A person who commits agricultural production
26 facility fraud under subsection 1 is guilty of the
27 following:

28 a. For the first conviction, a serious misdemeanor.

29 b. For a second or subsequent conviction, an
 30 aggravated misdemeanor.
 31 3. a. A person who conspires to commit
 32 agricultural production facility fraud under subsection
 33 1 is subject to the provisions of chapter 706. A
 34 person who aids and abets in the commission of
 35 agricultural production facility fraud under subsection
 36 1 is subject to the provisions of chapter 703. When
 37 two or more persons, acting in concert, knowingly
 38 participate in committing agricultural production
 39 facility fraud under subsection 1, each person is
 40 responsible for the acts of the other person as
 41 provided in section 703.2. A person who has knowledge
 42 that agricultural production facility fraud under
 43 subsection 1 has been committed and that a certain
 44 person committed it, and who does not stand in the
 45 relation of husband or wife to the person committing
 46 the agricultural production facility fraud under
 47 subsection 1, and who harbors, aids, or conceals
 48 the person committing the agricultural production
 49 facility fraud under subsection 1, with the intent to
 50 prevent the apprehension of the person committing the

Page 2

1 agricultural production facility fraud under subsection
 2 1, is subject to section 703.3.
 3 b. A trial information or an indictment relating to
 4 agricultural production facility fraud under subsection
 5 1 need not contain allegations of vicarious liability
 6 as provided in chapter 703.>
 7 2. Title page, line 1, by striking <offenses> and
 8 inserting <an offense>
 9 3. Title page, line 2, by striking <and remedies>

TOM RIELLY
 TIM L. KAPUCIAN

S-3378

1 Amend the amendment, S-3299, to House File 590,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, line 8, by striking <Wallace> and
 5 inserting <Iowa>
 6 2. Page 1, line 28, by striking <Wallace> and
 7 inserting <Iowa>
 8 3. Page 2, line 5, by striking <Four> and inserting
 9 <Six>
 10 4. Page 2, line 32, after <Seven> by inserting
 11 <voting>
 12 5. Page 2, by striking lines 33 through 37 and

13 inserting <a quorum.>
 14 6. Page 2, line 39, by striking <appointed members>
 15 and inserting <quorum described in paragraph “a”>
 16 7. Page 3, line 6, before <jobs> and inserting <net
 17 new>
 18 8. Page 3, before line 32 by inserting:
 19 <__. Page 12, before line 7 by inserting:
 20 <(5) A contract executed pursuant to this paragraph
 21 “d” shall be drafted and executed with the assistance
 22 and advice of the attorney general. >>
 23 9. Page 3, line 43, after <corporation’s> by
 24 inserting <current fiscal year and its>
 25 10. Page 7, line 34, by striking <Wallace> and
 26 inserting <Iowa>
 27 11. Page 7, line 36, by striking <Wallace> and
 28 inserting <Iowa>
 29 12. By striking page 8, line 40, through page 9,
 30 line 27.
 31 13. Page 9, line 38, by striking <September 30> and
 32 inserting <December 1>
 33 14. Page 10, after line 3 by inserting:
 34 <__. Page 20, after line 30 by inserting:
 35 <Sec. __. ECONOMIC DEVELOPMENT AUTHORITY BOARD —
 36 TRANSITION PROVISION. Notwithstanding any provision
 37 of section 15.105, as amended by this Act, to the
 38 contrary, the initial board of the economic development
 39 authority shall consist of the members of the Iowa
 40 economic development board serving on the effective
 41 date of this Act and eight voting members of the
 42 initial board shall constitute a quorum. Said board
 43 members shall serve as members and fulfill the duties
 44 of the economic development authority board as created
 45 by this Act until such time as members of the economic
 46 development authority board are appointed as provided
 47 by section 15.105, as amended by this Act.>
 48 __. Page 21, after line 11 by inserting:
 49 <Sec. __. Section 15E.52, subsection 7, paragraph
 50 a, if enacted by 2011 Iowa Acts, Senate File 517, is

Page 2

1 amended to read as follows:
 2 a. The fund is organized for the purposes of making
 3 investments in promising early-stage companies which
 4 have a principal place of business in the state and for
 5 ~~using the profits from such investments to fund further~~
 6 ~~investments. >>~~
 7 15. Page 10, before line 5 by inserting:
 8 <__. Page 23, before line 25 by inserting:
 9 <Sec. __. Section 476C.1, subsection 6, paragraph
 10 f, as enacted by 2011 Iowa Acts, House File 672,
 11 section 4, is amended to read as follows:

12 f. For applications filed on or after July 1, 2011,
 13 except for wind energy conversion facilities, is a
 14 facility of no greater than ~~five~~ sixty megawatts of
 15 nameplate generating capacity or the energy production
 16 capacity equivalent.

17 Sec. ____. Section 476C.3, subsection 4, paragraph
 18 b, as enacted by 2011 Iowa Acts, House File 672,
 19 section 9, is amended to read as follows:

20 b. The maximum amount of energy production capacity
 21 equivalent of all other facilities the board may find
 22 eligible under this chapter shall not exceed a combined
 23 output of fifty-three megawatts of nameplate generating
 24 capacity and one hundred sixty-seven billion British
 25 thermal units of heat for a commercial purpose. Of
 26 the maximum amount of energy production capacity
 27 equivalent of all other facilities found eligible
 28 under this chapter, no more than ten megawatts of
 29 nameplate generating capacity or energy production
 30 capacity equivalent shall be allocated to any one
 31 facility. Of the maximum amount of energy production
 32 capacity equivalent of all other facilities found
 33 eligible under this chapter, fifty-five billion British
 34 thermal units of heat for a commercial purpose shall
 35 be reserved for an eligible facility that is a refuse
 36 conversion facility for processed, engineered fuel from
 37 a multicounty solid waste management planning area.
 38 The maximum amount of energy production capacity the
 39 board may find eligible for a single refuse conversion
 40 facility is fifty-five billion British thermal units of
 41 heat for a commercial purpose. Of the maximum amount
 42 of energy production capacity equivalent of all other
 43 facilities found eligible under this chapter, an amount
 44 equivalent to ten megawatts of nameplate generating
 45 capacity shall be reserved for eligible renewable
 46 energy facilities incorporated within or associated
 47 with an ethanol cogeneration plant engaged in the
 48 sale of ethanol to states to meet a low carbon fuel
 49 standard.>

50 _____. Page 23, after line 25 by inserting:

Page 3

1 <Sec. ____. RETROACTIVE APPLICABILITY. The
 2 following provision or provisions of this division of
 3 this Act apply retroactively to January 1, 2011, for
 4 tax years beginning and investments made on or after
 5 that date:

6 1. The section of this Act amending section
 7 15E.52.>

8 <____. Page 26, line 2, after <purposes.> by
 9 inserting <The board, as defined by section 15.102,
 10 may allocate an amount of repayments and recaptures

11 for purposes of financial assistance or administrative
12 costs of the economic development authority.>>

13 16. Page 10, after line 10 by inserting:

14 <__. Page 36, after line 11 by inserting:

15 <DIVISION VI

16 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE

17 APPLICABILITY

18 Sec. __. EFFECTIVE DATE AND RETROACTIVE

19 APPLICABILITY. Unless otherwise provided, this Act,

20 if approved by the governor on or after July 1, 2011,

21 takes effect upon enactment and applies retroactively

22 to July 1, 2011. >>

23 17. By renumbering as necessary.

STEVEN J. SODDERS

S-3379

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 645

1 Amend the Senate amendment, H-1731, to House File
2 645, as amended, passed, and reprinted by the House, as
3 follows:

4 1. By striking page 1, line 5, through page 41,
5 line 16, and inserting:

6 <DIVISION I

7 FY 2011-2012

8 DEPARTMENT FOR THE BLIND

9 Section 1. ADMINISTRATION. There is appropriated
10 from the general fund of the state to the department
11 for the blind for the fiscal year beginning July 1,
12 2011, and ending June 30, 2012, the following amount,
13 or so much thereof as is necessary, to be used for the
14 purposes designated:

15 1. For salaries, support, maintenance,
16 miscellaneous purposes, and for not more than the
17 following full-time equivalent positions:

18	\$	1,691,815
19	FTEs	88.00

20 2. For costs associated with universal access to
21 audio information over the phone on demand for blind
22 and print handicapped Iowans:

23	\$	50,000
----------	----	--------

24 COLLEGE STUDENT AID COMMISSION

25 Sec. 2. There is appropriated from the general fund
26 of the state to the college student aid commission for
27 the fiscal year beginning July 1, 2011, and ending June
28 30, 2012, the following amounts, or so much thereof as
29 is necessary, to be used for the purposes designated:

30 1. GENERAL ADMINISTRATION

31	For salaries, support, maintenance, miscellaneous		
32	purposes, and for not more than the following full-time		
33	equivalent positions:		
34	.....	\$	232,943
35	.....	FTEs	3.95
36	2. STUDENT AID PROGRAMS		
37	For payments to students for the Iowa grant program		
38	established in section 261.93:		
39	.....	\$	791,177
40	3. DES MOINES UNIVERSITY — HEALTH CARE		
41	PROFESSIONAL RECRUITMENT PROGRAM		
42	For forgivable loans to Iowa students attending Des		
43	Moines university — osteopathic medical center under		
44	the forgivable loan program pursuant to section 261.19:		
45	.....	\$	325,973
46	4. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM		
47	For purposes of providing national guard educational		
48	assistance under the program established in section		
49	261.86:		
50	.....	\$	3,186,233

Page 2

1	5. TEACHER SHORTAGE LOAN FORGIVENESS PROGRAM		
2	For the teacher shortage loan forgiveness program		
3	established in section 261.112:		
4	.....	\$	392,452
5	6. ALL IOWA OPPORTUNITY FOSTER CARE GRANT PROGRAM		
6	For purposes of the all Iowa opportunity foster care		
7	grant program established pursuant to section 261.6:		
8	.....	\$	554,057
9	7. ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM		
10	a. For purposes of the all Iowa opportunity		
11	scholarship program established pursuant to section		
12	261.87:		
13	.....	\$	2,240,854
14	b. If the moneys appropriated by the general		
15	assembly to the college student aid commission for		
16	fiscal year 2011–2012 for purposes of the all Iowa		
17	opportunity scholarship program exceed \$500,000,		
18	“eligible institution” as defined in section 261.87,		
19	shall, during fiscal year 2011–2012, include accredited		
20	private institutions as defined in section 261.9,		
21	subsection 1.		
22	8. REGISTERED NURSE AND NURSE EDUCATOR LOAN		
23	FORGIVENESS PROGRAM		
24	a. For purposes of the registered nurse and nurse		
25	educator loan forgiveness program established pursuant		
26	to section 261.23:		
27	.....	\$	80,852
28	b. It is the intent of the general assembly that		
29	the commission continue to consider moneys allocated		

30 pursuant to this subsection as moneys that meet the
 31 state matching funds requirements of the federal
 32 leveraging educational assistance program and the
 33 federal supplemental leveraging educational assistance
 34 program established under the Higher Education Act of
 35 1965, as amended.

36 9. BARBER AND COSMETOLOGY ARTS AND SCIENCES TUITION
 37 GRANT PROGRAM

38 For purposes of the barber and cosmetology arts and
 39 sciences tuition grant program established pursuant to
 40 section 261.18:

41 \$ 36,938

42 Sec. 3. CHIROPRACTIC LOAN FUNDS. Notwithstanding
 43 section 261.72, the moneys deposited in the
 44 chiropractic loan revolving fund created pursuant
 45 to section 261.72 may be used for purposes of the
 46 chiropractic loan forgiveness program established in
 47 section 261.73.

48 Sec. 4. WORK-STUDY APPROPRIATION FOR FY
 49 2011–2012. Notwithstanding section 261.85, for the
 50 fiscal year beginning July 1, 2011, and ending June 30,

Page 3

1 2012, the amount appropriated from the general fund of
 2 the state to the college student aid commission for the
 3 work-study program under section 261.85 shall be zero.

4 DEPARTMENT OF EDUCATION

5 Sec. 5. There is appropriated from the general fund
 6 of the state to the department of education for the
 7 fiscal year beginning July 1, 2011, and ending June 30,
 8 2012, the following amounts, or so much thereof as is
 9 necessary, to be used for the purposes designated:

10 1. GENERAL ADMINISTRATION

11 For salaries, support, maintenance, miscellaneous
 12 purposes, and for not more than the following full-time
 13 equivalent positions:

14 \$ 5,913,812

15 FTEs 81.67

16 2. VOCATIONAL EDUCATION ADMINISTRATION

17 For salaries, support, maintenance, miscellaneous
 18 purposes, and for not more than the following full-time
 19 equivalent positions:

20 \$ 449,276

21 FTEs 11.50

22 3. VOCATIONAL REHABILITATION SERVICES DIVISION

23 a. For salaries, support, maintenance,
 24 miscellaneous purposes, and for not more than the
 25 following full-time equivalent positions:

26 \$ 4,963,168

27 FTEs 255.00

28 b. For matching funds for programs to enable

29	persons with severe physical or mental disabilities to		
30	function more independently, including salaries and		
31	support, and for not more than the following full-time		
32	equivalent position:		
33	.....	\$	39,128
34	.....	FTEs	1.00
35	c. For the entrepreneurs with disabilities program		
36	established pursuant to section 259.4, subsection 9:		
37	.....	\$	145,535
38	d. For costs associated with centers for		
39	independent living:		
40	.....	\$	40,294
41	4. STATE LIBRARY		
42	a. For salaries, support, maintenance,		
43	miscellaneous purposes, and for not more than the		
44	following full-time equivalent positions:		
45	.....	\$	1,209,619
46	.....	FTEs	17.00
47	b. For the enrich Iowa program established under		
48	section 256.57:		
49	.....	\$	1,674,227
50	5. LIBRARY SERVICE AREA SYSTEM		

Page 4

1	For state aid:		
2	.....	\$	1,005,444
3	6. PUBLIC BROADCASTING DIVISION		
4	For salaries, support, maintenance, capital		
5	expenditures, miscellaneous purposes, and for not more		
6	than the following full-time equivalent positions:		
7	.....	\$	6,654,021
8	.....	FTEs	82.00
9	7. REGIONAL TELECOMMUNICATIONS COUNCILS		
10	For state aid:		
11	.....	\$	992,913
12	The regional telecommunications councils established		
13	in section 8D.5 shall use the moneys appropriated in		
14	this subsection to provide technical assistance for		
15	network classrooms, planning and troubleshooting for		
16	local area networks, scheduling of video sites, and		
17	other related support activities.		
18	8. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS		
19	For reimbursement for vocational education		
20	expenditures made by secondary schools:		
21	.....	\$	2,630,134
22	Moneys appropriated in this subsection shall be used		
23	to reimburse school districts for vocational education		
24	expenditures made by secondary schools to meet the		
25	standards set in sections 256.11, 258.4, and 260C.14.		
26	9. SCHOOL FOOD SERVICE		
27	For use as state matching funds for federal		

28 programs that shall be disbursed according to federal
 29 regulations, including salaries, support, maintenance,
 30 miscellaneous purposes, and for not more than the
 31 following full-time equivalent positions:

32	\$	2,176,797
33	FTEs	20.58

34 10. EARLY CHILDHOOD IOWA FUND — GENERAL AID
 35 For deposit in the school ready children grants
 36 account of the early childhood Iowa fund created in
 37 section 256I.11:

38	\$	5,386,113
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39 a. From the moneys deposited in the school ready
 40 children grants account for the fiscal year beginning
 41 July 1, 2011, and ending June 30, 2012, not more than
 42 \$265,950 is allocated for the early childhood Iowa
 43 office and other technical assistance activities. The
 44 early childhood Iowa state board shall direct staff to
 45 work with the early childhood stakeholders alliance
 46 created in section 256I.12 to inventory technical
 47 assistance needs. Moneys allocated under this lettered
 48 paragraph may be used by the early childhood Iowa state
 49 board for the purpose of skills development and support
 50 for ongoing training of staff. However, except as

Page 5

1 otherwise provided in this subsection, moneys shall not
 2 be used for additional staff or for the reimbursement
 3 of staff.

4 b. As a condition of receiving moneys appropriated
 5 in this subsection, each early childhood Iowa area
 6 board shall report to the early childhood Iowa state
 7 board progress on each of the local indicators approved
 8 by the area board. Each early childhood Iowa area
 9 board must also submit an annual budget for the area's
 10 comprehensive school ready children grant developed for
 11 providing services for children from birth through five
 12 years of age, and provide other information specified
 13 by the early childhood Iowa state board, including
 14 budget amendments as needed. The early childhood Iowa
 15 state board shall establish a submission deadline for
 16 the annual budget and any budget amendments that allow
 17 a reasonable period of time for preparation by the
 18 early childhood Iowa area boards and for review and
 19 approval or request for modification of the materials
 20 by the early childhood Iowa state board. In addition,
 21 each early childhood Iowa area board must continue to
 22 comply with reporting provisions and other requirements
 23 adopted by the early childhood Iowa state board in
 24 implementing section 256I.9.

25 c. Of the amount appropriated in this subsection
 26 for deposit in the school ready children grants account

27 of the early childhood Iowa fund, \$2,318,018 shall
 28 be used for efforts to improve the quality of early
 29 care, health, and education programs. Moneys allocated
 30 pursuant to this paragraph may be used for additional
 31 staff and for the reimbursement of staff. The early
 32 childhood Iowa state board may reserve a portion of the
 33 allocation, not to exceed \$88,650, for the technical
 34 assistance expenses of the early childhood Iowa state
 35 office, including the reimbursement of staff, and
 36 shall distribute the remainder to early childhood Iowa
 37 areas for local quality improvement efforts through
 38 a methodology identified by the early childhood Iowa
 39 state board to make the most productive use of the
 40 funding, which may include use of the distribution
 41 formula, grants, or other means.

42 d. Of the amount appropriated in this subsection
 43 for deposit in the school ready children grants account
 44 of the early childhood Iowa fund, \$825,030 shall
 45 be used for support of professional development and
 46 training activities for persons working in early care,
 47 health, and education by the early childhood Iowa
 48 state board in collaboration with the professional
 49 development component group of the early childhood
 50 Iowa stakeholders alliance maintained pursuant to

Page 6

1 section 256I.12, subsection 7, paragraph “b”, and the
 2 early childhood Iowa area boards. Expenditures shall
 3 be limited to professional development and training
 4 activities agreed upon by the parties participating in
 5 the collaboration.

6 **11. EARLY CHILDHOOD IOWA FUND — PRESCHOOL TUITION**
 7 **ASSISTANCE**

8 a. For deposit in the school ready children grants
 9 account of the early childhood Iowa fund created in
 10 section 256I.11:

11 \$ 5,428,877

12 b. The amount appropriated in this subsection shall
 13 be used for early care, health, and education programs
 14 to assist low-income parents with tuition for preschool
 15 and other supportive services for children ages three,
 16 four, and five who are not attending kindergarten in
 17 order to increase the basic family income eligibility
 18 requirement to not more than 200 percent of the federal
 19 poverty level. In addition, if sufficient funding is
 20 available after addressing the needs of those who meet
 21 the basic income eligibility requirement, an early
 22 childhood Iowa area board may provide for eligibility
 23 for those with a family income in excess of the basic
 24 income eligibility requirement through use of a sliding
 25 scale or other copayment provisions.

26 12. EARLY CHILDHOOD IOWA FUND — FAMILY SUPPORT AND
27 PARENT EDUCATION

28 a. For deposit in the school ready children grants
29 account of the early childhood Iowa fund created in
30 section 256I.11:
31 \$ 12,364,434

32 b. The amount appropriated in this subsection
33 shall be used for family support services and parent
34 education programs targeted to families expecting a
35 child or with newborn and infant children through age
36 five and shall be distributed using the distribution
37 formula approved by the early childhood Iowa state
38 board and shall be used by an early childhood Iowa
39 area board only for family support services and parent
40 education programs targeted to families expecting a
41 child or with newborn and infant children through age
42 five.

43 13. BIRTH TO AGE THREE SERVICES

44 For expansion of the federal Individuals with
45 Disabilities Education Improvement Act of 2004, Pub.
46 L. No. 108-446, as amended to January 1, 2011, birth
47 through age three services due to increased numbers of
48 children qualifying for those services:
49 \$ 1,721,400
50 From the moneys appropriated in this subsection,

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1 \$383,769 shall be allocated to the child health
2 specialty clinic at the state university of Iowa to
3 provide additional support for infants and toddlers
4 who are born prematurely, drug-exposed, or medically
5 fragile.

6 14. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

7 To provide moneys for costs of providing textbooks
8 to each resident pupil who attends a nonpublic school
9 as authorized by section 301.1:
10 \$ 560,214

11 Funding under this subsection is limited to \$20 per
12 pupil and shall not exceed the comparable services
13 offered to resident public school pupils.

14 15. CORE CURRICULUM AND CAREER INFORMATION AND
15 DECISION-MAKING SYSTEM

16 For purposes of implementing the statewide core
17 curriculum for school districts and accredited
18 nonpublic schools and a state-designated career
19 information and decision-making system:
20 \$ 1,000,000

21 16. STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM

22 For purposes of the student achievement and teacher
23 quality program established pursuant to chapter
24 284, and for not more than the following full-time

25	equivalent positions:		
26	.....	\$	4,785,000
27	.....	FTEs	2.00
28	17. JOBS FOR AMERICA'S GRADUATES		
29	For school districts to provide direct services to		
30	the most at-risk senior high school students enrolled		
31	in school districts through direct intervention by a		
32	jobs for America's graduates specialist:		
33	.....	\$	40,000
34	18. COMMUNITY COLLEGES		
35	a. For general state financial aid to merged		
36	areas as defined in section 260C.2 in accordance with		
37	chapters 258 and 260C:		
38	.....	\$	163,774,647
39	Notwithstanding the allocation formula in section		
40	260C.18C, the funds appropriated in this subsection		
41	shall be allocated as follows:		
42	(1) Merged Area I.....	\$	8,164,628
43	(2) Merged Area II.....	\$	8,653,675
44	(3) Merged Area III.....	\$	7,965,666
45	(4) Merged Area IV.....	\$	3,913,107
46	(5) Merged Area V.....	\$	9,010,347
47	(6) Merged Area VI.....	\$	7,621,843
48	(7) Merged Area VII.....	\$	11,387,434
49	(8) Merged Area IX.....	\$	14,181,538
50	(9) Merged Area X.....	\$	25,053,587

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1	(10) Merged Area XI.....	\$	25,338,428
2	(11) Merged Area XII.....	\$	9,291,308
3	(12) Merged Area XIII.....	\$	9,595,296
4	(13) Merged Area XIV.....	\$	3,975,456
5	(14) Merged Area XV.....	\$	12,456,924
6	(15) Merged Area XVI.....	\$	7,165,410
7	b. For distribution to community colleges to		
8	supplement faculty salaries:		
9	.....	\$	500,000
10	c. For deposit in the workforce training and		
11	economic development funds created pursuant to section		
12	260C.18A:		
13	.....	\$	5,000,000
14	Sec. 6. DEPARTMENT OF EDUCATION TRANSFERS. There		
15	is transferred between the following designated		
16	appropriations made to the department of education for		
17	the fiscal year beginning July 1, 2010, and ending June		
18	30, 2011, not more than the following amounts:		
19	From the appropriation made for purposes of the		
20	student achievement and teacher quality program in 2010		
21	Iowa Acts, chapter 1183, section 6, subsection 18, as		
22	follows:		
23	1. To the appropriation made for purposes of		

24	vocational education administration in 2010 Iowa Acts,		
25	chapter 1183, section 6, subsection 2:		
26	.....	\$	110,521
27	2. To the appropriation made for purposes of		
28	vocational education to secondary schools in 2010 Iowa		
29	Acts, chapter 1183, section 6, subsection 8:		
30	.....	\$	39,458
31	3. To the appropriation made for purposes of school		
32	food service in 2010 Iowa Acts, chapter 1183, section		
33	6, subsection 9:		
34	.....	\$	55,739
35	Notwithstanding section 8.33, moneys transferred		
36	pursuant to this section by the department of education		
37	that remain unencumbered or unobligated at the close of		
38	the fiscal year beginning July 1, 2010, and ending June		
39	30, 2011, shall not revert but shall remain available		
40	for expenditure for the purposes designated until the		
41	close of the succeeding fiscal year.		
42	STATE BOARD OF REGENTS		
43	Sec. 7. There is appropriated from the general fund		
44	of the state to the state board of regents for the		
45	fiscal year beginning July 1, 2011, and ending June 30,		
46	2012, the following amounts, or so much thereof as is		
47	necessary, to be used for the purposes designated:		
48	1. OFFICE OF STATE BOARD OF REGENTS		
49	a. For salaries, support, maintenance,		
50	miscellaneous purposes, and for not more than the		

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1	following full-time equivalent positions:		
2	\$	1,065,005
3	FTEs	15.00
4	The state board of regents shall submit a monthly		
5	financial report in a format agreed upon by the state		
6	board of regents office and the legislative services		
7	agency.		
8	b. For moneys to be allocated to the southwest Iowa		
9	graduate studies center:		
10	.....	\$	87,471
11	c. For moneys to be allocated to the siouxland		
12	interstate metropolitan planning council for the		
13	tristate graduate center under section 262.9,		
14	subsection 22:		
15	.....	\$	66,601
16	d. For moneys to be allocated to the quad-cities		
17	graduate studies center:		
18	.....	\$	129,776
19	e. For moneys to be distributed to Iowa public		
20	radio for public radio operations:		
21	.....	\$	391,568
22	2. STATE UNIVERSITY OF IOWA		

23	a. General university, including lakeside		
24	laboratory		
25	For salaries, support, maintenance, equipment,		
26	miscellaneous purposes, and for not more than the		
27	following full-time equivalent positions:		
28	.....	\$	209,737,311
29	.....	FTEs	5,058.55
30	b. Oakdale campus		
31	For salaries, support, maintenance, miscellaneous		
32	purposes, and for not more than the following full-time		
33	equivalent positions:		
34	.....	\$	2,186,558
35	.....	FTEs	38.25
36	c. State hygienic laboratory		
37	For salaries, support, maintenance, miscellaneous		
38	purposes, and for not more than the following full-time		
39	equivalent positions:		
40	.....	\$	3,536,716
41	.....	FTEs	102.50
42	d. Family practice program		
43	For allocation by the dean of the college of		
44	medicine, with approval of the advisory board, to		
45	qualified participants to carry out the provisions		
46	of chapter 148D for the family practice program,		
47	including salaries and support, and for not more than		
48	the following full-time equivalent positions:		
49	\$	1,788,265
50	FTEs	190.40

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1	e. Child health care services		
2	For specialized child health care services,		
3	including childhood cancer diagnostic and treatment		
4	network programs, rural comprehensive care for		
5	hemophilia patients, and the Iowa high-risk infant		
6	follow-up program, including salaries and support, and		
7	for not more than the following full-time equivalent		
8	positions:		
9	.....	\$	659,456
10	.....	FTEs	57.97
11	f. Statewide cancer registry		
12	For the statewide cancer registry, and for not more		
13	than the following full-time equivalent positions:		
14	.....	\$	149,051
15	.....	FTEs	2.10
16	g. Substance abuse consortium		
17	For moneys to be allocated to the Iowa consortium		
18	for substance abuse research and evaluation, and		
19	for not more than the following full-time equivalent		
20	position:		
21	.....	\$	55,529

22	.....	FTEs	1.00
23	h. Center for biocatalysis		
24	For the center for biocatalysis, and for not more		
25	than the following full-time equivalent positions:		
26	.....	\$	723,727
27	.....	FTEs	6.28
28	i. Primary health care initiative		
29	For the primary health care initiative in the		
30	college of medicine, and for not more than the		
31	following full-time equivalent positions:		
32	.....	\$	648,930
33	.....	FTEs	5.89
34	From the moneys appropriated in this lettered		
35	paragraph, \$254,889 shall be allocated to the		
36	department of family practice at the state university		
37	of Iowa college of medicine for family practice faculty		
38	and support staff.		
39	j. Birth defects registry		
40	For the birth defects registry, and for not more		
41	than the following full-time equivalent position:		
42	.....	\$	38,288
43	.....	FTEs	1.00
44	k. Larned A. Waterman Iowa nonprofit resource		
45	center		
46	For the Larned A. Waterman Iowa nonprofit resource		
47	center, and for not more than the following full-time		
48	equivalent positions:		
49	\$	162,539
50	FTEs	2.75

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1	l. Iowa online advanced placement academy science,		
2	technology, engineering, and mathematics initiative		
3	For the establishment of the Iowa online advanced		
4	placement academy science, technology, engineering, and		
5	mathematics initiative:		
6	.....	\$	481,849
7	3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY		
8	a. General university		
9	For salaries, support, maintenance, equipment,		
10	miscellaneous purposes, and for not more than the		
11	following full-time equivalent positions:		
12	.....	\$	164,345,198
13	.....	FTEs	3,647.42
14	b. Agricultural experiment station		
15	For the agricultural experiment station salaries,		
16	support, maintenance, miscellaneous purposes, and		
17	for not more than the following full-time equivalent		
18	positions:		
19	.....	\$	28,111,877
20	.....	FTEs	546.98

21	c. Cooperative extension service in agriculture and		
22	home economics		
23	For the cooperative extension service in agriculture		
24	and home economics salaries, support, maintenance,		
25	miscellaneous purposes, and for not more than the		
26	following full-time equivalent positions:		
27	.....	\$	17,936,722
28	.....	FTEs	383.34
29	d. Leopold center		
30	For agricultural research grants at Iowa state		
31	university of science and technology under section		
32	266.39B, and for not more than the following full-time		
33	equivalent positions:		
34	.....	\$	397,417
35	.....	FTEs	11.25
36	e. Livestock disease research		
37	For deposit in and the use of the livestock disease		
38	research fund under section 267.8:		
39	.....	\$	172,845
40	4. UNIVERSITY OF NORTHERN IOWA		
41	a. General university		
42	For salaries, support, maintenance, equipment,		
43	miscellaneous purposes, and for not more than the		
44	following full-time equivalent positions:		
45	.....	\$	74,734,586
46	.....	FTEs	1,447.50
47	b. Recycling and reuse center		
48	For purposes of the recycling and reuse center, and		
49	for not more than the following full-time equivalent		
50	positions:		

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1	\$	175,256
2	FTEs	3.00
3	c. Science, technology, engineering, and		
4	mathematics (STEM) collaborative initiative		
5	For purposes of establishing a science, technology,		
6	engineering, and mathematics (STEM) collaborative		
7	initiative, and for not more than the following		
8	full-time equivalent positions:		
9	.....	\$	1,734,656
10	.....	FTEs	6.20
11	(1) From the moneys appropriated in this lettered		
12	paragraph, up to \$282,000 shall be allocated for		
13	salaries, staffing, and institutional support. The		
14	remainder of the moneys appropriated in this lettered		
15	paragraph shall be expended only to support activities		
16	directly related to recruitment of kindergarten		
17	through grade 12 mathematics and science teachers and		
18	for ongoing mathematics and science programming for		
19	students enrolled in kindergarten through grade 12.		

20 (2) The university of northern Iowa shall work with
 21 the community colleges to develop STEM professional
 22 development programs for community college instructors
 23 and STEM curriculum development.

24 d. Real estate education program

25 For purposes of the real estate education program,
 26 and for not more than the following full-time
 27 equivalent position:

28	\$	125,302
29	FTEs	1.00

30 5. STATE SCHOOL FOR THE DEAF

31 For salaries, support, maintenance, miscellaneous
 32 purposes, and for not more than the following full-time
 33 equivalent positions:

34	\$	8,679,964
35	FTEs	126.60

36 6. IOWA BRAILLE AND SIGHT SAVING SCHOOL

37 For salaries, support, maintenance, miscellaneous
 38 purposes, and for not more than the following full-time
 39 equivalent positions:

40	\$	3,618,931
41	FTEs	62.87

42 7. TUITION AND TRANSPORTATION COSTS

43 For payment to local school boards for the tuition
 44 and transportation costs of students residing in the
 45 Iowa braille and sight saving school and the state
 46 school for the deaf pursuant to section 262.43 and
 47 for payment of certain clothing, prescription, and
 48 transportation costs for students at these schools
 49 pursuant to section 270.5:

50	\$	11,763
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1 8. LICENSED CLASSROOM TEACHERS

2 For distribution at the Iowa braille and sight
 3 saving school and the Iowa school for the deaf based
 4 upon the average yearly enrollment at each school as
 5 determined by the state board of regents:

6	\$	82,049
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7 Sec. 8. ENERGY COST-SAVINGS PROJECTS —

8 FINANCING. For the fiscal year beginning July 1,
 9 2011, and ending June 30, 2012, the state board of
 10 regents may use notes, bonds, or other evidences of
 11 indebtedness issued under section 262.48 to finance
 12 projects that will result in energy cost savings in an
 13 amount that will cause the state board to recover the
 14 cost of the projects within an average of six years.

15 Sec. 9. PRESCRIPTION DRUG COSTS. Notwithstanding

16 section 270.7, the department of administrative
 17 services shall pay the state school for the deaf and
 18 the Iowa braille and sight saving school the moneys

19 collected from the counties during the fiscal year
 20 beginning July 1, 2011, for expenses relating to
 21 prescription drug costs for students attending the
 22 state school for the deaf and the Iowa braille and
 23 sight saving school.

24 Sec. 10. Section 256I.9, subsection 2, Code 2011,
 25 is amended to read as follows:

26 2. The state board shall provide maximum
 27 flexibility to grantees for the use of the grant
 28 moneys included in a school ready children grant,
 29 including but not limited to authorizing an area board
 30 to use grant moneys to pay for regular audits required
 31 pursuant to section 256I.5, subsection 1, if moneys
 32 distributed to an area board for administrative costs
 33 are insufficient to pay for the required audits.

34 Sec. 11. Section 256I.9, subsection 3, paragraph b,
 35 Code 2011, is amended to read as follows:

36 b. Family support services and parent education
 37 programs promoted to parents of children from zero
 38 through age five. Family support services shall
 39 include but are not limited to home visitation. Of
 40 the ~~state funding from all sources~~ that an area board
 41 designates for family support programs, at least sixty
 42 percent shall be committed to programs with a home
 43 visitation component.

44 It is the intent of the general assembly that
 45 priority for home visitation program funding be given
 46 to programs using evidence-based or promising models
 47 for home visitation.

48 Sec. 12. Section 261.19, Code 2011, is amended to
 49 read as follows:

50 261.19 ~~Osteopathic physician~~ Health care

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1 professional recruitment program.
 2 1. A ~~physician health care professional~~ recruitment
 3 program is established; to be administered by the
 4 college student aid commission; for Des Moines
 5 university — ~~osteopathic medical center~~. The
 6 program shall consist of a ~~forgivable loan program~~
 7 ~~and a tuition scholarship program for students and~~
 8 ~~a loan repayment program for physicians health care~~
 9 ~~professionals~~. The commission shall regularly adjust
 10 the ~~physician~~ service requirement under each aspect
 11 of the program to provide, to the extent possible,
 12 an equal financial benefit for each period of service
 13 required.

14 2. a. ~~Notwithstanding the administration~~
 15 ~~provisions of subsection 1, the forgivable loan~~
 16 ~~program established pursuant to subsection 1 shall be~~
 17 ~~administered by the commission in conjunction with Des~~

18 ~~Moines university—osteopathic medical center. Des~~
 19 ~~Moines university—osteopathic medical center shall~~
 20 ~~match on an equal basis state aid appropriated for~~
 21 ~~purposes of the forgivable loan program.~~
 22 ~~b. Des Moines university—osteopathic medical~~
 23 ~~center shall provide recommendations to the commission~~
 24 ~~for students who meet the eligibility requirements of~~
 25 ~~the forgivable loan program. A forgivable loan may~~
 26 ~~be awarded to a resident of Iowa who is enrolled at~~
 27 ~~Des Moines university—osteopathic medical center~~
 28 ~~if the student agrees to practice in this state for~~
 29 ~~a period of time to be determined by the commission~~
 30 ~~at the time the loan is awarded. Forgivable loans to~~
 31 ~~eligible students shall not become due until after the~~
 32 ~~student completes a residency program. Interest on~~
 33 ~~the loans shall begin to accrue the day following the~~
 34 ~~student's graduation date. If the student completes~~
 35 ~~the period of practice established by the commission~~
 36 ~~and agreed to by the student, the loan amount shall~~
 37 ~~be forgiven. The loan amount shall not be forgiven~~
 38 ~~if the osteopathic physician fails to complete the~~
 39 ~~required time period of practice in this state or fails~~
 40 ~~to satisfactorily continue in the university's program~~
 41 ~~of medical education.~~
 42 ~~3. A student enrolled at Des Moines university~~
 43 ~~—osteopathic medical center shall be eligible for~~
 44 ~~a tuition scholarship for the student's study at the~~
 45 ~~university. The scholarship shall be for an amount~~
 46 ~~not to exceed the annual tuition at the university. A~~
 47 ~~student who receives a tuition scholarship shall not~~
 48 ~~be eligible for the loan repayment program provided~~
 49 ~~for by this section. A student who receives a tuition~~
 50 ~~scholarship shall agree to practice in an eligible~~

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1 ~~rural community in this state for a period of time~~
 2 ~~to be determined by the commission at the time the~~
 3 ~~scholarship is awarded. The student shall repay the~~
 4 ~~scholarship to the commission if the student fails to~~
 5 ~~practice in a medically underserved rural community in~~
 6 ~~this state for the required period of time.~~
 7 ~~4. A physician health care professional shall be~~
 8 ~~eligible for the physician loan repayment program~~
 9 ~~if the physician health care professional agrees~~
 10 ~~to practice in an eligible rural community in this~~
 11 ~~state. Des Moines university—osteopathic medical~~
 12 ~~center shall recruit and place physicians health~~
 13 ~~care professionals in rural communities which have~~
 14 ~~agreed to provide additional funds for the physician's~~
 15 ~~recipient's loan repayment. The contract for the~~
 16 ~~loan repayment shall stipulate the time period the~~

17 ~~physician recipient~~ shall practice in an eligible rural
 18 community in this state. In addition, the contract
 19 shall stipulate that the ~~physician recipient~~ repay any
 20 funds paid on the ~~physician's recipient's~~ loan by the
 21 commission if the ~~physician recipient~~ fails to practice
 22 in an eligible rural community in this state for the
 23 required period of time.

24 3. A health care professional recruitment revolving
 25 fund is created in the state treasury as a separate
 26 fund under the control of the commission. The
 27 commission shall deposit payments made by health care
 28 professional recruitment program recipients and the
 29 proceeds from the sale of osteopathic loans awarded
 30 pursuant to section 261.19, subsection 2, paragraph
 31 "b", Code 2011, into the health care professional
 32 recruitment revolving fund. Moneys credited to the
 33 fund shall be used to supplement moneys appropriated
 34 for the health care professional recruitment program,
 35 for loan repayment in accordance with this section,
 36 and to pay for loan or interest repayment defaults by
 37 program recipients. Notwithstanding section 8.33, any
 38 balance in the fund on June 30 of any fiscal year shall
 39 not revert to the general fund of the state.

40 4. For purposes of this subsection, "eligible
 41 section:

42 a. "Eligible rural community" means a medically
 43 underserved rural community which agrees to match
 44 state funds provided on at least a dollar-for-dollar
 45 basis for the loan repayment of a ~~physician~~ health care
 46 professional who practices in the community.

47 b. "Health care professional" means a physician,
 48 physician assistant, podiatrist, or physical therapist.

49 5. The commission shall adopt rules pursuant to
 50 chapter 17A to administer this section.

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1 Sec. 13. Section 261.25, subsections 1, 2, and 3,
 2 Code 2011, are amended to read as follows:

3 1. There is appropriated from the general fund of
 4 the state to the commission for each fiscal year the
 5 sum of ~~forty-four~~ forty-three million five hundred
 6 thirteen thousand four hundred forty-eight dollars for
 7 tuition grants.

8 2. There is appropriated from the general fund
 9 of the state to the commission for each fiscal year
 10 the sum of four million ~~six hundred fifty thousand~~
 11 ~~four hundred eighty-seven~~ dollars for tuition grants
 12 for students attending for-profit accredited private
 13 institutions located in Iowa. A for-profit institution
 14 which, effective March 9, 2005, or effective January
 15 8, 2010, purchased an accredited private institution

16 that was exempt from taxation under section 501(c)
 17 of the Internal Revenue Code, shall be an eligible
 18 institution under the tuition grant program. For
 19 purposes of the tuition grant program, “for-profit
 20 accredited private institution” means an accredited
 21 private institution which is not exempt from taxation
 22 under section 501(c)(3) of the Internal Revenue Code
 23 but which otherwise meets the requirements of section
 24 261.9, subsection 1, paragraph “b”, and whose students
 25 were eligible to receive tuition grants in the fiscal
 26 year beginning July 1, 2003.

27 3. There is appropriated from the general fund of
 28 the state to the commission for each fiscal year the
 29 sum of two million ~~four two hundred thirteen~~ thirteen ~~fifty~~
 30 ~~thousand nine one hundred fifty-nine~~ eighty-five
 31 dollars for vocational-technical tuition grants.

32 Sec. 14. Section 261E.3, subsection 1, paragraph e,
 33 Code 2011, is amended to read as follows:

34 e. The student shall have demonstrated proficiency
 35 in reading, mathematics, and science as evidenced by
 36 achievement scores on the latest administration of
 37 the state assessment for which scores are available
 38 and as defined by the department. However, a student
 39 receiving competent private instruction under chapter
 40 299A may demonstrate proficiency by submitting the
 41 written recommendation of the licensed practitioner
 42 providing supervision to the student in accordance
 43 with section 299A.2; may demonstrate proficiency
 44 as evidenced by achievement scores on the annual
 45 achievement evaluation required under section 299A.4;
 46 or may demonstrate proficiency as evidenced by a
 47 selection index, which is the sum of the critical
 48 reading, mathematics, and writing skills assessments,
 49 of at least one hundred forty-one on the preliminary
 50 scholastic aptitude test administered by the college

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1 board; a composite score of at least twenty-one on
 2 the college readiness assessment administered by ACT,
 3 inc.; or a sum of the critical reading and mathematics
 4 scores of at least nine hundred ninety on the college
 5 readiness assessment administered by the college board.

6 If a student is not proficient in one or more of the
 7 content areas listed in this paragraph, has not taken
 8 the college readiness assessments identified in this
 9 paragraph, or has not achieved the scores specified
 10 in this paragraph, the school board may establish
 11 alternative but equivalent qualifying performance
 12 measures including but not limited to additional
 13 administrations of the state assessment, portfolios
 14 of student work, student performance rubric, or

15 end-of-course assessments.

16 Sec. 15. Section 261E.9, subsections 1 through 3,
17 Code 2011, are amended to read as follows:

18 1. a. A regional academy is a program established
19 by a school district to which multiple school districts
20 send students in grades ~~nine~~ seven through twelve,
21 and which may include internet based coursework
22 and courses delivered via the Iowa communications
23 network. A regional academy shall include in its
24 curriculum advanced level courses and may include
25 in its curriculum career and technical courses. A
26 school district establishing a regional academy may
27 collaborate and partner with, enter into an agreement
28 pursuant to chapter 28E with, or enter into a contract
29 with, one or more school districts, area education
30 agencies, community colleges, accredited public
31 and private postsecondary institutions, accredited
32 nonpublic schools, businesses, and private agencies
33 located within or outside of the state.

34 b. The purpose of a regional academy established
35 pursuant to this section shall be to build a culture
36 of innovation for students and community, to diversify
37 educational and economic opportunities by engaging in
38 learning experiences that involve students in complex,
39 real-world projects, and to develop regional or global
40 innovation networks.

41 c. If a school district establishing a regional
42 academy in accordance with this section submits a plan
43 to the department for approval that demonstrates how
44 the regional academy will increase and assess student
45 achievement or increase and assess competency-based
46 learning opportunities for students, the department may
47 waive or modify any statutory or regulatory provision
48 applicable to school districts except the department
49 shall not waive or modify any statutory or regulatory
50 provision relating to requirements applicable to school

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1 districts under chapters 11, 21, 22, 216, 216A, 256B,
2 279, 284, and 285; or relating to contracts with and
3 discharge of teachers and administrators under chapters
4 20 and 279; or relating to audit requirements under
5 section 256.9, subsection 20, and section 279.29.

6 2. a. A regional academy ~~course~~ shall not qualify
7 as a concurrent enrollment course include in its
8 curriculum advanced level courses.

9 b. A regional academy may include in its curriculum
10 virtual or internet-based coursework and courses
11 delivered via the Iowa communications network, career
12 and technical courses, core curriculum coursework,
13 courses required pursuant to section 256.7, subsection

14 26, or section 256.11, subsections 4 and 5, and
 15 asynchronous learning networks.
 16 3. School districts participating in regional
 17 academies are eligible for supplementary weighting as
 18 provided in section 257.11, subsection 2. The school
 19 districts participating in the regional academy shall
 20 enter into an agreement on how the funding generated
 21 by the supplementary weighting received shall be used
 22 and shall submit the agreement to the department for
 23 approval.

24 Sec. 16. Section 262.13, Code 2011, is amended to
 25 read as follows:

26 262.13 ~~Security Peace~~ Peace officers at institutions ~~as~~
 27 ~~peace officers.~~

28 The board may authorize any institution under its
 29 control to commission one or more of its employees
 30 as ~~special security peace~~ officers. ~~Special security~~
 31 ~~officers~~ Such officers shall have the same powers,
 32 duties, privileges, and immunities of as conferred on
 33 regular peace officers ~~when acting in the interests~~
 34 ~~of the institution by which they are employed.~~ The
 35 board shall provide as rapidly as practicable for the
 36 adequate training and certification of such ~~special~~
 37 ~~security peace~~ officers at the Iowa law enforcement
 38 academy or in an equivalent at a law enforcement
 39 training program school approved by the academy, unless
 40 ~~they have the peace officers are already received such~~
 41 ~~training certified by the Iowa law enforcement academy~~
 42 or by an approved law enforcement training school.

43 Sec. 17. Section 263.8A, Code 2011, is amended to
 44 read as follows:

45 263.8A International center for talented and gifted
 46 education — Iowa online advanced placement academy
 47 science, technology, engineering, and mathematics
 48 initiative.

49 1. a. The state board of regents shall establish
 50 and maintain at Iowa City as an integral part of the

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1 state university of Iowa the international center for
 2 talented and gifted education. The international
 3 center shall provide programs to assist classroom
 4 teachers to teach gifted and talented students in
 5 regular classrooms, provide programs to enhance the
 6 learning experiences of gifted and talented students,
 7 serve as a center for national and international
 8 symposiums and policy forums for enhancing the teaching
 9 of gifted and talented students, and undertake other
 10 appropriate activities to enhance the programs of the
 11 center, including, but not limited to, coordinating and
 12 working with the world council for gifted and talented

13 children, incorporated.

14 b. An international center endowment fund is
 15 established at the state university of Iowa and gifts
 16 and grants to the international center and investment
 17 earnings and returns on the endowment fund shall be
 18 deposited in the fund and may be expended by the state
 19 university of Iowa for the purposes for which the
 20 international center was established.

21 2. The Iowa online advanced placement academy
 22 science, technology, engineering, and mathematics
 23 initiative is established within the international
 24 center for talented and gifted education at the state
 25 university of Iowa to deliver, with an emphasis on
 26 science, technology, engineering, and mathematics
 27 coursework, preadvanced placement and advanced
 28 placement courses to high school students throughout
 29 the state, provide training opportunities for teachers
 30 to learn how to teach advanced placement courses in
 31 Iowa's high schools, and provide preparation for middle
 32 school students to ensure success in high school.

33 Sec. 18. Section 279.51, subsection 2, Code 2011,
 34 is amended to read as follows:

35 2. a. Funds allocated under subsection 1,
 36 paragraph "b", shall be used by the child development
 37 coordinating council for the following:

38 ~~a.~~ (1) To continue funding for programs previously
 39 funded by grants awarded under section 256A.3 and to
 40 provide additional grants under section 256A.3. The
 41 council shall seek to provide grants on the basis of
 42 the location within the state of children meeting
 43 at-risk definitions.

44 ~~b.~~ (2) At the discretion of the child development
 45 coordinating council, award grants for the following:

46 ~~(1)~~ (a) To school districts to establish programs
 47 for three-year-old, four-year-old, and five-year-old
 48 at-risk children which are a combination of preschool
 49 and full-day kindergarten.

50 ~~(2)~~ (b) To provide grants to provide educational

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1 support services to parents of at-risk children age
 2 birth through three years.

3 b. A grantee under this subsection may direct the
 4 use of moneys received to serve any qualifying child
 5 ranging in age from three years old to five years old,
 6 regardless of the age of population indicated on the
 7 grant request in its initial year of application. A
 8 grantee is encouraged to consider the degree to which
 9 the program complements existing programs and services
 10 for three-year-old, four-year-old, and five-year-old
 11 at-risk children available in the area, including other

12 child care and preschool services, services provided
 13 through a school district, and services available
 14 through an area education agency.

15 Sec. 19. Section 284.13, subsection 1, paragraphs a
 16 through d, Code 2011, are amended to read as follows:

17 a. For the fiscal year beginning July 1, ~~2010~~ 2011,
 18 and ending June 30, ~~2011~~ 2012, to the department of
 19 education, the amount of ~~nine six hundred sixty four~~
 20 eighty-five thousand dollars for the issuance of
 21 national board certification awards in accordance
 22 with section 256.44. Of the amount allocated under
 23 this paragraph, not less than ~~seventy six~~ eighty-five
 24 thousand ~~five hundred~~ dollars shall be used to
 25 administer the ambassador to education position in
 26 accordance with section 256.45.

27 b. For the fiscal year beginning July 1, ~~2010~~ 2011,
 28 and ~~succeeding fiscal years ending June 30, 2012~~, an
 29 amount up to ~~four two million one three hundred seven~~
 30 ninety-five thousand ~~two hundred forty one hundred~~
 31 fifty-seven dollars for first-year and second-year
 32 beginning teachers, to the department of education for
 33 distribution to school districts and area education
 34 agencies for purposes of the beginning teacher
 35 mentoring and induction programs. A school district or
 36 area education agency shall receive one thousand three
 37 hundred dollars per beginning teacher participating in
 38 the program. If the funds appropriated for the program
 39 are insufficient to pay mentors, school districts, and
 40 area education agencies as provided in this paragraph,
 41 the department shall prorate the amount distributed
 42 to school districts and area education agencies based
 43 upon the amount appropriated. Moneys received by a
 44 school district or area education agency pursuant to
 45 this paragraph shall be expended to provide each mentor
 46 with an award of five hundred dollars per semester, at
 47 a minimum, for participation in the school district's
 48 or area education agency's beginning teacher mentoring
 49 and induction program; to implement the plan; and to
 50 pay any applicable costs of the employer's share of

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1 contributions to federal social security and the Iowa
 2 public employees' retirement system or a pension and
 3 annuity retirement system established under chapter
 4 294, for such amounts paid by the district or area
 5 education agency.

6 c. For the fiscal year beginning July 1, ~~2010~~
 7 2011, and ending June 30, ~~2011~~ 2012, up to six hundred
 8 ~~thirteen thousand eight hundred seventy eight~~
 9 dollars to the department for purposes of implementing the
 10 professional development program requirements of

11 section 284.6, assistance in developing model evidence
 12 for teacher quality committees established pursuant
 13 to section 284.4, subsection 1, paragraph "c", and
 14 the evaluator training program in section 284.10.
 15 A portion of the funds allocated to the department
 16 for purposes of this paragraph may be used by the
 17 department for administrative purposes and for not more
 18 than four full-time equivalent positions.

19 d. For ~~each the~~ fiscal year ~~in which funds are~~
 20 ~~appropriated for purposes of this chapter beginning~~
 21 ~~July 1, 2011, and ending June 30, 2012,~~ an amount up to
 22 one million ~~six one~~ hundred ~~twenty nine~~ four thousand
 23 ~~six eight~~ hundred ~~forty seven~~ ~~forty-three~~ dollars
 24 to the department for the establishment of teacher
 25 development academies in accordance with section 284.6,
 26 subsection 10. A portion of the funds allocated to the
 27 department for purposes of this paragraph may be used
 28 for administrative purposes.

29 Sec. 20. Section 298.3, subsection 1, paragraph c,
 30 Code 2011, is amended to read as follows:

31 c. The purchase, lease, or lease-purchase of a
 32 ~~single unit of~~ equipment or technology exceeding five
 33 hundred dollars in value per ~~unit purchase, lease,~~
 34 ~~or lease-purchase transaction.~~ Each transaction may
 35 include multiple equipment or technology units.

36 Sec. 21. Section 299A.2, Code 2011, is amended to
 37 read as follows:

38 299A.2 Competent private instruction by licensed
 39 practitioner.

40 If a licensed practitioner provides competent
 41 instruction to a school-age child ~~of compulsory~~
 42 ~~attendance age,~~ the practitioner shall possess a
 43 valid license or certificate which has been issued
 44 by the state board of educational examiners under
 45 chapter 272 and which is appropriate to the ages and
 46 grade levels of the children to be taught. Competent
 47 private instruction may include, but is not limited
 48 to, a home school assistance program which provides
 49 instruction or instructional supervision offered
 50 through an accredited nonpublic school or public

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1 school district by a teacher, who is employed by the
 2 accredited nonpublic school or public school district,
 3 who assists and supervises a parent, guardian, or legal
 4 custodian in providing instruction to a child. If
 5 competent private instruction is provided through a
 6 public school district, the child shall be enrolled and
 7 included in the basic enrollment of the school district
 8 as provided in section 257.6. Sections 299A.3 through
 9 299A.7 do not apply to competent private instruction

10 provided by a licensed practitioner under this section.
 11 However, the reporting requirement contained in section
 12 299A.3, subsection 1, shall apply to competent private
 13 instruction provided by licensed practitioners that is
 14 not part of a home school assistance program offered
 15 through an accredited nonpublic school or public school
 16 district.

17 Sec. 22. Section 299A.8, Code 2011, is amended to
 18 read as follows:

19 299A.8 Dual enrollment.

20 If a parent, guardian, or legal custodian of a
 21 school-age child who is receiving competent private
 22 instruction under this chapter ~~or a child over~~
 23 ~~compulsory age who is receiving private instruction~~
 24 submits a request, the child shall also be registered
 25 in a public school for dual enrollment purposes. If
 26 the child is enrolled in a public school district for
 27 dual enrollment purposes, the child shall be permitted
 28 to participate in any academic activities in the
 29 district and shall also be permitted to participate
 30 on the same basis as public school children in any
 31 extracurricular activities available to children in
 32 the child's grade or group, and the parent, guardian,
 33 or legal custodian shall not be required to pay the
 34 costs of any annual evaluation under this chapter. If
 35 the child is enrolled for dual enrollment purposes,
 36 the child shall be included in the public school's
 37 basic enrollment under section 257.6. A pupil who is
 38 participating only in extracurricular activities shall
 39 be counted under section 257.6, subsection 1, paragraph
 40 "a", subparagraph (6). A pupil enrolled in grades nine
 41 through twelve under this section shall be counted in
 42 the same manner as a shared-time pupil under section
 43 257.6, subsection 1, paragraph "a", subparagraph (3).

44 Sec. 23. Section 299A.12, subsection 1, Code 2011,
 45 is amended to read as follows:

46 1. The board of directors of a school district ~~may~~
 47 shall expend moneys received pursuant to section 257.6,
 48 subsection 1, paragraph "a", subparagraph (5), for
 49 purposes of providing a home school assistance program.

50 Sec. 24. Section 299A.12, subsection 2, paragraphs

Page 23

1 a and b, Code 2011, are amended to read as follows:

2 a. Assisting Instruction for students and assisting
 3 parents with instruction.

4 b. Student Support services for students and
 5 teaching parent support services teaching parents and
 6 staff support services.

7 Sec. 25. Section 299A.12, subsection 2, paragraph
 8 g, unnumbered paragraph 1, Code 2011, is amended to

9 read as follows:

10 Resources, materials, computer software and
11 hardware, ~~and~~ supplies, and purchased services that
12 meet the following criteria:

13 Sec. 26. Section 299A.12, subsection 3, paragraphs
14 b, c, e, and f, Code 2011, are amended to read as
15 follows:

16 b. Operational or maintenance costs ~~in addition~~
17 ~~to the cost of maintaining school district facilities~~
18 other than those necessary to operate and maintain the
19 program.

20 c. Capital expenditures other than equipment or
21 facility acquisition, including the lease or rental of
22 space to supplement existing schoolhouse facilities.

23 e. Administrative costs other than the costs
24 necessary to administer the program.

25 f. Concurrent and dual enrollment ~~program~~ costs and
26 postsecondary enrollment options program costs.

27 Sec. 27. REPEAL. Section 261.19B, Code 2011, is
28 repealed.

29 Sec. 28. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
30 APPLICABILITY. The section of this Act transferring
31 moneys appropriated pursuant to 2010 Iowa Acts,
32 chapter 1183, section 6, subsection 18, being deemed of
33 immediate importance, takes effect upon enactment, and
34 if approved by the governor on or after July 1, 2011,
35 shall apply retroactively to June 30, 2011.

36 Sec. 29. EFFECTIVE DATE AND APPLICABILITY. The
37 section of this division of this Act amending section
38 261E.9, subsections 1 through 3, takes effect July 1,
39 2012, and is applicable to school years beginning on or
40 after July 1, 2012.

41 Sec. 30. APPLICABILITY. The section of this
42 division of this Act that amends section 298.3 applies
43 to school budget years beginning on or after July 1,
44 2011.

45 Sec. 31. RETROACTIVE APPLICABILITY. The sections
46 of this Act amending sections 299A.2 and 299A.8 apply
47 retroactively to the base year beginning July 1, 2009.

48 DIVISION II

49 MIDWESTERN HIGHER EDUCATION COMPACT 50 FY 2010–2011, FY 2011–2012, AND FY 2012–2013

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1 Sec. 32. There is appropriated from the general
2 fund of the state to the department of education for
3 the following fiscal years, the following amounts, or
4 so much thereof as is necessary, to be used for the
5 purposes designated:

6 To be distributed to the midwestern higher education
7 compact to pay Iowa's member state annual obligation:

8	FY 2010–2011	\$	39,000
9	FY 2011–2012	\$	100,000
10	FY 2012–2013	\$	50,000

11 Notwithstanding section 8.33, moneys appropriated
 12 in this section, to the department of education
 13 for purposes of paying Iowa’s member state annual
 14 obligation under the midwestern higher education
 15 compact, that remain unencumbered or unobligated at the
 16 close of the fiscal year beginning July 1, 2010, and
 17 ending June 30, 2011, shall not revert but shall remain
 18 available for expenditure for the purpose designated
 19 until the close of the succeeding fiscal year.

20 Sec. 33. REPEAL. Section 261D.4, Code 2011, is
 21 repealed.

22 Sec. 34. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
 23 APPLICABILITY. This division of this Act, being deemed
 24 of immediate importance, takes effect upon enactment,
 25 and if approved by the governor on or after July 1,
 26 2011, shall apply retroactively to June 30, 2011.

27 DIVISION III

28 LIBRARY PROVISIONS

29 Sec. 35. Section 8A.454, subsection 2, Code 2011,
 30 is amended to read as follows:

31 2. A monthly per contract administrative charge
 32 shall be assessed by the department on all health
 33 insurance plans administered by the department in which
 34 the contract holder has a state employer to pay the
 35 charge. The amount of the administrative charge shall
 36 be established by the general assembly. The department
 37 shall collect the administrative charge from each
 38 department utilizing the centralized payroll system and
 39 shall deposit the proceeds in the fund. In addition,
 40 the state board of regents, ~~all library service~~
 41 ~~areas~~, the state fair board, the state department of
 42 transportation, and each judicial district department
 43 of correctional services shall remit the administrative
 44 charge on a monthly basis to the department and shall
 45 submit a report to the department containing the number
 46 and type of health insurance contracts held by each of
 47 its employees whose health insurance is administered by
 48 the department.

49 Sec. 36. Section 8D.2, subsection 5, paragraph a,
 50 Code 2011, is amended to read as follows:

1 a. “Public agency” means a state agency, an
 2 institution under the control of the board of regents,
 3 the judicial branch as provided in section 8D.13,
 4 subsection 16, a school corporation, a city library,
 5 ~~a library service area as provided in chapter 256,~~
 6 a county library as provided in chapter 336, or a

7 judicial district department of correctional services
8 established in section 905.2, to the extent provided in
9 section 8D.13, subsection 14, an agency of the federal
10 government, or a United States post office which
11 receives a federal grant for pilot and demonstration
12 projects.

13 Sec. 37. Section 8D.9, subsection 1, Code 2011, is
14 amended to read as follows:

15 1. A private or public agency, other than a state
16 agency, local school district or nonpublic school, city
17 library, ~~library service area~~, county library, judicial
18 branch, judicial district department of correctional
19 services, agency of the federal government, a hospital
20 or physician clinic, or a post office authorized to be
21 offered access pursuant to this chapter as of May 18,
22 1994, shall certify to the commission no later than
23 July 1, 1994, that the agency is a part of or intends
24 to become a part of the network. Upon receiving such
25 certification from an agency not a part of the network
26 on May 18, 1994, the commission shall provide for the
27 connection of such agency as soon as practical. An
28 agency which does not certify to the commission that
29 the agency is a part of or intends to become a part of
30 the network as required by this subsection shall be
31 prohibited from using the network.

32 Sec. 38. Section 8D.11, subsection 4, Code 2011, is
33 amended to read as follows:

34 4. A political subdivision receiving communications
35 services from the state as of April 1, 1986, may
36 continue to do so but communications services shall
37 not be provided or resold to additional political
38 subdivisions other than a school corporation, a city
39 library, ~~a library service area as provided in chapter~~
40 ~~256~~, and a county library as provided in chapter 336.
41 The rates charged to the political subdivision shall be
42 the same as the rates charged to state agencies.

43 Sec. 39. Section 12C.1, subsection 1, Code 2011, is
44 amended to read as follows:

45 1. All funds held by the following officers
46 or institutions shall be deposited in one or more
47 depositories first approved by the appropriate
48 governing body as indicated: for the treasurer of
49 state, by the executive council; for judicial officers
50 and court employees, by the supreme court; for the

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1 county treasurer, recorder, auditor, and sheriff, by
2 the board of supervisors; for the city treasurer or
3 other designated financial officer of a city, by the
4 city council; for the county public hospital or merged
5 area hospital, by the board of hospital trustees;

6 for a memorial hospital, by the memorial hospital
 7 commission; for a school corporation, by the board
 8 of school directors; for a city utility or combined
 9 utility system established under chapter 388, by the
 10 utility board; ~~for a library service area established~~
 11 ~~under chapter 256, by the library service area board of~~
 12 ~~trustees~~; and for an electric power agency as defined
 13 in section 28F.2 or 390.9, by the governing body of the
 14 electric power agency. However, the treasurer of state
 15 and the treasurer of each political subdivision or the
 16 designated financial officer of a city shall invest
 17 all funds not needed for current operating expenses in
 18 time certificates of deposit in approved depositories
 19 pursuant to this chapter or in investments permitted by
 20 section 12B.10. The list of public depositories and
 21 the amounts severally deposited in the depositories
 22 are matters of public record. This subsection does
 23 not limit the definition of “public funds” contained
 24 in subsection 2. Notwithstanding provisions of this
 25 section to the contrary, public funds of a state
 26 government deferred compensation plan established
 27 by the executive council may also be invested in the
 28 investment products authorized under section 509A.12.
 29 Sec. 40. Section 218.22, Code 2011, is amended to
 30 read as follows:

31 218.22 Record privileged.

32 Except with the consent of the administrator in
 33 charge of an institution, or on an order of a court of
 34 record, the record provided in section 218.21 shall be
 35 accessible only to the administrator of the division
 36 of the department of human services in control of
 37 such institution, the director of the department of
 38 human services and to assistants and proper clerks
 39 authorized by such administrator or the administrator’s
 40 director. The administrator of the division of such
 41 institution is authorized to permit the division of
 42 ~~libraries and information~~ library services of the
 43 department of education and the historical division of
 44 the department of cultural affairs to copy or reproduce
 45 by any photographic, photostatic, microfilm, microcard
 46 or other process which accurately reproduces a durable
 47 medium for reproducing the original and to destroy in
 48 the manner described by law such records of residents
 49 designated in section 218.21.

50 Sec. 41. Section 256.7, unnumbered paragraph 1,

Page 27

1 Code 2011, is amended to read as follows:

2 Except for the college student aid commission,
 3 the commission of libraries and division of library
 4 services, and the public broadcasting board and

5 division, the state board shall:

6 Sec. 42. Section 256.7, subsection 17, Code 2011,
7 is amended to read as follows:

8 17. Receive and review the budget and unified plan
9 of service submitted by the division of ~~libraries and~~
10 ~~information library~~ services.

11 Sec. 43. Section 256.9, unnumbered paragraph 1,
12 Code 2011, is amended to read as follows:

13 Except for the college student aid commission,
14 the commission of libraries and division of library
15 services, and the public broadcasting board and
16 division, the director shall:

17 Sec. 44. Section 256.50, subsection 2, Code 2011,
18 is amended to read as follows:

19 2. "Division" means the division of ~~libraries and~~
20 ~~information library~~ services of the department of
21 education.

22 Sec. 45. Section 256.51, subsection 1, unnumbered
23 paragraph 1, Code 2011, is amended to read as follows:

24 The division of ~~libraries and information library~~
25 services is ~~established within~~ attached to the
26 department of education for administrative purposes.
27 The state librarian shall be responsible for the
28 division's budgeting and related management functions
29 in accordance with section 256.52, subsection 3. The
30 division shall do all of the following:

31 Sec. 46. Section 256.51, subsection 1, Code 2011,
32 is amended by adding the following new paragraphs:

33 NEW PARAGRAPH. 0a. Provide support services to
34 libraries, including but not limited to consulting,
35 continuing education, interlibrary loan services, and
36 references services to assure consistency of service
37 statewide and to encourage local financial support for
38 library services.

39 NEW PARAGRAPH. 1. Allow a public library that
40 receives state assistance under section 256.57, or
41 financial support from a city or county pursuant
42 to section 256.69, to dispose of, through sale,
43 conveyance, or exchange, any library materials that may
44 be obsolete or worn out or that may no longer be needed
45 or appropriate to the mission of the public library.
46 These materials may be sold by the public library
47 directly or the governing body of the public library
48 may sell the materials by consignment to a public
49 agency or to a private agency organized to raise funds
50 solely for support of the public library. Proceeds

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1 from the sale of the library materials may be remitted
2 to the public library and may be used by the public
3 library for the purchase of books and other library

4 materials or equipment, or for the provision of library
5 services.

6 Sec. 47. Section 256.51, subsection 1, paragraph d,
7 Code 2011, is amended to read as follows:

8 d. Develop, in consultation with the ~~library~~
9 ~~service areas and the area education agency media~~
10 centers, a biennial unified plan of service and service
11 delivery for the division of ~~libraries and information~~
12 library services.

13 Sec. 48. Section 256.51, subsection 1, paragraph j,
14 Code 2011, is amended to read as follows:

15 j. Establish and administer standards for state
16 agency libraries, ~~the library service areas,~~ and public
17 libraries.

18 Sec. 49. Section 256.51, subsection 1, paragraph k,
19 Code 2011, is amended by striking the paragraph.

20 Sec. 50. Section 256.51, subsection 2, paragraph c,
21 Code 2011, is amended to read as follows:

22 c. Accept gifts, contributions, bequests,
23 endowments, or other moneys, including but not limited
24 to the Westgate endowment fund, for any or all purposes
25 of the division. Interest earned on moneys accepted
26 under this paragraph shall be credited to the fund
27 or funds to which the gifts, contributions, bequests,
28 endowments, or other moneys have been deposited, and
29 is available for any or all purposes of the division.
30 The division shall report annually to the ~~director~~
31 commission and the general assembly regarding the
32 gifts, contributions, bequests, endowments, or other
33 moneys accepted pursuant to this paragraph and the
34 interest earned on them.

35 Sec. 51. Section 256.52, subsection 1, Code 2011,
36 is amended to read as follows:

37 1. a. The state commission of libraries consists
38 of one member appointed by the supreme court, the
39 director of the department of education, or the
40 director's designee, and ~~six~~ the following seven
41 members who shall be appointed by the governor to serve
42 four-year terms beginning and ending as provided in
43 section 69.19. ~~The governor's appointees shall~~

44 (1) Two members shall be employed in the state as
45 public librarians.

46 (2) One member shall be a public library trustee.

47 (3) One member shall be employed in this state as
48 an academic librarian.

49 (4) One member shall be employed as a librarian by
50 a school district or area education agency.

1 (5) Two members shall be selected at large.

2 b. The members shall be reimbursed for their actual

3 expenditures necessitated by their official duties.

4 Members may also be eligible for compensation as
5 provided in section 7E.6.

6 Sec. 52. Section 256.52, subsection 3, paragraph
7 b, subparagraphs (1) and (4), Code 2011, are amended
8 to read as follows:

9 ~~(1) Direct and organize the activities of~~ Organize,
10 ~~staff, and administer the division so as to render the~~
11 ~~greatest benefit to libraries in the state.~~

12 (4) Appoint and approve the technical,
13 professional, ~~excepting the law librarian,~~ secretarial,
14 and clerical staff necessary to accomplish the purposes
15 of the division subject to chapter 8A, subchapter IV.

16 Sec. 53. Section 256.52, subsection 3, paragraph
17 b, Code 2011, is amended by adding the following new
18 subparagraph:

19 NEW SUBPARAGRAPH. (4A) (a) Assume all of the
20 outstanding obligations of the library service
21 areas and be liable for and recognize, assume, and
22 carry out all valid contracts and obligations of the
23 library service areas that are consolidated under the
24 commission and administered by the division effective
25 beginning July 1, 2011. Each library service area
26 shall transfer, prior to July 1, 2011, its state-funded
27 assets and title to any state-funded real estate owned
28 by the library service area to the state librarian. In
29 the event that the remaining assets and liabilities
30 cannot be transferred to the state librarian, the board
31 of directors of a library service area shall liquidate
32 all assets, settle existing liabilities, and transfer
33 remaining moneys to the general fund of the state. In
34 addition, all fund balances from appropriations of
35 state funds allocated to the library service areas
36 remaining unobligated and unencumbered on the date of
37 the transfer shall be transferred to the general fund
38 of the state.

39 (b) This subparagraph is repealed July 1, 2015.

40 Sec. 54. Section 256.52, subsection 5, Code 2011,
41 is amended to read as follows:

42 5. The commission shall receive and approve the
43 budget and unified plan of service submitted by the
44 division ~~of libraries and information services.~~

45 Sec. 55. Section 256.54, subsection 1, Code 2011,
46 is amended to read as follows:

47 1. The state library includes but is not limited
48 to ~~a law library~~ the library support network, the
49 specialized library services unit, and the state data
50 center. The law library shall be under the direction

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1 of the specialized library services unit.

2 Sec. 56. Section 256.54, subsection 2, unnumbered
3 paragraph 1, Code 2011, is amended to read as follows:

4 The law library shall be administered by a law
5 librarian appointed by the ~~director~~ state librarian
6 subject to chapter 8A, subchapter IV, who shall do all
7 of the following:

8 Sec. 57. Section 256.55, unnumbered paragraph 1,
9 Code 2011, is amended to read as follows:

10 A state data center is established in the ~~department~~
11 ~~of education~~ division. The state data center shall be
12 administered by the state data center coordinator, who
13 shall do all of the following:

14 Sec. 58. NEW SECTION. 256.58 Library support
15 network.

16 1. A library support network is established in the
17 division to offer services and programs for libraries,
18 including but not limited to individualized, locally
19 delivered consulting and training, and to facilitate
20 resource sharing and innovation through the use of
21 technology, administer enrich Iowa programs, advocate
22 for libraries, promote excellence and innovation in
23 library services, encourage governmental subdivisions
24 to provide local financial support for local libraries,
25 and ensure the consistent availability of quality
26 service to all libraries throughout the state,
27 regardless of location or size.

28 2. The organizational structure to deliver library
29 support network services shall include district
30 offices. The district offices shall serve as a basis
31 for providing field services to local libraries in the
32 counties comprising the district. The division shall
33 determine which counties are served by each district
34 office. The number of district offices established to
35 provide services pursuant to this section shall be six.

36 Sec. 59. NEW SECTION. 256.59 Specialized library
37 services.

38 The specialized library services unit is established
39 in the division to provide information services to the
40 three branches of state government and to offer focused
41 information services to the general public in the areas
42 of Iowa law, Iowa state documents, and Iowa history and
43 culture.

44 Sec. 60. NEW SECTION. 256.62 Library services
45 advisory panel.

46 1. The state librarian shall convene a library
47 services advisory panel to advise and recommend to
48 the commission and the division evidence-based best
49 practices, to assist the commission and division to
50 determine service priorities and launch programs,

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1 articulate the needs and interests of Iowa librarians,
2 and share research and professional development
3 information.

4 2. The library services advisory panel shall
5 consist of no fewer than eleven members representing
6 libraries of all sizes and types, and various
7 population levels and geographic regions of the
8 state. A simple majority of the members appointed
9 shall be appointed by the executive board of the Iowa
10 library association and the remaining members shall be
11 appointed by the state librarian. Terms of members
12 shall begin and end as provided in section 69.19. Any
13 vacancy shall be filled in the same manner as regular
14 appointments are made for the unexpired portion of the
15 regular term. Members shall serve four-year terms
16 which are staggered at the discretion of the state
17 librarian. A member is eligible for reappointment for
18 three successive terms. The members shall elect a
19 chairperson annually.

20 3. The library services advisory panel shall
21 meet at least twice annually and shall submit its
22 recommendations in a report to the commission and the
23 state librarian at least once annually. The report
24 shall be timely submitted to allow for consideration
25 of the recommendations prior to program planning and
26 budgeting for the following fiscal year.

27 4. Members of the library services advisory panel
28 shall receive actual and necessary expenses incurred
29 in the performance of their duties. Expenses shall
30 be paid from funds appropriated to the department for
31 purposes of the division.

32 Sec. 61. Section 256.70, unnumbered paragraph 1,
33 Code 2011, is amended to read as follows:

34 The division of ~~libraries and information~~ library
35 services of the department of education is hereby
36 authorized to enter into interstate library compacts on
37 behalf of the state of Iowa with any state bordering on
38 Iowa which legally joins therein in substantially the
39 following form and the contracting states agree that:

40 Sec. 62. Section 256.71, Code 2011, is amended to
41 read as follows:

42 256.71 Administrator.

43 The administrator of the division of ~~libraries and~~
44 ~~information~~ library services shall be the compact
45 administrator. The compact administrator shall
46 receive copies of all agreements entered into by the
47 state or its political subdivisions and other states
48 or political subdivisions; consult with, advise and
49 aid such governmental units in the formulation of
50 such agreements; make such recommendations to the

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1 governor, legislature, governmental agencies and units
 2 as the administrator deems desirable to effectuate the
 3 purposes of this compact and consult and ~~co-operate~~
 4 cooperate with the compact administrators of other
 5 party states.

6 Sec. 63. Section 273.2, subsection 4, Code 2011, is
 7 amended to read as follows:

8 4. The area education agency board shall provide
 9 for special education services and media services
 10 for the local school districts in the area and shall
 11 encourage and assist school districts in the area to
 12 establish programs for gifted and talented children.
 13 The board shall assist in facilitating interlibrary
 14 loans of materials between school districts and other
 15 libraries. ~~Each area education agency shall include~~
 16 ~~as a member of its media center advisory committee a~~
 17 ~~library service area trustee or library service area~~
 18 ~~staff member, who is appointed to the committee by the~~
 19 ~~commission of libraries.~~

20 Sec. 64. Section 669.2, subsection 5, Code 2011, is
 21 amended to read as follows:

22 5. "State agency" includes all executive
 23 departments, agencies, boards, bureaus, and commissions
 24 of the state of Iowa, and corporations whose
 25 primary function is to act as, and while acting as,
 26 instrumentalities or agencies of the state of Iowa,
 27 whether or not authorized to sue and be sued in
 28 their own names. This definition does not include a
 29 contractor with the state of Iowa. Soil and water
 30 conservation districts as defined in section 161A.3,
 31 subsection 6, and judicial district departments
 32 of correctional services as established in section
 33 905.2, ~~and library service area boards of trustees~~
 34 ~~as established in chapter 256~~ are state agencies for
 35 purposes of this chapter.

36 Sec. 65. Section 904.601, unnumbered paragraph 1,
 37 Code 2011, is amended to read as follows:

38 The director shall keep the following record of
 39 every person committed to any of the department's
 40 institutions: Name, residence, sex, age, place of
 41 birth, occupation, civil condition, date of entrance
 42 or commitment, date of discharge, whether a discharge
 43 is final, condition of the person when discharged,
 44 the name of the institutions from which and to which
 45 the person has been transferred, and if the person
 46 is dead, the date and cause of death. The director
 47 may permit the division of ~~libraries and information~~
 48 library services of the department of education and
 49 the historical division of the department of cultural
 50 affairs to copy or reproduce by any photographic,

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1 photostatic, microfilm, microcard, or other process
2 which accurately reproduces in a durable medium and to
3 destroy in the manner described by law the records of
4 inmates required by this paragraph.

5 Sec. 66. REPEAL. Sections 256.60, 256.61, 256.66
6 through 256.68, Code 2011, are repealed.

7 Sec. 67. TRANSITION PROVISION. A governor's
8 appointee serving on the state commission of libraries
9 on the effective date of this Act shall continue
10 to serve as a member of the commission until the
11 appointee's term expires.

12 Sec. 68. LIBRARY SERVICE AREA EMPLOYEES — LENGTH
13 OF SERVICE — TRANSFER OF PERSONNEL RECORDS.

14 1. The length of service of a permanent employee
15 of a library service area who is employed by a library
16 service area on June 30, 2011, and who is hired by the
17 division of library services on or after July 1, 2011,
18 shall be prorated and credited as state employment
19 service for purposes of vacation and sick leave
20 accrual.

21 2. The area administrator of each library service
22 area shall submit to the division of library services
23 the personnel records of each permanent full-time
24 employee of the library service area by July 1, 2011.

25 Sec. 69. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
26 APPLICABILITY. The section of this division of this
27 Act enacting section 256.52, subsection 3, paragraph
28 "b", subparagraph (4A), being deemed of immediate
29 importance, takes effect upon enactment, and if
30 approved by the governor on or after July 1, 2011,
31 shall apply retroactively to June 30, 2011.

32 DIVISION IV

33 PATHWAYS FOR ACADEMIC CAREER AND EMPLOYMENT PROGRAM

34 Sec. 70. Section 260C.18A, subsection 2, Code 2011,
35 is amended by adding the following new paragraphs:

36 NEW PARAGRAPH. g. Development and implementation
37 of pathways for academic career and employment programs
38 under chapter 260H.

39 NEW PARAGRAPH. h. Development and implementation
40 of programs for the gap tuition assistance program
41 under chapter 260I.

42 NEW PARAGRAPH. i. Entrepreneurial education, small
43 business assistance, and business incubators.

44 Sec. 71. NEW SECTION. 260H.1 Title.

45 This chapter shall be known and may be cited as the
46 "Pathways for Academic Career and Employment Act".

47 Sec. 72. NEW SECTION. 260H.2 Pathways for academic
48 career and employment program.

49 A pathways for academic career and employment
50 program is established to provide funding to

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1 community colleges for the development of projects
2 in coordination with the department of economic
3 development, the department of education, Iowa
4 workforce development, regional advisory boards
5 established pursuant to section 84A.4, and community
6 partners to implement a simplified, streamlined, and
7 comprehensive process, along with customized support
8 services, to enable eligible participants to acquire
9 effective academic and employment training to secure
10 gainful, quality, in-state employment.

11 Sec. 73. NEW SECTION. 260H.3 Eligibility criteria.

12 1. Projects eligible for funding for the pathways
13 for academic career and employment program shall be
14 projects that further the ability of members of target
15 populations to secure gainful, quality employment.
16 For the purposes of this chapter, “target population”
17 includes:

18 a. Persons deemed low skilled for the purposes of
19 attaining gainful, quality, in-state employment.

20 b. Persons earning incomes at or below two hundred
21 percent of the federal poverty level as defined by
22 the most recently revised poverty income guidelines
23 published by the United States department of health and
24 human services.

25 c. Unemployed persons.

26 d. Underemployed persons.

27 e. Dislocated workers, including workers eligible
28 for services and benefits under the federal Trade
29 Adjustment Act of 2002, Pub. L. No. 107-210, as
30 determined by the department of workforce development
31 and the federal internal revenue service.

32 2. Projects eligible for funding for the pathways
33 for academic career and employment program shall
34 be projects that further partnerships that link
35 the community colleges to industry and nonprofit
36 organizations and projects that further program
37 outcomes as provided in section 260H.4.

38 Sec. 74. NEW SECTION. 260H.4 Program outcomes.

39 Projects eligible for funding for the pathways
40 for academic career and employment program shall be
41 programs which further the following program outcomes:

42 1. Enabling the target populations to:

43 a. Acquire and demonstrate competency in basic
44 skills.

45 b. Acquire and demonstrate competency in a
46 specified technical field.

47 c. Complete a specified level of postsecondary
48 education.

49 d. Earn a national career readiness certificate.

50 e. Obtain employer-validated credentials.

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- 1 f. Secure gainful employment in high-quality, local
2 jobs.
- 3 2. Satisfaction of economic and employment goals
4 including but not limited to:
- 5 a. Economic and workforce development requirements
6 in each region served by the community colleges
7 as defined by regional advisory boards established
8 pursuant to section 84A.4.
- 9 b. Needs of industry partners in areas including
10 but not limited to:
- 11 (1) Information technology.
12 (2) Health care.
13 (3) Advanced manufacturing.
14 (4) Transportation and logistics.
- 15 c. Any other industry designated as in-demand by a
16 regional advisory board established pursuant to section
17 84A.4.
- 18 Sec. 75. NEW SECTION. 260H.5 Program component
19 requirements.
- 20 Program components of a pathways for academic career
21 and employment project implemented at a community
22 college shall:
- 23 1. Include measurable and effective recruitment,
24 assessment, and referral activities designed for the
25 target populations.
- 26 2. Integrate basics skills and work-readiness
27 training with occupational skills training.
- 28 3. Combine customized supportive and case
29 management services with training services to help
30 participants overcome barriers to employment.
- 31 4. Provide training services at times, locations,
32 and through multiple, flexible modalities that are
33 easily understood and readily accessible to the
34 target populations. Such modalities shall support
35 timeless entry, individualized learning, and flexible
36 scheduling, and may include online remediation,
37 learning lab and cohort learning communities, tutoring,
38 and modularization.
- 39 Sec. 76. NEW SECTION. 260H.6 Pipeline program.
- 40 Each community college receiving funding for the
41 pathways for academic career and employment program
42 shall develop a pipeline program in order to better
43 serve the academic, training, and employment needs of
44 the target populations. A pipeline program shall have
45 the following goals:
- 46 1. To strengthen partnerships with community-based
47 organizations and industry representatives.
- 48 2. To improve and simplify the identification,
49 recruitment, and assessment of qualified participants.
- 50 3. To conduct and manage an outreach, recruitment,

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1 and intake process, along with accompanying support
2 services, reflecting sensitivity to the time and
3 financial constraints and remediation needs of the
4 target populations.

5 4. To conduct orientations for qualified
6 participants to describe regional labor market
7 opportunities, employer partners, and program
8 requirements and expectations.

9 5. To describe the concepts of the project
10 implemented with funds from the pathways for academic
11 career and employment program and the embedded
12 educational and support resources available through
13 such project.

14 6. To outline the basic skills participants will
15 learn and describe the credentials participants will
16 earn.

17 7. To describe success milestones and ways in which
18 temporal and instructional barriers have been minimized
19 or eliminated.

20 8. To review how individualized and customized
21 service strategies for participants will be developed
22 and provided.

23 Sec. 77. NEW SECTION. 260H.7 Career pathways and
24 bridge curriculum development program.

25 Each community college receiving funding for the
26 pathways for academic career and employment program
27 shall develop a career pathways and bridge curriculum
28 development program in order to better serve the
29 academic, training, and employment needs of the target
30 populations. A career pathways and bridge curriculum
31 development program shall have the following goals:

32 1. The articulation of courses and modules, the
33 mapping of programs within career pathways, and
34 establishment of bridges between credit and noncredit
35 programs.

36 2. The integration and contextualization of
37 basic skills education and skills training. This
38 process shall provide for seamless progressions
39 between adult basic education and general education
40 development programs and continuing education and
41 credit certificate, diploma, and degree programs.

42 3. The development of career pathways that support
43 the attainment of industry-recognized credentials,
44 diplomas, and degrees through stackable, modularized
45 program delivery.

46 Sec. 78. NEW SECTION. 260H.8 Rules.

47 The department of education, in consultation with
48 the community colleges, the department of economic
49 development, and Iowa workforce development, shall
50 adopt rules pursuant to chapter 17A and this chapter

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1 to implement the provisions of this chapter. Regional
2 advisory boards established pursuant to section
3 84A.4 shall be consulted in the development and
4 implementation of rules to be adopted pursuant to this
5 chapter.

6 Sec. 79. NEW SECTION. 260I.1 Title.

7 This chapter shall be known and may be cited as the
8 “Gap Tuition Assistance Act”.

9 Sec. 80. NEW SECTION. 260I.2 Gap tuition
10 assistance program.

11 A gap tuition assistance program is established to
12 provide funding to community colleges for need-based
13 tuition assistance to applicants to enable completion
14 of continuing education certificate training programs
15 for in-demand occupations.

16 Sec. 81. NEW SECTION. 260I.3 Applicants for
17 tuition assistance — eligibility criteria.

18 1. The department of education, in consultation
19 with the department of economic development, shall
20 adopt rules pursuant to this chapter defining
21 eligibility criteria for persons applying to receive
22 tuition assistance under this chapter.

23 2. Eligibility for tuition assistance under this
24 chapter shall be based on financial need. Criteria to
25 be assessed in determining financial need shall include
26 but is not limited to:

27 a. The applicant’s family income for the twelve
28 months prior to the date of application.

29 b. The applicant’s family size.

30 c. The applicant’s county of residence.

31 3. a. An applicant for tuition assistance under
32 this chapter must have a demonstrated capacity to
33 achieve the following outcomes:

34 (1) The ability to complete an eligible certificate
35 program.

36 (2) The ability to enter a postsecondary
37 certificate, diploma, or degree program for credit.

38 (3) The ability to gain full-time employment.

39 (4) The ability to maintain full-time employment
40 over time.

41 b. The community college receiving the application
42 shall only approve an applicant for tuition assistance
43 under this chapter if the community college determines
44 the applicant has a strong likelihood of achieving the
45 outcomes described in paragraph “a” after considering
46 factors including but not limited to:

47 (1) Barriers that may prevent an applicant from
48 completing the certificate program.

49 (2) Barriers that may prevent an applicant from
50 gaining employment in an in-demand occupation.

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1 4. Applicants may be found eligible for partial or
2 total tuition assistance.

3 5. Tuition assistance shall not be approved when
4 the community college receiving the application
5 determines that funding for an applicant's
6 participation in an eligible certificate program is
7 available from any other public or private funding
8 source.

9 Sec. 82. NEW SECTION. 260I.4 Applicants for
10 tuition assistance — additional provisions.

11 1. An applicant for tuition assistance under
12 this chapter shall provide to the community college
13 receiving the application documentation of all sources
14 of income.

15 2. Only an applicant eligible to work in the United
16 States shall be approved for tuition assistance under
17 this chapter.

18 3. An application shall be valid for six months
19 from the date of signature on the application.

20 4. A person shall not be approved for tuition
21 assistance under this chapter for more than one
22 eligible certificate program.

23 5. Eligibility for tuition assistance under this
24 chapter shall not be construed to guarantee enrollment
25 in any community college certificate program.

26 6. Eligibility for tuition assistance under this
27 chapter shall be limited to persons earning incomes at
28 or below two hundred percent of the federal poverty
29 level as defined by the most recently revised poverty
30 income guidelines published by the United States
31 department of health and human services.

32 Sec. 83. NEW SECTION. 260I.5 Eligible costs.

33 Costs of a certificate program eligible for coverage
34 by tuition assistance shall include but are not limited
35 to:

36 1. Tuition.

37 2. Direct training costs.

38 3. Required books and equipment.

39 4. Fees including but not limited to fees for
40 industry testing services and background check testing
41 services.

42 Sec. 84. NEW SECTION. 260I.6 Eligible certificate
43 programs.

44 For the purposes of this chapter, "eligible
45 certificate program" means a program meeting all of the
46 following criteria:

47 1. The program is not offered for credit, but is
48 aligned with a certificate, diploma, or degree for
49 credit, and does any of the following:

50 a. Offers a state, national, or locally recognized

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- 1 certificate.
- 2 b. Offers preparation for a professional
- 3 examination or licensure.
- 4 c. Provides endorsement for an existing credential
- 5 or license.
- 6 d. Represents recognized skill standards defined by
- 7 an industrial sector.
- 8 e. Offers a similar credential or training.
- 9 2. The program offers training or a credential in
- 10 an in-demand occupation. For the purposes of this
- 11 chapter, "in-demand occupation" includes occupations in
- 12 the following industries:
- 13 a. Information technology.
- 14 b. Health care.
- 15 c. Advanced manufacturing.
- 16 d. Transportation and logistics.
- 17 e. Any other industry designated as in-demand by a
- 18 regional advisory board established pursuant to section
- 19 84A.4.
- 20 Sec. 85. NEW SECTION. 260I.7 Initial assessment.
- 21 An applicant for tuition assistance under this
- 22 chapter shall complete an initial assessment
- 23 administered by the community college receiving the
- 24 application to determine the applicant's readiness
- 25 to complete an eligible certificate program. The
- 26 assessment shall include assessments for completion of
- 27 a national career readiness certificate, including the
- 28 areas of reading for information, applied mathematics,
- 29 and locating information. An applicant must achieve a
- 30 bronze-level certificate or the minimum score required
- 31 for an eligible certificate program, whichever is
- 32 higher, in order to be approved for tuition assistance.
- 33 An applicant shall complete any additional assessments
- 34 and occupational research required by an eligible
- 35 certificate program.
- 36 Sec. 86. NEW SECTION. 260I.8 Program interview.
- 37 An applicant for tuition assistance under this
- 38 chapter shall meet with a member of the staff for
- 39 an eligible certificate program offered by the
- 40 community college receiving the application. The
- 41 staff member shall discuss the relevant industry, any
- 42 applicable occupational research, and any applicable
- 43 training relating to the eligible certificate program.
- 44 The discussion shall include an evaluation of the
- 45 applicant's capabilities, needs, family situation,
- 46 work history, educational background, attitude and
- 47 motivation, employment skills, vocational potential,
- 48 and employment barriers. The discussion shall also
- 49 include potential start dates, support needs, and other
- 50 requirements for an eligible certificate program.

1 Sec. 87. NEW SECTION. 260I.9 Participation
2 requirements.

3 1. A participant in an eligible certificate program
4 who receives tuition assistance pursuant to this
5 chapter shall do all of the following:

6 a. Maintain regular contact with staff members for
7 the certificate program to document the applicant’s
8 progress in the program.

9 b. Sign a release form to provide relevant
10 information to community college faculty or case
11 managers.

12 c. Discuss with staff members for the certificate
13 program any issues that may impact the participant’s
14 ability to complete the certificate program, obtain
15 employment, and maintain employment over time.

16 d. Attend all required courses regularly.

17 e. Meet with staff members for the certificate
18 program to develop a job search plan.

19 2. A community college may terminate tuition
20 assistance for a participant who fails to meet the
21 requirements of this section.

22 Sec. 88. NEW SECTION. 260I.10 Oversight.

23 1. The department of education, in coordination
24 with the community colleges, shall establish a steering
25 committee. The steering committee shall determine if
26 the performance measures of the gap tuition assistance
27 program are being met and shall take necessary steps
28 to correct any deficiencies. The steering committee
29 shall meet at least quarterly to evaluate and monitor
30 the performance of the gap tuition assistance program.

31 2. The department of education, in coordination
32 with the community colleges, shall develop a common
33 intake tracking system that shall be implemented
34 consistently by each participating community college.

35 3. The department of education shall coordinate
36 statewide oversight, evaluation, and reporting efforts
37 for the gap tuition assistance program.

38 Sec. 89. NEW SECTION. 260I.11 Rules.

39 The department of education, in consultation
40 with the department of economic development and
41 the community colleges, shall adopt rules pursuant
42 to chapter 17A and this chapter to implement the
43 provisions of this chapter.

44 DIVISION V

45 ORGANIZATIONS REPRESENTING SCHOOL BOARDS,
46 MEMBERS, AND ADMINISTRATORS

47 Sec. 90. Section 279.38, Code 2011, is amended by
48 striking the section and inserting in lieu thereof the
49 following:

50 279.38 Membership in organizations — requirements.

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- 1 1. As used in this section:
- 2 a. "Compensation" means the same as defined in
- 3 section 8F.2, subsection 2.
- 4 b. "Organization" means a local, state, regional,
- 5 or national organization which relates to the functions
- 6 of the board of directors of a school district or to
- 7 the administrators of a school district and to which
- 8 a school board pays monetary fees for products or
- 9 services or annual dues in accordance with subsection
- 10 2. "Organization" includes a related for-profit or
- 11 not-for-profit subsidiary of an organization.
- 12 2. a. The board of directors of a school district,
- 13 the duly elected members of the school board, and
- 14 designated administrators of school districts may join
- 15 or participate in organizations, including but not
- 16 limited to organizations such as the Iowa association
- 17 of school boards, the urban education network, Iowa
- 18 school finance information services, and the school
- 19 administrators of Iowa. The school board may pay
- 20 out of funds available to the school board reasonable
- 21 monetary fees for products or services or annual
- 22 dues for membership of the school board, or a board
- 23 member or administrator, in such an organization.
- 24 Such an organization that receives fees or dues for
- 25 membership from a school board shall be considered a
- 26 taxpayer-funded organization.
- 27 b. Each school board that pays monetary fees or
- 28 annual dues to an organization shall annually report
- 29 to the local community and to the department of
- 30 education the amount paid in annual dues, fees, or
- 31 assessments for products or services received from
- 32 the organization, and the total amount of any revenue
- 33 or dividend payments received from the organization.
- 34 The information shall be submitted to the department
- 35 electronically in the format specified by the
- 36 department.
- 37 3. The financial condition and transactions
- 38 of an organization shall be audited as provided in
- 39 section 11.6. The organization shall establish an
- 40 audit committee to review the financial condition
- 41 and transactions of the organization and the report
- 42 of examination conducted in accordance with this
- 43 subsection. The auditor conducting an examination in
- 44 accordance with this subsection shall have full access
- 45 to the audit committee and to all of the organization's
- 46 records, reports, audits, tax reports, and all other
- 47 documents and papers issued or maintained by the
- 48 organization.
- 49 4. An organization shall do all of the following:
- 50 a. Publish annually on its internet site, and

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1 in a report submitted annually to the department of
2 education, the standing committees on government
3 oversight, and the general assembly, all of the
4 following:

5 (1) A listing of the school districts that pay fees
6 or dues for membership in the organization and the
7 moneys paid by each school district.

8 (2) The total revenue the organization receives
9 from each school district resulting from the payment of
10 monetary fees or annual dues, and the total net profit
11 from the sale of products and services to the school
12 district by the organization.

13 (3) An accounting, broken down by individual
14 employee, of the total amount of moneys expended for
15 reimbursement of expenses incurred by and compensation
16 paid to each of the ten highest paid employees of the
17 organization as evidenced by the tax forms submitted by
18 the organization to the internal revenue service.

19 (4) An accounting of all moneys expended for
20 reimbursement of expenses incurred by and compensation
21 paid to all legislative representatives and lobbyists
22 of the organization.

23 b. Submit to the general assembly and the standing
24 committees on government oversight copies of all
25 reports the organization provides to the United States
26 department of education relating to federal grants and
27 grant amounts that the organization administers or
28 distributes to school districts.

29 c. Provide education and training to the
30 organization's board members in the fiduciary duties
31 and legal responsibilities of members.

32 5. An organization shall not pay an employee
33 or officer of the organization, a member of the
34 organization's governing board, or a legislative
35 representative or lobbyist for the organization, a
36 bonus or other consideration of any type which is
37 in addition to compensation paid and published and
38 reported as required by subsection 4. In addition, the
39 organization shall not allow any other entity to pay an
40 employee or officer of the organization, a member of
41 the organization's governing board, or a legislative
42 representative or lobbyist for the organization for
43 services performed on behalf of the organization.
44 However, the organization may pay an employee a
45 commission if the terms for paying the commission
46 are in writing under an agreement which is a public
47 document and the employee's compensation, which shall
48 list the amount of the commission, is published and
49 reported in the same manner as provided in subsection
50 4.

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- 1 6. a. A person who serves as the head of an
2 organization or otherwise serves in a supervisory
3 capacity within the organization shall not require
4 an employee of the organization to inform the person
5 that the employee made a disclosure of information
6 permitted by this subsection and shall not prohibit
7 an employee of the organization from disclosing any
8 information to a member of the governing board or to
9 any public official, a law enforcement agency, a state
10 agency, the auditor of state or an auditor conducting
11 an examination of the organization in accordance with
12 section 11.6, the office of the attorney general, the
13 office of citizens' aide, or to a committee of the
14 general assembly if the employee reasonably believes
15 the information evidences a violation of law or rule,
16 mismanagement, a gross abuse of funds, an abuse of
17 authority, or a substantial and specific danger to
18 public health or safety. However, an employee may be
19 required to inform the person that the employee made a
20 disclosure of information permitted by this subsection
21 if the employee represented that the disclosure was
22 the official position of the employee's immediate
23 supervisor or employer.
- 24 b. A person shall not discharge an employee from
25 or take or fail to take action regarding an employee's
26 appointment or proposed appointment to, promotion or
27 proposed promotion to, or any advantage in, a position
28 administered by, or subject to approval of, the person
29 or the organization's governing board as a reprisal
30 for a failure by that employee to inform the person
31 that the employee made a disclosure of information
32 permitted by this subsection, or for a disclosure of
33 any information by that employee authorized under
34 paragraph "a" if the employee reasonably believes
35 the information evidences a violation of law or rule,
36 mismanagement, a gross abuse of funds, an abuse of
37 authority, or a substantial and specific danger to
38 public health or safety. However, an employee may be
39 required to inform the person that the employee made a
40 disclosure of information permitted by this subsection
41 if the employee represented that the disclosure was
42 the official position of the employee's immediate
43 supervisor or employer.
- 44 c. Paragraphs "a" and "b" do not apply if the
45 disclosure of the information is prohibited by statute.
- 46 d. A person who violates paragraph "a" or "b"
47 commits a simple misdemeanor.
- 48 e. Paragraph "b" may be enforced through a civil
49 action.
- 50 (1) A person who violates paragraph "b" is liable

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1 to an aggrieved employee for affirmative relief
2 including reinstatement, with or without back pay, or
3 any other equitable relief the court deems appropriate,
4 including attorney fees and costs.

5 (2) When a person commits, is committing, or
6 proposes to commit an act in violation of paragraph
7 “b”, an injunction may be granted through an action in
8 district court to prohibit the person from continuing
9 such acts. The action for injunctive relief may
10 be brought by an aggrieved employee or the attorney
11 general.

12 f. A person shall not discharge an employee from
13 or take or fail to take action regarding an employee’s
14 appointment or proposed appointment to, promotion
15 or proposed promotion to, or any advantage in, a
16 position administered by, or subject to approval of,
17 the person or the organization’s governing board as a
18 reprisal for the employee’s declining to participate in
19 contributions or donations to charities or community
20 organizations.

21 g. The person and the organization’s governing
22 board shall provide procedures for notifying the
23 organization’s new employees of the provisions of this
24 subsection and shall periodically conduct promotional
25 campaigns to provide similar information to the
26 organization’s employees. The information shall
27 include the toll-free telephone number of the citizens’
28 aide.

29 7. a. Except as otherwise provided in paragraph
30 “b”, all meetings of the governing board of the
31 organization shall comply with the requirements of
32 chapter 21 and all records of the governing board and
33 the organization shall be maintained in accordance with
34 chapter 22.

35 b. The governing board of the organization may keep
36 the following records confidential and the governing
37 board may hold a closed session meeting to discuss the
38 following matters:

39 (1) Personal information in confidential personnel
40 records maintained by the governing board of the
41 organization and required or authorized to be kept
42 confidential by law.

43 (2) Discussions with, or the work product of, an
44 attorney of the governing board of the organization
45 required or authorized to be kept confidential by law.

46 (3) Pricing, product, service, business strategy,
47 or marketing information which if released, would give
48 an advantage to competitors, vendors, or other parties
49 and that serve no public purpose.

50 Sec. 91. REPEAL. Section 279.38A, Code 2011, is

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1 repealed.

2 Sec. 92. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
3 APPLICABILITY. This division of this Act, being deemed
4 of immediate importance, takes effect upon enactment,
5 and if approved by the governor on or after July 1,
6 2011, shall apply retroactively to June 30, 2011.

7 DIVISION VI

8 SCHOOL EMPLOYEE MISCONDUCT

9 Sec. 93. Section 272.2, subsection 1, paragraph b,
10 Code 2011, is amended by striking the paragraph and
11 inserting in lieu thereof the following:

12 b. Provide annually to any person who holds a
13 license, certificate, authorization, or statement of
14 recognition issued by the board, training relating
15 to the knowledge and understanding of the board's
16 code of professional conduct and ethics. The board
17 shall develop a curriculum that addresses the code of
18 professional conduct and ethics and shall annually
19 provide regional training opportunities throughout the
20 state.

21 Sec. 94. Section 272.15, subsection 1, Code 2011,
22 is amended to read as follows:

23 1. a. The board of directors of a school district
24 or area education agency, the superintendent of a
25 school district or the chief administrator of an
26 area education agency, and the authorities in charge
27 of a nonpublic school shall report to the board the
28 nonrenewal or termination, for reasons of alleged or
29 actual misconduct, of a person's contract executed
30 under sections 279.12, 279.13, 279.15 through 279.21,
31 279.23, and 279.24, and the resignation of a person
32 who holds a license, certificate, or authorization
33 issued by the board as a result of or following an
34 incident or allegation of misconduct that, if proven,
35 would constitute a violation of the rules adopted by
36 the board to implement section 272.2, subsection 14,
37 paragraph "b", subparagraph (1), when the board or
38 reporting official has a good faith belief that the
39 incident occurred or the allegation is true. The
40 board may deny a license or revoke the license of an
41 administrator if the board finds by a preponderance
42 of the evidence that the administrator failed to
43 report the termination or resignation of a school
44 employee holding a license, certificate, statement of
45 professional recognition, or coaching authorization,
46 for reasons of alleged or actual misconduct, as defined
47 by this section.

48 b. Information reported to the board in accordance
49 with this section is privileged and confidential, and
50 except as provided in section 272.13, is not subject to

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1 discovery, subpoena, or other means of legal compulsion
2 for its release to a person other than the respondent
3 and the board and its employees and agents involved in
4 licensee discipline, and is not admissible in evidence
5 in a judicial or administrative proceeding other
6 than the proceeding involving licensee discipline.
7 The board shall review the information reported to
8 determine whether a complaint should be initiated. In
9 making that determination, the board shall consider the
10 factors enumerated in section 272.2, subsection 14,
11 paragraph “a”.

12 c. For purposes of this section, unless the context
13 otherwise requires, “misconduct” means an action
14 disqualifying an applicant for a license or causing
15 the license of a person to be revoked or suspended
16 in accordance with the rules adopted by the board to
17 implement section 272.2, subsection 14, paragraph “b”,
18 subparagraph (1).

19 Sec. 95. Section 280.17, Code 2011, is amended to
20 read as follows:

21 280.17 Procedures for handling child abuse reports.

22 1. The board of directors of a ~~public~~ school
23 ~~district~~ and the authorities in ~~control~~ charge of
24 a nonpublic school shall prescribe procedures, in
25 accordance with the guidelines contained in the model
26 policy developed by the department of education in
27 consultation with the department of human services,
28 and adopted by the department of education pursuant
29 to chapter 17A, for the handling of reports of child
30 abuse, as defined in section 232.68, subsection 2,
31 paragraph “a”, “c”, or “e”, alleged to have been
32 committed by an employee or agent of the public or
33 nonpublic school.

34 2. a. The board of directors of a school district
35 and the authorities in charge of an accredited
36 nonpublic school shall place on administrative leave a
37 school employee who is the subject of an investigation
38 of an alleged incident of abuse of a student conducted
39 in accordance with 281 IAC 102.

40 b. If the results of an investigation of abuse of
41 a student by a school employee who holds a license,
42 certificate, authorization, or statement of recognition
43 issued by the board of educational examiners finds
44 that the school employee’s conduct constitutes a crime
45 under any other statute, the board or the authorities,
46 as appropriate, shall report the results of the
47 investigation to the board of educational examiners.

48 Sec. 96. Section 280.27, Code 2011, is amended to
49 read as follows:

50 280.27 Reporting violence — immunity.

1 An employee of a school district, an accredited
 2 nonpublic school, or an area education agency who
 3 participates in good faith and acts reasonably in
 4 the making of a report to, or investigation by, an
 5 appropriate person or agency regarding violence,
 6 threats of violence, physical or sexual abuse of a
 7 student, or other inappropriate activity against a
 8 school employee or student in a school building, on
 9 school grounds, or at a school-sponsored function shall
 10 be immune from civil or criminal liability relating
 11 to such action, as well as for participating in any
 12 administrative or judicial proceeding resulting from or
 13 relating to the report or investigation.

14 DIVISION VII
 15 FY 2012–2013

16 DEPARTMENT FOR THE BLIND

17 Sec. 97. ADMINISTRATION. There is appropriated
 18 from the general fund of the state to the department
 19 for the blind for the fiscal year beginning July 1,
 20 2012, and ending June 30, 2013, the following amount,
 21 or so much thereof as is necessary, to be used for the
 22 purposes designated:

23 1. For salaries, support, maintenance,		
24 miscellaneous purposes, and for not more than the		
25 following full-time equivalent positions:		
26	\$	845,908
27	FTEs	88.00
28 2. For costs associated with universal access to		
29 audio information over the phone on demand for blind		
30 and print handicapped Iowans:		
31	\$	25,000

32 COLLEGE STUDENT AID COMMISSION

33 Sec. 98. There is appropriated from the general
 34 fund of the state to the college student aid commission
 35 for the fiscal year beginning July 1, 2012, and ending
 36 June 30, 2013, the following amounts, or so much
 37 thereof as is necessary, to be used for the purposes
 38 designated:

39 1. GENERAL ADMINISTRATION		
40 For salaries, support, maintenance, miscellaneous		
41 purposes, and for not more than the following full-time		
42 equivalent positions:		
43	\$	116,472
44	FTEs	3.95
45 2. STUDENT AID PROGRAMS		
46 For payments to students for the Iowa grant program		
47 established in section 261.93:		
48	\$	395,589
49 3. DES MOINES UNIVERSITY — HEALTH CARE		
50 PROFESSIONAL RECRUITMENT PROGRAM		

1	For forgivable loans to Iowa students attending Des	
2	Moines university — osteopathic medical center under	
3	the forgivable loan program pursuant to section 261.19:	
4	.....	\$ 162,987
5	4. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM	
6	For purposes of providing national guard educational	
7	assistance under the program established in section	
8	261.86:	
9	.....	\$ 1,593,117
10	5. TEACHER SHORTAGE LOAN FORGIVENESS PROGRAM	
11	For the teacher shortage loan forgiveness program	
12	established in section 261.112:	
13	.....	\$ 196,226
14	6. ALL IOWA OPPORTUNITY FOSTER CARE GRANT PROGRAM	
15	For purposes of the all Iowa opportunity foster care	
16	grant program established pursuant to section 261.6:	
17	.....	\$ 277,029
18	7. ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM	
19	a. For purposes of the all Iowa opportunity	
20	scholarship program established pursuant to section	
21	261.87:	
22	.....	\$ 1,120,427
23	b. If the moneys appropriated by the general	
24	assembly to the college student aid commission for	
25	fiscal year 2012-2013 for purposes of the all Iowa	
26	opportunity scholarship program exceed \$500,000,	
27	“eligible institution” as defined in section 261.87,	
28	shall, during fiscal year 2012-2013, include accredited	
29	private institutions as defined in section 261.9,	
30	subsection 1.	
31	8. REGISTERED NURSE AND NURSE EDUCATOR LOAN	
32	FORGIVENESS PROGRAM	
33	a. For purposes of the registered nurse and nurse	
34	educator loan forgiveness program established pursuant	
35	to section 261.23:	
36	.....	\$ 40,426
37	b. It is the intent of the general assembly that	
38	the commission continue to consider moneys allocated	
39	pursuant to this subsection as moneys that meet the	
40	state matching funds requirements of the federal	
41	leveraging educational assistance program and the	
42	federal supplemental leveraging educational assistance	
43	program established under the Higher Education Act of	
44	1965, as amended.	
45	9. BARBER AND COSMETOLOGY ARTS AND SCIENCES TUITION	
46	GRANT PROGRAM	
47	For purposes of the barber and cosmetology arts and	
48	sciences tuition grant program established pursuant to	
49	section 261.18:	
50	\$ 18,469

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1	Sec. 99. IOWA TUITION AND VOCATIONAL-TECHNICAL		
2	TUITION GRANT APPROPRIATIONS FOR FY		
3	2012–2013. Notwithstanding the standing appropriations		
4	in the following designated sections for the fiscal		
5	year beginning July 1, 2012, and ending June 30, 2013,		
6	the amounts appropriated from the general fund of the		
7	state to the college student aid commission pursuant to		
8	these sections for the following designated purposes		
9	shall not exceed the following amounts:		
10	1. For Iowa tuition grants under section 261.25,		
11	subsection 1:		
12	.....	\$	21,756,724
13	2. For tuition grants for students attending		
14	for-profit accredited private institutions located in		
15	Iowa under section 261.25, subsection 2:		
16	.....	\$	2,000,000
17	3. For vocational-technical tuition grants under		
18	section 261.25, subsection 3:		
19	.....	\$	1,125,093
20	Sec. 100. CHIROPRACTIC LOAN FUNDS. Notwithstanding		
21	section 261.72, the moneys deposited in the		
22	chiropractic loan revolving fund created pursuant		
23	to section 261.72 may be used for purposes of the		
24	chiropractic loan forgiveness program established in		
25	section 261.73.		
26	Sec. 101. WORK-STUDY APPROPRIATION FOR FY		
27	2012–2013. Notwithstanding section 261.85, for the		
28	fiscal year beginning July 1, 2012, and ending June 30,		
29	2013, the amount appropriated from the general fund of		
30	the state to the college student aid commission for the		
31	work-study program under section 261.85 shall be zero.		
32	DEPARTMENT OF EDUCATION		
33	Sec. 102. There is appropriated from the general		
34	fund of the state to the department of education for		
35	the fiscal year beginning July 1, 2012, and ending June		
36	30, 2013, the following amounts, or so much thereof as		
37	is necessary, to be used for the purposes designated:		
38	1. GENERAL ADMINISTRATION		
39	For salaries, support, maintenance, miscellaneous		
40	purposes, and for not more than the following full-time		
41	equivalent positions:		
42	.....	\$	2,956,906
43	..... FTEs		81.67
44	2. VOCATIONAL EDUCATION ADMINISTRATION		
45	For salaries, support, maintenance, miscellaneous		
46	purposes, and for not more than the following full-time		
47	equivalent positions:		
48	.....	\$	224,638
49	..... FTEs		11.50
50	3. VOCATIONAL REHABILITATION SERVICES DIVISION		

1	a. For salaries, support, maintenance,		
2	miscellaneous purposes, and for not more than the		
3	following full-time equivalent positions:		
4	.....	\$	2,481,584
5	.....	FTEs	255.00
6	b. For matching funds for programs to enable		
7	persons with severe physical or mental disabilities to		
8	function more independently, including salaries and		
9	support, and for not more than the following full-time		
10	equivalent position:		
11	.....	\$	19,564
12	.....	FTEs	1.00
13	c. For the entrepreneurs with disabilities program		
14	established pursuant to section 259.4, subsection 9:		
15	.....	\$	72,768
16	d. For costs associated with centers for		
17	independent living:		
18	.....	\$	20,147
19	4. STATE LIBRARY		
20	a. For salaries, support, maintenance,		
21	miscellaneous purposes, and for not more than the		
22	following full-time equivalent positions:		
23	.....	\$	604,810
24	.....	FTEs	17.00
25	b. For the enrich Iowa program established under		
26	section 256.57:		
27	.....	\$	837,114
28	5. LIBRARY SERVICE AREA SYSTEM		
29	For state aid:		
30	.....	\$	502,722
31	6. PUBLIC BROADCASTING DIVISION		
32	For salaries, support, maintenance, capital		
33	expenditures, miscellaneous purposes, and for not more		
34	than the following full-time equivalent positions:		
35	.....	\$	3,327,011
36	.....	FTEs	82.00
37	7. REGIONAL TELECOMMUNICATIONS COUNCILS		
38	For state aid:		
39	.....	\$	496,457
40	The regional telecommunications councils established		
41	in section 8D.5 shall use the moneys appropriated in		
42	this subsection to provide technical assistance for		
43	network classrooms, planning and troubleshooting for		
44	local area networks, scheduling of video sites, and		
45	other related support activities.		
46	8. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS		
47	For reimbursement for vocational education		
48	expenditures made by secondary schools:		
49	.....	\$	1,315,067
50	Moneys appropriated in this subsection shall be used		

1 to reimburse school districts for vocational education
 2 expenditures made by secondary schools to meet the
 3 standards set in sections 256.11, 258.4, and 260C.14.

4 9. SCHOOL FOOD SERVICE

5 For use as state matching funds for federal
 6 programs that shall be disbursed according to federal
 7 regulations, including salaries, support, maintenance,
 8 miscellaneous purposes, and for not more than the
 9 following full-time equivalent positions:

10	\$	1,088,399
11	FTEs	20.58

12 10. EARLY CHILDHOOD IOWA FUND — GENERAL AID

13 For deposit in the school ready children grants
 14 account of the early childhood Iowa fund created in
 15 section 256I.11:

16	\$	2,693,057
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17 a. From the moneys deposited in the school ready
 18 children grants account for the fiscal year beginning
 19 July 1, 2012, and ending June 30, 2013, not more than
 20 \$265,950 is allocated for the early childhood Iowa
 21 office and other technical assistance activities. The
 22 early childhood Iowa state board shall direct staff to
 23 work with the early childhood stakeholders alliance
 24 created in section 256I.12 to inventory technical
 25 assistance needs. Moneys allocated under this lettered
 26 paragraph may be used by the early childhood Iowa state
 27 board for the purpose of skills development and support
 28 for ongoing training of staff. However, except as
 29 otherwise provided in this subsection, moneys shall not
 30 be used for additional staff or for the reimbursement
 31 of staff.

32 b. As a condition of receiving moneys appropriated
 33 in this subsection, each early childhood Iowa area
 34 board shall report to the early childhood Iowa state
 35 board progress on each of the local indicators approved
 36 by the area board. Each early childhood Iowa area
 37 board must also submit an annual budget for the area's
 38 comprehensive school ready children grant developed for
 39 providing services for children from birth through five
 40 years of age, and provide other information specified
 41 by the early childhood Iowa state board, including
 42 budget amendments as needed. The early childhood Iowa
 43 state board shall establish a submission deadline for
 44 the annual budget and any budget amendments that allow
 45 a reasonable period of time for preparation by the
 46 early childhood Iowa area boards and for review and
 47 approval or request for modification of the materials
 48 by the early childhood Iowa state board. In addition,
 49 each early childhood Iowa area board must continue to
 50 comply with reporting provisions and other requirements

1 adopted by the early childhood Iowa state board in
 2 implementing section 256I.9.
 3 c. Of the amount appropriated in this subsection
 4 for deposit in the school ready children grants account
 5 of the early childhood Iowa fund, \$2,318,018 shall
 6 be used for efforts to improve the quality of early
 7 care, health, and education programs. Moneys allocated
 8 pursuant to this paragraph may be used for additional
 9 staff and for the reimbursement of staff. The early
 10 childhood Iowa state board may reserve a portion of the
 11 allocation, not to exceed \$88,650, for the technical
 12 assistance expenses of the early childhood Iowa state
 13 office, including the reimbursement of staff, and
 14 shall distribute the remainder to early childhood Iowa
 15 areas for local quality improvement efforts through
 16 a methodology identified by the early childhood Iowa
 17 state board to make the most productive use of the
 18 funding, which may include use of the distribution
 19 formula, grants, or other means.

20 d. Of the amount appropriated in this subsection
 21 for deposit in the school ready children grants account
 22 of the early childhood Iowa fund, \$825,030 shall
 23 be used for support of professional development and
 24 training activities for persons working in early care,
 25 health, and education by the early childhood Iowa
 26 state board in collaboration with the professional
 27 development component group of the early childhood
 28 Iowa stakeholders alliance maintained pursuant to
 29 section 256I.12, subsection 7, paragraph “b”, and the
 30 early childhood Iowa area boards. Expenditures shall
 31 be limited to professional development and training
 32 activities agreed upon by the parties participating in
 33 the collaboration.

34 11. EARLY CHILDHOOD IOWA FUND — PRESCHOOL TUITION
 35 ASSISTANCE

36 a. For deposit in the school ready children grants
 37 account of the early childhood Iowa fund created in
 38 section 256I.11:
 39 \$ 2,714,439

40 b. The amount appropriated in this subsection shall
 41 be used for early care, health, and education programs
 42 to assist low-income parents with tuition for preschool
 43 and other supportive services for children ages three,
 44 four, and five who are not attending kindergarten in
 45 order to increase the basic family income eligibility
 46 requirement to not more than 200 percent of the federal
 47 poverty level. In addition, if sufficient funding is
 48 available after addressing the needs of those who meet
 49 the basic income eligibility requirement, an early
 50 childhood Iowa area board may provide for eligibility

1 for those with a family income in excess of the basic
2 income eligibility requirement through use of a sliding
3 scale or other copayment provisions.

4 12. EARLY CHILDHOOD IOWA FUND — FAMILY SUPPORT AND
5 PARENT EDUCATION

6 a. For deposit in the school ready children grants
7 account of the early childhood Iowa fund created in
8 section 256I.11:

9 \$ 6,182,217

10 b. The amount appropriated in this subsection
11 shall be used for family support services and parent
12 education programs targeted to families expecting a
13 child or with newborn and infant children through age
14 five and shall be distributed using the distribution
15 formula approved by the early childhood Iowa state
16 board and shall be used by an early childhood Iowa
17 area board only for family support services and parent
18 education programs targeted to families expecting a
19 child or with newborn and infant children through age
20 five.

21 13. BIRTH TO AGE THREE SERVICES

22 For expansion of the federal Individuals with
23 Disabilities Education Improvement Act of 2004, Pub.
24 L. No. 108-446, as amended to January 1, 2012, birth
25 through age three services due to increased numbers of
26 children qualifying for those services:

27 \$ 860,700

28 From the moneys appropriated in this subsection,
29 \$383,769 shall be allocated to the child health
30 specialty clinic at the state university of Iowa to
31 provide additional support for infants and toddlers
32 who are born prematurely, drug-exposed, or medically
33 fragile.

34 14. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

35 To provide moneys for costs of providing textbooks
36 to each resident pupil who attends a nonpublic school
37 as authorized by section 301.1:

38 \$ 280,107

39 Funding under this subsection is limited to \$20 per
40 pupil and shall not exceed the comparable services
41 offered to resident public school pupils.

42 15. CORE CURRICULUM AND CAREER INFORMATION AND
43 DECISION-MAKING SYSTEM

44 For purposes of implementing the statewide core
45 curriculum for school districts and accredited
46 nonpublic schools and a state-designated career
47 information and decision-making system:

48 \$ 500,000

49 16. STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM

50 For purposes of the student achievement and teacher

1	quality program established pursuant to chapter		
2	284, and for not more than the following full-time		
3	equivalent positions:		
4	.....	\$	2,392,500
5	.....	FTEs	2.00
6	17. JOBS FOR AMERICA'S GRADUATES		
7	For school districts to provide direct services to		
8	the most at-risk senior high school students enrolled		
9	in school districts through direct intervention by a		
10	jobs for America's graduates specialist:		
11	.....	\$	20,000
12	18. COMMUNITY COLLEGES		
13	a. For general state financial aid to merged		
14	areas as defined in section 260C.2 in accordance with		
15	chapters 258 and 260C:		
16	.....	\$	81,887,324
17	The funds appropriated in this subsection shall		
18	be allocated pursuant to the formula established in		
19	section 206C.18C.		
20	b. For distribution to community colleges to		
21	supplement faculty salaries:		
22	.....	\$	250,000
23	c. For deposit in the workforce training and		
24	economic development funds created pursuant to section		
25	260C.18A:		
26	.....	\$	2,500,000
27	STATE BOARD OF REGENTS		
28	Sec. 103. There is appropriated from the general		
29	fund of the state to the state board of regents for the		
30	fiscal year beginning July 1, 2012, and ending June 30,		
31	2013, the following amounts, or so much thereof as is		
32	necessary, to be used for the purposes designated:		
33	1. OFFICE OF STATE BOARD OF REGENTS		
34	a. For salaries, support, maintenance,		
35	miscellaneous purposes, and for not more than the		
36	following full-time equivalent positions:		
37	.....	\$	532,503
38	.....	FTEs	15.00
39	The state board of regents shall submit a monthly		
40	financial report in a format agreed upon by the state		
41	board of regents office and the legislative services		
42	agency.		
43	b. For moneys to be allocated to the southwest Iowa		
44	graduate studies center:		
45	.....	\$	43,736
46	c. For moneys to be allocated to the siouxland		
47	interstate metropolitan planning council for the		
48	tristate graduate center under section 262.9,		
49	subsection 22:		
50	\$	33,301

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1	d. For moneys to be allocated to the quad-cities		
2	graduate studies center:		
3	.....	\$	64,888
4	e. For moneys to be distributed to Iowa public		
5	radio for public radio operations:		
6	.....	\$	195,784
7	2. STATE UNIVERSITY OF IOWA		
8	a. General university, including lakeside		
9	laboratory		
10	For salaries, support, maintenance, equipment,		
11	miscellaneous purposes, and for not more than the		
12	following full-time equivalent positions:		
13	.....	\$	104,868,656
14	.....	FTEs	5,058.55
15	b. Oakdale campus		
16	For salaries, support, maintenance, miscellaneous		
17	purposes, and for not more than the following full-time		
18	equivalent positions:		
19	.....	\$	1,093,279
20	.....	FTEs	38.25
21	c. State hygienic laboratory		
22	For salaries, support, maintenance, miscellaneous		
23	purposes, and for not more than the following full-time		
24	equivalent positions:		
25	.....	\$	1,768,358
26	.....	FTEs	102.50
27	d. Family practice program		
28	For allocation by the dean of the college of		
29	medicine, with approval of the advisory board, to		
30	qualified participants to carry out the provisions		
31	of chapter 148D for the family practice program,		
32	including salaries and support, and for not more than		
33	the following full-time equivalent positions:		
34	.....	\$	894,133
35	.....	FTEs	190.40
36	e. Child health care services		
37	For specialized child health care services,		
38	including childhood cancer diagnostic and treatment		
39	network programs, rural comprehensive care for		
40	hemophilia patients, and the Iowa high-risk infant		
41	follow-up program, including salaries and support, and		
42	for not more than the following full-time equivalent		
43	positions:		
44	.....	\$	329,728
45	.....	FTEs	57.97
46	f. Statewide cancer registry		
47	For the statewide cancer registry, and for not more		
48	than the following full-time equivalent positions:		
49	.....	\$	74,526
50	.....	FTEs	2.10

1	g. Substance abuse consortium		
2	For moneys to be allocated to the Iowa consortium		
3	for substance abuse research and evaluation, and		
4	for not more than the following full-time equivalent		
5	position:		
6	.....	\$	27,765
7	.....	FTEs	1.00
8	h. Center for biocatalysis		
9	For the center for biocatalysis, and for not more		
10	than the following full-time equivalent positions:		
11	.....	\$	361,864
12	.....	FTEs	6.28
13	i. Primary health care initiative		
14	For the primary health care initiative in the		
15	college of medicine, and for not more than the		
16	following full-time equivalent positions:		
17	.....	\$	324,465
18	.....	FTEs	5.89
19	From the moneys appropriated in this lettered		
20	paragraph, \$254,889 shall be allocated to the		
21	department of family practice at the state university		
22	of Iowa college of medicine for family practice faculty		
23	and support staff.		
24	j. Birth defects registry		
25	For the birth defects registry, and for not more		
26	than the following full-time equivalent position:		
27	.....	\$	19,144
28	.....	FTEs	1.00
29	k. Larned A. Waterman Iowa nonprofit resource		
30	center		
31	For the Larned A. Waterman Iowa nonprofit resource		
32	center, and for not more than the following full-time		
33	equivalent positions:		
34	.....	\$	81,270
35	.....	FTEs	2.75
36	l. Iowa online advanced placement academy science,		
37	technology, engineering, and mathematics initiative		
38	For the establishment of the Iowa online advanced		
39	placement academy science, technology, engineering, and		
40	mathematics initiative:		
41	.....	\$	240,925
42	3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY		
43	a. General university		
44	For salaries, support, maintenance, equipment,		
45	miscellaneous purposes, and for not more than the		
46	following full-time equivalent positions:		
47	.....	\$	82,172,599
48	.....	FTEs	3,647.42
49	b. Agricultural experiment station		
50	For the agricultural experiment station salaries,		

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1 support, maintenance, miscellaneous purposes, and
 2 for not more than the following full-time equivalent
 3 positions:
 4 \$ 14,055,939
 5 FTEs 546.98
 6 c. Cooperative extension service in agriculture and
 7 home economics
 8 For the cooperative extension service in agriculture
 9 and home economics salaries, support, maintenance,
 10 miscellaneous purposes, and for not more than the
 11 following full-time equivalent positions:
 12 \$ 8,968,361
 13 FTEs 383.34
 14 d. Leopold center
 15 For agricultural research grants at Iowa state
 16 university of science and technology under section
 17 266.39B, and for not more than the following full-time
 18 equivalent positions:
 19 \$ 198,709
 20 FTEs 11.25
 21 e. Livestock disease research
 22 For deposit in and the use of the livestock disease
 23 research fund under section 267.8:
 24 \$ 86,423
 25 4. UNIVERSITY OF NORTHERN IOWA
 26 a. General university
 27 For salaries, support, maintenance, equipment,
 28 miscellaneous purposes, and for not more than the
 29 following full-time equivalent positions:
 30 \$ 37,367,293
 31 FTEs 1,447.50
 32 b. Recycling and reuse center
 33 For purposes of the recycling and reuse center, and
 34 for not more than the following full-time equivalent
 35 positions:
 36 \$ 87,628
 37 FTEs 3.00
 38 c. Science, technology, engineering, and
 39 mathematics (STEM) collaborative initiative
 40 For purposes of establishing a science, technology,
 41 engineering, and mathematics (STEM) collaborative
 42 initiative, and for not more than the following
 43 full-time equivalent positions:
 44 \$ 867,328
 45 FTEs 6.20
 46 (1) From the moneys appropriated in this lettered
 47 paragraph, up to \$282,000 shall be allocated for
 48 salaries, staffing, and institutional support. The
 49 remainder of the moneys appropriated in this lettered
 50 paragraph shall be expended only to support activities

1 directly related to recruitment of kindergarten
 2 through grade 12 mathematics and science teachers and
 3 for ongoing mathematics and science programming for
 4 students enrolled in kindergarten through grade 12.

5 (2) The university of northern Iowa shall work with
 6 the community colleges to develop STEM professional
 7 development programs for community college instructors
 8 and STEM curriculum development.

9 d. Real estate education program

10 For purposes of the real estate education program,
 11 and for not more than the following full-time
 12 equivalent position:

13	\$	62,651
14	FTEs	1.00

15 5. STATE SCHOOL FOR THE DEAF

16 For salaries, support, maintenance, miscellaneous
 17 purposes, and for not more than the following full-time
 18 equivalent positions:

19	\$	4,339,982
20	FTEs	126.60

21 6. IOWA BRAILLE AND SIGHT SAVING SCHOOL

22 For salaries, support, maintenance, miscellaneous
 23 purposes, and for not more than the following full-time
 24 equivalent positions:

25	\$	1,809,466
26	FTEs	62.87

27 7. TUITION AND TRANSPORTATION COSTS

28 For payment to local school boards for the tuition
 29 and transportation costs of students residing in the
 30 Iowa braille and sight saving school and the state
 31 school for the deaf pursuant to section 262.43 and
 32 for payment of certain clothing, prescription, and
 33 transportation costs for students at these schools
 34 pursuant to section 270.5:

35	\$	5,882
----------	----	-------

36 8. LICENSED CLASSROOM TEACHERS

37 For distribution at the Iowa braille and sight
 38 saving school and the Iowa school for the deaf based
 39 upon the average yearly enrollment at each school as
 40 determined by the state board of regents:

41	\$	41,025
----------	----	--------

42 Sec. 104. ENERGY COST-SAVINGS PROJECTS —

43 FINANCING. For the fiscal year beginning July 1,
 44 2012, and ending June 30, 2013, the state board of
 45 regents may use notes, bonds, or other evidences of
 46 indebtedness issued under section 262.48 to finance
 47 projects that will result in energy cost savings in an
 48 amount that will cause the state board to recover the
 49 cost of the projects within an average of six years.

50 Sec. 105. PRESCRIPTION DRUG COSTS. Notwithstanding

Page 59

1 section 270.7, the department of administrative
2 services shall pay the state school for the deaf and
3 the Iowa braille and sight saving school the moneys
4 collected from the counties during the fiscal year
5 beginning July 1, 2012, for expenses relating to
6 prescription drug costs for students attending the
7 state school for the deaf and the Iowa braille and
8 sight saving school.

9 DIVISION VIII

10 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE

11 APPLICABILITY

12 Sec. 106. EFFECTIVE DATE AND RETROACTIVE
13 APPLICABILITY. Unless otherwise provided, this Act,
14 if approved by the governor on or after July 1, 2011,
15 takes effect upon enactment and applies retroactively
16 to July 1, 2011.>

17 2. By renumbering as necessary.

S-3380

1 Amend House File 561, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 26, by striking <2.> and inserting
4 <2.>

5 2. Page 1, by striking line 29 and inserting
6 <generating facility, as provided in subsection 1,
7 shall be>

8 3. Page 1, by striking line 35 and inserting <in
9 subsection 1, shall be implemented by considering the>

10 4. By striking page 2, line 4, through page 3, line
11 14.

12 5. Page 5, after line 27 by inserting:

13 <(0a) Determine whether the proposed ratemaking
14 principles constitute a prudent plan to develop new
15 electric power generation at a reasonable cost to
16 customers. In the event that the board determines the
17 proposed plan is not reasonable, the board may reject
18 the request for ratemaking principles, or specify
19 alternative ratemaking principles consistent with the
20 provisions and requirements of this section.>

21 6. Page 7, line 24, by striking <(1)> and inserting
22 <(i)>

23 7. Page 7, line 27, by striking <(2)> and inserting
24 <(ii)>

25 8. Page 7, line 30, by striking <(3)> and inserting
26 <(iii)>

27 9. Page 8, line 11, after <facility.> by inserting
28 <The complete methodology for determination of prudent
29 costs shall be addressed as a ratemaking principle.>

30 10. Page 9, line 12, after <facility.> by inserting

- 31 ~~<The business case shall include at a minimum~~
32 ~~consideration of the following:~~
33 ~~(a) Projections of capital expenditures.~~
34 ~~(b) Projections of operating and maintenance~~
35 ~~expenditures.~~
36 ~~(c) Projections of staffing requirements.~~
37 ~~(d) Project scheduling.~~
38 ~~(e) A description of the selected form of nuclear~~
39 ~~technology.>~~
40 11. Page 9, line 34, by striking ~~<Any>~~ and
41 inserting ~~<As the development of nuclear electric power~~
42 ~~generation requires significant capital investment,~~
43 ~~ongoing operating expenses, and decommissioning~~
44 ~~expenses, including storage or disposal of used nuclear~~
45 ~~fuel, and a substantial period of time for successful~~
46 ~~nuclear generation development, siting, permitting,~~
47 ~~licensing, and deployment, any>~~
48 12. Page 12, line 11, after ~~<study>~~ by inserting
49 ~~<to the general assembly>~~
50 13. By renumbering, redesignating, and correcting

Page 2

- 1 internal references as necessary.

SWATI A. DANDEKAR
MATT McCOY
BRIAN SCHOENJAHN
JERRY BEHN
PAT WARD

REPORTS OF CONFERENCE COMMITTEES

Senate Files

SENATE FILE 209

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 209, a bill for an Act relating to public funding and regulatory matters by making appropriations, providing for updated Code references to the Internal Revenue Code, increasing the state earned income tax credit, and including effective date and retroactive applicability provisions, respectfully make the following report:

1. That the House recedes from its amendment, S-3041.

2. That Senate File 209, as amended, passed, and reprinted by the Senate, is amended to read as follows:

1. By striking everything after the enacting clause and inserting:

<DIVISION I

2011 BONUS DEPRECIATION COUPLING

Section 1. Section 422.7, subsection 39A, unnumbered paragraph 1, as enacted by 2011 Iowa Acts, Senate File 512, section 18, is amended to read as follows:

The additional first-year depreciation allowance authorized in section 168(k) of the Internal Revenue Code, as enacted by Pub. L. No. 110-185, section 103, Pub. L. No. 111-5, section 1201, Pub. L. No. 111-240, section 2022, and Pub. L. No. 111-312, section 401, does not apply in computing net income for state tax purposes for tax years beginning before January 1, 2011. If the taxpayer has taken the additional first-year depreciation allowance for purposes of computing federal adjusted gross income, then the taxpayer shall make the following adjustments to federal adjusted gross income when computing net income for state tax purposes:

Sec. 2. Section 422.7, subsection 39B, unnumbered paragraph 1, as enacted by 2011 Iowa Acts, Senate File 512, section 18, is amended to read as follows:

The additional first-year depreciation allowance authorized in section 168(n) of the Internal Revenue Code, as enacted by Pub. L. No. 110-343, section 710, does not apply in computing net income for state tax purposes for tax years beginning before January 1, 2011. If the taxpayer has taken the additional first-year depreciation allowance for purposes of computing federal adjusted gross income, then the taxpayer shall make the following adjustments to federal adjusted gross income when computing net income for state tax purposes:

Sec. 3. Section 422.35, subsection 19A, unnumbered paragraph 1, as enacted by 2011 Iowa Acts, Senate File 512, section 21, is amended to read as follows:

The additional first-year depreciation allowance authorized in section 168(k) of the Internal Revenue Code, as enacted by Pub. L. No. 110-185, section 103, Pub. L. No. 111-5, section 1201, Pub. L. No. 111-240, section 2022, and Pub. L. No. 111-312, section 401, does not apply in computing net income for state tax purposes for tax years beginning before January 1, 2011. If the taxpayer has taken the additional first-year depreciation allowance for purposes of computing federal taxable income, then the taxpayer shall make the following adjustments to federal taxable income when computing net income for state tax purposes:

Sec. 4. Section 422.35, subsection 19B, unnumbered paragraph 1, as enacted by 2011 Iowa Acts, Senate File 512, section 21, is amended to read as follows:

The additional first-year depreciation allowance authorized in section 168(n) of the Internal Revenue Code, as enacted by Pub. L. No. 110-343, section 710, does not apply in computing net income for state tax purposes for tax years beginning before January 1, 2011. If the taxpayer has taken the additional first-year depreciation allowance for purposes of computing federal taxable income, then the taxpayer shall make the following adjustments to federal taxable income when computing net income for state tax purposes:

Sec. 5. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 6. RETROACTIVE APPLICABILITY. The following provision or provisions of this division of this Act apply retroactively to January 1, 2008, for tax years ending on or after that date:

1. The section of this Act amending section 422.7, subsections 39A and 39B, as enacted by 2011 Iowa Acts, Senate File 512, section 18.

2. The section of this Act amending section 422.35, subsections 19A and 19B, as enacted by 2011 Iowa Acts, Senate File 512, section 21.

DIVISION II

EARNED INCOME TAX CREDIT

Sec. 7. Section 422.12B, subsection 1, Code 2011, is amended to read as follows:

1. The taxes imposed under this division less the credits allowed under section 422.12 shall be reduced by an earned income credit equal to ~~seven~~ ten percent of the federal earned income credit provided in section 32 of the Internal Revenue Code. Any credit in excess of the tax liability is refundable.

Sec. 8. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2011, for tax years beginning on or after that date.

DIVISION III

SUPPLEMENTAL APPROPRIATIONS

Sec. 9. DEPARTMENT OF EDUCATION — COMMUNITY COLLEGES. After applying the reductions made pursuant to 2010 Iowa Acts, chapter 1193, section 27, to the appropriations made for the following designated purposes, there is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to supplement the appropriations made for the following designated purposes:

1. MERGED AREA I — NORTHEAST IOWA COMMUNITY COLLEGE

For general state financial aid for merged area I, in 2010 Iowa Acts, chapter 1183, section 6, subsection 19, and reflecting a corrective addition of \$4,474 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 298,883

2. MERGED AREA II — NORTH IOWA AREA COMMUNITY COLLEGE

For general state financial aid for merged area II, in 2010 Iowa Acts, chapter 1183, section 6, subsection 20, and reflecting a corrective reduction of \$28,512 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 286,545

3. MERGED AREA III — IOWA LAKES COMMUNITY COLLEGE

For general state financial aid for merged area III, in 2010 Iowa Acts, chapter 1183, section 6, subsection 21, and reflecting a corrective reduction of \$32,233 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 257,873

4. MERGED AREA IV — NORTHWEST COMMUNITY COLLEGE

For general state financial aid for merged area IV, in 2010 Iowa Acts, chapter 1183, section 6, subsection 22, and reflecting a corrective reduction of \$13,939 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 128,526

5. MERGED AREA V — IOWA CENTRAL COMMUNITY COLLEGE

For general state financial aid for merged area V, in 2010 Iowa Acts, chapter 1183, section 6, subsection 23, and reflecting a corrective addition of \$18,745 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 344,251

6. MERGED AREA VI — IOWA VALLEY COMMUNITY COLLEGE DISTRICT

For general state financial aid for merged area VI, in 2010 Iowa Acts, chapter 1183, section 6, subsection 24, and reflecting a corrective reduction of \$25,507 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 251,942

7. MERGED AREA VII — HAWKEYE COMMUNITY COLLEGE

For general state financial aid for merged area VII, in 2010 Iowa Acts, chapter 1183, section 6, subsection 25, and reflecting a corrective reduction of \$11,837 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 401,298

8. MERGED AREA IX — EASTERN IOWA COMMUNITY COLLEGE

For general state financial aid for merged area IX, in 2010 Iowa Acts, chapter 1183, section 6, subsection 26, and reflecting a corrective reduction of \$4,921 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 508,961

9. MERGED AREA X — KIRKWOOD COMMUNITY COLLEGE

For general state financial aid for merged area X, in 2010 Iowa Acts, chapter 1183, section 6, subsection 27, and reflecting a corrective addition of \$55,034 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 959,044

10. MERGED AREA XI — DES MOINES AREA COMMUNITY COLLEGE

For general state financial aid for merged area XI, in 2010 Iowa Acts, chapter 1183, section 6, subsection 28, and reflecting a corrective addition of \$106,395 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 1,016,636

11. MERGED AREA XII — WESTERN IOWA TECH COMMUNITY COLLEGE

For general state financial aid for merged area XII, in 2010 Iowa Acts, chapter 1183, section 6, subsection 29, and reflecting a corrective reduction of \$8,974 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 328,413

12. MERGED AREA XIII — IOWA WESTERN COMMUNITY COLLEGE

For general state financial aid for merged area XIII, in 2010 Iowa Acts, chapter 1183, section 6, subsection 30, and reflecting a corrective addition of \$9,196 in the

overall amount appropriated for the merged area’s general state financial aid for the fiscal year:

..... \$ 355,950

13. MERGED AREA XIV — SOUTHWESTERN COMMUNITY COLLEGE

For general state financial aid for merged area XIV, in 2010 Iowa Acts, chapter 1183, section 6, subsection 31, and reflecting a corrective reduction of \$12,340 in the overall amount appropriated for the merged area’s general state financial aid for the fiscal year:

..... \$ 132,279

14. MERGED AREA XV — INDIAN HILLS COMMUNITY COLLEGE

For general state financial aid for merged area XV, in 2010 Iowa Acts, chapter 1183, section 6, subsection 32, and reflecting a corrective reduction of \$43,717 in the overall amount appropriated for the merged area’s general state financial aid for the fiscal year:

..... \$ 409,622

15. MERGED AREA XVI — SOUTHEASTERN COMMUNITY COLLEGE

For general state financial aid for merged area XVI, in 2010 Iowa Acts, chapter 1183, section 6, subsection 33, and reflecting a corrective reduction of \$11,864 in the overall amount appropriated for the merged area’s general state financial aid for the fiscal year:

..... \$ 248,098

16. COMMUNITY COLLEGE SALARIES. For distribution to community colleges to supplement faculty salaries, in 2010 Iowa Acts, chapter 1183, section 8:

..... \$ 20,415

Sec. 10. DEPARTMENT OF CORRECTIONS. After applying the reductions made pursuant to 2010 Iowa Acts, chapter 1193, section 27, and any transfers made pursuant to 2010 Iowa Acts, chapter 1193, section 28, to the appropriations made for the following designated purposes, there is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to supplement the appropriations made for the following designated purposes:

1. For the operation of adult correctional institutions in 2010 Iowa Acts, chapter 1190, section 3, subsection 1, to be allocated as follows:

a. For the operation of the Fort Madison correctional facility in 2010 Iowa Acts, chapter 1190, section 3, subsection 1, paragraph “a”:

..... \$ 1,920,083

b. For the operation of the Anamosa correctional facility in 2010 Iowa Acts, chapter 1190, section 3, subsection 1, paragraph “b”:

..... \$ 1,293,060

c. For the operation of the Oakdale correctional facility in 2010 Iowa Acts, chapter 1190, section 3, subsection 1, paragraph “c”:

..... \$ 2,385,141

d. For the operation of the Newton correctional facility in 2010 Iowa Acts, chapter 1190, section 3, subsection 1, paragraph “d”:

..... \$ 1,101,460

e. For the operation of the Mount Pleasant correctional facility in 2010 Iowa Acts, chapter 1190, section 3, subsection 1, paragraph “e”:

..... \$ 1,359,865

f. For the operation of the Rockwell City correctional facility in 2010 Iowa Acts, chapter 1190, section 3, subsection 1, paragraph “f”:

..... \$ 412,008

g. For the operation of the Clarinda correctional facility in 2010 Iowa Acts, chapter 1190, section 3, subsection 1, paragraph “g”:

..... \$ 1,180,617

h. For the operation of the Mitchellville correctional facility in 2010 Iowa Acts, chapter 1190, section 3, subsection 1, paragraph “h”:

..... \$ 504,674

i. For the operation of the Fort Dodge correctional facility in 2010 Iowa Acts, chapter 1190, section 3, subsection 1, paragraph “i”:

..... \$ 1,162,060

2. For general administration in 2010 Iowa Acts, chapter 1190, section 4, subsection 1, paragraph “a”:

..... \$ 110,202

3. For the judicial district departments of correctional services in 2010 Iowa Acts, chapter 1190, section 5, subsection to be allocated as follows: a. For the first judicial district department of correctional services in 2010 Iowa Acts, chapter 1190, section 5, subsection 1, paragraph “a”:

..... \$ 393,353

b. For the second judicial district department of correctional services in 2010 Iowa Acts, chapter 1190, section 5, subsection 1, paragraph “b”:

..... \$ 360,912

c. For the third judicial district department of correctional services in 2010 Iowa Acts, chapter 1190, section 5, subsection 1, paragraph “c”:

..... \$ 221,793

d. For the fourth judicial district department of correctional services in 2010 Iowa Acts, chapter 1190, section 5, subsection 1, paragraph “d”:

..... \$ 169,067

e. For the fifth judicial district department of correctional services in 2010 Iowa Acts, chapter 1190, section 5, subsection 1, paragraph “e”:

..... \$ 723,637

f. For the sixth judicial district department of correctional services in 2010 Iowa Acts, chapter 1190, section 5, subsection 1, paragraph “f”:

..... \$ 460,329

g. For the seventh judicial district department of correctional services in 2010 Iowa Acts, chapter 1190, section 5, subsection 1, paragraph “g”:

..... \$ 265,431

h. For the eighth judicial district department of correctional services in 2010 Iowa Acts, chapter 1190, section 5, subsection 1, paragraph “h”:

..... \$ 177,991

Sec. 11. STATE PUBLIC DEFENDER. After applying the reductions made pursuant to 2010 Iowa Acts, chapter 1193, section 27, to the appropriations made for the following designated purposes, there is appropriated from the general fund of the state to the office of the state public defender of the department of inspections and appeals for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to supplement the appropriations made for the following designated purposes:

1. For the office of the state public defender, in 2010 Iowa Acts, chapter 1190, section 10, subsection 1:

..... \$ 2,551,500

2. For the fees of court-appointed attorneys for indigent adults and juveniles, in accordance with section 232.141 and chapter 815, in 2010 Iowa Acts, chapter 1190, section 10, subsection 2:

..... \$ 16,000,000

Sec. 12. DEPARTMENT OF PUBLIC SAFETY. After applying the reductions made pursuant to 2010 Iowa Acts, chapter 1193, section 27, and any transfers made pursuant to 2010 Iowa Acts, chapter 1193, section 28, to the appropriations made for the following designated purposes, there is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to supplement the appropriations made for the following designated purposes:

- 1. For the department’s administrative functions in 2010 Iowa Acts, chapter 1190, section 14, subsection 1:
..... \$ 275,000
- 2. For the division of criminal investigation in 2010 Iowa Acts, chapter 1190, section 14, subsection 2:
..... \$ 325,000
- 3. For the division of narcotics enforcement in 2010 Iowa Acts, chapter 1190, section 14, subsection 4, paragraph “a”:
..... \$ 225,000
- 4. For the division of state fire marshal in 2010 Iowa Acts, chapter 1190, section 14, subsection 5:
..... \$ 130,000
- 5. For the division of state patrol in 2010 Iowa Acts, chapter 1190, section 14, subsection 6:
..... \$ 2,000,000

Sec. 13. DEPARTMENT OF PUBLIC HEALTH. After applying the reductions made pursuant to 2010 Iowa Acts, chapter 1193, section 27, and any transfers made pursuant to 2010 Iowa Acts, chapter 1193, section 28, to the appropriations made for the following designated purposes, there is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to supplement the appropriations made for the following designated purposes:

- 1. For addictive disorders, in 2010 Iowa Acts, chapter 1192, section 2, subsection 1:
..... \$ 675,896
- 2. For healthy children and families, in 2010 Iowa Acts, chapter 1192, section 2, subsection 2:
..... \$ 68,192
- 3. For community capacity, in 2010 Iowa Acts, chapter 1192, section 2, subsection 4:
..... \$ 13,275
- 4. For healthy aging, in 2010 Iowa Acts, chapter 1192, section 2, subsection 5:
..... \$ 403,500
- 5. For infectious diseases, in 2010 Iowa Acts, chapter 1192, section 2, subsection 7:
..... \$ 51,688

Sec. 14. DEPARTMENT OF HUMAN SERVICES — APPROPRIATIONS. After applying the reductions made pursuant to 2010 Iowa Acts, chapter 1193, section 27, and any transfers made pursuant to 2010 Iowa Acts, chapter 1193, section 28, to the appropriations made for the following designated purposes, there is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to supplement the appropriations made for the following designated purposes:

- 1. For the state mental health institute at Cherokee, in 2010 Iowa Acts, chapter 1192, section 24, subsection 1, paragraph “a”:
..... \$ 784,607

2. For the state mental health institute at Clarinda, in 2010 Iowa Acts, chapter 1192, section 24, subsection 1, paragraph “b”:

..... \$ 623,793

3. For the state mental health institute at Independence, in 2010 Iowa Acts, chapter 1192, section 24, subsection 1, paragraph “c”:

..... \$ 1,235,916

Sec. 15. 2010 Iowa Acts, chapter 1193, section 84, subsection 2, unnumbered paragraph 1, is amended to read as follows: For the duties of the office of the state debt coordinator established in 2010 Iowa Acts, Senate File 2383, if enacted, including salaries, support, maintenance, services, advertising, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 300,000

..... FTEs 3.00

Beginning on the effective date of this division of this 2011 Iowa Act, moneys appropriated in this subsection that remain unencumbered or unobligated shall be used by the department of revenue for the administrative costs associated with state tax processing.

Sec. 16. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION IV

CORRECTIVE PROVISIONS

Sec. 17. 2010 Iowa Acts, chapter 1193, section 199, is amended to read as follows: SEC. 199. TERRACE HILL — GENERAL FUND — DEPARTMENT OF ADMINISTRATIVE SERVICES. There is appropriated from the general fund of the state to the department of administrative services for the fiscal year beginning July 1, ~~2009~~ 2010, and ending June 30, ~~2010~~ 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes necessary for the operation of Terrace Hill, and for not more than the following full-time equivalent positions:

..... \$ 263,329

..... FTEs 6.38

Sec. 18. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment. The section of this division of this Act amending 2010 Iowa Acts, chapter 1193, section 199, applies retroactively to April 29, 2010.

DIVISION V

IOWA COMMUNICATIONS NETWORK

Sec. 19. IOWA COMMUNICATIONS NETWORK — AUTHORIZATION FOR CONTRACTS. Pursuant to section 8D.11, subsection 1, paragraph “a”, the general assembly authorizes the Iowa telecommunications and technology commission to enter into contracts in excess of the contract limitation amount established in section 8D.11, subsection 1, paragraph “c”, for purposes of the commission’s project associated with the federal grant awarded to the commission under the federal broadband technology opportunities program. This authorization applies for the duration of the commission’s project and to all affected contracts associated with the project and project funding.

Sec. 20. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION VI

ADULT MENTAL HEALTH AND INTELLECTUAL AND OTHER
DEVELOPMENTAL
DISABILITIES SERVICES SYSTEM REFORM

Sec. 21. ADULT MENTAL HEALTH AND INTELLECTUAL AND OTHER DEVELOPMENTAL DISABILITIES SERVICES SYSTEM REFORM — APPROPRIATION.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To be credited to the property tax relief fund created in chapter 426B and for distribution in accordance with appropriations made from the property tax relief fund enacted by the Eighty-fourth General Assembly, 2011 Session, pursuant to recommendations by the general assembly's committees on appropriations, to address needs in the publicly funded adult mental health and intellectual and other developmental disability services system, which may include but are not limited to eliminating county waiting lists or providing risk pool funding:

..... \$ 20,000,000

2. It is the intent of the general assembly to enact legislation providing for the reform of the publicly funded adult mental health and intellectual and other developmental disability services system and to implement a new services system structure by July 1, 2013, when the repeals contained in this division of this Act take effect.

Sec. 22. Section 331.424A, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 6. This section is repealed July 1, 2013.

Sec. 23. Section 331.438, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 5. This section is repealed July 1, 2013.

Sec. 24. Section 331.439, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 10. This section is repealed July 1, 2013.

Sec. 25. Section 331.440, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 7. This section is repealed July 1, 2013.

Sec. 26. **NEW SECTION . 426B.6 Future repeal.** This chapter is repealed July 1, 2013.

Sec. 27. **EFFECTIVE UPON ENACTMENT.** This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION VII

TAXPAYERS TRUST FUND

Sec. 28. Section 8.54, subsection 5, Code 2011, is amended to read as follows:

5. For fiscal years in which it is anticipated that the distribution of moneys from the Iowa economic emergency fund in accordance with section 8.55, subsection 2, ~~results will result~~ in moneys being transferred to the general fund, the original state general fund expenditure limitation amount provided for in subsection 3 shall be readjusted to include the amount of moneys which are so anticipated to be so transferred.

Sec. 29. Section 8.55, subsection 2, Code 2011, is amended to read as follows:

2. a. The maximum balance of the fund is the amount equal to two and one-half percent of the adjusted revenue estimate for the fiscal year. If the amount of moneys in the Iowa economic emergency fund is equal to the maximum balance, moneys in excess of this amount shall be ~~transferred to the general fund.~~ distributed as follows:

(1) The first sixty million dollars of the difference between the actual net revenue for the general fund of the state for the fiscal year and the adjusted revenue estimate for the fiscal year shall be transferred to the taxpayers trust fund.

(2) The remainder of the excess, if any, shall be transferred to the general fund of the state.

b. Notwithstanding paragraph "a", any moneys in excess of the maximum balance in the economic emergency fund after the distribution of the surplus in the general fund of the state at the conclusion of each fiscal year shall not be ~~transferred to the general fund of the state~~ distributed as provided in paragraph "a" but shall be transferred to the senior living trust fund. The total amount appropriated, reverted, or transferred, in the aggregate, under this paragraph, section 8.57, subsection 2, and any other law providing for an appropriation or reversion or transfer of an appropriation to the credit of the senior living trust fund, for all fiscal years beginning on or after July 1, 2004, shall not exceed the amount specified in section 8.57, subsection 2, paragraph "c".

Sec. 30. NEW SECTION . 8.57E Taxpayers trust fund.

1. A taxpayers trust fund is created. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state. The moneys credited to the fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this section.

2. Moneys in the taxpayers trust fund shall only be used pursuant to appropriations made by the general assembly for tax relief.

3. a. Moneys in the taxpayer's trust fund may be used for cash flow purposes during a fiscal year provided that any moneys so allocated are returned to the fund by the end of that fiscal year.

b. Except as provided in section 8.58, the taxpayers trust fund shall be considered a special account for the purposes of section 8.53 in determining the cash position of the general fund of the state for the payment of state obligations.

4. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the taxpayers trust fund shall be credited to the fund. Sec. 31. Section 8.58, Code 2011, is amended to read as follows:

8.58 Exemption from automatic application.

1. To the extent that moneys appropriated under section 8.57 do not result in moneys being credited to the general fund under section 8.55, subsection 2, moneys appropriated under section 8.57 and moneys contained in the cash reserve fund, rebuild Iowa infrastructure fund, environment first fund, ~~and~~ Iowa economic emergency fund, and taxpayers trust fund shall not be considered in the application of any formula, index, or other statutory triggering mechanism which would affect appropriations, payments, or taxation rates, contrary provisions of the Code notwithstanding.

2. To the extent that moneys appropriated under section 8.57 do not result in moneys being credited to the general fund under section 8.55, subsection 2, moneys appropriated under section 8.57 and moneys contained in the cash reserve fund, rebuild Iowa infrastructure fund, environment first fund, ~~and~~ Iowa economic emergency fund, and taxpayers trust fund shall not be considered by an arbitrator or in negotiations under chapter 20.

Sec. 33. APPLICABILITY. The amendments in this division of this Act to sections 8.54 and 8.55 apply to moneys attributed to fiscal years beginning on or after July 1, 2011.>

2. Title page, by striking lines 2 and 3 and inserting <making appropriations, providing for certain additional depreciation allowances, increasing the state earned>

On the part of the Senate:

On the part of the House:

JOE BOLKCOM, Chair
ROBERT E. DVORSKY
PAM JOCHUM
STEVE KETTERING
BRAD ZAUN

J. SCOTT RAECKER, Chair
ERIK HELLAND
DAVE JACOBY
TYLER OLSON
NICK WAGNER

SENATE FILE 509

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 509, a bill for an Act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions, respectfully make the following report:

1. Amend the Senate amendment, H-1743, to the House amendment, S-3227, to Senate File 509, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, line 22, by striking <345.00> and inserting <365.00>

2. Page 2, by striking lines 20 through 42.

3. By striking page 2, line 43, through page 3, line 4.

4. Page 3, line 19, by striking <12,291,688> and inserting <12,266,688>

5. Page 3, line 26, after <parks.> by inserting <This subsection shall not impact park ranger positions within the department.>

6. Page 7, line 11, by striking <525,000> and inserting <625,000>

7. Page 7, by striking lines 16 through 24 and inserting:

<c. Of the amount appropriated in paragraph "a", \$370,000 shall be allocated to an organization representing soybean growers to provide for an agriculture and environment performance program in order to carry out the purposes of this subsection as specified in paragraph "a".>

8. Page 8, after line 33 by inserting:

<___. LOCAL FOOD AND FARM PROGRAM COORDINATOR

a. For purposes of supporting a local food and farm program coordinator as established pursuant to new Code chapter 267A as enacted in this Act, for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 75,000

b. The department shall enter into a cost-sharing agreement with Iowa state university to support the local food and farm program coordinator position as part of the university's cooperative extension service in agriculture and home economics pursuant to new Code chapter 267A as enacted in this Act.>

9. Page 8, after line 33 by inserting:

<___. AGRICULTURAL EDUCATION

For purposes of allocating moneys to an Iowa association affiliated with a national organization which promotes agricultural education providing for future farmers:

..... \$ 25,000>

10. Page 8, after line 33 by inserting:

<___. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND

a. For deposit in the loess hills development and conservation fund created in section 161D.2:

..... \$ 475,000

b. (1) Of the amount appropriated in paragraph “a”, \$356,250 shall be allocated to the fund’s hungry canyons account.

(2) Not more than 10 percent of the moneys allocated to the hungry canyons account as provided in subparagraph (1) may be used for administrative costs.

c. (1) Of the amount appropriated in paragraph “a”, \$118,750 shall be allocated to the fund’s loess hills alliance account.

(2) Not more than 10 percent of the moneys allocated to the loess hills alliance account as provided in subparagraph (1) may be used for administrative costs.>

11. Page 8, line 49, by striking <3,410,000> and inserting <3,210,000>

12. Page 9, line 21, by striking <520,000> and inserting <420,000>

13. Page 10, line 17, by striking <12,375,000> and inserting <12,000,000>

14. Page 11, by striking lines 6 through 25 and inserting:

<DIVISION ____

INTERIM LEGISLATIVE COMMITTEE — STATE FISH

AND GAME PROTECTION FUND

Sec. ____ INTERIM STUDY. The legislative council shall establish a study committee during the 2011 interim for purposes of reviewing expenditures from the state fish and game protection fund by the department of natural resources.>

15. Page 11, lines 43 and 44, by striking <October 31, 2011> and inserting <June 30, 2012>

16. Page 11, by striking lines 45 through 49 and inserting:

<____. The mobile radios purchased by the department of natural resources pursuant to subsection 1 shall be compatible with a statewide public safety radio network, if created in legislation enacted by the 2011 regular session of the General Assembly, which may include provisions in 2011 Iowa Acts, Senate File 541, if enacted. The department shall purchase the mobile radios after conducting a competitive bidding process.>

17. Page 12, line 8, after <mandate,> by inserting <and>

18. Page 12, by striking lines 9 and 10 and inserting <to meet those needs.>

19. Page 12, before line 11 by inserting:

<Sec. ____ RADIOS. The sections of 2011 Iowa Acts, Senate File 538, amending 2011 Iowa Acts, Senate File 509, section 22, and establishing an effective date for that amendment, if enacted, are repealed.>

20. Page 15, line 45, by striking <practical farmers of Iowa> and inserting <Iowa farmers union>

21. Page 20, after line 46 by inserting:

<Sec. ____ EFFECTIVE DATE. This division of this Act takes effect July 1, 2012.>

22. Page 21, line 12, by striking <8,343,252> and inserting <8,248,654>

23. Page 21, line 13, by striking <347.00> and inserting <366.00>

24. Page 22, by striking lines 11 through 33.

25. Page 22, by striking lines 34 through 45.

26. Page 23, line 10, by striking <6,145,844> and inserting <6,133,344>

27. Page 23, line 17, after <parks.> by inserting <This subsection shall not impact park ranger positions within the department.>

28. Page 27, line 2, by striking <262,500> and inserting <312,500>

29. Page 27, by striking lines 7 through 15 and inserting:

<c. Of the amount appropriated in paragraph “a”, \$185,000 shall be allocated to an organization representing soybean growers to provide for an agriculture and

environment performance program in order to carry out the purposes of this subsection as specified in paragraph "a".>

30. Page 28, after line 24 by inserting:

<__ LOCAL FOOD AND FARM PROGRAM COORDINATOR

a. For purposes of supporting a local food and farm program coordinator as established pursuant to new Code chapter 267A as enacted in this Act, for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 37,500

b. The department shall enter into a cost-sharing agreement with Iowa state university to support the local food and farm program coordinator position as part of the university's cooperative extension service in agriculture and home economics pursuant to new Code chapter 267A as enacted in this Act.>

31. Page 28, after line 24 by inserting:

<__ AGRICULTURAL EDUCATION For purposes of allocating moneys to an Iowa association affiliated with a national organization which promotes agricultural education providing for future farmers:

..... \$ 12,500>

32. Page 28, after line 24 by inserting:

<__ LOESS HILLS DEVELOPMENT AND CONSERVATION FUND

a. For deposit in the loess hills development and conservation fund created in section 161D.2:

..... \$ 237,500

b. (1) Of the amount appropriated in paragraph "a", \$178,125 shall be allocated to the fund's hungry canyons account.

(2) Not more than 10 percent of the moneys allocated to the hungry canyons account as provided in subparagraph (1) may be used for administrative costs.

c. (1) Of the amount appropriated in paragraph "a", \$59,375 shall be allocated to the fund's loess hills alliance account.

(2) Not more than 10 percent of the moneys allocated to the loess hills alliance account as provided in subparagraph (1) may be used for administrative costs.>

33. Page 28, line 40, by striking <1,705,000> and inserting <1,605,000>

34. Page 29, line 12, by striking <260,000> and inserting <210,000>

35. <<By striking page 29, line 43, through page 30, line 8.>>

36. By renumbering, redesignating, and correcting internal references as necessary.

On the part of the Senate:

On the part of the House:

DENNIS BLACK, Chair
DICK L. DEARDEN
JAMES F. HAHN
HUBERT HOUSER
MARY JO WILHELM

JACK DRAKE, Chair
DWAYNE A. ALONS
ROSS PAUSTIAN

SENATE FILE 510

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 510, a bill for an Act relating to and making appropriations to the justice system, respectfully make the following report:

1. Amend the Senate amendment, H-1744, to the House amendment, S-3233, to Senate File 510, as passed by the Senate, as follows:

1. Page 1, line 19, by striking <7,942,930> and inserting <7,792,930>

2. Page 2, line 28, by striking <3,336,344> and inserting <3,136,163>

3. Page 2, line 42, by striking <41,188,445> and inserting <41,031,283>

4. Page 3, after line 38 by inserting:

<__. For three correctional officer full-time equivalent positions that are to be assigned to a correctional institution by the director of the department of corrections:

..... \$ 157,162>

5. Page 7, after line 19 by inserting:

<__. A judicial district department of correctional services shall accept into the facilities of the district department offenders assigned from other judicial district departments of correctional services.>

6. Page 9, line 37, by striking <24,083,182> and inserting <25,083,182>

7. Page 9, line 42, by striking <31,680,929> and inserting <30,680,929>

8. Page 11, line 42, by striking <6,353,345> and inserting <6,429,884>

9. Page 14, line 3, by striking <1,397,069> and inserting <1,297,069>

10. Page 16, by striking lines 34 through 40.

11. Page 17, line 37, by striking <3,971,465> and inserting <3,896,465>

12. Page 18, line 46, by striking <1,668,172> and inserting <1,568,082>

13. Page 19, line 10, by striking <20,594,223> and inserting <20,515,641>

14. Page 20, after line 6 by inserting:

<__. For three correctional officer full-time equivalent positions that are to be assigned to a correctional institution by the director of the department of corrections:

..... \$ 78,581>

15. Page 23, after line 38 by inserting:

<__. A judicial district department of correctional services shall accept into the facilities of the district department offenders assigned from other judicial district departments of correctional services.>

16. Page 26, line 6, by striking <12,041,591> and inserting <12,541,591>

17. Page 26, line 11, by striking <15,840,465> and inserting <15,340,464>

18. Page 28, line 11, by striking <3,176,673> and inserting <3,214,942>

19. Page 30, line 22, by striking <698,535> and inserting <648,535>

20. Page 30, by striking lines 40 through 46.

21. By renumbering, redesignating, and correcting internal references as necessary.

On the part of the Senate:

On the part of the House:

TOM HANCOCK, Chair
MERLIN BARTZ
EUGENE S. FRAISE
ROBERT M. HOGG

GARY WORTHAN, Chair
JULIAN GARRETT
LANCE HORBACH

SENATE FILE 517

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 517, a bill for an Act relating to making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the

department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters and including immediate effective date and retroactive applicability provisions, respectfully make the following report:

1. That the Senate amendment, H-1745, to the House amendment, S-3285, to Senate File 517, as amended, passed, and reprinted by the Senate, is amended to read as follows:

- 1. Page 1, by striking line 18 and inserting:
< \$ 171,813>
- 2. Page 1, by striking line 46 and inserting:
< \$ 150,000>
- 3. Page 3, by striking line 13 and inserting:
< \$ 9,783,424>
- 4. Page 3, by striking lines 31 and 32.
- 5. Page 9, by striking line 25 and inserting:
< \$ 2,949,044>
- 6. By striking page 10, line 34, through page 11, line 2.
- 7. Page 13, by striking lines 11 through 20.
- 8. Page 19, by striking line 48 and inserting:
< \$ 85,907>
- 9. Page 20, by striking line 26 and inserting:
< \$ 75,000>
- 10. Page 21, by striking line 43 and inserting:
< \$ 4,891,712>
- 11. Page 22, by striking lines 11 and 12.
- 12. Page 27, by striking line 45 and inserting:
< \$ 1,474,522>
- 13. By renumbering as necessary.

On the part of the Senate:

On the part of the House:

WILLIAM A. DOTZLER, Chair
NANCY J. BOETTGER
SWATI A. DANDEKAR
ROBERT E. DVORSKY

JASON SCHULTZ, Chair
MARK LOFGREN
CHUCK SODERBERG

SENATE FILE 525

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 525, a bill for an Act relating to reforming state and county responsibilities for adult disability services, making appropriations, and including effective date provisions, respectfully make the following report:

1. That the Senate amendment, H-1733, to the House amendment, S-3335, to Senate File 525, as amended, passed, and reprinted by the Senate, is amended to read as follows:

1. Page 1, by striking lines 13 through 15 and inserting:

<... Page 1, by striking lines 44 through 47 and inserting <both chambers and from both political parties.>>

2. Page 1, by striking lines 22 through 28 and inserting <repeal provisions, the interim committee shall consider all funding sources for replacing the county authority to levy for adult disability services.>>

3. Page 1, by striking lines 33 through 45 and inserting: <<g. Developing a proposal for addressing service provider and other workforce shortages. The development of the proposal shall incorporate an examination of scope of practice limitations and barriers to recruiting providers and maintaining the workforce, including recruitment of minorities and addressing cultural competency considerations for the workforce in general and for accrediting professional level providers, evaluating the impact of inadequate reimbursement, identifying the appropriate state role in providing the resources to ensure an appropriately trained workforce is available, and an examination of the variation in health>>

4. Page 2, by striking lines 4 through 9 and inserting <representatives. The preliminary>>

5. Page 2, by striking lines 22 through 44.

6. Page 3, by striking lines 28 and 29 and inserting:

<__. Page 17, by striking line 2 and inserting <provided as a combination of all funding sources.>>

On the part of the Senate:

JACK HATCH, Chair
 JOE BOLKCOM
 DAVID JOHNSON
 AMANDA RAGAN
 PAT WARD

On the part of the House:

LINDA UPMEYER, Chair
 LISA HEDDENS
 RENEE SCHULTE
 MARK SMITH

SENATE FILE 533

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 533, a bill for an Act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions, respectfully make the following report:

1. That the Senate amendment, H-1752, to the House amendment, S-3372, to Senate File 533, as amended, passed, and reprinted by the Senate, is amended to read as follows:

1. By striking page 3, line 20, through page 5, line 22.

2. Page 5, line 31, after <regents> by inserting <who receive bonuses funded by moneys from sources other than appropriations>

3. Page 5, after line 39 by inserting:

<Sec. __. SALARY INCREASES — CERTAIN REVOLVING FUNDS.

1. For the fiscal years beginning July 1, 2011, and July 1, 2012, there is appropriated from the gaming enforcement revolving fund an amount necessary for funding annual pay adjustments and related benefits for agents and officers of the division of criminal investigation's racetrack, excursion boat, or gambling structure

enforcement activities. Moneys appropriated pursuant to this subsection shall be in addition to and supplement other appropriations from the fund.

2. For the fiscal years beginning July 1, 2011, and July 1, 2012, there is appropriated from the gaming regulatory revolving fund, if enacted by the Eighty-fourth General Assembly, 2011 session, an amount necessary for funding annual pay adjustments and related benefits for positions in the racing and gaming commission of the department of inspections and appeals who are assigned to administration and enforcement of the excursion boat and gambling structure laws. Moneys appropriated pursuant to this subsection shall be in addition to and supplement other appropriations from the fund.>

4. Page 16, after line 41 by inserting:

<DIVISION ____

MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FY 2013–2014

Sec. ____ ADULT MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FY 2013–2014. Notwithstanding section 331.439, subsection 3, the allowed growth factor adjustment for county mental health, mental retardation, and developmental disabilities service expenditures for the fiscal year beginning July 1, 2013, shall be established by statute which shall be enacted within thirty calendar days of the convening of the Eighty-fifth General Assembly, 2013 Session, on January 14, 2013. The governor shall submit to the general assembly a recommendation for such allowed growth factor adjustment and the amounts of related appropriations to the general assembly on or before January 14, 2013.>

5. Page 17, by striking line 41 and inserting:

<..... \$ 5,364,446>

6. Page 17, by striking line 47 and inserting:

<..... \$ 7,060,931>

7. Page 18, by striking lines 3 through 9.

8. Page 18, after line 18 by inserting:

<Sec. ____ Section 257.35, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 5B. Notwithstanding subsection 1, and in addition to the reduction applicable pursuant to subsection 2, the state aid for area education agencies and the portion of the combined district cost calculated for these agencies for the fiscal year beginning July 1, 2012, and ending June 30, 2013, shall be reduced by the department of management by ten million dollars. The reduction for each area education agency shall be prorated based on the reduction that the agency received in the fiscal year beginning July 1, 2003.>

9. By striking page 18, line 22, through page 19, line 39.

10. Page 19, line 48, after <regents> by inserting <who receive bonuses funded by moneys from sources other than appropriations>

11. Page 20, after line 6 by inserting:

<Sec. ____ SALARY INCREASES — CERTAIN REVOLVING FUNDS.

1. For the fiscal years beginning July 1, 2012, and July 1, 2013, there is appropriated from the gaming enforcement revolving fund an amount necessary for funding annual pay adjustments and related benefits for agents and officers of the division of criminal investigation’s racetrack, excursion boat, or gambling structure enforcement activities. Moneys appropriated pursuant to this subsection shall be in addition to and supplement other appropriations from the fund.

2. For the fiscal years beginning July 1, 2012, and July 1, 2013, there is appropriated from the gaming regulatory revolving fund, if enacted by the Eighty-fourth General Assembly, 2011 or 2012 session, an amount necessary for funding annual pay adjustments and related benefits for positions in the racing and gaming

commission of the department of inspections and appeals who are assigned to administration and enforcement of the excursion boat and gambling structure laws. Moneys appropriated pursuant to this subsection shall be in addition to and supplement other appropriations from the fund.>

12. Page 28, by striking lines 21 and 22 and inserting <land stewardship for the following fiscal years, the following amounts,>

13. Page 28, by striking line 25 and inserting

<FY 2011–2012	\$	97,000
FY 2012–2013	\$	48,500>

14. Page 29, by striking lines 22 and 23 and inserting <authority for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or>

15. Page 31, before line 4 by inserting:

<Sec. __. PRESCHOOL FOUNDATION AID — ADMINISTRATIVE COSTS. For the fiscal year beginning July 1, 2011, and ending June 30, 2012, of the amount of preschool foundation aid received by a school district for a fiscal year, not more than five percent shall be used by the school district for administering the district’s approved local program.>

16. By striking page 33, line 47, through page 34, line 21.

17. Page 35, by striking lines 14 through 45.

18. Page 36, after line 17 by inserting:

<Sec. __. Section 422.11P, subsection 2, paragraph b, Code 2011, as enacted by 2011 Iowa Acts, Senate File 531, section 25, is amended to read as follows:

b. The tax credit shall apply to biodiesel blended fuel classified as provided in this section, if the classification meets the standards provided in section 214A.2. In ensuring that biodiesel blended fuel meets the classification requirements of this section, the department shall take into account reasonable variances due to testing and other limitations.>

19. Page 36, line 33, by striking <three> and inserting <two>

20. Page 36, line 34, by striking <ten million> and inserting <eight million seven hundred fifty thousand>

21. Page 37, by striking lines 37 through 41.

22. Page 38, by striking lines 13 through 15.

23. Page 38, before line 16 by inserting:

<Sec. __. REPEAL. Chapter 327K, Code 2011, is repealed.>

24. Page 38, by striking lines 20 through 44.

25. Page 38, before line 45 by inserting:

<Sec. __. EFFECTIVE DATE — RETROACTIVE APPLICABILITY.

1. The section of this division of this Act appropriating moneys to the department of cultural affairs for purposes of a grant for the battleship Iowa, BB-61, being deemed of immediate importance, takes effect upon enactment, and applies retroactively to June 30, 2011.

2. The section of this division of this Act amending section 303.19A, being deemed of immediate importance, takes effect upon enactment, and applies retroactively to March 29, 2011.>

26. Page 39, after line 2 by inserting:

<Sec. __. EFFECTIVE DATE — APPLICABILITY.

1. Section 422.11P, as amended by this division of this Act, takes effect on January 1, 2012.

2. Section 422.11P, as amended by this division of this Act, applies to tax years beginning on and after January 1, 2012.>

27. Page 40, line 13, by striking <NEW SECTION. 8.75>

28. Page 40, by striking line 29 and inserting <services agency on January 15, 2012, and July 15, 2012,>

29. Page 40, line 33, by striking <NEW SECTION. 8A.319>

30. Page 40, by striking lines 40 and 41 and inserting <with a report regarding planned purchases and to report regarding>

31. Page 40, by striking line 45 and inserting <services to receive training about>

32. Page 45, line 10, by striking <three> and inserting <two>

33. Page 45, line 25, by striking <three> and inserting <two>

34. By striking page 47, line 17, through page 49, line 23.

35. Page 50, line 15, by striking <538> and inserting <533>

36. Page 50, line 25, by striking <538> and inserting <533>

37. By striking page 50, line 35, through page 72, line 27.

38. Page 72, before line 28 by inserting:

<DIVISION ____

TEACHER EXPENSES

Sec. ____ Section 422.7, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 54. A taxpayer is allowed to take the deduction for certain expenses of elementary and secondary school teachers allowed under section 62(a)(2)(D) of the Internal Revenue Code, as amended by the federal Emergency Economic Stabilization Act of 2008, Pub. L. No. 110-343, in computing net income for state tax purposes.

Sec. ____ REFUNDS. Notwithstanding any provision to the contrary in section 422.25, subsection 3, a taxpayer who files an amended return in the time permitted by statute to claim a refund related to the allowance of the deduction enacted in this division of this Act is only entitled to a refund of the amount paid that is in excess of tax liability. The taxpayer shall not be entitled to interest on such excess.

Sec. ____ EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 2008, for tax years beginning on or after that date and before January 1, 2009.

DIVISION ____

QUALIFIED HIGHER EDUCATION EXPENSES

Sec. ____ Section 422.7, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 54. A taxpayer is allowed to take the deduction for qualified tuition and related expenses allowed under section 222 of the Internal Revenue Code, as amended by the federal Emergency Economic Stabilization Act of 2008, Pub. L. No. 110-343, in computing net income for state tax purposes.

Sec. ____ REFUNDS. Notwithstanding any provision to the contrary in section 422.25, subsection 3, a taxpayer who files an amended return in the time permitted by statute to claim a refund related to the allowance of the deduction enacted in this division of this Act is only entitled to a refund of the amount paid that is in excess of tax liability. The taxpayer shall not be entitled to interest on such excess.

Sec. ____ EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 2008, for tax years beginning on or after that date and before January 1, 2009.

DIVISION ____

SPECIAL FILING PROVISIONS

Sec. ____ SPECIAL FILING PROVISIONS.

1. Adjustments by individuals to federal adjusted gross income and by corporations to federal taxable income for tax returns filed prior to the enactment of 2011 Iowa Acts, Senate File 512, may be required as a result of the provisions of the divisions of this Act relating to the adjustment provisions enumerated in this subsection. These adjustments are as follows:

a. The increased expensing allowance authorized in section 179(b) of the Internal Revenue Code for tax years beginning on or after January 1, 2010, but before January 1, 2011.

b. The deduction for qualified tuition and related expenses allowed under section 222 of the Internal Revenue Code.

c. The deduction for certain expenses of elementary and secondary school teachers allowed under section 62(a)(2)(D) of the Internal Revenue Code.

2. In lieu of filing an amended tax return, taxpayers may make the adjustments, pursuant to rules adopted by the director of revenue, on the next return filed subsequent to the enactment of 2011 Iowa Acts, Senate File 512. If the taxpayer elects not to file an amended return, these provisions are suspended with regard to the following adjustments otherwise available as a result of this Act.

a. The limitation based on income provisions and regulations of section 179(b)(3) of the Internal Revenue Code with regard to the section 179(b) adjustment.

b. The applicable dollar limit provisions of section 222(b)(2)(B) of the Internal Revenue Code with regard to the section 222 adjustment.

DIVISION ____

DISASTER-RELATED PERSONAL CASUALTY LOSS DEDUCTIONS

Sec. ____ Section 422.9, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 9. A taxpayer is allowed to take the deduction for disaster-related casualty losses under section 165(h) of the Internal Revenue Code, as modified by the Heartland Disaster Relief Act of 2008, Pub. L. No. 110-343, in computing net income for state tax purposes.

Sec. ____ Notwithstanding any provision to the contrary in section 422.25, subsection 3, a taxpayer who files an amended return in the time permitted by statute to claim a refund related to the allowance of the deduction enacted in this division of this Act is only entitled to a refund of the amount paid that is in excess of tax liability. The taxpayer shall not be entitled to interest on such excess.

Sec. ____ **EFFECTIVE DATE AND RETROACTIVE APPLICABILITY.** This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 2008, for tax years beginning on or after that date and before January 1, 2009.

DIVISION ____

CLASS "A" FELONIES — JUVENILES

Sec. ____ Section 902.1, Code 2011, is amended to read as follows:

902.1 Class "A" felony.

1. Upon a plea of guilty, a verdict of guilty, or a special verdict upon which a judgment of conviction of a class "A" felony may be rendered, the court shall enter a judgment of conviction and shall commit the defendant into the custody of the director of the Iowa department of corrections for the rest of the defendant's life. Nothing in the Iowa corrections code pertaining to deferred judgment, deferred sentence, suspended sentence, or reconsideration of sentence applies to a class "A" felony, and a person convicted of a class "A" felony shall not be released on parole unless the governor commutes the sentence to a term of years.

2. a. Notwithstanding subsection 1, a person convicted of a class “A” felony, and who was under the age of eighteen at the time the offense was committed shall be eligible for parole after serving a minimum term of confinement of twenty-five years.

b. If a person is paroled pursuant to this subsection the person shall be subject to the same set of procedures set out in chapters 901B, 905, 906, and chapter 908, and rules adopted under those chapters for persons on parole.

c. A person convicted of murder in the first degree in violation of section 707.2 shall not be eligible for parole pursuant to this subsection.

Sec. ___. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION __

CONDITIONAL EFFECTIVE DATES FOR 2011 IOWA ACTS

Sec. ___. SENATE FILE 508 EFFECTIVE DATE. Unless otherwise provided, if 2011 Iowa Acts, Senate File 508, as enacted, is approved by the governor on or after July 1, 2011, the Act takes effect upon enactment and applies retroactively to July 1, 2011.

Sec. ___. SENATE FILE 511 EFFECTIVE DATE. Unless otherwise provided, if 2011 Iowa Acts, Senate File 511, as enacted, is approved by the governor on or after July 1, 2011, the Act takes effect upon enactment and applies retroactively to July 1, 2011.

Sec. ___. SENATE FILE 525 EFFECTIVE DATE. Unless otherwise provided, if 2011 Iowa Acts, Senate File 525, as enacted, is approved by the governor on or after July 1, 2011, the Act takes effect upon enactment and applies retroactively to June 30, 2011.

Sec. ___. HOUSE FILE 148 EFFECTIVE DATE. Unless otherwise provided, if 2011 Iowa Acts, House File 148, as enacted, is approved by the governor on or after July 1, 2011, the Act takes effect upon enactment and applies retroactively to June 30, 2011.

Sec. ___. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies as provided by this division of this Act.

DIVISION __

HOUSING DEVELOPMENT — TAX STATUS

Sec. ___. Section 405.1, Code 2011, is amended to read as follows:

405.1 Housing development — tax status — limitation.

1. a. The board of supervisors of a county ~~with a population of less than twenty thousand~~ may adopt an ordinance providing that property acquired and subdivided for development of housing on or after January 1, 2011, shall continue to be assessed for taxation in the manner that it was prior to the acquisition for housing. Each lot shall continue to be taxed in the manner it was prior to its acquisition for housing until the lot is sold for construction or occupancy of housing or five years from the date of subdivision, whichever is shorter. Upon the sale or the expiration of the five-year period, the property shall be assessed for taxation as residential or commercial multifamily property, whichever is applicable.

b. Ordinances adopted under this section, to the extent such ordinances affect the assessment of property subdivided for development of housing on or after January 1, 2004, but before January 1, 2011, shall remain in effect or otherwise be made effective and such ordinances adopted under section 405.1, subsection 1, Code 2011, shall be extended to apply the ordinances to the period of time ending ten years from the date of subdivision, and ordinances adopted under section 405.1, subsection 2, Code 2011, shall be extended to apply the ordinances to the period of time ending eight years from the date of subdivision.

~~2. The board of supervisors of a county with a population of twenty thousand or more may adopt an ordinance providing that property acquired and subdivided for development of housing shall continue to be assessed for taxation in the manner that it was prior to the acquisition for housing. Each lot shall continue to be taxed in the manner it was prior to its acquisition for housing until the lot is sold for construction or occupancy of housing or three years from the date of subdivision, whichever is shorter. Upon the sale or the expiration of the three year period, the property shall be assessed for taxation as residential or commercial multifamily property, whichever is applicable. On or after the effective date of this division of this Act, the board of supervisors of a county may amend an ordinance adopted or otherwise made effective under subsection 1 to extend the period of time established under subsection 1 to apply the ordinance to a period of time not to exceed five years beyond the end of the period of time established under subsection 1. An extension of an ordinance under this subsection may apply to all or a portion of the property that was subject to the original ordinance.~~

~~3. A city council may adopt an ordinance affecting that portion of the applicable property located within the incorporated area of the city, effectuating an extension of a county ordinance otherwise eligible to be extended under subsection 2 and not previously extended by the board of supervisors. An ordinance by a city council providing for an extension under this subsection shall be subject to the limitations of subsection 2.~~

Sec. ____ Section 441.72, Code 2011, is amended to read as follows:

441.72 Assessment of platted lots.

~~1. When~~ Except as provided in subsection 2, when a subdivision plat is recorded pursuant to chapter 354, the individual lots within the subdivision plat shall not be assessed in excess of the total assessment of the land as acreage or unimproved property for ~~three~~ five years after the recording of the plat or until the lot is actually improved with permanent construction, whichever occurs first. When an individual lot has been improved with permanent construction, the lot shall be assessed for taxation purposes as provided in chapter 428 and this chapter.

~~2. For subdivision plats recorded pursuant to chapter 354 on or after January 1, 2004, but before January 1, 2011, the individual lots within the subdivision plat shall not be assessed in excess of the total assessment of the land as acreage or unimproved property for eight years after the recording of the plat or until the lot is actually improved with permanent construction, whichever occurs first. When an individual lot has been improved with permanent construction, the lot shall be assessed for taxation purposes as provided in chapter 428 and this chapter.~~

~~3. This section does not apply to special assessment levies.~~

Sec. ____ IMPLEMENTATION. Nothing in this division of this Act shall be construed to require the refund or modification of property taxes that are attributable to assessment years beginning before January 1, 2012 or the adjustment of property assessments for assessment years beginning before January 1, 2012.

Sec. ____ EFFECTIVE UPON ENACTMENT AND APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies to assessment years beginning on or after January 1, 2012.>

39. By renumbering as necessary.

On the part of the Senate:

ROBERT E. DVORSKY, Chair
JEFF DANIELSON
PAM JOCHUM

On the part of the House:

J. SCOTT RAECKER, Chair
JEFF KAUFMANN
NICK WAGNER

RESOLUTIONS ADOPTED

EIGHTY-FOURTH GENERAL ASSEMBLY 2011 REGULAR SESSION

SENATE CONCURRENT RESOLUTION

Senate Concurrent Resolution 2: filed January 24, 2011; adopted by the Senate on January 27, 2011; adopted by the House on May 10, 2011.

SENATE CONCURRENT RESOLUTION 2

BY COMMITTEE ON RULES AND ADMINISTRATION

1 A concurrent resolution relating to the compensation
2 of chaplains, officers, and employees of the
3 ~~eighty-third~~ eighty-fourth general assembly.
4 WHEREAS, section 2.11 of the Code provides that "The
5 compensation of the chaplains, officers, and employees
6 of the general assembly shall be fixed by joint action
7 of the house and senate by resolution at the opening of
8 each session, or as soon thereafter as conveniently can
9 be done."; NOW THEREFORE,
10 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
11 REPRESENTATIVES CONCURRING, That the compensation of
12 the employees of the ~~eighty-third~~ eighty-fourth general
13 assembly is set, effective from ~~January 12, 2009,~~
14 January 10, 2011, until January 10, 2011, January 14,
15 2013, in accordance with the following salary schedule:

16 #9					
17 \$17,825.60					
18 8.57					
19 #10	#11	#12	#13	#14	
20 \$18,803.20	\$19,801.60	\$20,758.40	\$21,798.40	\$22,942.40	
21 9.04	9.52	9.98	10.48	11.03	
22 #15	#16	#17	#18	#19	
23 \$24,169.60	\$25,417.60	\$26,499.20	\$27,830.40	\$29,078.40	
24 11.62	12.22	12.74	13.38	13.98	
25 #20	#21	#22	#23	#24	
26 \$30,596.80	\$31,928.00	\$33,529.60	\$35,172.80	\$36,753.60	
27 14.71	15.35	16.12	16.91	17.67	
28 #25	#26	#27	#28	#29	

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1 \$38,625.60	\$40,414.40	\$42,369.60	\$44,449.60	\$46,550.40	
2 18.57	19.43	20.37	21.37	22.38	
3 #30	#31	#32	#33	#34	

4	\$48,796.80	\$51,230.40	\$53,580.80	\$56,201.60	\$58,801.60
5	23.46	24.63	25.76	27.02	28.27
6	#35	#36	#37	#38	#39
7	\$61,651.20	\$64,584.00	\$67,745.60	\$70,948.80	\$74,422.40
8	29.64	31.05	32.57	34.11	35.78
9	#40	#41	#42	#43	#44
10	\$78,000.00	\$81,744.00	\$85,758.40	\$89,731.20	\$94,120.00
11	37.50	39.30	41.23	43.14	45.25
12	#45	#46	#47	#48	#49
13	\$98,633.60	\$103,334.40	\$108,264.00	\$113,464.00	\$118,913.60
14	47.42	49.68	52.05	54.55	57.17
15	#50	#51			
16	\$124,696.00	\$127,795.20			
17	59.95	61.44			

18 In this schedule, each numbered block shall be
19 the yearly and hourly compensation for the pay grade
20 of the number heading the block. Within each grade
21 there shall be seven steps numbered "1" through "7".
22 In the above schedule the steps for all grades are
23 determined in the following manner. Each numbered
24 block is counted as the "1" step for that grade. The
25 next higher block is counted as the "2" step; the next
26 higher block is the "3" step; the next higher block is
27 the "4" step; the next higher block is the "5" step;
28 the next higher block is the "6" step; and the next
29 higher block is the "7" step.

30 Alternatively, the senate rules and administration

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1 committee for senate employees, and the house
2 administration and rules committee for house employees
3 may allow their employees' compensation to be flexibly
4 set anywhere between steps "1" through "7" for an
5 employee's prescribed pay grade.
6 All employees shall be available to work daily
7 until completion of the senate's and house of
8 representatives' business. The employee's division
9 supervisor shall schedule all employees' working hours
10 to, as far as possible, maintain regular working hours.
11 All employees, other than those designated "part-
12 time", shall be compensated for 40 hours of work in
13 a one-week pay period. Secretaries to senators and
14 representatives are presumed to have ~~40~~ 32 hours
15 of work each week the legislature is in session and
16 shall be paid only on that basis. Full-time employees
17 who are required to work in excess of 80 hours in a
18 two-week pay period shall be allowed compensatory time
19 off at a rate of one hour for each hour of overtime
20 up to a maximum of 120 hours of compensatory time.
21 Joint security employees of the senate and house of
22 representatives may be compensated for each hour of

23 overtime at a rate of pay equal to one-and-one-half
 24 times the hourly pay provided.
 25 BE IT FURTHER RESOLVED, That part-time employees
 26 shall be compensated at the scheduled hourly rate for
 27 their pay grade and step.
 28 BE IT FURTHER RESOLVED, That in the event the
 29 salary schedule for employees of the State of Iowa
 30 as promulgated by the department of administrative

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1 services pursuant to section 8A.413, subsection 2, is
 2 revised upward at any time during the ~~eighty-third~~
 3 eighty-fourth general assembly, such revised schedule
 4 shall simultaneously be adopted for the compensation
 5 of the employees of the ~~eighty-third~~ eighty-fourth
 6 general assembly assigned a grade by this resolution,
 7 unless otherwise provided by the senate and house of
 8 representatives.

9 BE IT FURTHER RESOLVED, That adjustments in
 10 the positions and compensation listed in this
 11 resolution may be made through an interim review of
 12 all legislative employees for internal equity and to
 13 assure compliance with appropriate legal standards
 14 for granting of overtime and compensatory time off.
 15 Such review shall be conducted by a legislative
 16 committee made up of members of the service committee
 17 of legislative council and the appropriate salary
 18 subcommittees of the senate and house. Only one such
 19 review may be done in any fiscal year and adjustments
 20 suggested must be approved by the appropriate hiring
 21 body.

22 BE IT FURTHER RESOLVED, That the employees of the
 23 ~~eighty-third~~ eighty-fourth general assembly be placed
 24 in the following pay grades:

25 EMPLOYEES OF THE HOUSE

26 Chief Clerk of the House	Grade 44
27 Sr. Assistant Chief Clerk of the House.....	Grade 41
28 Assistant Chief Clerk of the House III.....	Grade 38
29 Assistant Chief Clerk of the House II.....	Grade 35
30 Assistant Chief Clerk of the House I.....	Grade 32

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1 Legal Counsel II.....	Grade 35
2 Legal Counsel I.....	Grade 32
3 Legal Counsel.....	Grade 30
4 Sr. Caucus Staff Director	Grade 41
5 Caucus Staff Director	Grade 38
6 Sr. Deputy Caucus Staff Director	Grade 39
7 Deputy Caucus Staff Director	Grade 36
8 Administrative Assistant to Leader or	

9 Speaker..... Grade 27

10 Administrative Assistant I to Leader or

11 Speaker..... Grade 29

12 Administrative Assistant II to Leader or

13 Speaker..... Grade 32

14 Administrative Assistant III to Leader or

15 Speaker..... Grade 35

16 Sr. Administrative Assistant to Leader or

17 Speaker I..... Grade 38

18 Sr. Administrative Assistant to Leader or

19 Speaker II..... Grade 41

20 Research Assistant Grade 24

21 Legislative Research Analyst..... Grade 27

22 Legislative Research Analyst I Grade 29

23 Legislative Research Analyst II..... Grade 32

24 Legislative Research Analyst III Grade 35

25 Sr. Legislative Research Analyst..... Grade 38

26 Assistant Secretary to Leader or Speaker..... Grade 18

27 Secretary to Leader or Speaker Grade 19

28 Caucus Secretary Grade 21

29 Senior Caucus Secretary Grade 24

30 Administrative Secretary to Leader, Speaker,

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1 or Chief Clerk..... Grade 21

2 Executive Secretary to Leader, Speaker or

3 Chief Clerk Grade 24

4 Confidential Secretary to Leader, Speaker,

5 or Chief Clerk..... Grade 27

6 ~~Confidential Secretary II to Leader, Speaker~~

7 ~~or Chief Clerk..... Grade 32~~

8 Clerk to Chief Clerk..... Grade 16

9 Supervisor of Secretaries..... Grade 21

10 Supervisor of Secretaries I Grade 24

11 Supervisor of Secretaries II..... Grade 27

12 Sr. Administrative Services Officer Grade 35

13 Administrative Services Officer III Grade 32

14 Administrative Services Officer II Grade 29

15 Administrative Services Officer I Grade 26

16 Administrative Services Officer..... Grade 23

17 Administrative Services Assistant Grade 20

18 Senior Editor..... Grade 30

19 Editor II..... Grade 25

20 Editor I Grade 22

21 Assistant Editor Grade 19

22 Compositor/Desk Top Specialist Grade 17

23 Sr. Text Processor..... Grade 25

24 Text Processor II..... Grade 22

25 Text Processor I Grade 19

26 Senior Finance Officer III Grade 38

27 Senior Finance Officer II..... Grade 35

28	Senior Finance Officer I	Grade 31
29	Finance Officer II	Grade 27
30	Finance Officer I	Grade 24

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1	Assistant Finance Officer	Grade 21
2	Recording Clerk II	Grade 24
3	Recording Clerk I	Grade 21
4	Assistant Legal Counsel I	Grade 30
5	Assistant Legal Counsel	Grade 27
6	Engrossing & Enrolling Processor	Grade 27
7	Assistant to the Legal Counsel	Grade 19
8	Senior Indexer	Grade 28
9	Indexer II	Grade 25
10	Indexer I	Grade 22
11	Indexing Assistant	Grade 19
12	Supply Clerk	Grade 16
13	Switchboard Operator	Grade 14
14	Legislative Secretary	Grade 15
15	Legislative Committee Secretary	Grade 17
16	Bill Clerk	Grade 14
17	Assistant Bill Clerk	Grade 12
18	Postmaster	Grade 12
19	Sergeant-at-Arms II	Grade 20
20	Sergeant-at-Arms I	Grade 17
21	Assistant Sergeant-at-Arms	Grade 14
22	Chief Doorkeeper	Grade 12
23	Doorkeepers	Grade 11
24	Pages	Grade 9
25	EMPLOYEES OF THE SENATE	
26	Secretary of the Senate	Grade 44
27	Sr. Assistant Secretary of the Senate	Grade 41
28	Assistant Secretary of the Senate III	Grade 38
29	Assistant Secretary of the Senate II	Grade 35
30	Assistant Secretary of the Senate I	Grade 32

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1	Legal Counsel II	Grade 35
2	Legal Counsel I	Grade 32
3	Legal Counsel	Grade 30
4	Sr. Caucus Staff Director	Grade 41
5	Caucus Staff Director	Grade 38
6	Sr. Deputy Caucus Staff Director	Grade 39
7	Deputy Caucus Staff Director	Grade 36
8	Administrative Assistant to Leader	
9	or President	Grade 27
10	Administrative Assistant I to Leader	
11	or President	Grade 29
12	Administrative Assistant II to Leader	
13	or President	Grade 32

14	Administrative Assistant III to Leader	
15	or President.....	Grade 35
16	Sr. Administrative Assistant to Leader	
17	or President I.....	Grade 38
18	Sr. Administrative Assistant to Leader	
19	or President II.....	Grade 41
20	Research Assistant.....	Grade 24
21	Legislative Research Analyst.....	Grade 27
22	Legislative Research Analyst I.....	Grade 29
23	Legislative Research Analyst II.....	Grade 32
24	Legislative Research Analyst III.....	Grade 35
25	Sr. Legislative Research Analyst.....	Grade 38
26	Caucus Secretary II.....	Grade 21
27	Senior Caucus Secretary.....	Grade 24
28	Secretary to Leader, President, or	
29	Caucus.....	Grade 18
30	Administrative Secretary to Leader,	

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1	President, or Secretary of the Senate.....	Grade 21
2	Executive Secretary to Leader, President,	
3	or Secretary of the Senate.....	Grade 24
4	Confidential Secretary to Leader, President,	
5	or Secretary of the Senate.....	Grade 27
6	Confidential Secretary II to Leader,	
7	President, or Secretary of the Senate.....	Grade 32
8	Supervisor of Secretaries.....	Grade 21
9	Supervisor of Secretaries I.....	Grade 24
10	Supervisor of Secretaries II.....	Grade 27
11	Sr. Administrative Services Officer.....	Grade 35
12	Administrative Services Officer III.....	Grade 32
13	Administrative Services Officer II.....	Grade 29
14	Administrative Services Officer I.....	Grade 26
15	Administrative Services Officer.....	Grade 23
16	Administrative Services Assistant.....	Grade 20
17	Senior Editor.....	Grade 30
18	Editor II.....	Grade 25
19	Editor I.....	Grade 22
20	Assistant Editor.....	Grade 19
21	Compositor/Desk Top Specialist.....	Grade 17
22	Assistant Legal Counsel I.....	Grade 30
23	Assistant Legal Counsel.....	Grade 27
24	Assistant to the Legal Counsel.....	Grade 19
25	Proofreader.....	Grade 16
26	Senior Finance Officer III.....	Grade 38
27	Senior Finance Officer II.....	Grade 35
28	Senior Finance Officer I.....	Grade 13
29	Finance Officer II.....	Grade 27
30	Finance Officer I.....	Grade 24

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1	Assistant Finance Officer.....	Grade 21
2	Recording Clerk II.....	Grade 24
3	Recording Clerk I.....	Grade 21
4	Senior Indexer.....	Grade 28
5	Indexer II.....	Grade 25
6	Indexer I.....	Grade 22
7	Indexing Assistant.....	Grade 19
8	Records and Supply Clerk.....	Grade 18
9	Switchboard Operator.....	Grade 14
10	Legislative Secretary.....	Grade 15
11	Legislative Committee Secretary.....	Grade 17
12	Bill Clerk.....	Grade 14
13	Assistant Bill Clerk.....	Grade 12
14	Postmaster.....	Grade 12
15	Sergeant-at-Arms II.....	Grade 20
16	Sergeant-at-Arms I.....	Grade 17
17	Assistant Sergeant-at-Arms.....	Grade 14
18	Chief Doorkeeper.....	Grade 12
19	Doorkeepers.....	Grade 11
20	Pages.....	Grade 9
21	JOINT SENATE/HOUSE EMPLOYEES	
22	Facilities Manager I.....	Grade 35
23	Facilities Manager II.....	Grade 38
24	Sr. Facilities Manager.....	Grade 41
25	Legislative Security Secretary.....	Grade 19
26	Legislative Security Coordinator I.....	Grade 23
27	Legislative Security Coordinator II.....	Grade 26
28	Legislative Security Officer I.....	Grade 20
29	Legislative Security Officer II.....	Grade 23
30	Conservation/Restoration Specialist I.....	Grade 28

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1	Conservation/Restoration Specialist II.....	Grade 31
2	Sr. Legislative Lobbyist Clerk.....	Grade 24
3	Legislative Lobbyist Clerk.....	Grade 21
4	Sr. Copy Center Operator.....	Grade 21
5	Copy Center Operator.....	Grade 18
6	BE IT FURTHER RESOLVED, That there shall be four	
7	classes of appointments as employees of the general	
8	assembly:	
9	A "permanent full-time" or "permanent part-time"	
10	employee is one who is employed the year around and	
11	eligible to receive state benefits.	
12	An "exempt full-time" employee is one who is	
13	employed for only a portion of the year, usually the	
14	period of the legislative sessions with extensions	
15	post-session and pre-session as scheduled. This class	
16	is eligible to receive state benefits with the cost of	
17	benefits to the state to be paid, using accrued leave	

18 if authorized, by the employee when not on the payroll.

19 A "session-only" employee is one who is employed for
20 only a portion of the year, usually the legislative
21 session. This class is not eligible for state
22 benefits, except IPERS, and insurance as provided in
23 section 2.40.

24 A "part-time" employee is one who is employed to
25 work less than 40 hours per week. This class is not
26 eligible for state benefits, except IPERS if eligible.

27 BE IT FURTHER RESOLVED, That the exact
28 classification for individuals in a job series
29 created by this resolution shall be set or changed for
30 senate employees by the senate rules and administration

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1 committee and for the house employees by the house
2 administration and rules committee. The committees
3 shall base the classification upon the following
4 factors:

5 1. The extent of formal education required of the
6 position; and,

7 2. The extent of the responsibilities to be
8 assigned to the position; and,

9 3. The amount of supervision placed over the
10 position; and,

11 4. The number of persons the position is assigned
12 to supervise and skills and responsibilities of those
13 positions supervised.

14 The committees shall report the exact
15 classifications assigned to each individual on the
16 next legislative day, or, if such action is during
17 the interim, on the first day the senate or house
18 shall convene. Any action by the senate or house to
19 disapprove a report or a portion of a report shall be
20 effective the day after the action.

21 Recommendations for a pay grade for a new position
22 shall be developed in accordance with the factor scores
23 in the comparable worth report. Every four years the
24 senate rules and administration committee, the house
25 administration and rules committee, and the legislative
26 council may review all positions in the legislative
27 branch to assure conformity to comparable worth.

28 BE IT FURTHER RESOLVED, That a senator or
29 representative may employ a secretary who in the
30 judgment of the senator or representative employing

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1 such person, possesses the necessary skills to perform
2 the duties such senator or representative shall
3 designate, under the administrative direction, as

4 appropriate, of the secretary of the senate or the
5 chief clerk of the house.
6 Each standing committee chairperson, ethics
7 committee chairperson, and each appropriations
8 subcommittee chairperson shall designate a secretary
9 who is competent to perform the following duties:
10 prepare committee minutes, committee reports, type
11 committee correspondence, maintain committee records,
12 and otherwise assist the committee. Such duties
13 shall be performed in accordance with standards which
14 shall be provided by the secretary of the senate and
15 chief clerk of the house. In making the designation,
16 chairpersons shall consider persons for possible
17 designation as the secretary to the committee in the
18 following order:
19 First: The secretary to the chairperson.
20 Second: The secretary to the committee's
21 vice-chairperson.
22 Third: The secretary to any other member of the
23 committee.
24 Fourth: The secretary to any other member in the
25 same house as the committee.
26 BE IT FURTHER RESOLVED, That a Legal Counsel II
27 shall be a person who has graduated from an accredited
28 school of law and is admitted to practice in Iowa as
29 an Attorney and Counselor at Law and possesses either
30 a Masters of Law degree or has at least two years of

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1 legal experience after admission to practice.
2 A Legal Counsel I shall be a person who has
3 graduated from an accredited school of law and is
4 admitted to practice in Iowa as an Attorney and
5 Counselor at Law.
6 BE IT FURTHER RESOLVED, That employees of the
7 general assembly may be eligible for either:
8 a) increases in salary grade or step based on
9 evaluation of their job performance and recommendations
10 of their administrative officers, subject to approval
11 of the senate committee on rules and administration
12 or the house committee on administration and rules, as
13 appropriate or
14 b) mobility within a pay grade at the discretion
15 of the chief clerk of the house upon recommendation by
16 the employee's division supervisor on the part of the
17 house, and the discretion of the employee's division
18 supervisor on the part of the senate, subject to the
19 approval of the house committee on administration
20 and rules or the senate committee on rules and
21 administration, as appropriate — either in accord with
22 a flexible pay plan approved by the senate rules and

23 administration committee or the house administration
 24 and rules committee, or in accord with the following
 25 schedule:

26 (1) Progression from step "1" to "2" for a newly
 27 hired employee — six months of actual employment.

28 (2) Progression from step "1" to "2" following
 29 promotion within a job series — twelve months of
 30 actual employment in that position.

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1 (3) Progression from step "2" to "3", and step "3"
 2 to "4", and step "4" to "5", and step "5" to "6", and
 3 step "6" to "7" — twelve months of actual employment
 4 at the lower step.

5 BE IT FURTHER RESOLVED, That in addition to the
 6 steps provided in the preceding paragraph, that
 7 secretaries to senators and representatives who were
 8 employees of the senate or house of representatives
 9 during any general assembly prior to January 9, 1989,
 10 and who have received certification for passing a
 11 typing and shorthand performance examination shall be
 12 eligible for two additional steps.

13 BE IT FURTHER RESOLVED, That in addition to the
 14 steps provided in the preceding paragraph, that
 15 secretaries to senators and representatives shall
 16 be eligible for a maximum of three additional grades
 17 beyond grade 15, in any combination, as provided in
 18 this paragraph:

19 1. One additional grade for a secretary to a
 20 standing committee chair, ethics committee chair
 21 or appropriations subcommittee chair who is not the
 22 designated committee secretary.

23 2. One additional grade for a secretary to a vice-
 24 chairperson or ranking member of a standing committee,
 25 ethics committee or appropriations subcommittee.

26 3. One additional grade for a secretary to the
 27 chairperson of the chaplain's committee.

28 4. Two additional grades for a secretary to an
 29 assistant floor leader or speaker pro tempore or
 30 president pro tempore.

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1 5. One additional grade for a designated committee
 2 secretary who is also the designated committee
 3 secretary for an additional standing committee, ethics
 4 committee, or appropriations subcommittee.

5 BE IT FURTHER RESOLVED, That in the event the
 6 secretary to the chairperson of the chaplain's
 7 committee is the secretary to the president, president
 8 pro tempore, speaker, speaker pro tempore, or the

9 majority or minority leader, such secretary shall
10 receive one additional step.
11 BE IT FURTHER RESOLVED, That the entrance salary for
12 employees of the general assembly shall be at step 1 in
13 the grade of the position held. Such employee may be
14 hired above the entrance step if possessing outstanding
15 and unusual experience for the position. Such employee
16 who is hired above the entrance step shall be mobile
17 above that step in the same period of time as other
18 employees in that same step. An officer or employee
19 who is moved to another position may be considered for
20 partial or full credit for their experience in the
21 former position in determining the step in the new
22 grade.
23 The entry level for the position of research
24 analyst shall be Legislative Research Analyst, unless
25 extraordinary conditions justify increasing that entry
26 level.
27 BE IT FURTHER RESOLVED, That a pay increase for
28 employees of one step within the pay grade for the
29 position may be made for exceptionally meritorious
30 service in addition to step increases provided

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1 for in this resolution, at the discretion of the
2 chief clerk upon recommendation by the employee's
3 division supervisor on the part of the house, and upon
4 recommendation by the employee's division supervisor on
5 the part of the senate, and the approval of the senate
6 committee on rules and administration or the house
7 committee on administration and rules. Exceptionally
8 meritorious service pay increases shall be governed by
9 the following:
10 a. The employee must have served in the position
11 for at least twelve months;
12 b. Written justification, setting forth in detail
13 the nature of the exceptionally meritorious service
14 rendered, must be submitted to the senate rules and
15 administration committee or house administration and
16 rules committee and approved in advance of granting the
17 pay increase;
18 c. No more than one exceptionally meritorious
19 service pay increase may be granted in any twelve-
20 month period.
21 d. Such meritorious service pay increase shall
22 not be granted beyond the seven-step maximum for that
23 position.
24 BE IT FURTHER RESOLVED, That the senate rules and
25 administration committee and the house administration
26 and rules committee shall both hire officers and
27 employees for their respective bodies and fill any

28 vacancies which may occur, to be effective at such time
 29 as they shall set. The committee shall report the
 30 names of those it has hired for the positions specified

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1 in this resolution or the filling of any vacancies on
 2 the next legislative day or, if such action is during
 3 the interim, on the first day the senate or house shall
 4 convene. Any action by the senate or house to amend or
 5 disapprove a report or a portion of a report shall be
 6 effective the day after the action.

7 The chief clerk of the house shall submit to the
 8 house committee on administration and rules and
 9 the secretary of the senate shall submit to the
 10 senate committee on rules and administration the
 11 list of names, or amendments thereto, of employee
 12 classifications and recommended pay step for each
 13 officer and employee. Such list shall include
 14 recommendations for the pay step for all employees.
 15 Each respective committee shall approve or amend the
 16 list of recommended classifications and pay steps and
 17 publish said list in the journal.

18 BE IT FURTHER RESOLVED, That permanent employees of
 19 the general assembly shall receive vacation allowances,
 20 sick leave, health and accident insurance, life
 21 insurance, and disability income insurance as are
 22 comparably provided for full-time permanent state
 23 employees. The computations shall be maintained by the
 24 finance officers in each house and coordinated with the
 25 department of administrative services.

26 BE IT FURTHER RESOLVED, That should any employee
 27 have a grievance, the grievance shall be resolved as
 28 provided by procedures determined by the senate rules
 29 and administration committee for senate employees or
 30 the house administration and rules committee for house

Page 19

1 employees.
 2 BE IT FURTHER RESOLVED, That the legislative
 3 council take action to provide the same compensation
 4 and benefits to all legislative central staff agency
 5 employees for the ~~eighty third~~ eighty-fourth general
 6 assembly as is provided by this resolution. The
 7 director of each legislative central staff agency
 8 shall report to the chief clerk of the house and the
 9 secretary of the senate the list of approved positions
 10 for their agencies and the names, grades and steps of
 11 each employee. Such lists shall be published in the
 12 journals of the house and the senate within two weeks
 13 after the adoption of this resolution by both houses.

14 BE IT FURTHER RESOLVED, That the compensation of
 15 chaplains officiating at the opening of the daily
 16 sessions of the house of representatives and the senate
 17 of the ~~eighty-third~~ eighty-fourth general assembly be
 18 fixed at ten dollars for each house of the general
 19 assembly, and that mileage to and from the State
 20 Capitol for chaplains be fixed at the rate established
 21 for members of the general assembly.

Senate Concurrent Resolution 4: filed February 3, 2011;
 adopted by the Senate on March 8, 2011.

SENATE CONCURRENT RESOLUTION 4
 BY KIBBIE

1 A concurrent resolution directing the Office of
 2 Citizens' Aide/Ombudsman, under the supervision of
 3 the Legislative Council, to assist the parties in a
 4 dispute between the board of trustees of a drainage
 5 district and residents of land in the district to
 6 enter into mediation to resolve their dispute.
 7 WHEREAS, on December 15, 2010, the Levee and
 8 Drainage District Law Study Committee, as appointed by
 9 the Legislative Council, met to consider a number of
 10 issues affecting districts organized under chapter 468
 11 of the Iowa Code; and
 12 WHEREAS, the committee considered testimony and
 13 evidence presented by persons involved in a dispute
 14 concerning Muscatine-Louisa Drainage District 13; and
 15 WHEREAS, the dispute involves the dredging of a
 16 drainage ditch ordered by the Muscatine-Louisa Drainage
 17 District 13 Board of Trustees and its decision to
 18 dispose of the resulting spoil on the residential
 19 property of district landowners who are not engaged in
 20 farming; and
 21 WHEREAS, the Levee and Drainage District Law
 22 Study Committee recommended that the General Assembly
 23 consider legislation authorizing the Office of
 24 Citizens' Aide/Ombudsman to offer assistance to the
 25 parties in settling the dispute; NOW THEREFORE,
 26 BE IT RESOLVED BY THE SENATE, THE HOUSE OF

Page 2

1 REPRESENTATIVES CONCURRING, That the Office of
 2 Citizens' Aide/Ombudsman, under the supervision of the
 3 Legislative Council, assist the parties in entering
 4 into mediation with an appropriate mediation service or
 5 mediator to resolve their dispute and monitor whether
 6 mediation has occurred or been terminated and whether a
 7 settlement was reached; and
 8 BE IT FURTHER RESOLVED, That the parties to this

9 dispute are encouraged to cooperate with the Office of
 10 Citizens' Aide/Ombudsman and the mediation service or
 11 mediator in order to find common ground and achieve a
 12 lasting solution, that satisfies all parties; and

13 BE IT FURTHER RESOLVED, That the Office of Citizens'
 14 Aide/Ombudsman, to the extent allowed by law or by
 15 agreement of the parties, provide a report to the
 16 Legislative Council regarding the resolution of this
 17 issue by December 1, 2011; and

18 BE IT FURTHER RESOLVED, That a copy of this
 19 resolution be sent by mail or electronic means to Ms.
 20 Ruth H. Cooperrider, Citizens' Aide/Ombudsman; to the
 21 Board of Trustees of Muscatine-Louisa Drainage District
 22 13; and to the following residents of Muscatine County:
 23 Mr. Russell Alderin, Mr. Todd Reinsager, and Mr. Bill
 24 Haag.

Senate Concurrent Resolution 6: filed February 23, 2011;
 adopted by the Senate on March 8, 2011; adopted by the House on
 April 13, 2011.

SENATE CONCURRENT RESOLUTION 6
 BY COMMITTEE ON RULES AND ADMINISTRATION

1 A concurrent resolution to approve and confirm the
 2 appointment of Ruth H. Cooperrider as Citizens'
 3 Aide.

4 WHEREAS, chapter 2C provides for the appointment of
 5 the Citizens' Aide with the approval and confirmation
 6 of a constitutional majority of both the Senate and the
 7 House of Representatives; and

8 WHEREAS, on June 9, 2010, the Legislative Council
 9 appointed Ms. Ruth H. Cooperrider as acting Citizens'
 10 Aide, effective upon the retirement of Mr. William P.
 11 Angrick II, to serve pending approval and confirmation
 12 of a permanent Citizens' Aide; and

13 WHEREAS, on January 19, 2011, the Service
 14 Committee of the Legislative Council recommended Ms.
 15 Cooperrider's appointment as Citizens' Aide for a
 16 four-year term commencing July 1, 2011, effective
 17 upon Senate and House of Representatives approval and
 18 confirmation of the appointment by resolution; NOW
 19 THEREFORE,

20 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 21 REPRESENTATIVES CONCURRING, That Ms. Ruth H.
 22 Cooperrider is approved and confirmed as the Citizens'
 23 Aide for a four-year term which commences July 1, 2011,
 24 as provided in sections 2C.3 and 2C.5.

Senate Concurrent Resolution 7: filed February 23, 2011; adopted by the Senate on March 8, 2011; further amended and adopted by the House on April 19, 2011; adopted, as amended, by the Senate April 20, 2011.

SENATE CONCURRENT RESOLUTION 7
BY COMMITTEE ON ETHICS

1 A concurrent resolution relating to the joint rules
2 governing lobbyists of the Senate and House of
3 Representatives of the Eighty-fourth General
4 Assembly.
5 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
6 REPRESENTATIVES CONCURRING, That Senate Resolution
7 4 and House Resolution 12 are superseded by this
8 resolution and that the joint rules governing lobbyists
9 of the Senate and House of Representatives for the
10 Eighty-fourth General Assembly shall be as follows:

11 JOINT RULES GOVERNING LOBBYISTS

12 Rule 1

13 DEFINITIONS

14 As used in these rules, “client”, “gift”,
15 “honoraria” or “honorarium”, “immediate family member”,
16 and “lobbyist” have the meaning provided in chapter
17 68B of the Code. As used in these rules, the term
18 “political action committee” means a committee, but not
19 a candidate’s committee, which accepts contributions,
20 makes expenditures, or incurs indebtedness in the
21 aggregate of more than seven hundred fifty dollars
22 in any one calendar year to expressly advocate the
23 nomination, election, or defeat of a candidate for
24 public office or to expressly advocate the passage or
25 defeat of a ballot issue or influencing legislative
26 action, or an association, lodge, society, cooperative,
27 union, fraternity, sorority, educational institution,

Page 2

1 civic organization, labor organization, religious
2 organization, or professional or other organization
3 which makes contributions in the aggregate of more than
4 seven hundred fifty dollars in any one calendar year
5 to expressly advocate the nomination, election, or
6 defeat of a candidate for public office or to expressly
7 advocate the passage or defeat of a ballot issue or
8 influencing legislative action.

9 Rule 2

10 REGISTRATION REQUIRED

11 1. All lobbyists shall register with the chief
12 clerk of the house and secretary of the senate on or
13 before the day their lobbying activity begins. In
14 addition, the lobbyist shall file with the chief clerk

15 of the house and secretary of the senate a statement
16 of the general subjects of legislation in which the
17 lobbyist is or may be interested, and a declaration
18 of the numbers of the bills and resolutions and the
19 bill number of study bills, if known, which will be
20 lobbied, whether the lobbyist intends to lobby for or
21 against each bill, resolution, or study bill, if known,
22 and on whose behalf the lobbyist is lobbying the bill,
23 resolution, or study bill.

24 2. A declaration on a bill, resolution, or study
25 bill shall be filed prior to the lobbyist advocating
26 for or against the bill, resolution, or study bill
27 or stating that the lobbyist's client is undecided.
28 If such a prior declaration is impracticable, a
29 declaration shall be made within one working day
30 of the commencement of advocating for or against

Page 3

1 the bill, resolution, or study bill or stating that
2 the lobbyist's client is undecided. A change to a
3 declaration for a bill, resolution, or study bill shall
4 be filed within one working day of when the change
5 becomes effective.

6 3. Registration expires upon the commencement of
7 the next regular session of the general assembly,
8 except that the chief clerk of the house and secretary
9 of the senate may adopt and implement a reasonable
10 preregistration procedure in advance of each regular
11 session during which persons may register for that
12 session and the following legislative interim.

13 4. If a lobbyist's service on behalf of a
14 particular employer, client, or cause is concluded
15 prior to the end of the calendar year, the lobbyist may
16 cancel the registration on appropriate forms supplied
17 by the chief clerk of the house and the secretary
18 of the senate. Upon cancellation of registration, a
19 lobbyist is prohibited from engaging in any lobbying
20 activity on behalf of that particular employer, client,
21 or cause until reregistering and complying with these
22 rules. A lobbyist's registration is valid for only one
23 session of a general assembly.

24 5. If a registered lobbyist represents more than
25 one employer, client, or cause and the lobbyist's
26 services are concluded on behalf of a particular
27 employer, client, or cause after the lobbyist registers
28 but before the first day of the next legislative
29 session, the lobbyist shall file an amendment to the
30 lobbyist's registration indicating which employer,

Page 4

1 client, or cause is no longer represented by the
2 lobbyist and the date upon which the representation
3 concluded.

4 6. If a lobbyist is retained by one or more
5 additional employers, clients, or causes after the
6 lobbyist registers but before the first day of the
7 next legislative session, the lobbyist shall file an
8 amendment to the lobbyist's registration indicating the
9 employer, client, or cause to be added and the date
10 upon which the representation begins.

11 7. Amendments to a lobbyist's registration
12 regarding changes which occur during the time that the
13 general assembly is in session shall be filed within
14 one working day after the date upon which the change in
15 the lobbyist's representation becomes effective.

16 Rule 3

17 ELECTRONIC FILING

18 A lobbyist or client of a lobbyist required to
19 file information with the chief clerk of the house
20 or the secretary of the senate is required to make
21 such filings in an electronic format as directed by
22 the chief clerk of the house and the secretary of the
23 senate.

24 Rule 4

25 LOBBYIST'S CLIENT REPORTING

26 1. Each lobbyist's client shall file the reports
27 required under section 68B.38 with the chief clerk of
28 the house or the secretary of the senate.

29 2. For purposes of this rule, and the report
30 required under section 68B.38, "lobbying purposes"

Page 5

1 include but are not limited to the following:

2 a. Time spent by the lobbyist at the state capitol
3 building commencing with the first day of a legislative
4 session and ending with the day of final adjournment of
5 each legislative session as indicated by the journals
6 of the house and senate.

7 b. Time spent by the lobbyist attending meetings or
8 hearings which results in the lobbyist communicating
9 with members of the general assembly or legislative
10 employees about current or proposed legislation.

11 c. Time spent by the lobbyist researching and
12 drafting proposed legislation with the intent to submit
13 the legislation to a member of the general assembly or
14 a legislative employee.

15 d. Time spent by the lobbyist actually
16 communicating with members of the general assembly
17 and legislative employees about current or proposed

18 legislation.

19

Rule 5

20 GOVERNMENT OFFICIALS — OPPOSITION LOBBYING

21 Federal, state, and local officials who wish to
22 lobby in opposition to their departments, commissions,
23 boards, or agencies must indicate such on their
24 lobbyist registration statements.

25

Rule 6

26 PUBLIC ACCESS

27 All information filed by a lobbyist or a client
28 of a lobbyist pursuant to chapter 68B of the Code is
29 a public record and open to public inspection at any
30 reasonable time.

Page 6

1

Rule 7

2 CHARGE ACCOUNTS

3 Lobbyists and clients of lobbyists shall not allow
4 members to charge any amounts or items to a charge
5 account to be paid for by those lobbyists or clients of
6 lobbyists.

7

Rule 8

8 MEMBERSHIP CONTRIBUTIONS

9 A lobbyist or client of a lobbyist shall not
10 pay for membership in or contributions to clubs or
11 organizations on behalf of a member.

12

Rule 9

13 FEE OR BONUS PROHIBITED

14 A fee or bonus shall not be paid to any lobbyist
15 with reference to any legislative action that is
16 conditioned wholly or in part upon the results attained
17 by the lobbyist.

18

Rule 10

19 OFFERS OF ECONOMIC OR INVESTMENT OPPORTUNITY

20 1. A lobbyist, an employer or client of a lobbyist,
21 or a political action committee shall not offer
22 economic or investment opportunity or promise of
23 employment to any member with intent to influence
24 conduct in the performance of official duties.

25 2. A lobbyist shall not take action intended to
26 negatively affect the economic interests of a member.
27 For purposes of this rule, supporting or opposing a
28 candidate for office or supporting or opposing a bill,
29 amendment, or resolution shall not be considered to
30 be action intended to negatively affect the economic

Page 7

1 interests of a member.

2

Rule 11

3 PERSONAL OR FINANCIAL OBLIGATION

4 A lobbyist shall not do anything with the purpose of
 5 placing a member under personal or financial obligation
 6 to a lobbyist or a lobbyist's principal or agent.

7 Rule 12

8 ATTEMPTS TO CREATE ADDITIONAL EMPLOYMENT

9 A lobbyist shall not cause or influence the
 10 introduction of any bill or amendment for the purpose
 11 of being employed to secure its passage or defeat.

12 Rule 13

13 CAMPAIGN SUPPORT

14 A lobbyist shall not influence or attempt to
 15 influence a member's actions by the promise of
 16 financial support for the member's candidacy or threat
 17 of financial support for an opposition candidate. A
 18 lobbyist shall not make a campaign contribution to a
 19 member or to a member's candidate's committee during
 20 the time that the general assembly is in session.

21 Rule 14

22 COMMUNICATION WITH MEMBER'S EMPLOYER PROHIBITED

23 A lobbyist shall not communicate with a member's
 24 employer for the purpose of influencing a vote of the
 25 member.

26 Rule 15

27 EXCESS PAYMENTS

28 A lobbyist shall not pay or agree to pay to a member
 29 a price, fee, compensation, or other consideration for
 30 the sale or lease of any property or the furnishing of

Page 8

1 services which is substantially in excess of that which
 2 other persons in the same business or profession would
 3 charge in the ordinary course of business.

4 Rule 16

5 PROHIBITION AGAINST GIFTS

6 1. A lobbyist or client of a lobbyist shall not,
 7 directly or indirectly, offer or make a gift or series
 8 of gifts to any member or full-time permanent employee
 9 of the house or senate or the immediate family members
 10 of a member or full-time permanent employee of the
 11 house or senate except as otherwise provided in section
 12 68B.22 of the Code. A lobbyist or client of a lobbyist
 13 who intends or plans to give a nonmonetary item, other
 14 than food or drink consumed in the presence of the
 15 donor, which does not have a readily ascertainable
 16 value, to a member or full-time permanent employee of
 17 the house or senate, prior to giving or sending the
 18 item to the member or employee, shall seek approval
 19 of the item from the chief clerk of the house or the
 20 secretary of the senate, as applicable. A lobbyist or
 21 client of a lobbyist who seeks approval of an item from
 22 the chief clerk of the house or the secretary of the

23 senate shall submit the item and evidence of the value
24 of the item at the time that approval is requested.

25 2. A lobbyist shall inform each of the lobbyist's
26 clients of the requirements of section 68B.22 of the
27 Code and of the responsibility to seek approval prior
28 to giving or sending a nonmonetary item which does not
29 have a readily ascertainable value to a member or a
30 full-time permanent employee of the house or senate.

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1 Rule 17

2 FINANCIAL TRANSACTIONS

3 1. A lobbyist shall not, directly or indirectly,
4 make a loan to a member or to an employee of the house
5 or senate.

6 2. A loan prohibited under this section does not
7 include a loan made in the ordinary course of business
8 of a lobbyist if the primary business of the lobbyist
9 is something other than lobbying, if consideration of
10 equal or greater value is received by the lobbyist,
11 and if fair market value is given or received for the
12 benefit conferred.

13 Rule 18

14 HONORARIA — RESTRICTIONS

15 A lobbyist or client of a lobbyist shall not pay
16 an honorarium to a member or employee of the house or
17 senate for a speaking engagement or other formal public
18 appearance in the official capacity of the member or
19 employee except as otherwise provided in section 68B.23
20 of the Code.

21 Rule 19

22 COMPLAINTS

23 The procedures for complaints and enforcement of
24 these rules shall be the same as those provided in the
25 house or senate code of ethics.

26 Rule 20

27 PROCEDURES AND FORMS

28 The chief clerk of the house and the secretary of
29 the senate, subject to the approval of the house or
30 senate ethics committee, as applicable, shall prescribe

Page 10

1 procedures for compliance with these rules, and shall
2 prepare forms for the filing of complaints and make
3 them available to any person.

4 Rule 21

5 EFFECTIVE PERIOD

6 These rules governing lobbyists and clients of
7 lobbyists shall be in effect throughout the calendar
8 year, whether or not the general assembly is in

9 session.

10

Rule 22

11

ADDITIONAL RULES

12

The senate and the house of representatives may

13

adopt rules relating to the activities of lobbyists in

14

the senate rules and house rules that supplement these

15

joint rules.

Senate Concurrent Resolution 8: filed March 3, 2011; adopted by the Senate on March 3, 2011.

SENATE CONCURRENT RESOLUTION 8
BY COMMITTEE ON RULES AND ADMINISTRATION

1

A concurrent resolution supporting the reuse and

2

repurposing of the former Veterans Affairs Hospital

3

campus in Knoxville, Iowa in order to provide

4

services to veterans of the United States armed

5

forces.

6

WHEREAS, Iowa has a proud tradition of supporting

7

veterans who have fought to protect us all; and

8

WHEREAS, the former Veterans Affairs Hospital

9

in Knoxville, Iowa has provided needed services to

10

generations of veterans; and

11

WHEREAS, the community of Knoxville has developed

12

a distinguished tradition of service to these

13

veterans; and

14

WHEREAS, the former Veterans Affairs Hospital campus

15

in Knoxville is available and has the capacity to

16

support needed services to veterans communities; and

17

WHEREAS, the General Assembly of the State of

18

Iowa is aware of several proposals for the reuse and

19

repurposing of the former Veterans Affairs Hospital

20

campus in Knoxville in service to our nation's

21

veterans; and

22

WHEREAS, the General Assembly of the State of Iowa

23

commends all groups submitting such proposals in order

24

to continue to serve veterans communities through the

25

reuse and repurposing of the former Veterans Affairs

26

Hospital campus in Knoxville; NOW THEREFORE,

27

BE IT RESOLVED BY THE SENATE, THE HOUSE OF

Page 2

1

REPRESENTATIVES CONCURRING, That the General Assembly

2

of the State of Iowa urges the United States Department

3

of Veterans Affairs to thoroughly consider all

4

proposals and take those actions necessary to support

5

the proposal which best serves the veterans of our

6

nation; and

7

BE IT FURTHER RESOLVED, That upon passage, the

8

Secretary of the Senate immediately transmit a copy

9 of this resolution to the Honorable Eric Shinseki,
10 Secretary of the United States Department of Veterans
11 Affairs.

SENATE RESOLUTIONS

Senate Resolution 1: filed January 19, 2011; adopted by the
Senate on January 27, 2011.

SENATE RESOLUTION 1
BY KIBBIE, GRONSTAL, and MCKINLEY

1 A resolution recognizing January 27, 2011, as a day
2 to honor Iowa’s community colleges on their 45th
3 anniversary.
4 WHEREAS, 2011 marks the 45th anniversary of the
5 designation of the first of fifteen merged area
6 schools, now called community colleges; and
7 WHEREAS, in 1965 the legislation creating these
8 merged area schools was floor managed by Senator Jack
9 Kibbie; and
10 WHEREAS, today Iowa has a statewide system of
11 fifteen community colleges, which are public,
12 postsecondary, two-year institutions organized as
13 comprehensive community colleges, serving all of Iowa’s
14 ninety-nine counties; and
15 WHEREAS, Iowa’s community colleges have enjoyed
16 tremendous success, with the number of students
17 attending community colleges growing from 8,000 to
18 80,000; 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
23 high-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

Page 2

1 WHEREAS, community colleges are the port of entry
2 for many of the poorest, most challenged, and most
3 disadvantaged citizens of the state; NOW THEREFORE,
4 BE IT RESOLVED BY THE SENATE, That the Senate
5 recognizes January 27, 2011, as a day to honor
6 the fifteen community colleges in Iowa on the 45th
7 anniversary of their founding.

Senate Resolution 2: filed January 24, 2011; adopted by the Senate on January 27, 2011.

SENATE RESOLUTION 2

BY COMMITTEE ON RULES AND ADMINISTRATION

1 A resolution relating to permanent rules of the senate
2 for the ~~eighty-third~~ eighty-fourth general assembly

3 BE IT RESOLVED BY THE SENATE, That the permanent
4 rules of the senate for the ~~eighty-third~~ eighty-fourth
5 general assembly be as follows:

6 RULES OF THE SENATE

7 Rule 1

8 Quorum

9 A constitutional majority shall constitute a quorum
10 of the senate. Any senator may insist a quorum be
11 present.

12 Rule 2

13 Adoption and Amendment of Rules

14 Whenever the senate is operating under temporary
15 rules, the rules may be amended or repealed, or
16 permanent rules may be adopted, by a constitutional
17 majority of the senators. After adoption of permanent
18 rules of the senate during any general assembly, the
19 rules may be amended or repealed by a constitutional
20 majority of the senators voting on a simple resolution.

21 Rule 3

22 Rules of Parliamentary Procedure

23 In cases not covered by senate rules or joint rules,
24 Mason's Manual of Legislative Procedure shall govern.

25 Rule 4

26 Sessions of the General Assembly

27 The election of officers, organization, hiring and
28 compensation of employees, and committees of the senate

Page 2

1 shall carry over from the first to the second regular
2 sessions and to any extraordinary sessions of the same
3 general assembly.

4 All bills and resolutions introduced in the first
5 regular session of a general assembly which are not
6 withdrawn, lost, or indefinitely postponed shall
7 carry over into the second regular session and to any
8 extraordinary session of the same general assembly.

9 Appointments received from the governor for senate
10 confirmation during any session of a general assembly
11 shall be acted upon prior to adjournment of that
12 session as provided by section 2.32 of the Code.

13 Except as provided by this rule, upon the adjournment
14 of the first regular session and any extraordinary
15 session, each bill or resolution shall be automatically

16 referred back to the committee to which it was
 17 originally assigned. The secretary of the senate shall
 18 publish in the Journal a list of the bills returned to
 19 committee under this rule. Within seven days after
 20 the first committee meeting after the convening of
 21 the second regular session, committees shall either
 22 authorize the chair to refer such bills and resolutions
 23 to a subcommittee for consideration, indefinitely
 24 postpone further consideration of such bills, or report
 25 them out to the floor and place them on the calendar.
 26 If the subcommittee is different than that appointed
 27 during the first session, the committee chair shall
 28 report to the senate the bill or resolution number and
 29 the names of the subcommittee members.
 30 Bills and resolutions which have been voted upon

Page 3

1 on final passage by either house in any session
 2 shall remain on the calendar in the same status as at
 3 the end of the session at any subsequent regular or
 4 extraordinary session.

5 Rule 5

6 Regular Order of Daily Business

7 The following order shall govern, subject to any
 8 special order:

- 9 1. Correction of the journal.
- 10 2. Senators to be excused.
- 11 3. Communications to the Senate.
- 12 4. Introduction of bills and resolutions.
- 13 5. Consideration of senate calendar.

14 Rule 6

15 Senate Calendar

- 16 1. Each legislative day the secretary of the senate
 17 shall prepare a listing of bills to be known as the
 18 "Senate Calendar".
- 19 2. The senate calendar may contain a listing under
 20 the category "Special Order" which shall be placed at
 21 the head of the calendar. Bills in such category shall
 22 be those which are specifically set for debate by the
 23 majority leader with the consent of the senate on a
 24 certain date and time. Bills shall be listed by the
 25 secretary in numerical order.
- 26 3. The senate calendar shall include separate
 27 listings for any bills and resolutions in the following
 28 categories:
 - 29 a. Conference Committee Report
 - 30 b. Bills in Conference Committee

Page 4

1 c. House Amendment to Senate Amendment to House
2 File
3 d. House Refuses to Concur in Senate Amendment to
4 House File
5 e. Senate Files Amended by the House
6 f. Unfinished Business
7 g. Motions to Reconsider
8 h. Administrative Rules Nullification Resolutions
9 i. Veto Messages from the Governor
10 4. The secretary shall list bills and resolutions
11 in the above categories in numerical order. Upon
12 their first publication in the calendar, bills and
13 resolutions in the above categories may be called up
14 for debate at any time by the majority leader. Motions
15 to reconsider shall be called up as provided by Rule
16 24.
17 5. The senate calendar shall include a listing
18 of senate appropriations committee bills and bills
19 reported out by the senate appropriations committee.
20 The list shall be known as the "Appropriations
21 Calendar". The secretary shall list the bills in
22 numerical order. Upon their first publication in the
23 calendar, bills on the appropriations calendar may be
24 called up for debate at any time by the majority leader
25 provided they are eligible under Rule 8.
26 6. The senate calendar shall include a listing
27 of bills which pertain to the levy, assessment or
28 collection of taxes sponsored by or initially assigned
29 to and reported out by the senate ways and means
30 committee. The list shall be known as the "Ways and

Page 5

1 Means Calendar". The secretary shall list the bills in
2 numerical order. Upon their first publication in the
3 calendar, bills on the ways and means calendar may be
4 called up for debate at any time by the majority leader
5 provided they are eligible under Rule 8.
6 7. The senate calendar shall include a list of
7 bills and resolutions, known as the "Regular Calendar",
8 which shall consist of bills and resolutions reported
9 out by a senate committee. The bills and resolutions
10 reported out each day shall be listed in numerical
11 order. Priority shall be given to senate over house
12 bills and resolutions. Upon their first publication
13 in the calendar, bills on the regular calendar may
14 be called up for debate at any time by the majority
15 leader, provided they are eligible under Rule 8.
16 A bill reported out of committee which is
17 subsequently referred to the ways and means or

18 appropriations committee and then reported out of that
19 committee, shall be returned to the regular calendar
20 in numerical order.

21 8. The senate calendar shall include a listing of
22 the governor's appointees to state boards, commissions,
23 and other offices requiring senate confirmation. This
24 listing shall be known as the "Confirmation Calendar".
25 Names on the confirmation calendar may be called up
26 for confirmation at any time by the majority leader
27 provided they are eligible under rule 59.

28 9. The majority leader, or in the absence of the
29 majority leader the assistant majority leaders, may
30 select from among the bills on the previous legislative

Page 6

1 day's Senate calendar and from the bills selected
2 create a new listing which shall be known as the
3 "Debate Calendar". The debate calendar shall list
4 bills as the majority leader expects to take them up.
5 A bill or resolution on the debate calendar may be
6 debated only when eligible under Rule 8.

7 10. The majority leader, or in the absence of the
8 majority leader the assistant majority leaders, may
9 create a list of bills or resolutions about which
10 no controversy is believed to exist which shall be
11 known as the "Proposed Noncontroversial Calendar".
12 Bills or resolutions included on this listing may be
13 debated at any time upon being called up for debate
14 by the majority leader. Any bill or resolution which
15 appeared on the previous day's Senate calendar may be
16 placed by any senator on the proposed noncontroversial
17 calendar, which shall be published. Any bill or
18 resolution on the proposed noncontroversial calendar
19 shall be stricken from the list if any senator files
20 a written objection with the secretary of the senate
21 on the first or second legislative day after it
22 appears on the proposed noncontroversial calendar.
23 Any bill stricken from the proposed noncontroversial
24 calendar shall be returned to its former place on
25 the Senate calendar. The secretary shall prepare the
26 noncontroversial calendar which shall consist of all
27 bills or resolutions on the proposed noncontroversial
28 calendar to which no objection was received.

29 11. If the senate shall not be in session on a day
30 assigned in paragraphs nine and ten for action upon a

Page 7

1 calendar, such assigned action shall occur on the next
2 succeeding legislative day.

3 12. On any bill called up for debate from any

4 calendar, debate may continue from day to day until
 5 it is adopted, fails, or is postponed or deferred.
 6 If further debate is postponed or deferred without a
 7 time to continue being set, except for bills on the
 8 debate calendar, the bill shall be listed as unfinished
 9 business. Bills which are returned to the committee of
 10 first referral or to a different committee after being
 11 considered by the senate and classified as unfinished
 12 business shall be returned to the unfinished business
 13 calendar by that committee when the bill is reported
 14 out of committee. The unfinished business date on
 15 the calendar shall be the date on which the bill was
 16 returned to committee. Bills on the debate calendar
 17 upon which further debate is postponed or deferred
 18 without a time to continue being set shall return to
 19 the regular calendar.

20 Rule 7

21 Steering Committee

22 ~~The senate may authorize the appointment of a~~
 23 ~~steering committee. The majority leader shall appoint~~
 24 ~~the majority party members to the steering committee.~~
 25 ~~The minority leader shall appoint the minority party~~
 26 ~~members to the steering committee. The function of the~~
 27 ~~steering committee shall be to create its own calendar~~
 28 ~~from the bills and resolutions on the regular calendar.~~
 29 ~~Bills and resolutions on the steering committee~~
 30 ~~calendar shall have priority over bills and resolutions~~

Page 8

1 ~~on all other calendars, except the appropriations~~
 2 ~~calendar. Reserved.~~

3 Rule 8

4 When Eligible for Consideration

5 Bills, resolutions, and appointments shall be
 6 eligible for consideration by the senate as follows:
 7 1. An appointment by the governor which requires
 8 senate confirmation shall be eligible on the
 9 legislative day after it is first printed in the senate
 10 calendar as provided by Rule 59.
 11 2. A house or individually sponsored bill or
 12 resolution reported out by a committee shall be
 13 eligible on the legislative day after it is first
 14 printed in the senate calendar.
 15 3. A committee bill or resolution sponsored by
 16 the appropriations committee shall be eligible on the
 17 legislative day after it is first printed in the senate
 18 calendar.
 19 4. Any committee bill or resolution, other than
 20 a bill or resolution sponsored by the appropriations
 21 committee, shall be eligible on the third legislative
 22 day it is printed in the senate calendar.

23 5. A bill that has been reported out to the
 24 senate calendar, referred to a different committee
 25 and reported out by that committee is eligible for
 26 consideration by the senate on the day it would have
 27 been eligible under subsection 2, 3, or 4, whichever
 28 is applicable, as if the bill had been printed in the
 29 calendar after having been reported out by the first
 30 committee.

Page 9

1 Rule 9

2 Debate and Decorum

3 Before addressing the senate, the senator shall
 4 request recognition by depressing the “speak” device
 5 and, when recognized, rise and respectfully address the
 6 chair.

7 The senator shall confine all remarks to the
 8 question under debate and shall avoid discussing
 9 personalities or implication of improper motives. No
 10 questions except by the senator recognized shall be
 11 entertained after a senator is recognized to give final
 12 remarks.

13 Rule 10

14 Point of Personal Privilege

15 A point of personal privilege shall only be
 16 recognized when there is no motion pending or other
 17 business being considered by the senate. Points of
 18 personal privilege shall not be in order during the
 19 time when appropriation subcommittees are scheduled
 20 to meet. Senators speaking on a point of personal
 21 privilege shall be limited to ten minutes.

22 Rule 11

23 Introduction and Presentation of Guests

24 Only former members of the senate and former and
 25 present members of Congress shall be presented to
 26 the senate, except that the president of the senate
 27 may present a visitor whose presence is of special
 28 significance to the senate. The presence of school
 29 groups accompanied by school officials shall be
 30 announced by the president of the senate and shall

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1 be recorded in the journal upon written request of a
 2 member of the senate. Senators may be recognized to
 3 introduce guests in the galleries when there is no
 4 motion pending or other business being considered by
 5 the senate. Introductions shall be limited to one
 6 minute.

7 Rule 12

8 Form and Withdrawal of Motions, Amendments and

9 Signatures

10 Motions need not be in writing unless required by
11 the president or by the senate. No motion requires
12 a second. Any amendment, motion (including a motion
13 to reconsider), or resolution may be withdrawn by the
14 mover if it has not been amended by the senate and if
15 no amendment is pending. All amendments to bills,
16 resolutions, and reports shall be in writing and filed
17 before being acted upon by the senate.

18 No amendment, resolution, bill, or conference
19 committee report shall be considered by the senate
20 without a copy of the amendment, resolution, bill, or
21 conference committee report being on the desks of the
22 entire membership of the senate prior to consideration.
23 However, after the fourteenth week of the first session
24 and the twelfth week of the second session, amendments
25 and senate resolutions may be considered by the senate
26 without a copy of the amendment or senate resolution
27 being on the desks of the entire membership of the
28 senate if a copy of the amendment or senate resolution
29 is made available to the entire membership of the
30 senate electronically. Such consideration shall

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1 be deferred until a copy of the amendment or senate
2 resolution is on the desks of the entire membership of
3 the senate upon the request of any senator.

4 All amendments, reports, petitions or other
5 documents requiring a signature shall have the name
6 printed under the place for the signature. Once a
7 signature is affixed and the document containing the
8 signature filed with the recording clerk in the well,
9 that signature shall not be removed.

10 When an amendment to a main amendment is filed that
11 would negate the effect of the main amendment and
12 thereby leave the bill unchanged, the presiding officer
13 shall have the authority to declare the amendment to
14 the main amendment out of order, subject to an appeal
15 to the full senate.

16 When a house amendment to a senate file is before
17 the senate, an amendment to the house amendment shall
18 be considered an amendment in the first degree.

19 Regardless of its origin, an amendment in the third
20 degree shall be ruled out of order.

21 When a ruling on germaneness is issued by the
22 presiding officer, it shall be accompanied by an
23 explanation of the ruling.

24 Rule 13

25 Order and Precedence of Motions and Amendments

26 When a question is under debate, no motion shall
27 be received but to adjourn, to recess, questions

28 of privilege, to lay on the table, for the previous
 29 question, to postpone to a day certain, to refer,
 30 to amend, to postpone indefinitely, to defer, or

Page 12

1 incidental motions. A substitute is not in order
 2 unless it is in the form of a motion to substitute.
 3 Such motions shall have precedence in the order in
 4 which they are named. No motion to postpone to a
 5 day certain, to refer, or postpone indefinitely,
 6 being decided, shall be again allowed on the same
 7 day with regard to the same question. A motion to
 8 strike out the enacting clause of a bill shall have
 9 precedence over all amendments and, if carried, shall
 10 be considered equivalent to the rejection of the bill.
 11 A motion to strike everything after the enacting
 12 clause has precedence over a committee amendment and
 13 all other amendments except one to strike the enacting
 14 clause. A committee amendment has precedence over all
 15 other amendments except as provided in this rule.
 16 A motion to rerefer a bill to committee may specify
 17 when the committee shall report the bill to the senate.
 18 If the motion is adopted in such form, the committee
 19 must report the bill by the date and time specified
 20 with or without recommendation or the bill shall
 21 automatically be returned to the calendar. When the
 22 bill is returned to the calendar, it shall occupy
 23 the same position it occupied at the time the bill
 24 was rereferred to the committee. If the committee
 25 to which the bill is rereferred submits an amendment
 26 in its report, that committee amendment shall take
 27 precedence over other amendments except if that
 28 committee amendment is in conflict with amendments
 29 previously adopted, the committee amendment shall
 30 not be considered until consideration of motions to

Page 13

1 reconsider the previously adopted amendments result
 2 in removing the conflict. A committee may not file
 3 an amendment to a bill unless the bill is in the
 4 committee's possession.

5 Rule 14

6 MOTIONS BEFORE THE SENATE

7 Motions before the senate shall be displayed on the
 8 electronic voting system display boards.

9 Rule 15

10 Nondebatable Motions

11 The following motions are not debatable:

12 Adjourn

13 Recess

14 Call of the Senate
 15 Lay on Table or Take from Table
 16 Previous Question
 17 Reconsider vote by which bill was placed on last
 18 reading.
 19 A Motion to Reconsider and Lay the Motion to
 20 Reconsider on the Table (Double-barreled Motion).
 21 Rule 16
 22 Division of the Question
 23 Any senator may call for a division of a question,
 24 which shall be divided if it includes propositions
 25 so distinct that if one is taken away, a substantive
 26 proposition shall remain in a technically proper form
 27 for the decision of the senate. A motion to strike out
 28 and insert is indivisible; but a motion to strike out,
 29 if lost, shall not preclude amendments to the matter
 30 attempted to be stricken or a motion to strike out and

Page 14

1 insert.
 2 Rule 17
 3 The Previous Question
 4 The previous question shall be in this form: "Shall
 5 debate be closed on the pending question?" A motion
 6 for the previous question may be adopted by a majority
 7 of the senators present and voting. Its effect shall
 8 be to put an end to debate and bring the senate to a
 9 direct vote upon the pending question. However, any
 10 senator who has not previously spoken on the pending
 11 question and who, after the main question is taken up
 12 and before the motion for the previous question has
 13 been made, requested recognition by depressing the
 14 "speak" device may speak no longer than five minutes
 15 on the pending question. If action on the pending
 16 question continues into another legislative day or is
 17 deferred, the previous question shall apply and the
 18 requests to be recognized shall be honored.
 19 When the motion applies to an amendment, the senator
 20 proposing the amendment shall have five minutes to
 21 close debate on the amendment.
 22 The senator handling the measure under consideration
 23 shall have ten minutes to close debate on the main
 24 question.
 25 Rule 18
 26 Call of the Senate
 27 Ten senators may file in writing a call of the
 28 senate on any single item of legislative business.
 29 A call of the senate requires the presence of every
 30 senator and is in order at any time prior to the vote

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1 being announced by the president. The sergeant-at-arms
 2 shall return promptly all absent senators. Debate
 3 on the item may continue while absent senators are
 4 returning, but no vote on the item is in order on
 5 it until all have returned. Adoption of a motion to
 6 recess or adjourn to a specific time will not lift
 7 the call. The call may be lifted, or a senator may
 8 be excused from the call without lifting the call, by
 9 a vote of a constitutional majority of the senators.
 10 Those senators excused prior to the filing of the call
 11 are excused from the call.

12 Rule 19

13 Committee of the Whole

14 The senate may resolve itself into a committee of
 15 the whole senate when it wishes to permit more free and
 16 informal discussion. Persons other than senators may
 17 appear and present information.

18 Any senator may move "that the senate now resolve
 19 itself into a committee of the whole to consider" a
 20 stated subject.

21 The president of the senate shall be chair of the
 22 committee of the whole unless otherwise ordered by the
 23 senate.

24 The procedure in committee of the whole is subject
 25 to the rules of the senate. The previous question and
 26 the motion to reconsider shall be in order.

27 The committee of the whole cannot take any final
 28 action and its power is limited to recommendation to
 29 the senate. The proceedings of the committee of the
 30 whole, including any roll call vote, shall be printed

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1 in the journal.

2 Any senator may at any time, except while voting or
 3 while a senator has the floor, move that "the committee
 4 rise" which is equivalent to a motion to adjourn.

5 After adoption of the motion to rise, the chair
 6 may report to the senate in the same manner as other
 7 committee reports are given.

8 Rule 20

9 Last Reading and Passage of Bills

10 When a motion to place a bill on its last reading is
 11 lost, the same motion shall be in order at any later
 12 time. After the last reading of a bill, no amendment
 13 shall be received. The vote on final passage shall be
 14 taken immediately without debate.

15 Rule 21

16 Engrossment of Bills

17 An engrossment is a proofreading and verification in

18 order to be certain that a bill before the senate is
19 identical with the original bill as introduced with all
20 amendments which have been adopted correctly inserted.
21 In an engrossed bill, all obvious typographical,
22 spelling or other clerical errors are corrected and
23 section or paragraph numbers and internal references
24 are changed as required to conform the original bill
25 to any amendments which have been adopted. All such
26 corrections or changes shall be reported in the journal
27 by the secretary of the senate. The engrossed bill
28 shall be placed in the bill file with the original bill
29 and amendments.

30

Rule 22

Page 17

1 Manner of Voting

2 On voice vote, the question shall be distinctly put
3 in this form: "Those in favor of (the question) say
4 "aye"." "Those opposed to (the question) say "no"."
5 A non-record or record roll call vote may be
6 requested by any senator or ordered by the president
7 any time before the results are announced. A
8 non-record roll call shall be requested by asking for
9 a "division". A record roll call shall be requested by
10 asking for a "record". Upon request for a non-record
11 or record roll call vote, the president shall announce
12 that such a non-record or record roll call vote has
13 been requested and shall state the question to be put
14 to the senate. The president then shall direct the
15 secretary of the senate to receive the votes.
16 Senators present may cast their votes, either
17 by operating the voting mechanism located at their
18 assigned desk or by signaling the president if they are
19 unable to vote at their assigned desk. The president
20 shall enter the votes of senators signaling their
21 votes.
22 After sufficient time has elapsed for all senators
23 present to record their votes, the president shall
24 direct the secretary of the senate to close the voting
25 system. The president shall still enter the senators'
26 votes at any time prior to directing the secretary of
27 the senate to lock the voting system. The president
28 shall then immediately announce the vote.
29 During a non-record or record roll call vote, both
30 individual votes and vote totals shall be indicated

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1 openly on the display boards. On non-record roll
2 calls, only vote totals shall be printed in the
3 journal.

4 In the event the electronic voting system is not
 5 in operating order, the president shall direct the
 6 secretary of the senate to take the non-record or
 7 record roll call by calling the names of the senators
 8 in alphabetical order.

9 Rule 23

10 Duty of Voting

11 Every senator present when a question is put shall
 12 vote "aye", "no" or "present" unless previously excused
 13 by the senate. Upon demand being made by any senator,
 14 the secretary of the senate shall call in alphabetical
 15 order the names of the senators not voting or voting
 16 "present". Those senators called shall vote "aye" or
 17 "no" unless the senator states a personal interest in
 18 the question or concludes that he or she should not
 19 vote under the senate code of ethics.

20 Rule 24

21 Reconsideration

22 When a main motion has been decided by the senate,
 23 any senator having voted on the prevailing side
 24 may move to reconsider the vote on the same or next
 25 legislative day. Motions to reconsider the vote on a
 26 bill or resolution shall be in writing and filed with
 27 the secretary of the senate.

28 Notwithstanding any time limitations applicable
 29 to motions to reconsider main motions, a motion to
 30 reconsider the vote on an amendment may be made at

Page 19

1 any time before final disposition of the motion to
 2 be amended. Such motion shall be in writing and
 3 filed with the secretary of the senate. A motion to
 4 reconsider an amendment to a main motion shall be taken
 5 up for consideration only prior to the disposition of
 6 the main motion or upon reconsideration of the main
 7 motion.

8 A constitutional majority by a record roll call is
 9 necessary to reconsider a bill or joint resolution.
 10 During three legislative days from the date the motion
 11 to reconsider a bill or resolution is filed, only the
 12 mover may call it up. Thereafter, any senator may call
 13 up the motion. If a date for adjournment has been set
 14 by resolution of the senate, any senator may call up
 15 a motion to reconsider at any time within three days
 16 prior to the date set for adjournment.

17 If the motion to reconsider a bill or resolution
 18 prevails, motions to reconsider amendments thereto
 19 shall be in order and shall be disposed of without
 20 delay.

21 A motion that any action taken by the senate be
 22 reconsidered and the motion to reconsider be laid upon

23 the table shall be a single and indivisible motion,
 24 known as the double-barreled motion, which, if carried,
 25 shall have the effect of preventing reconsideration
 26 unless a motion to take from the table prevails.
 27 A constitutional majority is necessary for the
 28 double-barreled motion to prevail on a bill or joint
 29 resolution. The double-barreled motion can only be
 30 made from the floor after the vote is announced and the

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1 member who moved the final reading shall have priority
 2 in making it.
 3 A motion to reconsider and lay on the table shall
 4 have priority over a motion to reconsider if they are
 5 both filed on the same legislative day.
 6 In the event that a motion to reconsider is pending
 7 at the end of the first session or any extraordinary
 8 session of any general assembly, or the general
 9 assembly adjourns sine die, and the motion has not been
 10 voted upon by the senate, it shall be determined to
 11 have failed.

Rule 25

12 Suspension of Rules ~~and Taking from Table~~
 13 ~~No standing rule, or rules incorporated by reference~~
 14 ~~under Rule 3, or order of the senate shall be rescinded~~
 15 ~~or suspended, nor shall any matter, tabled upon motion,~~
 16 ~~be taken up, except by unanimous consent of the senate~~
 17 ~~or by an affirmative vote of a constitutional majority~~
 18 ~~of the senate voting on a simple resolution.~~

INTRODUCTION AND FORM OF BILLS

Rule 26

22 Time and Method of Introducing Bills and Amendments
 23 All bills to be introduced in the senate shall be
 24 typed in proper form by the legislative services agency
 25 and shall be filed with the recording clerk.
 26 All amendments shall be typed in proper form and
 27 filed with the recording clerk not later than 4:30
 28 p.m., or adjournment, whichever is later, in order to
 29 be listed in the following day's clip sheet.
 30 An "impact amendment" is an amendment which

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1 reasonably could have an annual effect of at least one
 2 hundred thousand dollars or a combined total effect
 3 within five years after enactment of five hundred
 4 thousand dollars or more on the aggregate revenues,
 5 expenditures or fiscal liability of the state or its
 6 subdivisions.
 7 An impact amendment to a bill which has been on
 8 the special order calendar for at least three full

9 legislative days prior to its consideration shall not
 10 be taken up by the senate unless:
 11 1) a fiscal note is attached, and the amendment is
 12 filed at least one legislative day prior to the date
 13 set for consideration of the bill; or
 14 2) the amendment is an appropriation or other
 15 measure where the total effect is stated in dollar
 16 amounts.

17 Rule 27

18 Limit on Introduction of Bills

19 No bill or joint resolution, except bills and
 20 joint resolutions cosponsored by the majority and
 21 minority floor leaders, or companion bills and joint
 22 resolutions sponsored by the majority floor leaders of
 23 both houses, shall be introduced in the senate after
 24 4:30 p.m. on Friday of the ~~sixth~~ fifth week of the
 25 first regular session of a general assembly unless a
 26 formal request for drafting the bill has been filed
 27 with the legislative services agency before that time.
 28 After adjournment of the first regular session, bills
 29 may be prefiled at any time before the convening of the
 30 second regular session. No bill shall be introduced

Page 22

1 after 4:30 p.m. on Friday of the ~~first~~ second week of
 2 the second regular session of a general assembly unless
 3 a formal request for drafting the bill has been filed
 4 with the legislative services agency before that time.
 5 However, standing committees may introduce bills and
 6 joint resolutions at any time. A bill which relates
 7 to departmental rules sponsored by the administrative
 8 rules review committee and approved by a majority
 9 of the members of the committee in each house may
 10 be introduced at any time and must be referred to a
 11 standing committee which must take action on the bill
 12 within three weeks. Senate and concurrent resolutions
 13 may be introduced at any time.
 14 No bill, joint resolution, concurrent resolution
 15 or senate resolution shall be introduced at any
 16 extraordinary session unless sponsored by a standing
 17 committee, the majority and minority floor leaders, or
 18 the committee of the whole.

19 Rule 28

20 Introduction, Reading, and Form of Bills and 21 Resolutions

22 Every senate bill and resolution shall be introduced
 23 by one or more senators or by any standing committee
 24 of the senate and shall at once be given its first
 25 reading.
 26 If the senate is in session when a bill or
 27 resolution is introduced, the first reading shall

28 consist of reading its file number, the title and
 29 sponsor of the bill. If the senate is not in session
 30 but a journal is published for the day, the first

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1 reading shall consist of a journal entry of the bill's
 2 file number, title, sponsor and the notation "Read
 3 first time under Rule 28."
 4 Any bill or resolution approved for introduction by
 5 a standing committee during an interim period between
 6 sessions of one General Assembly shall be introduced
 7 without further action by the committee at the next
 8 succeeding regular session of the same General Assembly
 9 and placed immediately upon the regular calendar.
 10 Every bill and resolution referred to committee
 11 shall have received two readings before its passage.
 12 The subject of every bill shall be expressed in its
 13 title.

14 Rule 29

15 Explanations

16 No bill, except appropriation committee bills and
 17 simple or concurrent resolutions, shall be introduced
 18 unless a concise and accurate explanation is attached.
 19 The chief sponsor or a committee to which the bill has
 20 been referred may add a revised explanation at any time
 21 before the last reading, and it shall be included in
 22 the daily clip sheet.

23 Rule 30

24 Resolutions

25 A "senate resolution" is A resolution acted upon
 26 only by the senate which relates to an accomplishment
 27 of national or international status; the dedication
 28 of a day by a statewide or national group; the
 29 one hundredth, one hundred twenty-fifth, or one
 30 hundred fiftieth anniversary of a local government

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1 or organization; the recognition of state ties
 2 to other governments; the retirement of a senator
 3 or long-time senate employee; or to rules and
 4 administrative matters, including the appointment
 5 of special committees, within the senate. A senate
 6 resolution requires the affirmative vote of a majority
 7 of the senators present and voting, unless otherwise
 8 required in these rules. A senate resolution shall
 9 be filed with the secretary of the senate. A senate
 10 resolution shall be printed in the bound journal after
 11 its adoption and in the daily journal upon written
 12 request to the secretary of the senate by the sponsor
 13 of the resolution. Other expressions of sentiment

14 or recognition may be made with the issuance of a
15 certificate of recognition.

16

Rule 31

17

Nullification Resolutions

18 A nullification resolution may be introduced
19 by a standing committee, the administrative rules
20 review committee, or any member of the senate.

21 A nullification resolution introduced by the
22 administrative rules review committee or a member
23 of the senate shall be referred to the same standing
24 committee it would be referred to if it was a bill.

25 Any nullification resolution may be referred to the
26 administrative rules review committee by a majority
27 vote of the standing committee which introduced it
28 or to which it was referred. The administrative
29 rules review committee may seek an agreement with the
30 affected administrative agency wherein the agency

Page 25

1 agrees to voluntarily rescind or modify a rule or rules
2 relating to the subject matter of the nullification
3 resolution. An agreement to voluntarily rescind
4 or modify an administrative agency rule shall be in
5 writing and signed by the chief administrative officer
6 of the administrative agency and a majority of the
7 administrative rules review committee members of each
8 house and shall be placed on file in the offices of
9 the chief clerk of the house, the secretary of the
10 senate and the secretary of state. If an agreement is
11 not reached, or the nullification resolution is not
12 approved by a majority of the administrative rules
13 review committee members of each house, within two
14 weeks of the date the resolution is referred to the
15 administrative rules review committee, the resolution
16 shall be placed on the calendar. If the nullification
17 resolution is approved by the administrative rules
18 review committee it shall be placed on the calendar.
19 A nullification resolution is subject to a motion to
20 withdraw the nullification resolution as provided in
21 rule 42.

22 A nullification resolution is debatable, but cannot
23 be amended on the floor of the senate.

24

Rule 32

25

Resolutions, Applicable Rules

26 All rules applicable to bills shall apply to
27 resolutions, except as otherwise provided in the rules.

28

Rule 33

29

Study Bills

30

1. A study bill is any matter which a senator

Page 26

1 wishes to have considered by a standing committee or
 2 appropriations subcommittee for introduction as a
 3 committee bill or resolution. The term "study bill"
 4 includes "proposed bills" provided for in Rule 37 and
 5 departmental requests prefiled in the manner specified
 6 in section 2.16 of the Code.

7 2. A study bill shall bear the name of the member
 8 who wishes to have the bill considered. A study bill
 9 proposed by a state agency shall bear the name of the
 10 agency. A committee chair may submit a study bill in
 11 the name of that committee.

12 3. Upon first receiving a study bill from a
 13 senator, a committee chairperson shall submit three
 14 copies to the secretary of the senate. Study bills
 15 received in the secretary of the senate's office before
 16 3:00 p.m. shall be filed, numbered, and reported in
 17 the journal for that day. Study bills received in the
 18 secretary of the senate's office after 3:00 p.m. shall
 19 be filed, numbered, and reported in the journal for the
 20 subsequent day. The secretary shall number such bills
 21 in consecutive order. The secretary shall maintain a
 22 record of all study bills and their assigned number.
 23 Committee records shall refer to study bills by the
 24 number assigned by the secretary.

25 4. The secretary shall file a report in the journal
 26 of each study bill received. The report shall show
 27 the study bill number, its title or subject matter and
 28 the committee which is considering it. If a study
 29 bill is referred to a subcommittee, then the committee
 30 chairperson shall report in the journal the names of

Page 27

1 the subcommittee members to which it is assigned.
 2 5. If a committee bill or resolution is introduced
 3 which was not previously the subject of a study bill
 4 in the sponsoring committee, the majority leader may
 5 re-refer the bill back to the committee.

6 6. A study bill not prepared by the legislative
 7 services agency may be submitted to a standing
 8 committee, but shall not be considered by the full
 9 committee unless reviewed and typed in proper form by
 10 the legislative services agency.

11 COMMITTEES AND COMMITMENT

12 Rule 34

13 Committee Appointments

14 Committee appointments shall be made by the majority
 15 leader for majority party members, after consultation
 16 with the president, and by the minority leader for
 17 minority party members, after consultation with the

18 president. No senator shall serve on more than six
 19 standing committees. The majority leader, after
 20 consultation with the president, shall designate the
 21 chairperson and vice-chairperson of each standing
 22 committee. The minority leader, after consultation
 23 with the president, shall designate the ranking member
 24 of each standing committee from the minority membership
 25 of that committee.

26 Rule 35

27 Standing Committees

28 The names of the standing committees of the senate
 29 shall be:
 30 Agriculture

Page 28

1 Appropriations
 2 Commerce
 3 Economic Growth /Rebuild Iowa
 4 Education
 5 ~~Environment/Energy Independence~~
 6 Government Oversight
 7 Human Resources
 8 Judiciary
 9 Labor and Business Relations
 10 Local Government
 11 Natural Resources and Environment
 12 ~~Rebuild Iowa~~
 13 Rules and Administration
 14 State Government
 15 Transportation
 16 Veterans Affairs
 17 Ways and Means

18 Rule 36

19 Committee on Rules and Administration

20 The committee on rules and administration shall
 21 recommend rules and rule changes to the senate, shall
 22 hire senate employees, shall recommend salary scales
 23 for all senate employees, and shall oversee senate
 24 budget and administration matters.

25 The committee on rules and administration will
 26 select, for senate approval, an individual to serve as
 27 secretary of the senate.

28 ~~Upon authorization being given by the committee on~~
 29 ~~rules and administration, the minority party members~~
 30 ~~of the committee will select, for senate approval, an~~

Page 29

1 ~~individual to serve as assistant parliamentarian.~~
 2 The committee shall have the following standing
 3 subcommittees:

4 1. Joint Rules
 5 2. Senate Rules
 6 3. Administrative Services
 7 4. Caucus Services
 8 The majority leader shall serve as chair of the
 9 rules and administration committee and as chair of
 10 the standing subcommittee on caucus services. The
 11 president of the senate shall serve as vice-chair of
 12 the rules and administration committee, and as chair of
 13 the subcommittee on administrative services.

14 Rule 37

15 Appropriations Committee

16 The appropriations committee shall receive bills
 17 committed to it and shall assign each to one of the
 18 appropriations subcommittees.
 19 The appropriations subcommittees shall be named:
 20 Administration and Regulation
 21 Agriculture and Natural Resources
 22 Economic Development
 23 Education
 24 Health and Human Services
 25 Justice System
 26 Transportation, Infrastructure, and Capitals
 27 The appropriations subcommittees shall receive
 28 bills assigned to them or may originate proposed bills
 29 within the subcommittee's jurisdiction as defined by
 30 the appropriations committee for consideration by the

Page 30

1 appropriations committee. Each subcommittee may submit
 2 amendments to bills together with the subcommittee's
 3 recommended action to the appropriations committee.
 4 If a bill or proposed bill is submitted to the
 5 appropriations committee by an appropriations
 6 subcommittee the appropriations committee may:
 7 1. report the bill or approve the proposed bill for
 8 introduction by the appropriations committee;
 9 2. report the bill with any appropriations
 10 committee-approved amendments incorporated;
 11 3. draft a new bill for sponsorship by the
 12 appropriations committee and report it; or
 13 4. re-refer it together with the appropriations
 14 committee's objections to the appropriations
 15 subcommittee from which it was originally referred or
 16 which originated the draft bill.
 17 The appropriations committee and subcommittees may
 18 meet jointly with the appropriations committee of the
 19 house of representatives.

20 Rule 38

21 First Reading and Commitment

22 Upon the first reading of an individual bill or

23 resolution, or a house committee bill or resolution,
 24 the president shall refer the bill or resolution to an
 25 appropriate standing committee ~~unless otherwise ordered~~
 26 ~~by the senate~~. If the bill or resolution is a senate
 27 committee bill or resolution, the president shall place
 28 it on the calendar after its first reading. If the
 29 subject of the bill or resolution is not germane to the
 30 title of the committee presenting it, the president

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1 of the senate may refer it to a committee deemed
 2 appropriate.
 3 All bills carrying an appropriation for any purpose
 4 or involving the expenditure of state funds shall be
 5 referred to the committee on appropriations.
 6 All bills pertaining to the levy, assessment or
 7 collection of taxes or fees shall be referred to the
 8 committee on ways and means.
 9 Any bill which provides for a new state board,
 10 commission, agency or department or makes separate or
 11 autonomous an existing state board, commission, agency
 12 or department, shall be referred to the committee
 13 on state government. If the bill or resolution is
 14 so referred after being sponsored or reported out
 15 by another committee, and if the committee on state
 16 government does not report out the bill or resolution
 17 within ten legislative days after referral, the bill
 18 or resolution shall automatically be restored to the
 19 calendar with the same priority it had immediately
 20 before referral.
 21 This rule shall also apply when such provisions are
 22 added to a bill or resolution by amendment adopted by
 23 the senate.

24 Rule 39

25 Rules for Standing Committees

26 The following rules shall govern all standing
 27 committees of the senate. Any committee may adopt
 28 additional rules which are consistent with these rules:
 29 1. A majority of the members shall constitute a
 30 quorum.

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1 2. The chair of a committee shall refer each bill
 2 and resolution to a subcommittee within seven days
 3 after the bill or resolution has been referred to
 4 the committee. The chair may appoint subcommittees
 5 for study of bills and resolutions without calling a
 6 meeting of the committee, but the subcommittee must be
 7 announced at the next meeting of the committee. No
 8 bill or resolution shall be reported out of a committee

9 until the next meeting after the subcommittee is
10 announced, except that the chair of the appropriations
11 committee may make the announcement of the assignment
12 to a subcommittee by placing a notice in the journal.
13 Any bill so assigned by the appropriations committee
14 chair shall be eligible for consideration by the
15 committee upon report of the subcommittee but not
16 sooner than three legislative days following the
17 publication of the announcement in the journal.
18 When a bill or resolution has been assigned to a
19 subcommittee, the chair shall report to the senate
20 the bill or resolution number and the names of the
21 subcommittee members and such reports shall be reported
22 in the journal. Subcommittee assignments shall be
23 reported to the journal daily. Reports filed before
24 3:00 p.m. shall be printed in the journal for that
25 day; reports filed after 3:00 p.m. shall be printed in
26 the journal for the subsequent day.
27 Where standing subcommittees of any committee have
28 been named, the names of the members and the title of
29 the subcommittee shall be published once and thereafter
30 publication of assignments may be made by indicating

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1 the title of the subcommittee.
2 3. No bill or resolution shall be considered by a
3 committee until it has been referred to a subcommittee
4 and the subcommittee has made its report unless
5 otherwise ordered by a majority of the members.
6 4. The rules adopted by a committee, including
7 subsections 2, 3, 9, 10, 11, and 12 of this rule, may
8 be suspended by an affirmative vote of a majority of
9 the members of the committee.
10 5. The affirmative vote of a majority of the
11 members of a committee is needed to sponsor a committee
12 bill or resolution or to report a bill or resolution
13 out for passage.
14 6. The vote on all bills and resolutions shall be
15 by roll call unless a short-form vote is unanimously
16 agreed to by the committee. A record shall be kept by
17 the secretary.
18 7. No committee, except a conference committee, is
19 authorized to meet when the senate is in session.
20 8. A subcommittee shall not report a bill to the
21 committee unless the bill has been typed into proper
22 form by the legislative services agency.
23 9. A bill or resolution shall not be voted upon the
24 same day a public hearing called under subsection 10 is
25 held on that bill or resolution.
26 10. Public hearings may be called at the discretion
27 of the chair. The chair shall call a public hearing

28 upon the written request of one-half the membership of
 29 the committee. The chair shall set the time and place
 30 of the public hearing.

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1 11. A subcommittee chair must notify the committee
 2 chair not later than one legislative day prior to
 3 bringing the bill or resolution before the committee.
 4 The committee cannot vote on a bill or resolution for
 5 at least one full day following the receipt of the
 6 subcommittee report by the chairperson.

7 12. A motion proposing action on a bill or
 8 resolution that has been defeated by a committee shall
 9 not be voted upon again at the same meeting of the
 10 committee.

11 13. Committee meetings shall be open.

Rule 40

12 Voting in Committee

13 All committee meetings shall be open at all times.
 14 Voting by secret ballot is prohibited. Roll call votes
 15 shall be taken in each committee when final action on
 16 any bill or resolution is voted, unless a short-form
 17 vote is unanimously agreed to by the committee. A roll
 18 call vote also shall be taken in each committee at the
 19 request of a member upon any amendment or motion. All
 20 results shall be entered in the minutes which shall
 21 be public records. Records of these votes shall be
 22 made available by the chair or the committee secretary
 23 at any time. This rule also applies to the ~~steering~~
 24 ~~committee and~~ appropriations subcommittees.

25 The committee shall not authorize the introduction
 26 of a committee bill or resolution until the members
 27 have received final copies of the bill or resolution
 28 with amendments or changes incorporated, and typed into
 29 proper form by the legislative services agency. The
 30

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1 committee may, by unanimous consent, dispense with
 2 this requirement and instruct the legislative services
 3 agency to file a report with the committee members
 4 detailing the amendments or changes and this report
 5 shall become a part of the committee report.

Rule 41

6 Announcement of Committee Meetings

7 It shall be in order for the chair of any committee
 8 to announce to the senate the time and place of
 9 committee meetings. The announcement shall include a
 10 proposed agenda for the meeting. The sergeant-at-arms
 11 shall post at the rear of the chamber the daily
 12 schedule of committee meetings.
 13

14 Rule 42
15 Withdrawal of Bills and Resolutions from Committee
16 The secretary of the senate shall note on each
17 bill and resolution the date of its reference to
18 committee. No bill or resolution shall be withdrawn
19 from any committee within fifteen legislative days
20 after the bill or resolution has been referred to the
21 committee and thereafter only upon written petition for
22 the withdrawal of such bill or resolution signed by
23 a constitutional majority of the senators, except as
24 provided in Rule 38. Only senators may circulate such
25 a petition.

26 Rule 43
27 Committee Reports
28 All committees shall file a report of committee
29 meetings. Such reports shall contain the following
30 information:

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1 a. The time the meeting convened;
2 b. Those senators who were present and absent at
3 the time the meeting convened, as well as the time any
4 senator, who was not present at the time the meeting
5 convened, arrives for the meeting;
6 c. The vote on any bill or resolution reported out
7 of the committee for floor action;
8 d. The title of the bill;
9 e. The file number of the bill or resolution (if
10 known);
11 f. Whether the committee recommends that the
12 bill or resolution be passed, amended and passed,
13 indefinitely postponed, or considered without committee
14 recommendation;
15 g. An indication of other bills or matters
16 discussed;
17 h. Such other matters as the committee chair shall
18 direct; and
19 i. The time the meeting adjourned.
20 No committee report shall be read, but all committee
21 reports shall be printed in the journal. Upon
22 printing, all committee reports shall then stand
23 approved unless the senate directs otherwise.

24 Rule 44
25 Bills or Resolutions Recommended for Indefinite
26 Postponement
27 No senate bill or resolution recommended for
28 indefinite postponement shall be considered in the
29 absence of the chief sponsor or, if a house bill or
30 resolution, in the absence of the senator representing

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1 the district in which the sponsor resides. When a
 2 question is postponed indefinitely, it shall not be
 3 again acted upon during that session of the general
 4 assembly.

5 GENERAL RULES

6 Rule 45

7 Access to Senate Chamber and Decorum

8 The persons who shall have access to the senate
 9 chamber, and the times access shall be available, and
 10 the rules governing activities in the chamber and other
 11 areas controlled by the senate shall be as prescribed
 12 by the rules and administration committee pursuant to a
 13 written policy adopted by the committee and filed with
 14 the secretary of the senate.

15 Rule 46

16 Legislative Interns and Aides

17 Legislative interns for senators shall be allowed
 18 on the floor of the senate in accordance with Rule 45;
 19 provided that each intern first has obtained a name
 20 badge from the secretary of the senate. The secretary
 21 of the senate shall issue an appropriate badge to all
 22 interns for senators.

23 Rule 47

24 Clearing of Lobby and Gallery

25 In case of disturbance or disorderly conduct in the
 26 lobby or gallery, the presiding officer may order it
 27 cleared.

28 Rule 48

29 Presentation of Petitions

30 Each petition shall contain a brief statement of its

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1 subject matter and the name of the senator presenting
 2 it. Petitions shall be filed with the secretary of the
 3 senate and noted in the journal.

4 Rule 49

5 Distribution of Printed Material

6 No general distribution of printed material in
 7 the senate shall be allowed unless authorized by the
 8 secretary of the senate or by a senator.

9 Rule 50

10 Concerning the Printing of Papers

11 Any paper, other than that contemplated by Section
 12 10, Article III of the Constitution of the State of
 13 Iowa, presented to the senate may, with the consent of
 14 a constitutional majority, be printed in the journal.

15 Rule 51

16 Reprinting of Documents

17 When any bill has been substantially amended by the

18 senate, the secretary of the senate shall order the
 19 bill reprinted on paper of a different color. All
 20 adopted amendments inserting new material shall be
 21 distinguishable.

22 The secretary of the senate may order the printing
 23 of a reasonable number of additional copies of bills,
 24 resolutions, amendments or journals.

25 OFFICERS AND EMPLOYEES

26 Rule 52

27 Duties of the President

28 The senate shall elect, from its membership, a
 29 president. The president shall call the senate to
 30 order at the hour to which the senate is adjourned-

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1 ~~Unless otherwise ordered by the senate, the president~~
 2 ~~and~~ shall proceed with the regular order of daily
 3 business. The president shall preserve order
 4 and decorum and decide all questions of order and
 5 corrections to the journal, ~~subject to an appeal to the~~
 6 ~~senate~~. The president shall direct voting as provided
 7 in rule 22. When a ruling on germaneness is issued by
 8 the presiding officer, it shall be accompanied by an
 9 explanation of the ruling. The president of the senate
 10 shall be the chair of the committee of the whole unless
 11 otherwise ordered by the senate, under rule 19.

12 Upon the first reading of an individual bill or
 13 resolution, or a house committee bill or resolution,
 14 the president shall refer the bill or resolution to the
 15 appropriate standing committee ~~unless otherwise ordered~~
 16 ~~by the senate~~. If the bill or resolution is a senate
 17 committee bill or resolution, the president shall place
 18 it on the calendar after its first reading. If the
 19 subject of the bill or resolution is not germane to the
 20 title of the committee presenting it, the president of
 21 the senate may refer it to the appropriate committee.

22 The president shall sign legislative enactments upon
 23 their enrolling.

24 The president of the senate shall serve as a member
 25 of the legislative council and the senate rules and
 26 administration committee. The president shall serve
 27 on the rules and administration committee as chair of
 28 the standing subcommittee designated to supervise the
 29 secretary of the senate and other employees of the
 30 administrative services division of the senate.

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1 Rule 53

2 The President Pro Tempore

3 The senate shall elect, from its membership, a

4 president pro tempore. When the president is absent,
 5 the president pro tempore shall preside, except when
 6 the chair is filled by temporary appointment by the
 7 president or the majority leader.

8 The president pro tempore, when presiding, shall
 9 perform duties as prescribed in rule 52, paragraphs 1
 10 and 2.

11 The president pro tempore shall serve as a member of
 12 the legislative council and as a member of the senate
 13 committee on rules and administration.

14 Rule 54

15 Secretary of the Senate

16 The secretary of the senate shall be ~~an~~ a
 17 nonpartisan officer of the senate and shall:

18 1. Serve as chief administrative officer of the
 19 senate.

20 2. Have charge of the secretary's desk.

21 3. Be responsible for the custody and safekeeping
 22 of all bills, resolutions, and amendments filed, except
 23 while they are in the custody of a committee.

24 4. Have charge of the daily journal.

25 5. Have control of all rooms assigned for the use
 26 of the senate.

27 6. Keep a detailed record of senate action on all
 28 bills and resolutions.

29 7. Insert adopted amendments into bills before
 30 transmittal to the house of representatives and prior

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1 to final enrollment.

2 8. Prescribe the duties of and supervise all senate
 3 employees.

4 9. Authorize all expenditures of funds within the
 5 senate budget.

6 The secretary of the senate shall also act as senate
 7 parliamentarian and shall:

8 1. Advise the presiding officer of the senate about
 9 parliamentary procedures during deliberations of the
 10 senate.

11 2. Perform other duties as prescribed by the
 12 committee on rules and administration.

13 3. Process the handling of amendments when filed
 14 and during the floor consideration of bills.

15 Rule 55

16 Legal Counsel

17 The legal counsel shall be the secretary of the
 18 senate or a contractual employee of the senate and
 19 shall:

20 1. Serve as attorney and counselor for the senate.

21 2. At the request of the majority or minority
 22 leaders, research any legal issue in which the senate

23 has an interest. However, the legal counsel shall not
 24 issue nor venture any opinions on unresolved questions
 25 of law unless permitted by both the majority and
 26 minority leaders.

27 Rule 56

28 Sergeant-at-Arms

29 The sergeant-at-arms shall be an employee of the
 30 senate and shall:

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- 1 1. Wear the appropriate badge of his or her office.
- 2 2. Attend the senate during its sessions.
- 3 3. Aid in the enforcement of order under the
- 4 direction of the president of the senate and the
- 5 secretary of the senate.
- 6 4. Execute the commands of the senate.
- 7 5. See that no unauthorized person disturbs the
- 8 contents of the senators' desks.
- 9 6. Supervise the doorkeepers, the assistant
- 10 sergeant-at-arms, and pages.
- 11 7. Announce all delegations from the governor or
- 12 house.
- 13 8. Supervise the seating of visitors and press
- 14 representatives.

15 Rule 57

16 Senate Secretaries

17 Every senator shall be permitted to employ for each
 18 session of a general assembly a personally selected
 19 secretary.

20 Rule 58

21 Use of Electronic Voting System

22 Any officer or employee of the senate, other than
 23 a duly elected member of the senate, who operates the
 24 electronic voting machine mechanism located at the
 25 desk of said member of the senate shall be subject to
 26 immediate termination from employment. The provisions
 27 of this paragraph only shall apply during the taking
 28 of a record or non-record roll call vote utilizing the
 29 electronic voting system.

30 CONFIRMATION OF APPOINTMENTS

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1 Rule 59

2 Appointments

- 3 The secretary of the senate shall:
- 4 a. send, to each appointee submitted by the
 - 5 governor for senate confirmation, a copy of a
 - 6 senate questionnaire as approved by the rules and
 - 7 administration committee;
 - 8 b. receive completed questionnaires from appointees

9 and forward copies of the completed questionnaires to
10 appropriate committee members;
11 c. maintain "Confirmation Calendar" categories
12 on the senate calendar as directed under this rule,
13 senate rule 6, and by the committee on rules and
14 administration. No appointee shall be listed as
15 eligible on the confirmation calendar until the
16 secretary has received the appointee's completed senate
17 questionnaire.
18 As soon as possible after the convening of a
19 session, and again within one week following March 15
20 1, the secretary of the senate shall publish in the
21 senate journal the names of all nominees submitted
22 for confirmation. The secretary of the senate shall
23 maintain a file of all appointments received from the
24 governor for confirmation. The file shall contain
25 a description of the duties and the compensation
26 for each nominee. The file shall show the date an
27 appointment was received from the governor, the date
28 the appointment was published in the journal, whether
29 the nominee has been introduced, whether a committee
30 report has been filed, when the senate questionnaire

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1 was sent to the appointee, and shall include a copy of
2 the appointee's completed senate questionnaire, upon
3 receipt.
4 **INVESTIGATING COMMITTEES.** All appointments received
5 from the governor shall be referred to the rules
6 and administration committee by the secretary of
7 the senate on the same day they are published in
8 the senate journal. The rules and administration
9 committee shall establish an en bloc confirmation
10 calendar which must be filed with the secretary of
11 the senate. Within three (3) legislative days after
12 receiving an appointment, the committee shall either
13 place a nominee on the en bloc confirmation calendar
14 or assign the nominee to an appropriate standing
15 committee for further investigation, publishing notice
16 of such assignment in the senate journal for the next
17 legislative day. If the rules and administration
18 committee fails to take action on a nominee within the
19 three days, the nominee shall automatically be placed
20 on the en bloc confirmation calendar.
21 Within the three (3) legislative days after
22 an appointment has been referred to the rules and
23 administration committee, any ten senators may
24 require that the nominee be assigned to an appropriate
25 standing committee by filing a written, signed
26 request therefor with the chairperson of the rules and
27 administration committee. The committee chair shall

28 refer the appointment to a subcommittee within one (1)
29 legislative day after a standing committee receives
30 an appointment for further investigation, publishing

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1 notice of such assignment in the senate journal for the
2 next legislative day. Within ten (10) legislative days
3 after a standing committee receives an appointment for
4 further investigation the subcommittee shall file its
5 report with the standing committee.

6 Within fourteen (14) legislative days after a
7 standing committee receives an appointment for
8 further investigation, the committee shall conduct
9 an investigation of the nominee and file its report
10 thereon with the secretary of the senate, who shall
11 then place the nominee on the en bloc calendar or
12 individual confirmation calendar as directed by
13 the committee. The failure of a committee to file
14 its report within the prescribed time means that
15 the nominee is to be automatically placed, without
16 recommendation, upon the individual confirmation
17 calendar.

18 Any individual nominated to head a department
19 or agency of state government, whose appointment is
20 subject to senate confirmation, must be introduced
21 to the full senate prior to a vote on confirmation
22 of the nominee. Additionally, any five (5) senators
23 may request that any nominee be introduced to the
24 senate by filing a written request with the secretary
25 of the senate within ten (10) legislative days of
26 the nominee's name appearing in the journal. Any
27 individual nominated to a position requiring senate
28 confirmation may request to be introduced to the
29 full senate by notifying the secretary of the senate
30 at least one (1) legislative day in advance of the

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1 nominee's appearance. If an individual is nominated
2 both to fill a vacancy for an unexpired term and is
3 also nominated for reappointment to that position
4 during the same session, a single introduction is
5 sufficient for eligibility for confirmation to both
6 terms.

7 HEARINGS. Any member of a committee investigating
8 an appointment may, within five (5) legislative days
9 after the committee receives the appointment, obtain a
10 hearing with the nominee by filing a written request
11 with the secretary of the senate who shall forward it
12 to the chair of the standing committee and the chair
13 of the subcommittee. Notice of the hearing shall be

14 published in the journal at least two (2) legislative
15 days prior to the hearing. At the hearing, which
16 shall be before the subcommittee, the nominee may be
17 questioned as to his or her qualifications to fulfill
18 the office to which nominated and further questioned as
19 to his or her viewpoints on issues facing the office to
20 which nominated. Any senator may at the discretion of
21 the chair of the subcommittee be permitted to submit
22 oral questions. The public may, at the discretion of
23 the investigating committee, be permitted to submit
24 oral or written statements as to the qualifications of
25 the nominee.

26 Also, within five (5) legislative days after the
27 subcommittee receives an appointment for investigation,
28 any senator may submit written questions to be answered
29 by the nominee prior to consideration of the nominee's
30 confirmation by the senate.

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1 INFORMATIONAL MEETINGS. After a nominee has been
2 placed on the calendar and prior to the vote on
3 confirmation, any senator may request an informational
4 meeting on the nomination which shall be held before
5 the subcommittee.

6 VOTING ON CONFIRMATIONS. Upon the motion of the
7 majority leader or his or her designee, the nominees on
8 the en bloc confirmation calendar shall be confirmed
9 en bloc by the affirmative vote of two-thirds of the
10 members elected to the senate. The journal shall
11 reflect a single roll call accompanied by a statement
12 of the names of those individuals subject to the en
13 bloc confirmation vote.

14 Prior to an en bloc vote, any senator may request,
15 either in writing or from the floor, an individual vote
16 on any nominee on the en bloc confirmation calendar.
17 The senate shall vote separately on the nominee.

18 Nominees on the individual confirmation calendar
19 shall be confirmed by a two-thirds vote; however, the
20 senate shall take a separate roll call on each nominee,
21 unless by unanimous consent, it determines to take one
22 vote on all nominees under consideration. In any case,
23 the journal shall reflect a single roll call vote for
24 each nominee.

25 If an individual is nominated both to fill a vacancy
26 for an unexpired term and is also nominated for
27 reappointment to that position, and such appointment
28 and reappointment appear on the senate calendar as
29 eligible at the same time, a single vote is sufficient
30 for confirmation to both terms.

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Rule 60

1
 2 Time of Committee Passage and Consideration of Bills
 3 1. This rule does not apply to concurrent or
 4 simple resolutions, joint resolutions nullifying
 5 administrative rules, senate confirmations, bills
 6 embodying redistricting plans prepared by the
 7 legislative services agency pursuant to chapter
 8 42, or bills passed by both houses in different
 9 forms. Subsection 2 of this rule does not apply to
 10 appropriations bills, ways and means bills, legalizing
 11 acts, administrative rules review committee bills,
 12 bills sponsored by standing committees in response to
 13 a referral from the president of the senate or the
 14 speaker of the house of representatives relating to
 15 an administrative rule whose effective date has been
 16 delayed until the adjournment of the next regular
 17 session of the general assembly by the administrative
 18 rules review committee, bills cosponsored by the
 19 majority and minority floor leaders of the senate,
 20 bills in conference committee, and companion bills
 21 sponsored by the majority floor leaders of both houses
 22 after consultation with the respective minority floor
 23 leaders. For the purposes of this rule, a joint
 24 resolution is considered as a bill. To be considered
 25 an appropriations or ways and means bill for the
 26 purposes of this rule, the appropriations committee or
 27 the ways and means committee must either be the sponsor
 28 of the bill or the committee of first referral in the
 29 senate.
 30 2. To be placed on the calendar in the senate a

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1 senate bill must be first reported out of a standing
 2 committee by Friday of the ~~9th~~ 8th week of the first
 3 session and the ~~5th~~ 8th week of the second session. A
 4 house bill must be first reported out of a standing
 5 committee by Friday of the ~~13th~~ 12th week of the first
 6 session and the ~~8th~~ 11th week of the second session to
 7 be placed on the senate calendar.
 8 3. During the ~~14th~~ 10th week of the first session
 9 and the 9th week of the second session, the senate
 10 shall consider only bills originating in the senate and
 11 unfinished business. During the ~~14th~~ 13th week of the
 12 first session and the 12th week of the second session,
 13 the senate shall consider only bills originating in
 14 the house and unfinished business. Beginning with the
 15 ~~15th~~ 14th week of the first session and the ~~10th~~ 13th
 16 week of the second session, the senate shall consider
 17 only bills passed by both houses, bills exempt from

18 subsection 2 and unfinished business.

19 4. A motion to reconsider filed and not disposed
20 of on an action taken on a bill or resolution which is
21 subject to a deadline under this rule may be called up
22 at any time before or after the day of the deadline by
23 the person filing the motion or after the deadline by
24 the majority floor leader, notwithstanding any other
25 rule to the contrary.

26 BE IT FURTHER RESOLVED, That should a system
27 of deadlines for the time of committee passage and
28 consideration of bills be adopted by joint action
29 of the senate and house at any time during the
30 ~~eighty-third~~ eighty-fourth general assembly, those

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1 provisions shall supersede the provisions of rule 60.

Senate Resolution 3: filed January 25, 2011; adopted by the
Senate on February 3, 2011.

SENATE RESOLUTION 3
BY COMMITTEE ON ETHICS

1 A resolution relating to the Senate Code of Ethics
2 governing the conduct of members of the Senate in
3 relation to their senatorial duties during the
4 Eighty-fourth General Assembly.

5 BE IT RESOLVED BY THE SENATE, That the Senate Code
6 of Ethics for the ~~Eighty-third~~ Eighty-fourth General
7 Assembly shall be amended to read as follows:

8 SENATE CODE OF ETHICS

9 PREAMBLE. Every legislator owes a duty to uphold
10 the integrity and honor of the general assembly, to
11 encourage respect for the law and for the general
12 assembly and the members thereof, and to observe the
13 legislative code of ethics.

14 In doing so, members of the senate have a duty
15 to conduct themselves so as to reflect credit on
16 the general assembly, and to inspire the confidence,
17 respect, and trust of the public, and to strive to
18 avoid both unethical and illegal conduct and the
19 appearance of unethical and illegal conduct.

20 Recognizing that service in the Iowa general
21 assembly is a part-time endeavor and that members of
22 the general assembly are honorable individuals who
23 are active in the affairs of their localities and
24 elsewhere and that it is necessary that they maintain
25 a livelihood and source of income apart from their
26 legislative compensation, the following rules are
27 adopted pursuant to section 68B.31, to assist the

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- 1 members in the conduct of their legislative affairs.
2 1. ECONOMIC INTEREST OF SENATOR. Taking into
3 account that legislative service is part-time, a
4 senator shall not accept economic or investment
5 opportunity, under circumstances where the senator
6 knows, or should know, that there is a reasonable
7 possibility that the opportunity is being afforded the
8 senator with intent to influence the senator's conduct
9 in the performance of official duties.
10 2. DIVESTITURE. Where a senator learns that
11 an economic or investment opportunity previously
12 accepted was offered with the intent of influencing
13 the senator's conduct in the performance of official
14 duties, the senator shall take steps to divest that
15 senator of that investment or economic opportunity, and
16 shall report the facts of the situation to the senate
17 ethics committee.
18 3. CHARGES FOR SERVICES. A senator shall not
19 charge to or accept from a person, corporation,
20 partnership, or association known to have a legislative
21 interest a price, fee, compensation, or other
22 consideration for the sale or lease of any property or
23 the furnishing of services which is in excess of that
24 which the senator would charge another.
25 4. USE OF CONFIDENTIAL INFORMATION. A senator in
26 order to further the senator's own economic or other
27 interests, or those of any other person, shall not
28 disclose or use confidential information acquired in
29 the course of official duties.
30 5. HONORARIA. A senator shall not accept an

Page 3

- 1 honorarium from a restricted donor for a speech,
2 writing for publication, or other similar activity,
3 except as otherwise provided in section 68B.23.
4 6. EMPLOYMENT. A senator shall not accept
5 employment, either directly or indirectly, from a
6 political action committee or from an organization
7 exempt from taxation under section 501(c)(4),
8 501(c)(6), or 527 of the Internal Revenue Code that
9 engages in activities related to the nomination,
10 election, or defeat of a candidate for public office.
11 A senator may accept employment from a political
12 party, but shall disclose the employment relationship
13 in writing to the secretary of the senate within ten
14 days after the beginning of each legislative session.
15 If a senator accepts employment from a political
16 party during a legislative session, the senator shall
17 disclose the employment relationship within ten days

18 after acceptance of the employment.

19 For the purpose of this rule, a political action
 20 committee means a committee, but not a candidate's
 21 committee, which accepts contributions, makes
 22 expenditures, or incurs indebtedness in the aggregate
 23 of more than seven hundred fifty dollars in any one
 24 calendar year to expressly advocate the nomination,
 25 election, or defeat of a candidate for public office
 26 or to expressly advocate the passage or defeat of
 27 a ballot issue or influencing legislative action,
 28 or an association, lodge, society, cooperative,
 29 union, fraternity, sorority, educational institution,
 30 civic organization, labor organization, religious

Page 4

1 organization, or professional organization which makes
 2 contributions in the aggregate of more than seven
 3 hundred fifty dollars in any one calendar year to
 4 expressly advocate the nomination, election, or defeat
 5 of a candidate for public office or ballot issue or
 6 influencing legislative action.

7 7. ECONOMIC INTERESTS OF LOBBYIST. With the
 8 exception of exercising unfettered discretion in
 9 supporting or refusing to support proposed legislation,
 10 a senator shall not take action intended to affect the
 11 economic interests of a lobbyist or citizen supporting
 12 or opposing proposed legislation.

13 8. APPEARANCE BEFORE GOVERNMENTAL AGENCY. A
 14 senator may appear before a governmental agency or
 15 board in any representation case, except that the
 16 senator shall not act as a lobbyist. Whenever a
 17 senator appears before a governmental agency or board,
 18 the senator shall carefully avoid all conduct which
 19 might in any way lead members of the general public
 20 to conclude that the senator is using the senator's
 21 official position to further the senator's professional
 22 success or personal financial interest.

23 9. CONFLICTS OF INTERESTS. In order to permit the
 24 general assembly to function effectively, a senator
 25 will sometimes be required to vote on bills and
 26 participate in committee work which will affect the
 27 senator's employment and other monetary interests. In
 28 making a decision relative to the senator's activity on
 29 given bills or committee work which are subject to the
 30 code, the following factors shall be considered:

Page 5

- 1 a. Whether a substantial threat to the senator's
- 2 independence of judgment has been created by the
- 3 conflict situation.

4 b. The effect of the senator's participation on
5 public confidence in the integrity of the legislature.

6 c. The need for the senator's particular
7 contribution, such as special knowledge of the
8 subject matter, to the effective functioning of the
9 legislature.

10 A senator with a conflict of interest may
11 participate in floor debate if prior to debate the
12 senator indicates the conflict of interest.

13 10. GIFTS. Except as otherwise provided in section
14 68B.22, a senator, or that person's immediate family
15 member, shall not, directly or indirectly, accept or
16 receive any gift or series of gifts from a restricted
17 donor.

18 11. DISCLOSURE REQUIRED. Each senator shall file
19 with the secretary of the senate within ten days after
20 the adoption of the code of ethics by the senate, and
21 within ten days after the convening of the second
22 session of the general assembly, a statement under
23 section 68B.35 on forms provided by the secretary of
24 the senate setting forth the following information:

25 The nature of each business in which the senator
26 is engaged and the nature of the business of each
27 company in which the senator has a financial interest.
28 A senator shall not be required to file a report or
29 be assumed to have a financial interest if the annual
30 income derived from the investment in stocks, bonds,

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1 bills, notes, mortgages, or other securities offered
2 for sale through recognized financial brokers is less
3 than one thousand dollars.

4 Disclosures required under this rule shall be as
5 of the date filed unless provided to the contrary,
6 and shall be amended to include interests and changes
7 encompassed by this rule that occur while the general
8 assembly is in session. All filings under this rule
9 shall be open to public inspection in the office of the
10 secretary of the senate at all reasonable times.

11 The secretary of the senate shall inform the
12 ethics committee of the statements which are filed
13 and shall report to the ethics committee the names of
14 any senators who appear not to have filed complete
15 statements. The chairperson of the ethics committee
16 shall request in writing that a senator who has failed
17 to complete the report or appears to have filed an
18 incomplete report do so within five days, and, upon
19 the failure of the senator to comply, the ethics
20 committee shall require the senator to appear before
21 the committee.

22 12. STATUTORY VIOLATIONS. Members of the general

23 assembly are urged to familiarize themselves with
 24 chapters 68B, 721, and 722.
 25 13. CHARGE ACCOUNTS. Senators shall not charge any
 26 amount or item to any charge account to be paid for by
 27 any lobbyist or any client the lobbyist represents.
 28 14. TRAVEL EXPENSES. A senator shall not charge
 29 to the state of Iowa amounts for travel and expenses
 30 unless the senator actually has incurred those mileage

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1 and expense costs. Senators shall not file the
 2 vouchers for weekly mileage reimbursement required
 3 by section 2.10, subsection 1, unless the travel
 4 was actually incurred at commensurate expense to the
 5 senator.
 6 15. COMPLAINTS. Complaints or charges against
 7 any senator or any lobbyist shall be in writing,
 8 made under oath, and filed with the secretary of the
 9 senate or the chairperson of the ethics committee. If
 10 filed with the secretary of the senate, the secretary
 11 shall immediately advise the chairperson of the ethics
 12 committee of the receipt of the complaint.
 13 Complaint forms shall be available from the
 14 secretary of the senate, or the chairperson of the
 15 ethics committee, but a complaint shall not be rejected
 16 for failure to use an approved form if the complaint
 17 substantially complies with senate requirements.
 18 A complainant may submit exhibits and affidavits
 19 attached to the complaint.
 20 16. FILING OF COMPLAINTS.
 21 a. Persons entitled. Complaints may be filed by
 22 any person believing that a senator ~~or~~ lobbyist, or
 23 client of a lobbyist has violated the senate ethics
 24 code, the senate rules governing lobbyists, or chapter
 25 68B of the Iowa Code. A violation of the criminal
 26 law may be considered to be a violation of this code
 27 of ethics if the violation constitutes a serious
 28 misdemeanor or greater, or a repetitive and flagrant
 29 violation of the law.
 30 b. Committee complaint. The ethics committee

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1 may, upon its own motion, initiate a complaint,
 2 investigation, or disciplinary action.
 3 c. Timeliness of filing. A complaint will be
 4 considered to be timely filed if it is filed within
 5 three years of the occurrence of the alleged violation
 6 of the ethics code.
 7 17. PERMANENT RECORD. The secretary of the senate
 8 shall maintain a permanent record of all complaints

9 filed, evidence received by the committee, and any
10 transcripts or other recordings made of committee
11 proceedings, including a separate card file containing
12 the date filed, name and address of the complainant,
13 name and address of the respondent, a brief statement
14 of the charges made, and ultimate disposition of
15 the complaint. The secretary shall keep each such
16 complaint confidential until public disclosure is made
17 by the ethics committee.

18 18. PREHEARING PROCEDURE.

19 a. Defective complaint. Upon receipt of a
20 complaint, the chairperson and ranking member of the
21 ethics committee shall determine whether the complaint
22 substantially complies with the requirements of this
23 code of ethics and section 68B.31, subsection 6. If
24 the complaint does not substantially comply with
25 the requirements for formal sufficiency under the
26 code of ethics, the complaint may be returned to the
27 complainant with a statement that the complaint is not
28 in compliance with the code and a copy of the code. If
29 the complainant fails to amend the complaint to comply
30 with the code within a reasonable time, the chair and

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1 ranking member may dismiss the complaint with prejudice
2 for failure to prosecute.

3 b. Service of complaint on respondent. Upon
4 receipt of any complaint substantially complying
5 with the requirements of this code of ethics, the
6 chairperson of the ethics committee shall cause a copy
7 of the complaint and any supporting information to
8 be delivered promptly to the respondent, requesting
9 a written response to be filed within ten days. The
10 response may do any of the following:

11 (1) Admit or deny the allegation or allegations.

12 (2) Object that the allegation fails to allege a
13 violation of chapter 68B or the code of ethics.

14 (3) Object to the jurisdiction of the committee.

15 (4) Request a more specific statement of the
16 allegation or allegations.

17 c. Objection to member. In addition to the
18 items which may be included in a response pursuant
19 to paragraph "b", the response may also include an
20 objection to the participation of any member of the
21 committee in the consideration of the allegation or
22 allegations on the grounds that the member cannot
23 render an impartial and unbiased decision.

24 d. Extension of time. At the request of the
25 respondent and upon a showing of good cause, the
26 committee, or the chairperson and ranking member,
27 may extend the time for response, not to exceed ten

28 additional days.

29 e. Confidentiality. If a complaint is not
30 otherwise made public, the members of the committee

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1 shall treat the complaint and all supporting
2 information as confidential until the written response
3 is received from the respondent.

4 f. Communications with ethics committee. After a
5 complaint has been filed or an investigation has been
6 initiated, a party to the complaint or investigation
7 shall not communicate, or cause another to communicate,
8 as to the merits of the complaint or investigation with
9 a member of the committee, except under the following
10 circumstances:

11 (1) During the course of any meetings or other
12 official proceedings of the committee regarding the
13 complaint or investigation.

14 (2) In writing, if a copy of the writing is
15 delivered to the adverse party or the designated
16 representative for the adverse party.

17 (3) Orally, if adequate prior notice of the
18 communication is given to the adverse party or the
19 designated representative for the adverse party.

20 (4) As otherwise authorized by statute, the senate
21 code of ethics, the senate rules governing lobbyists,
22 or vote of the committee.

23 g. Scheduling hearing. Upon receipt of the
24 response, the committee shall schedule a public meeting
25 to review the complaint and available information, and
26 shall do one of the following:

27 (1) Notify the complainant that no further
28 action will be taken, unless further substantiating
29 information is produced, ~~or~~.

30 (2) Dismiss the complaint for failure to meet the

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1 statutory and code of ethics requirements for valid
2 complaints, ~~or~~.

3 (3) Take action on the complaint without requesting
4 the appointment of an independent special counsel
5 if the committee determines the complaint is valid
6 and determines no dispute exists between the parties
7 regarding the material facts that establish a
8 violation. The committee may do any of the following:

9 (a) Issue an admonishment to advise against the
10 conduct that formed the basis for the complaint and to
11 exercise care in the future.

12 (b) Issue an order to cease and desist the conduct
13 that formed the basis for the complaint.

14 (c) Make a recommendation to the senate that
15 the person subject to the complaint be censured or
16 reprimanded.
17 ~~(3)~~ (4) Request that the chief justice of the
18 supreme court appoint an independent special counsel
19 to conduct an investigation of the complaint and
20 supporting information, to make a determination of
21 probable cause, and to report the findings to the
22 committee, which shall be received within a reasonable
23 time.
24 h. Public hearing. If independent special counsel
25 is appointed, upon receipt of the report of independent
26 special counsel's findings, the committee shall
27 schedule a public meeting to review the report and
28 shall do either of the following:
29 (1) Cause the complaint to be scheduled for a
30 public hearing.

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1 (2) Dismiss the complaint based upon a
2 determination by independent special counsel and the
3 committee that insufficient evidence exists to support
4 a finding of probable cause.
5 19. HEARING PROCEDURE.
6 a. Notice of hearing. If the committee causes
7 a complaint to be scheduled for a public hearing,
8 notice of the hearing date and time shall be given to
9 the complainant and respondent in writing, and of the
10 respondent's right to appear in person, be represented
11 by legal counsel, present statements and evidence, and
12 examine and cross-examine witnesses. The committee
13 shall not be bound by formal rules of evidence, but
14 shall receive relevant evidence, subject to limitations
15 on repetitiveness. Any evidence taken shall be under
16 oath.
17 b. Subpoena power. The committee may require, by
18 subpoena or otherwise, the attendance and testimony of
19 witnesses and the production of such books, records,
20 correspondence, memoranda, papers, documents, and any
21 other things it deems necessary to the conduct of the
22 inquiry.
23 c. Ex post facto. An investigation shall not be
24 undertaken by the committee of a violation of a law,
25 rule, or standard of conduct that is not in effect at
26 the time of violation.
27 d. Disqualification of member. Members of the
28 committee may disqualify themselves from participating
29 in any investigation of the conduct of another person
30 upon submission of a written statement that the member

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1 cannot render an impartial and unbiased decision
 2 in a case. A member may also be disqualified by a
 3 unanimous vote of the remaining eligible members of the
 4 committee.
 5 A member of the committee is ineligible to
 6 participate in committee meetings, as a member of the
 7 committee, in any proceeding relating to the member's
 8 own official conduct.
 9 If a member of the committee is disqualified or
 10 ineligible to act, the majority or minority leader who
 11 appointed the member shall appoint a replacement member
 12 to serve as a member of the committee during the period
 13 of disqualification or ineligibility.
 14 e. Hearing. At the hearing, the chairperson shall
 15 open the hearing by stating the charges, the purpose of
 16 the hearing, and its scope. The burden of proof rests
 17 upon the complainant to establish the facts as alleged,
 18 by clear and convincing evidence. However, questioning
 19 of witnesses shall be conducted by the members of the
 20 committee, by independent special counsel, or by a
 21 senator. The chairperson shall also permit questioning
 22 by legal counsel representing the complainant or
 23 respondent.
 24 The chairperson or other member of the committee
 25 presiding at a hearing shall rule upon procedural
 26 questions or any question of admissibility of evidence
 27 presented to the committee. Rulings may be reversed by
 28 a majority vote of the committee members present.
 29 The committee may continue the hearing to a future
 30 date if necessary for appropriate reasons or purposes.

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1 f. Committee action. Upon receipt of all relevant
 2 evidence and arguments, the committee shall consider
 3 the same and recommend to the senate any of the
 4 following:
 5 (1) That the complaint be dismissed, ~~or,~~
 6 (2) That the senator, ~~or lobbyist,~~ or client of
 7 lobbyist be censured or reprimanded, and recommend the
 8 appropriate form of censure or reprimand, ~~or,~~
 9 (3) Any other appropriate sanction, including
 10 suspension or expulsion from membership in the senate,
 11 or suspension of lobbying privileges.
 12 g. Disposition resolution. By appropriate
 13 resolution, the senate may amend, adopt, or reject
 14 the report of the ethics committee, including the
 15 committee's recommendations regarding disciplinary
 16 action.
 17 20. COMMITTEE AUTHORIZED TO MEET. The senate

18 ethics committee is authorized to meet at the
19 discretion of the chairperson to conduct hearings and
20 other business that properly may come before it. If
21 the committee submits a report seeking senate action
22 against a senator, ~~or~~ lobbyist, or client of a lobbyist
23 after the second regular session of a general assembly
24 has adjourned sine die, the report shall be submitted
25 to and considered by the subsequent general assembly.
26 However, the report may be submitted to and considered
27 during any special session which may take place after
28 the second regular session of a general assembly has
29 adjourned sine die, but before the convening of the
30 next general assembly.

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1 21. ADVISORY OPINIONS.

2 a. Requests for formal opinions. A request for a
3 formal advisory opinion may be filed by any person who
4 is subject to the authority of the ethics committee.
5 The ethics committee may also issue a formal advisory
6 opinion on its own motion, without having previously
7 received a formal request for an opinion, on any issue
8 that is within the jurisdiction of the committee.
9 Requests shall be filed with either the secretary of
10 the senate or the chairperson of the ethics committee.
11 b. Form and contents of requests. A request for
12 a formal advisory opinion shall be in writing and
13 may pertain to any subject matter that is related to
14 the application of the senate code of ethics, the
15 senate rules governing lobbyists, or chapter 68B of
16 the Code to any person who is subject to the authority
17 of the ethics committee. Requests shall contain one
18 or more specific questions and shall relate either to
19 future conduct or be stated in the hypothetical. A
20 request for an advisory opinion shall not specifically
21 name any individual or contain any other specific
22 identifying information, unless the request relates
23 to the requester's own conduct. However, any request
24 may contain information which identifies the kind of
25 individual who may be affected by the subject matter
26 of the request. Examples of this latter kind of
27 identifying information may include references to
28 conduct of a category of individuals, such as but not
29 limited to conduct of legislators, legislative staff,
30 ~~or~~ lobbyists, or clients of lobbyists.

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1 c. Confidentiality of formal requests and opinions.
2 Requests for formal opinions are not confidential and
3 any deliberations of the committee regarding a request

4 for a formal opinion shall be public. Opinions issued
 5 in response to requests for formal opinions are not
 6 confidential, shall be in writing, and shall be placed
 7 on file in the office of the secretary of the senate.
 8 Persons requesting formal opinions shall personally
 9 receive a copy of the written formal opinion that is
 10 issued in response to the request.

11 22. CALCULATION OF TIME — DAYS. For purposes of
 12 these rules, unless the context otherwise requires,
 13 the word “day” or “days” shall mean a calendar day
 14 except that if the day is the last day of a specific
 15 time period and falls upon a Saturday, Sunday, or legal
 16 holiday, the time prescribed shall be extended so as to
 17 include the whole of the next day in which the offices
 18 of the senate and the general assembly are open for
 19 official business.

20 23. COMPLAINT FILING FORM. The following form
 21 shall be used to file a complaint under these rules:

22 THE SENATE

23 Ethics Complaint Form

24 Re: _____ (Senator/Lobbyist),
 25 of _____, Iowa.
 26 I, _____ (Complainant), residing
 27 at _____, in the City of _____,
 28 State of _____, hereby complain that
 29 _____ (Senator/Lobbyist), whose
 30 address is _____,

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1 has violated the Senate Code of Ethics or Senate Rules
 2 Governing Lobbyists in that:
 3 (Explain the basis for the complaint here. Use
 4 additional pages, if necessary.)

5 Under penalty of perjury, I certify that the above
 6 complaint is true and correct as I verily believe.

7 _____
 8 Signature of Complainant

9 SUBSCRIBED AND AFFIRMED to before me this _____
 10 day of _____, _____.

11 _____
 12 Notary Public in and for the
 13 State of _____

14 24. COMPLAINT NOTICE FORM. The following form
 15 shall be used for notice of a complaint under these
 16 rules:

17 STATE OF IOWA

18 THE SENATE

19 COMMITTEE ON ETHIC)
 20 IOWA STATE SENATE)
 21)
 22 On The Complaint Of)

NOTICE OF COMPLAINT

23)
 24 _____)
 25)
 26 And Involving)
 27)
 28 _____)
 29)
 30 TO _____,

Page 18

1 Senator or Lobbyist named above:
 2 You are hereby notified that there is now on file
 3 with the Secretary of the Senate, State Capitol, Des
 4 Moines, Iowa, a complaint which alleges that you have
 5 committed a violation of the Senate's Code of Ethics or
 6 Senate Rules Governing Lobbyists.
 7 A copy of the complaint and the Senate rules for
 8 processing the same are attached hereto and made a part
 9 of this notice.
 10 You are further notified and requested to file your
 11 written answer to the complaint within ten days of the
 12 date upon which the notice was caused to be delivered
 13 to you, (date) _____,
 14 Your answer is to be filed with the Secretary of the
 15 Senate, State Capitol, Des Moines, Iowa.
 16 Dated this _____ day of _____, _____.

 Chair, Senate Ethics Committee,
 or Secretary of the Senate

20 25. HEARING NOTICE FORM. The following form shall
 21 be used for notice of a hearing under these rules:

STATE OF IOWA
 THE SENATE

24 COMMITTEE ON ETHICS)
 25 IOWA STATE SENATE)
 26)
 27 On The Complaint Of) NOTICE OF HEARING
 28)
 29 _____)
 30)

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1 And Involving)
 2)
 3 _____)
 4)
 5 TO _____,

6 Senator or Lobbyist named above:
 7 You are hereby notified that there is now on file
 8 with the Secretary of the Senate, State Capitol, Des

9 Moines, Iowa, a complaint which alleges that you have
 10 committed a violation of the Senate's Code of Ethics or
 11 Senate Rules Governing Lobbyists.
 12 A copy of the complaint and the Senate rules for
 13 processing the same are attached hereto and made a part
 14 of this notice.
 15 You are further notified that, after preliminary
 16 review, the committee has caused a public hearing to be
 17 scheduled on (date) _____, _____, at
 18 (hour) _____ (a.m.) (p.m.), in Room ____, State
 19 Capitol, Des Moines, Iowa.
 20 At the hearing, you will have the right to appear
 21 in person, be represented by legal counsel at your own
 22 expense, present statements and evidence, and examine
 23 and cross-examine witnesses. The committee shall
 24 not be bound by formal rules of evidence, but shall
 25 receive relevant evidence, subject to limitations on
 26 repetitiveness. Any evidence taken shall be under
 27 oath.
 28 The committee may continue the hearing to a future
 29 date if necessary for appropriate reasons or purposes.
 30 You are further notified that the committee will

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1 receive such evidence and take such action as warranted
 2 by the evidence.
 3 Dated this ____ day of _____, _____.
 4 _____
 5 Chair, Senate Ethics Committee,
 6 or Secretary of the Senate
 7 26. PERSONAL FINANCIAL DISCLOSURE FORM. The
 8 following form shall be used for disclosure of economic
 9 interests under these rules and section 68B.35:
 10 STATEMENT OF ECONOMIC INTERESTS
 11 Name: _____
 12 (Last) (First) (Middle Initial)
 13 Address: _____
 14 (Street Address, Apt.#/P.O. Box)
 15 _____
 16 (City) (State) (Zip)
 17 Phone:(Home) ____/____-____(Business) ____/____-____
 18 *****
 19 a. Please list each business, occupation, or
 20 profession in which you are engaged. In listing
 21 the business, occupation, or profession, it is
 22 not necessary that your employer or the name of
 23 the business be listed, although all businesses,
 24 occupations, or professions must be listed, regardless
 25 of the amount of income derived or time spent
 26 participating in the activity. (Examples of types
 27 of businesses, occupations, or professions that may

28 be listed: teacher, lawyer, legislator, real estate
29 agent, insurance adjuster, salesperson....)
30 (1) _____

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1 (2) _____
2 (3) _____
3 (4) _____
4 (5) _____

5 b. Please list the nature of each of the
6 businesses, occupations, or professions which you
7 listed in paragraph "a", above, unless the nature of
8 the business, occupation, or profession is already
9 apparent from the information indicated above. The
10 descriptions in this paragraph should correspond by
11 number to the numbers for each of the businesses,
12 occupations, or professions listed in paragraph "a".
13 (Examples: If you indicated, for example, that you
14 were a salesperson in subparagraph (1) of paragraph
15 "a", you should list in subparagraph (1) of this
16 paragraph the types of goods or services sold in this
17 item. If you indicated that you were a teacher in
18 subparagraph (2) of paragraph "a", you should indicate
19 in subparagraph (2) of this paragraph the type of
20 school or institution in which you provide instruction
21 or whether the instruction is provided on a private
22 basis. If you indicated that you were a lawyer in
23 subparagraph (3) of paragraph "a", you should indicate
24 your areas of practice and whether you are in private,
25 corporate, or government practice in subparagraph (3)
26 of this paragraph. If you indicated in subparagraph
27 (4) of paragraph "a" that you were a consultant, in
28 subparagraph (4) of this paragraph you should indicate
29 the kind of services provided and types of clients
30 served.)

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1 (1) _____
2 (2) _____
3 (3) _____
4 (4) _____
5 (5) _____

6 c. Please list each source, by general description,
7 from which you receive, or which generates, more than
8 one thousand dollars in gross annual income in the
9 categories listed below. For purposes of this item,
10 a source produces gross annual income if the revenue
11 produced by the source is subject to federal or state
12 income taxes. In completing this item, it is not
13 necessary to list the name of the company, business,

14 financial institution, corporation, partnership, or
15 other entity which constitutes the source of the income
16 and the amount or value of the holding should not be
17 listed.

18 (1) Securities (Here for example, you need not
19 state that you own X number of shares of any specific
20 company by brand or corporate name, or that the stock
21 is of a certain value, but may instead state that you
22 possess stock in a company and indicate the nature of
23 the company's business.):

24 _____
25 _____
26 _____
27 _____
28 _____

29 (2) Instruments of Financial Institutions (You
30 need not indicate, for example, in which institutions

Page 23

1 you hold certificates of deposit that produce annual
2 income over the one thousand dollar threshold, but
3 simply listing the nature of the institution will
4 suffice, e.g., bank, credit union, or savings and loan
5 association.):

6 _____
7 _____
8 _____
9 _____
10 _____

11 (3) Trusts (The name of the particular trust need
12 not be listed. However, if the income is received
13 from a charitable trust/foundation, such as the Pugh
14 Charitable Trust, in the form of a grant, the fact that
15 the trust is a charitable trust should be noted here.):

16 _____
17 _____
18 _____
19 _____
20 _____

21 (4) Real Estate (When listing real estate, it is
22 not necessary to list the location of the property, but
23 the general nature of the real estate interest should
24 be indicated, e.g., residential leasehold interest or
25 farm leasehold interest.):

26 _____
27 _____
28 _____
29 _____
30 _____

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1 (5) Retirement Systems (When listing retirement
 2 benefits, it is not necessary to list the name of
 3 the particular pension system or company, but rather
 4 the type of benefit should be listed, e.g., health
 5 benefits, life insurance benefits, private pension, or
 6 government pension.):
 7 _____
 8 _____
 9 _____
 10 _____
 11 _____
 12 (6) Other Income Categories Specified in State or
 13 Federal Income Tax Regulations (List description of
 14 other sources of income producing over one thousand
 15 dollars in annual income not previously reported above,
 16 but which must be reported for income tax purposes.):
 17 _____
 18 _____
 19 _____
 20 _____
 21 _____
 22 _____
 23 _____
 24 (Signature of filer) (Date)

Senate Resolution 4: filed January 26, 2011; adopted by the Senate on February 1, 2011.

SENATE RESOLUTION 4
 BY COMMITTEE ON ETHICS

1 A resolution relating to the Senate Rules Governing
 2 Lobbyists and their interactions with the Senate
 3 and members of the Senate during the Eighty-fourth
 4 General Assembly.
 5 BE IT RESOLVED BY THE SENATE, That the Senate Rules
 6 Governing Lobbyists for the ~~Eighty-third~~ Eighty-fourth
 7 General Assembly shall be as follows:
 8 SENATE RULES GOVERNING LOBBYISTS
 9 1. DEFINITIONS. As used in these rules, “client”,
 10 “gift”, “honoraria” or “honorarium”, “immediate family
 11 member”, and “lobbyist” have the meaning provided
 12 in chapter 68B. As used in these rules, the term
 13 “political action committee” means a committee, but not
 14 a candidate’s committee, which accepts contributions,
 15 makes expenditures, or incurs indebtedness in the
 16 aggregate of more than seven hundred fifty dollars
 17 in any one calendar year to expressly advocate the
 18 nomination, election, or defeat of a candidate for
 19 public office or to expressly advocate the passage or

20 defeat of a ballot issue or influencing legislative
 21 action, or an association, lodge, society, cooperative,
 22 union, fraternity, sorority, educational institution,
 23 civic organization, labor organization, religious
 24 organization, or professional or other organization
 25 which makes contributions in the aggregate of more than
 26 seven hundred fifty dollars in any one calendar year
 27 to expressly advocate the nomination, election, or

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1 defeat of a candidate for public office or to expressly
 2 advocate the passage or defeat of a ballot issue or
 3 influencing legislative action.
 4 2. APPLICABILITY. These rules are only applicable
 5 to lobbying activities involving the Iowa general
 6 assembly.
 7 3. REGISTRATION REQUIRED. All lobbyists shall,
 8 on or before the day their lobbying activity begins,
 9 register in the manner provided under section 68B.36
 10 by filing a completed lobbyist's registration form
 11 with the person or persons designated by the chief
 12 clerk of the house and the secretary of the senate to
 13 receive lobbyist registration statements. Lobbyist
 14 registration forms shall be available in the office
 15 of the chief clerk of the house and the secretary of
 16 the senate. In addition, the lobbyist shall file with
 17 the secretary of the senate a statement of the general
 18 subjects of legislation in which the lobbyist is or may
 19 be interested, the numbers of the bills and resolutions
 20 and the bill number of study bills (if known) which
 21 will be lobbied, whether the lobbyist intends to lobby
 22 for or against each bill, resolution, or study bill (if
 23 known), and on whose behalf the lobbyist is lobbying
 24 the bill, resolution, or study bill.
 25 Any change in or addition to the foregoing
 26 information shall be registered with the person or
 27 persons designated by the chief clerk of the house
 28 and the secretary of the senate to receive lobbyist
 29 registration statements within ten days after the
 30 change or addition is known to the lobbyist.

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1 Registration expires upon the commencement of
 2 the next regular session of the general assembly,
 3 except that the secretary of the senate may adopt and
 4 implement a reasonable preregistration procedure in
 5 advance of each regular session during which persons
 6 may register for that session and the following
 7 legislative interim.
 8 4. CANCELLATION OF REGISTRATION. If a lobbyist's

9 service on behalf of a particular employer, client, or
 10 cause is concluded prior to the end of the calendar
 11 year, the lobbyist may cancel the registration on
 12 appropriate forms supplied by the secretary of the
 13 senate. Upon cancellation of registration, a lobbyist
 14 is prohibited from engaging in any lobbying activity on
 15 behalf of that particular employer, client, or cause
 16 until reregistering and complying with these rules. A
 17 lobbyist's registration is valid for only one session
 18 of a general assembly.

19 5. AMENDMENT OF REGISTRATION. If a registered
 20 lobbyist represents more than one employer, client,
 21 or cause and the lobbyist's services are concluded
 22 on behalf of a particular employer, client, or cause
 23 after the lobbyist registers but before the first day
 24 of the next legislative session, the lobbyist shall
 25 file an amendment to the lobbyist's registration
 26 indicating which employer, client, or cause is no
 27 longer represented by the lobbyist and the date upon
 28 which the representation concluded.

29 If a lobbyist is retained by one or more additional
 30 employers, clients, or causes after the lobbyist

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1 registers but before the first day of the next
 2 legislative session, the lobbyist shall file an
 3 amendment to the lobbyist's registration indicating the
 4 employer, client, or cause to be added and the date
 5 upon which the representation begins.

6 Amendments to a lobbyist's registration regarding
 7 changes which occur during the time that the general
 8 assembly is in session shall be filed within one
 9 working day after the date upon which the change in the
 10 lobbyist's representation becomes effective.

11 6. PUBLIC ACCESS. All information filed by a
 12 lobbyist or a client of a lobbyist under chapter 68B
 13 of the Code is a public record and open to public
 14 inspection at any reasonable time.

15 7. LOBBYIST AND CLIENT REPORTING. Each lobbyist
 16 ~~registered with the senate and each~~ lobbyist's client
 17 shall file the reports required under ~~sections 68B.37~~
 18 ~~and section~~ 68B.38 with the secretary of the senate.

19 For purposes of this rule, and the ~~reports report~~
 20 required under ~~sections 68B.37 and section~~ 68B.38,
 21 ~~services enumerated under section 68B.2, subsection~~
 22 ~~13, paragraph "a" and~~ "lobbying purposes" include, but
 23 are not limited to, the following:

24 a. Time spent by the lobbyist at the state capitol
 25 building commencing with the first day of a legislative
 26 session and ending with the day of final adjournment of
 27 each legislative session as indicated by the journals

28 of the house and senate.

29 b. Time spent by the lobbyist attending meetings or
30 hearings which results in the lobbyist communicating

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1 with members of the general assembly or legislative
2 employees about current or proposed legislation.
3 c. Time spent by the lobbyist researching and
4 drafting proposed legislation with the intent to submit
5 the legislation to a member of the general assembly or
6 a legislative employee.

7 d. Time spent by the lobbyist actually
8 communicating with members of the general assembly
9 and legislative employees about current or proposed
10 legislation.

11 ~~7A. 8. ELECTRONIC FILING. A lobbyist or client~~
12 ~~of a lobbyist required to file information with the~~
13 ~~secretary of the senate pursuant to rules 3, 4, 5,~~
14 ~~and 7 is encouraged required to make such filings in~~
15 ~~an electronic format as directed by the secretary of~~
16 ~~the senate. The committee on ethics may direct the~~
17 ~~secretary of the senate to mandate electronic filing~~
18 ~~requirements for lobbyists and clients of lobbyists~~
19 ~~beginning for the 2010 legislative session.~~

20 ~~8. 9. GOVERNMENT OFFICIALS. All federal, state,~~
21 ~~and local officials or employees representing their~~
22 ~~departments, commissions, boards, or agencies shall~~
23 ~~present to the secretary of the senate a letter of~~
24 ~~authorization from their department or agency heads~~
25 ~~prior to the commencement of their lobbying. The~~
26 ~~lobbyist registration statement of these officials~~
27 ~~and employees shall not be deemed complete until the~~
28 ~~letter of authorization is attached. Federal, state,~~
29 ~~and local officials who wish to lobby in opposition to~~
30 ~~their departments, commissions, boards, or agencies~~

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1 must indicate such on their lobbyist registration
2 statements.

3 ~~9. 10. CHARGE ACCOUNTS AND LOANS. Lobbyists and~~
4 ~~the organizations they represent shall not allow any~~
5 ~~senators to charge any amounts or items to any charge~~
6 ~~account to be paid for by those lobbyists or by the~~
7 ~~organizations they represent. A lobbyist shall not~~
8 ~~make a loan to a senator unless the loan is made in the~~
9 ~~ordinary course of business, the lobbyist is in the~~
10 ~~business of making loans, and the terms and conditions~~
11 ~~of the loan are the same or substantially similar to~~
12 ~~the finance charges and loan terms that are available~~
13 ~~to members of the general public.~~

14 ~~40.~~ 11. OFFERS OF ECONOMIC OPPORTUNITY. A
15 lobbyist, an employer of a lobbyist, or a political
16 action committee shall not offer economic or investment
17 opportunity or promise of employment to any senator
18 with intent to influence the senator's conduct in the
19 performance of official duties.

20 A lobbyist shall not take action intended to
21 negatively affect the economic interests of a senator.
22 For purposes of this rule, supporting or opposing a
23 candidate for office or supporting or opposing a bill,
24 amendment, or resolution shall not be considered to
25 be action intended to negatively affect the economic
26 interests of a senator.

27 ~~41.~~ 12. MEMBERSHIP CONTRIBUTIONS. A lobbyist, or
28 employer of a lobbyist, shall not pay for membership in
29 or contributions to clubs or organizations on behalf
30 of a senator.

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1 ~~42.~~ 13. ACCESS TO SENATE FLOOR. Lobbyists shall
2 not be permitted on the floor of the senate while the
3 senate is in session. Elected state officials, except
4 the governor, lieutenant governor, and the members of
5 the house of representatives, shall not be permitted on
6 the floor of the senate while the senate is in session
7 to encourage the passage, defeat, or modification of
8 legislation.

9 ~~43.~~ 14. EFFECTIVE PERIOD. These rules governing
10 lobbyists shall be in effect throughout the calendar
11 year, whether or not the general assembly is in
12 session.

13 ~~44.~~ 15. GIFTS. A lobbyist or the client of a
14 lobbyist shall not, directly or indirectly, offer or
15 make a gift or a series of gifts to a senator, except
16 as otherwise provided in section 68B.22.

17 ~~45.~~ 16. HONORARIA. A lobbyist or client of a
18 lobbyist shall not give an honorarium to a member or
19 employee of the senate, except as otherwise provided in
20 section 68B.23.

21 ~~46.~~ 17. COMPLAINTS. Rules 15 through ~~23~~ 25 of
22 the senate code of ethics apply to complaints and
23 procedures regarding violations of these rules.

Senate Resolution 6: filed March 9, 2011; adopted by the Senate
on March 10, 2011.

SENATE RESOLUTION 6
BY BOETTGER and BOWMAN

1 A resolution to recognize March 2011 as Iowa Women's
2 History Month.

3 WHEREAS, Iowa women of every race, class, and
 4 ethnic background have made historic contributions
 5 to the growth and strength of our state and nation
 6 in countless recorded and unrecorded ways, including
 7 through the struggle for women's rights; and
 8 WHEREAS, Iowa women have played and continue to
 9 play a critical economic, cultural, and social role by
 10 constituting a significant portion of the labor force
 11 working inside and outside of the home, despite being
 12 underpaid; and
 13 WHEREAS, Iowa women were particularly important in
 14 the establishment of early charitable, philanthropic,
 15 and cultural institutions in our state and nation; and
 16 WHEREAS, Iowa women and men amended Article I,
 17 section 1, of the Constitution of Iowa to read that
 18 "All men and women are, by nature, free and equal, and
 19 have certain inalienable rights"; and
 20 WHEREAS, Iowa women have been leaders in business
 21 and industry as well as the abolitionist movement, the
 22 emancipation movement, the industrial labor movement,
 23 the civil rights movement, the peace movement, and the
 24 women's suffrage movement, which have created a more
 25 fair and just society for all; and
 26 WHEREAS, despite these contributions, and those
 27 of women throughout the world, the role of women
 28 has been consistently overlooked and undervalued in

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1 the literature, teaching, and study of history; NOW
 2 THEREFORE,
 3 BE IT RESOLVED BY THE SENATE, That the Senate
 4 recognizes the month of March 2011 as Iowa Women's
 5 History Month and invites the citizens of Iowa to
 6 continue to uncover the roles women have played
 7 throughout history.

Senate Resolution 7: filed March 9, 2011; adopted by the Senate
 on April 7, 2011.

SENATE RESOLUTION 7

BY BARTZ, JOHNSON, KETTERING, HAHN, SODDERS, BEHN,
 RAGAN, HAMERLINCK, BACON, KIBBIE, GRONSTAL,
 SCHOENJAHN, RIELLY, KAPUCIAN, BOETTGER, FEENSTRA,
 BEALL, CHELGREN, HANCOCK, WILHELM, SEYMOUR, DANDEKAR,
 MCKINLEY, ERNST, FRAISE, and SORENSON

1 A resolution urging the nullification of rules adopted
 2 by the United States Environmental Protection
 3 Agency relating to national emissions standards for
 4 hazardous air pollutants for reciprocating internal
 5 combustion engines.

6 WHEREAS, the United States Environmental
7 Protection Agency in March 2000 finalized national
8 emissions standards for hazardous air pollutants for
9 reciprocating internal combustion engines which took
10 effect in May 2010; and

11 WHEREAS, the rules would have a devastating impact
12 on Iowa's municipal utilities due to the fact that the
13 municipal utilities collectively operate 287 diesel
14 electric generators with a combined nameplate capacity
15 of 548 megawatts; and

16 WHEREAS, these rules impact 67 utilities that serve
17 a total of 106,000 customers with an average of 1,560
18 customer meters per utility; and

19 WHEREAS, Iowa's municipal electric utilities
20 operate diesel generators both to be able to keep the
21 lights on when transmissions lines are downed by ice,
22 wind, floods, or other natural disasters or man-made
23 emergencies, and to meet the obligation to own or buy
24 reserve capacity; and

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1 WHEREAS, the rules allow a municipal electric
2 utility to run diesel generators in an emergency, but
3 effectively take away the ability of a small community
4 to afford them by prohibiting the receipt of payment or
5 credit for reserve capacity; and

6 WHEREAS, the diesel generators run only a few hours
7 a year, with averages ranging from 14 to 46 hours
8 depending on power supply arrangements; and

9 WHEREAS, the application of the rules requires that
10 each of these engines either be retrofit, replaced,
11 or removed, resulting in huge cost increases to the
12 citizen owners of these utilities in the form of rate
13 increases and lost capacity; and

14 WHEREAS, the cost estimate if all 287 diesel
15 generators were to be retrofit for compliance over a
16 10-year period is \$36 million, which is an average cost
17 of \$34.14 per year per customer with costs as high
18 as \$203 per year per customer or more, and such cost
19 estimates would increase beyond this amount if diesel
20 generators are replaced or taken out of service; NOW
21 THEREFORE,

22 BE IT RESOLVED BY THE SENATE, That the United States
23 Environmental Protection Agency is urged to rescind
24 the national emissions standards for hazardous air
25 pollutants for reciprocating internal combustion
26 engines; and

27 BE IT FURTHER RESOLVED, That Iowa's Congressional
28 delegation is urged to take action to nullify the
29 rules; and

30 BE IT FURTHER RESOLVED, That the Secretary of the

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- 1 Senate shall forward a copy of this resolution to
- 2 the Administrator of the United States Environmental
- 3 Protection Agency and all members of Iowa's
- 4 Congressional delegation.

Senate Resolution 8: filed March 16, 2011; adopted by the Senate on March 23, 2011.

SENATE RESOLUTION 8
BY SODDERS and DOTZLER

- 1 A resolution supporting the Republic of China on Taiwan
- 2 as a part of the global community.
- 3 WHEREAS, the Republic of China (Taiwan) as the
- 4 world's 19th largest economy has achieved economic
- 5 and social stability and in the last two decades has
- 6 been lauded as a beacon of democracy for Asia, has
- 7 dramatically improved its record on human rights, and
- 8 has taken great steps forward to enter the world arena
- 9 as a trusted partner; and
- 10 WHEREAS, Taiwan's absence from international
- 11 organizations has impeded Taiwan's ability to
- 12 participate in global climate initiatives and to
- 13 respond to natural disasters like Typhoon Morakot,
- 14 which struck Taiwan in the summer of 2009, an unusually
- 15 destructive typhoon season in the Pacific; and
- 16 WHEREAS, the Taiwan government is grateful for
- 17 the assistance and condolences of the international
- 18 community in the wake of Typhoon Morakot in 2009, as
- 19 dozens of international organizations and nations
- 20 stepped up to help, including the United States, which
- 21 supplied military equipment for rescue and recovery
- 22 operations, the European Union, Japan, and the Chinese
- 23 mainland; and
- 24 WHEREAS, aviation safety has become a major global
- 25 concern since 2001, and Taiwan is a key air transport
- 26 hub in the Asia-Pacific region, with over 1.35 million
- 27 flights passing through the Taipei Flight Information
- 28 Region, and with the world's 15th-largest airport by

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- 1 cargo volume, Taoyuan International Airport; and
- 2 WHEREAS, the Taiwan government has undertaken a
- 3 policy of "flexible diplomacy" in its international
- 4 relations and a pragmatic approach to China, having
- 5 completed a number of cross-strait liberalization
- 6 measures, including regular, direct passenger
- 7 flights between mainland China and Taiwan and other
- 8 goodwill measures, resulting in reciprocal gestures

9 and rapprochement between Taipei and Beijing; NOW
10 THEREFORE,
11 BE IT RESOLVED BY THE SENATE, That the Senate
12 affirms its support for the participation of Taiwan
13 in the United Nations Framework Convention on Climate
14 Change (UNFCCC) and the International Civil Aviation
15 Organization (ICAO) to increase Taiwan's international
16 space and contribution to the global community; and
17 BE IT FURTHER RESOLVED, That the Secretary of
18 the Senate is hereby directed to send a copy of this
19 Resolution to Hillary Clinton, Secretary of State of
20 the United States; Executive Secretary Christiana
21 Figueres of the UNFCCC; Secretary General Raymond
22 Benjamin of the ICAO; and the Taipei Economic and
23 Cultural Office in Chicago, Illinois.

Senate Resolution 9: filed March 21, 2011; adopted by the
Senate on April 20, 2011.

SENATE RESOLUTION 9

BY SODDERS, JOHNSON, and ANDERSON

1 A resolution to recognize the positive impact of the
2 community services block grant program.
3 WHEREAS, in state fiscal year 2010, 365,752 Iowans
4 in 140,333 households were helped in their fight
5 against poverty through services funded by the federal
6 Community Services Block Grant (CSBG) program; and
7 WHEREAS, more than 96 percent of the families
8 receiving services were at or below 175 percent of
9 the federal poverty level or \$35,427 annual family
10 income; and
11 WHEREAS, more than 76 percent of the individuals
12 served by the 18 community action agencies were
13 working or received social security as their source of
14 income; and
15 WHEREAS, those 18 community action agencies have 127
16 service centers throughout all 99 Iowa counties; and
17 WHEREAS, each community action agency is governed
18 by a community-based volunteer board of directors
19 consisting of elected officials, private sector
20 representatives, and low-income Iowans; and
21 WHEREAS, Iowa's 18 community action agencies employ
22 3,350 Iowans; and
23 WHEREAS, CSBG funding for the 18 community action
24 agencies brought in \$2.3 million in local funding,
25 \$13.6 million in private funding, \$13.9 million in
26 state funding, and \$222.9 million in federal funding to
27 Iowa's local communities; and
28 WHEREAS, CSBG funding for Iowa's 18 community action

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1 agencies helped generate \$17.7 million in in-kind goods
 2 and services and donated items; and
 3 WHEREAS, the 18 community action agencies received
 4 \$7,154,281 in CSBG funding enabling the community
 5 action agencies to operate their service centers and to
 6 administer state and federally funded programs; and
 7 WHEREAS, President Obama has proposed a 50 percent
 8 reduction in CSBG funding and making the allocation
 9 of the remaining funds competitive instead of
 10 continuing the current allocation formula that brings
 11 stability to Iowa's community and economic development
 12 initiatives; and
 13 WHEREAS, the Iowa Senate supports efforts of the
 14 United States Congress to effectively reduce the
 15 federal deficit while promoting the current and future
 16 economic security of all Iowans; NOW THEREFORE,
 17 BE IT RESOLVED BY THE SENATE, That the Senate
 18 supports the positive impact of the CSBG program in
 19 Iowa and opposes federal action to reduce CSBG funding
 20 disproportionately compared to the rest of the federal
 21 domestic discretionary budget; and
 22 BE IT FURTHER RESOLVED, That a copy of this
 23 resolution be sent to the President of the United
 24 States, the President and Secretary of the United
 25 States Senate, the Speaker and Clerk of the United
 26 States House of Representatives, and each member of the
 27 Iowa congressional delegation.

Senate Resolution 10: filed March 21, 2011; adopted by the Senate on April 27, 2011.

SENATE RESOLUTION 10
 BY BEALL and BOETTGER

1 A resolution inviting the people of Yamanashi
 2 Prefecture, Japan, to be the guests of the State of
 3 Iowa at the rededication of the Japanese Bell of
 4 Peace and Friendship.
 5 WHEREAS, the people of Yamanashi Prefecture in 1959
 6 suffered two devastating typhoons that destroyed their
 7 livestock industry; and
 8 WHEREAS, the people of Iowa, under the leadership of
 9 Iowa native Master Sergeant Richard Thomas, the Iowa
 10 Corn Growers Association, the United States Department
 11 of Agriculture, and the United States Department
 12 of Defense, donated resources, sending 36 lean meat
 13 breeding hogs and 60,000 bushels of corn for feed to
 14 that area of Japan; and
 15 WHEREAS, the people of Yamanashi Prefecture
 16 responded in kind during Iowa's flood disaster of 1993,

17 when the Governor of Yamanashi Prefecture presented a
18 generous gift of monetary assistance for flood relief
19 to the farmers of Iowa; and
20 WHEREAS, this anniversary is a time of great tragedy
21 for all of Japan, and the people of Iowa share Japan's
22 sorrow and stand beside the people of Japan in this
23 dark time; and
24 WHEREAS, the people of Yamanashi Prefecture in 1961
25 presented a beautiful bronze temple bell and bell
26 house to the people of Iowa as an expression of their
27 gratitude to all Iowans for having reached out to them
28 in their time of great need; and

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1 WHEREAS, the bell and bell house were installed on
2 the south Capitol grounds in Des Moines, Iowa, with
3 great ceremony in recognition of the great respect,
4 mutual understanding, and friendship between these two
5 states; and
6 WHEREAS, having graced the Statehouse grounds for
7 half a century, a major effort is underway to restore
8 the Japanese bell site to its original condition, aided
9 by an Iowa public/private fund-raising effort; and
10 WHEREAS, officials of Iowa and Yamanashi Prefecture
11 have expressed the wish to recognize the 50th
12 anniversary of that occasion in 2011 by rededicating
13 the bell and bell house to that continuing friendship
14 and sister state relationship; NOW THEREFORE,
15 BE IT RESOLVED BY THE SENATE, That the Senate
16 extends its invitation to the Governor of Yamanashi
17 Prefecture and the Chairman of the Yamanashi
18 Prefectural Assembly, to visit our Capitol grounds
19 during the time of the Iowa State Fair in August
20 2011; and
21 BE IT FURTHER RESOLVED, That the Senate does hereby
22 proclaim the 50th anniversary of the Iowa-Yamanashi
23 sister state relationship and asks all Iowans to extend
24 to our visitors every courtesy and accommodation as
25 befits the rededication of the Japanese temple bell
26 and bell house as a symbol of the bond of unending
27 friendship between our peoples; and
28 BE IT FURTHER RESOLVED, That the tolling of the bell
29 shall remind us of the lives so tragically lost in the
30 earthquake and tsunami of 2011 and its sound shall

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1 honor their memory.

MEMORIALS

IN MEMORIAM

SENATORS

S.J. Brownlee	November 14, 1926 – September 9, 2009
Clifton C. Lamborn.	January 17, 1919 – January 31, 2011
Philip B. Hill	May 1, 1931 – November 18, 2009
William C. Stuart.....	April 28, 1920 – August 12, 2010
Elaine Szymoniak.	May 24, 1920 – May 20, 2009
James D. Wells.....	August 7, 1928 – July 6, 2010

S.J. BROWNLEE

S.J. Brownlee was born on November 14, 1926 in Mallard, Iowa, to O.J. and Flossie Brownlee. He passed away on September 9, 2009, at the age of 82. He is survived by his daughter, Vicki Wittgraf; his sons, Craig and Mark; grandchildren, Jason, John, George, Kate, Sam, Jack, and Jordan; and by his great-grandson, Noah.

Brownlee spent the first eight years of his life in Mallard, where his father operated a farm implement business. His family then moved to Emmetsburg, where they eventually sold their farm implement business and started a farming operation. He graduated from Emmetsburg High School in 1944 and attended the University of Iowa. His time at the University of Iowa was interrupted by service in the U.S. Navy during World War II. He went on to graduate Phi Beta Kappa with a degree in Economics.

He married Sherry Andersen of Omaha, Nebraska in 1948. He attended the University Of Iowa College Of Law for two years, earning academic honors, before returning home to Emmetsburg to help his ailing father in the expanding farm operation.

His business pursuits included Brownlee Management, a farm management company for non-operating farm owners. In 1964 he became very active in the banking industry and went on to join the Board of Directors of the Iowa Trust and Savings Bank in Emmetsburg, serving on the board until his death. He also served many years on the board of First Federal Savings and Loan, Iowa-Des Moines National Bank, and the State Banking Board for the State of Iowa. In the late 1960s he became owner of Emmetsburg Publishing and Newspaper, which he later sold.

In addition to his professional interests, Brownlee was also very involved in education, serving as President of the Emmetsburg Board of Education. He was appointed to the Iowa Board of Regents, serving from 1973-1985, the last four years as president. His long-time service and support earned him many awards including, the Distinguished Alumni Award and the Finkbine Medallion.

Brownlee was active in his community and was a founding member of the Palo Alto Hospital Foundation Board, served on the board of the First United Methodist Church in Emmetsburg, and was a long-time member and past Commodore of the Okoboji Yacht Club.

Brownlee was a Palo Alto County Republican. He served in the Iowa Senate from 1970-1972, during the 63rd and 64th General Assemblies.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTY-FOURTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable S.J. Brownlee, 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.

MERLIN BARTZ
DAVID JOHNSON
JOHN P. KIBBIE
Committee

CLIFTON C. LAMBORN

Clifton C. "Cliff" Lamborn was born on January 17, 1919, on a farm south of Bellevue, Iowa, to Charles and Inez Lamborn. He passed away on January 31, 2011, at the age of 92. He is survived by his daughter, Janet Parmater of Maquoketa, Iowa; a grandson, James Clifton Parmater of Murrieta, California; and a cousin, Amy Lamborn Mills of Jacksonville, Florida.

Lamborn attended country school and then went on to public high school in Bellevue, graduating in 1936. On July 16, 1941, his name was selected in one of the first drawings of the draft. He served in the U.S. Army Engineers during World War II, building bridges and making other improvements to roads used by shuttle trucks.

He married Marshalline Davis on December 4, 1942, in Missouri. Upon his honorable discharge from the U.S. Army he was reunited with his wife in San Francisco on January 8, 1946.

Lamborn started his career as a road builder and continued his career in road construction for over 52 years. He and Marshalline started Lamborn Construction Co., Inc. of Maquoketa in 1954. They later organized and operated Prairie Road Builders, Inc., Richards Construction Co., Lamborn's Clothing Store, Lamborn's Ready Mix Concrete Co., Bear Tile Co., Inc., Lamborn Mobile Home Park, Inc., and a farm operation. He was also a partner in the Hurstville Land Development Inc., which purchased the town of Hurstville and 651 acres of land in 1978.

His political career started in 1966 when he was elected to the Iowa Senate. He served four years as Republican Majority Leader and two years as Minority Leader. While Majority Leader he was on the committee that acquired Terrace Hill, which became the governor's mansion.

He was active in many community projects and organizations. He served as the Mayor of Maquoketa from 1990-1991 and 1994-1995. He was a member of the First United Methodist Church, Maquoketa American Legion Post #75, Lions Club, Maquoketa Chamber of Commerce, and the Izzak Walton League. He was a board member and president of the Jackson County Historical Society. He was very interested in genealogy and traced his family roots back to England in 1166.

Lamborn was a Jackson County Republican. He served in the Iowa Senate during the 62nd, 63rd, 64th, 65th and 66th General Assemblies.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTY-FOURTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Clifton C. Lamborn, 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.

TOD BOWMAN
SHAWN HAMERLINCK
ROBY SMITH
Committee

PHILIP B. HILL

Philip Bonner Hill was born on May 1, 1931, in Charleston, West Virginia, to Philip Henry and Elizabeth Kerr Hill. He passed away on November 18, 2009, at the age of 78. He is survived by his wife, Lily Ritchie Hill, of Shepherdstown; three daughters, June Fletcher-Hill, of Baltimore, Liz Hass-Hill, of Chagrin Falls, Ohio, and Marian Hill Bergdolt, of Raleigh, North Carolina; seven grandchildren, Paul, Colin, Will, Kay, Adam, Grace, and Michael; and his sister, June Hill Peck, of Charles Town.

Hill was raised in Charleston and later Sistersville. He graduated from Williston Academy, in Easthampton, Massachusetts and went on to attend Princeton University, where he majored in politics. He was a member of the University Cottage Club and NROTC. After graduation he served two years active duty with the United States Navy. He married Lilly Ritchie of Shepherdstown, West Virginia.

Hill attended the College of Law of West Virginia University, following his service in the Navy, where he became a loyal member of Phi Kappa Psi. After practicing law in Charleston for eight years, he moved to Des Moines, Iowa, to accept a position on the legal staff of the Equitable Life Insurance Company.

Hill was elected to the Iowa House of Representatives in 1970, serving two terms and in 1974, he was elected to the Iowa Senate. During his legislative career he was a major proponent of women's rights and was recognized by the Des Moines Register as the most effective legislator in 1978.

In 1979 he became an adjunct faculty member of Drake University Law School. He became actively involved with the West Virginia Bar and was President of the West Virginia Bar Association from 1998-1999.

Hill supported numerous charitable and alumni organizations, including serving on the board of the Orchard Place-Des Moines Children's Home and West Virginia Hospitals East. He was a dedicated Rotarian and Paul Harris Fellow. He also served as an elder and taught Sunday school for Shepherdstown Presbyterian Church.

He completed the Pittsburg Marathon on his 57th birthday.

Hill was a Polk County Republican. He served in the Iowa House of Representatives from 1971-1974 during the 64th and 65th General Assemblies. He served in the Iowa Senate from 1975-1978 during the 66th and 67th General Assemblies.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTY-FOURTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Philip B. Hill, 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.

MATT McCOY
JACK WHITVER
BRAD ZAUN
Committee

WILLIAM C. STUART

Judge William C. Stuart was born on April 28, 1920, in Knoxville, Iowa, to George C. and Edith Abram Stuart. He passed away on August 12, 2010, at the age of 90. He is survived by his wife, Elgin; two sons, Corwin "Corky" of Brooklyn, Iowa and Cullen of Lincoln, Maine; two daughters, Melanie Curlee of Chariton and Valerie Karis of Racine, Wisconsin; seven grandchildren, Zachary, Nathan, Joshua, Cristin, Natalie, Elgin, and Olivia; two great grandchildren; and his sister, Marjorie Stuart Daasch of Cleveland, Tennessee.

Stuart graduated from Chariton High School in 1937 and Chariton Junior College in 1938. He then went on to the University of Iowa. In 1941 he graduated sixth out of 150 and received his law degree with high distinction (Order of Coif) in 1942. He was a pilot in the Naval Air Corps from 1942-1945. In 1946 he returned to Chariton to practice law with his father in the Stuart and Stuart Law Firm, becoming the fourth generation of Stuarts to practice law in the Chariton National Bank and Trust Building.

He married Mary Elgin Cleaver on October 20, 1946.

Stuart became a Senior Judge in 1986, after a distinguished career including nine years as a Justice of the Iowa Supreme Court and fifteen years as a U.S. District Judge for the Southern District of Iowa. He received the Distinguished Alumni Award from the University Of Iowa College Of Law honoring him for his "exemplary reputation for his scholarship, integrity, fairness, industriousness and his abiding sensitivity toward the personal dignity of each individual."

Stuart was a member of many organizations including First Presbyterian Church of Chariton, Chariton Historical Preservation Commission, Friendship Force, Masons, Shriners, American Legion, Rotary, American Bar Association, Iowa Bar Association, Institute of Judicial Administration, and the American Judicature Society.

He was an avid Hawkeye fan and supporter and held Iowa season football tickets since WWII. He loved spending time with his family and friends. He enjoyed golf, camping, fishing, boating, snow skiing, reading, stamp collecting, drawing, refinishing antiques, and listening to music. He wrote a poem for Elgin commemorating their 50th wedding anniversary and published a children's book, *Grandpa Gander's Up-to-date Nursery Rhymes*.

Stuart was a Lucas County Republican. He served in the Iowa Senate from 1953-1961 during the 55th, 56th, 57th, 58th, and 59th General Assemblies.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTY-FOURTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable William C. Stuart, 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.

JONI ERNST
PAUL McKINLEY
TOM RIELLY
Committee

ELAINE SZYMONIAK

Elaine Szymoniak was born on May 24, 1920, in Boscobel, Wisconsin. She passed away on May 20, 2009, at the age of 88. She is survived by her five children, Kathy Szymoniak of Social Circle, Georgia, Peter Szymoniak of Milton, Florida, John Szymoniak of Boise, Idaho, Mary Polson of Urbandale, and Tom Szymoniak of Bend, Oregon; three grandchildren; three step grandchildren; and three great grandchildren.

Szymoniak graduated from the University of Wisconsin, earning her bachelor's degree in education and speech pathology. She worked in public school systems in Wisconsin, New York, and Kansas before finally settling in Iowa. She also put her medical skills to use as one point working at Army Hospital Aural Rehabilitation Center in Oklahoma.

She married Casimir "Chuck" Szymoniak on December 7, 1943.

She spent three decades working with the state of Iowa for the benefit of people with disabilities. She earned her master's degree from Iowa State University. She served on the Des Moines City Council for eleven years from 1978-1989.

Elected in 1989 to the Iowa Senate she was ranking member of the Human Resources standing committee. She also served on standing committees for Education, Ethics, State Government, and Ways and Means. Many of the bills she sponsored concerned education, family welfare, and care of the elderly and disabled. Her passion for certain issues may have been in part to her older brothers' challenges with cerebral palsy as well as being born to deaf parents.

Szymoniak was endorsed and recognized by the Des Moines Register in 1992 as an extremely hardworking, dedicated, and conscientious lawmaker who was regarded as one of the more effective legislators. She was inducted into the Iowa Women's Hall of Fame in 1999. She was described as a "woman who has it all". She was a mother, career woman, a volunteer, and a public servant.

Szymoniak was a member of many organizations including NEXUS, Holy Trinity Catholic Church in Des Moines, House of Mercy Board, Coalition for the Homeless, Planned Parenthood, National Organization of Women, Chrysalis Foundation, Iowa Council for International Understanding, Urban Dreams, Iowa State Institute for Social and Behavioral Research, and Iowa Comprehensive Health Association.

Szymoniak was a Polk County Democrat. She served in the Iowa Senate from 1989-2001 during the 73rd, 74th, 75th, 76th, 77th, and 78th General Assemblies.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTY-FOURTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Elaine Szymoniak, 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

DICK L. DEARDEN
 JACK HATCH
 PAT WARD
 Committee

JAMES D. WELLS

James D. Wells was born on August 7, 1928, in Marathon, Iowa, to Willard W. and Florence Peterson Wells. He passed away on July 6, 2010, at the age of 81. He is survived by his wife of 60 years, Shirley; daughters, Linda King, Cheryl Meyer, Nancy Lodermeier; grandchildren, Allison and Evan King, Nicole Reyes, Jordan Meyer, Cody, Shelby, and Leah Lodermeier; a great grandchild, Mackenzie Reyes; and his sister Jean Barsness.

Wells graduated from Marathon High School and went on to various labor schools. After graduation he joined the U.S Army Reserves where he was in the Fraternal Order of the Eagles, and attained Sergeant First Class with the 328th Combat Battalion.

He married Shirley Clare in 1950 at the Epworth Methodist Church in Fort Dodge, Iowa.

He worked various labor positions, including 32 years at the Quaker Oats Company. He was a member of many organizations including United Way, C.O.P.E. Committee Chairman for Community Affairs, Sharon United Methodist Church, past President of the Credit Union Board, 16th Avenue Commercial Club, and Local 110 and Retail Wholesale Department Store Union.

Wells was a State Representative for twelve years and a Senator for eight years. He was instrumental in the initiation of state university license plates which also helped fund scholarships. He initiated the right to turn on red law and introduced the first non-smoking legislation in the state of Iowa.

After retirement he and his wife Shirley traveled the United States in their RV and settled for eight years in Bella Vista where the entire family enjoyed spending time. He was an avid Hawkeye and Razorback fan and also enjoyed collecting, tinkering, and music.

Wells was a Linn County Democrat. He served in the Iowa House of Representatives during the 63rd, 64th, 65th, 66th, 67th, and 68th General Assemblies. He served in the Iowa Senate during the 69th, 70th, 71st, and 72nd General Assemblies.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTY-FOURTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable James D. Wells, 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.

ROBERT M. HOGG
WALLY E. HORN
TIM L. KAPUCIAN
Committee

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- Appointments to — 118
- Bills and resolutions introduced — 218, 259, 272, 398, 471
- Bills referred to — 36, 37, 47, 100, 101, 129, 157, 159, 203, 218, 271, 279, 291, 359, 367, 409, 413, 438, 440, 451, 649, 851
- Committee meeting reports — 46, 107, 175, 192, 206, 245, 268, 366, 383, 424, 709
- Committee reports — 198, 219, 264, 274, 402, 443, 444, 483, 712
- Study bills — 111, 131, 208, 294, 350, 351, 554
- Subcommittee assignments — 112, 113, 133, 161, 187, 209, 272, 273, 282, 295, 310, 352, 372, 387, 415, 456, 475, 476, 555, 673

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- Bills placed on — 645, 851, 936

VETERANS AFFAIRS, COMMITTEE ON

- Amendments filed — 712, 721
- Appointees, investigation of — 226, 241, 242, 319, 392, 578, 619, 713
- Appointments to — 118
- Bills and resolutions introduced — 261, 270, 386, 453, 455, 605
- Bills referred to — 129, 140, 159, 208, 259, 386, 397, 411, 450, 464, 524, 649
- Committee meeting reports — 67, 107, 155, 201, 214, 257, 315, 383, 710
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Study bills — 102, 132, 310, 350, 440

Subcommittee assignments — 103, 134, 148, 180, 187, 251, 263, 312, 352, 425, 426, 441, 476, 672, 673

WARD, PAT — Senator, 30th District; Assistant Minority Leader, Republican
Amendments filed — 686, 988, 1264

Bills introduced — 91, 93, 110, 111, 146, 147, 159, 229, 270, 290, 291, 293, 347, 358

Bill subcommittee assignments — 72, 73, 112, 134, 161, 196, 209, 252, 294, 351, 362, 371, 388, 426, 456, 457, 606, 673, 700, 814, 1127

Certificates of recognition — 1064

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Appointees, investigation of — 226, 242, 375, 578, 619, 674

Appointments to — 118

Bills and resolutions introduced — 279, 348, 396, 683, 788, 796, 955, 973, 999, 1010, 1045, 1055, 1125

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Committee meeting reports — 67, 98, 144, 176, 192, 228, 245, 278, 307, 366, 671, 767, 937, 973, 999, 1045, 1065, 1127

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Study bills — 61, 62, 111, 147, 148, 161, 185, 208, 605, 606, 699, 711, 843, 853, 1107

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WHITVER, JACK — Senator, 35th District; Republican

Amendments filed — 331, 489, 530, 535, 649, 686, 714, 770, 771, 834, 988

Amendments offered — 331, 535, 624, 625, 694

Bills introduced — 139, 146, 147, 158, 159, 203, 217, 231, 249, 260, 270, 359, 437, 450, 452

Bill subcommittee assignments — 149, 187, 196, 219, 234, 263, 311, 312, 351, 361, 387, 399, 400, 416, 441, 442, 457, 672, 719, 745, 768, 832

Certificates of recognition — 1054

Conference committee appointments & reports — 1190

Resolutions introduced — 145, 710

Senate committee appointments — 125

WILHELM, MARY JO — Senator, 8th District; Democrat

Amendments filed — 690

Amendments offered — 662

Bills introduced — 176, 177, 193, 202, 231, 250, 271

Bill subcommittee assignments — 73, 112, 113, 148, 179, 180, 186–188,
196, 219, 251, 252, 263, 273, 283, 294, 295, 351, 352, 400, 415, 416,
441, 442, 458, 476, 509, 648, 700, 767, 832

Certificates of recognition — 1202

Conference committee appointments & reports — 1189, 1212

Resolutions introduced — 604, 1180, 1202, 1214

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“WRITE WOMEN BACK INTO HISTORY” ESSAY CONTEST

Winners introduced — 621, 622

ZAUN, BRAD — Senator, 32nd District; Assistant Minority Leader, Republican

Amendments filed — 334, 530, 586, 686, 714, 834, 984, 988, 1036, 1097,
1114, 1194

Amendments offered — 334, 530, 643, 984, 1097

Amendments withdrawn — 643, 984, 1036

Bills introduced — 61, 69, 91–94, 108–111, 128–130, 139, 146, 147, 157,
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711, 853, 877, 955, 1011, 1022

Certificates of recognition — 175

Conference committee appointments & reports — 588, 1002

Resolutions introduced — 145

Senate committee appointments — 126