



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 22, 2008

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 2197

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1 4 To the Speaker of the House of Representatives and the
1 5 President of the Senate:

1 6 We, the undersigned members of the conference committee
1 7 appointed to resolve the differences between the House of
1 8 Representatives and the Senate on House File 2197, a bill for
1 9 an Act requiring institutions of higher learning and community
1 10 colleges to provide students with specific textbook
1 11 information, respectfully make the following report:

1 12 1. That the Senate recedes from its amendment, H=8361.

1 13 2. That House File 2197, as passed by the House, is amended
1 14 to read as follows:

1 15 #1. By striking everything after the enacting clause and
1 16 inserting the following:

1 17 <Section 1. NEW SECTION. 261.7 TEXTBOOK NOTICE ==
1 18 LEGISLATIVE INTENT AND RECOMMENDATION.

1 19 1. In order to promote consumer choice and lower the costs
1 20 of textbooks in higher education, the general assembly intends
1 21 that students enrolled in institutions of higher learning have
1 22 access to appropriate textbook information prior to the start
1 23 of classes, with adequate time to pursue alternative purchase
1 24 avenues.

1 25 2. The general assembly recommends that every public and
1 26 private institution for higher education in this state,
1 27 including those institutions referenced in chapters 260C and
1 28 262 and section 261.9, post the list of required and suggested
1 29 textbooks for all courses and the corresponding international
1 30 standard book numbers for such textbooks at least fourteen days
1 31 before the start of each semester or term, to the extent
1 32 possible, at the locations where textbooks are sold on campus
1 33 and on the web site for the respective institution for higher
1 34 education.

1 35 3. The college student aid commission is directed to convey
1 36 the legislative intent and recommendation contained in this
1 37 section to every institution for higher education in the state



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Conference Committee Report 2197 continued

2 1 registered pursuant to chapter 261B at least once a year.>
2 2 #2. Title page, line 1, by striking the word <requiring>
2 3 and inserting the following: <recommending>.
2 4 #3. Title page, lines 1 and 2, by striking the words <and
2 5 community colleges>.
2 6
2 7 ON THE PART OF THE HOUSE: ON THE PART OF THE SENATE:
2 8
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2 11
2 12 DORIS KELLEY, CHAIRPERSON HERMAN C. QUIRMBACH, CHAIRPERSON
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2 16 CARMINE BOAL PAUL McKINLEY
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2 20 ELESHA GAYMAN DAVE MULDER
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2 24 BILL SCHICKEL BECKY SCHMITZ
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2 28 ROGER WENDT BRIAN SCHOENJAHN
2 29 CCH 2197
2 30 ak/nh/24



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House Amendment 8621

PAG LIN

1 1 Amend Senate File 2425, as amended, passed, and
 1 2 reprinted by the Senate, as follows:
 1 3 #1. Page 52, by inserting after line 12, the
 1 4 following:
 1 5 <___. a. The department of human services, in
 1 6 cooperation with assisted living program providers,
 1 7 advocates, and policymakers, shall develop an
 1 8 alternative rate setting approach for tenants in
 1 9 congregate residential care settings such as assisted
 1 10 living programs and elder group homes under the home
 1 11 and community-based services waiver for the elderly.
 1 12 The alternative rate setting approaches considered may
 1 13 include but are not limited to flat=fee, tiered, or
 1 14 case=mix methodologies. The department shall submit a
 1 15 plan of recommendations to the individuals specified
 1 16 in this Act to receive reports by October 1, 2008.
 1 17 b. Beginning July 1, 2008, the department of human
 1 18 services shall provide congregate residential care
 1 19 setting providers such as assisted living programs and
 1 20 elder group homes, with the form required by the
 1 21 medical assistance program for documentation of home
 1 22 and community-based services waiver for the elderly
 1 23 services provided to consumers in these settings. The
 1 24 form shall reflect the distinction between in=home
 1 25 care and care in the congregate residential setting
 1 26 and the 24=hours=per=day, seven=days=per=week service
 1 27 requirements of consumers in these settings.>
 1 28 #2. By renumbering as necessary.
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 1 32 HEATON of Henry
 1 33 SF 2425.318 82
 1 34 pf/jp/11770
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House Amendment 8622

PAG LIN

1 1 Amend Senate File 2425, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. By striking page 128, line 32, through page
1 4 130, line 10.
1 5 #2. By renumbering as necessary.
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1 9 FOEGE of Linn
1 10 SF 2425.319 82
1 11 pf/jp/11660
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House Amendment 8623

PAG LIN

1 1 Amend the amendment, H=8582, to House File 2689 as
1 2 follows:
1 3 #1. Page 4, by striking line 17 and inserting the
1 4 following: <participating person shall not exceed
1 5 thirty=five thousand dollars. The participating
1 6 person shall be awarded the supplemental financial
1 7 incentives on a cumulative basis according to the
1 8 schedule provided in this subparagraph, which shall
1 9 not exceed the following:>
1 10 #2. Page 16, line 42, by inserting after the word
1 11 <moneys> the following: <received by the office from
1 12 all sources, including but not limited to moneys>.
1 13 #3. By renumbering as necessary.
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1 17 REASONER of Union
1 18 HF 2689.503 82
1 19 da/nh/21334
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House Amendment 8624

PAG LIN

1 1 Amend Senate File 2424, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 14, by inserting after line 9 the
1 4 following:
1 5 <Sec. _____. Section 97A.10, Code 2007, is amended
1 6 to read as follows:
1 7 97A.10 PURCHASE OF ELIGIBLE SERVICE CREDIT.
1 8 1. For purposes of this section:
1 9 a. "Eligible qualified service" means ~~as follows:~~
1 10 ~~(1) Service with the department prior to July 1,~~
~~1 11 1994, in a position as a gaming enforcement officer,~~
~~1 12 fire prevention inspector peace officer, or as an~~
~~1 13 employee of the division of capitol police except~~
~~1 14 clerical workers.~~
1 15 (2) Service service as a member of a city fire
1 16 retirement system or police retirement system
1 17 operating under chapter 411 prior to January 1, 1992,
1 18 for which service was not eligible to be transferred
1 19 to this system pursuant to section 97A.17.
1 20 Eligible qualified service under this paragraph "a"
1 21 does not include service if the receipt of credit for
1 22 such service would result in the member receiving a
1 23 retirement benefit under more than one retirement plan
1 24 for the same period of service.
1 25 b. "Permissive service credit" means credit that
1 26 will be recognized by the retirement system for
1 27 purposes of calculating a member's benefit, for which
1 28 the member did not previously receive service credit
1 29 in the retirement system, and for which the member
1 30 voluntarily contributes to the retirement system the
1 31 amount required by the retirement system, not in
1 32 excess of the amount necessary to fund the benefit
1 33 attributable to such service.
1 34 2. An active member of the system may make
1 35 contributions to the system to purchase up to the
1 36 maximum amount of permissive service credit for
1 37 eligible qualified service as determined by the
1 38 system, pursuant to Internal Revenue Code section
1 39 415(n) and the requirements of this section. A member
1 40 seeking to purchase permissive service credit pursuant
1 41 to this section shall file a written application along
1 42 with appropriate documentation with the department by
1 43 July 1, ~~2007~~ 2009.
1 44 3. A member making contributions for a purchase of
1 45 permissive service credit for eligible qualified
1 46 service under this section shall make contributions in
1 47 an amount equal to the actuarial cost of the
1 48 permissive service credit purchase, less an amount
1 49 equal to the member's contributions under chapter 411
1 50 for the period of eligible qualified service together



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2 1 with interest at a rate determined by the board of
2 2 trustees. For purposes of this subsection, the
2 3 actuarial cost of the permissive service credit
2 4 purchase is an amount determined by the system in
2 5 accordance with actuarial tables, as reported to the
2 6 system by the system's actuary, which reflects the
2 7 actuarial cost necessary to fund an increased
2 8 retirement allowance resulting from the purchase of
2 9 permissive service credit.>
2 10 #2. Page 16, by inserting after line 12 the
2 11 following:
2 12 <Sec. ____ . PEACE OFFICERS' RETIREMENT, ACCIDENT,
2 13 AND DISABILITY SYSTEM == MEMBER CONTRIBUTIONS.
2 14 Notwithstanding any provision of section 97A.8 to
2 15 the contrary, the Iowa department of public safety
2 16 peace officers' retirement, accident, and disability
2 17 system as defined in section 97A.2 shall not increase
2 18 the contribution rate of members of the system to
2 19 cover any increase in cost to the system resulting
2 20 from the section of this Act amending section 97A.10.>
2 21 #3. By renumbering as necessary.
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2 25 FREVERT of Palo Alto
2 26 SF 2424.707 82
2 27 ec/sc/21330



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House Amendment 8625

PAG LIN

1 1 Amend Senate File 2424, as passed by the Senate, as
1 2 follows:
1 3 #1. By striking page 39, line 28, through page 40,
1 4 line 2.
1 5 #2. By renumbering as necessary.
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1 9 JACOBS of Polk
1 10 SF 2424.504 82
1 11 ec/sc/12587
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House Amendment 8626

PAG LIN

1 1 Amend Senate File 2424, as passed by the Senate, as
1 2 follows:
1 3 #1. By striking everything after the enacting
1 4 clause and inserting the following:
1 5 <DIVISION I
1 6 PUBLIC SAFETY PEACE OFFICERS' RETIREMENT,
1 7 ACCIDENT, AND DISABILITY SYSTEM
1 8 Section 1. Section 97A.1, subsection 14, Code
1 9 2007, is amended by striking the subsection.
1 10 Sec. 2. Section 97A.1, subsection 15, Code 2007,
1 11 is amended to read as follows:
1 12 15. "Pensions" shall mean annual payments for life
1 13 derived from the appropriations provided by the state
1 14 of Iowa and from contributions of the members which
1 15 are deposited in the ~~pension accumulation~~ retirement
1 16 fund. All pensions shall be paid in equal monthly
1 17 installments.
1 18 Sec. 3. Section 97A.5, subsections 3 and 4, Code
1 19 2007, are amended to read as follows:
1 20 3. COMPENSATION. The trustees shall serve as such
1 21 without compensation, but they shall be reimbursed
1 22 from the ~~expense~~ retirement fund for all necessary
1 23 expenses which they may incur through service on the
1 24 board.
1 25 4. RULES. The board of trustees shall, from time
1 26 to time, establish such rules not inconsistent with
1 27 this chapter, for the administration of ~~funds~~ the
1 28 system and the retirement fund created by this chapter
1 29 and as may be necessary or appropriate for the
1 30 transaction of its business.
1 31 Sec. 4. Section 97A.5, subsection 6, paragraph a,
1 32 Code 2007, is amended to read as follows:
1 33 a. The department of public safety shall keep in
1 34 convenient form the data necessary for the actuarial
1 35 valuation of the ~~various funds of the~~ system and for
1 36 checking the expense of the system. The commissioner
1 37 of public safety shall keep a record of all the acts
1 38 and proceedings of the board, which records shall be
1 39 open to public inspection. The board of trustees
1 40 shall biennially make a report to the general assembly
1 41 showing the fiscal transactions of the system for the
1 42 preceding biennium, the amount of the accumulated cash
1 43 and securities of the system, and the last balance
1 44 sheet showing the financial condition of the system by
1 45 means of an actuarial valuation of the assets and
1 46 liabilities of the system.
1 47 Sec. 5. Section 97A.5, subsections 8, 9, 11, and
1 48 12, Code 2007, are amended to read as follows:
1 49 8. MEDICAL BOARD. The board of trustees shall
1 50 designate a single medical provider network as the



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2 1 medical board ~~to be composed of three physicians who~~
2 2 for the system. The medical board shall arrange for
2 3 and pass upon ~~the~~ all medical examinations required
2 4 under the provisions of this chapter and shall report
2 5 in writing to the board of trustees, its conclusions
2 6 and recommendations upon all matters duly referred to
2 7 it. For examinations required because of disability,
2 8 a physician from the medical board specializing in
2 9 occupational medicine, and a second physician
2 10 specializing in an appropriate field of medicine as
2 11 determined by the occupational medicine physician,
2 12 shall pass upon the medical examinations required for
2 13 disability retirements and shall report to the system
2 14 in writing their conclusions and recommendations upon
2 15 all matters referred to the medical board. Each
2 16 report of a medical examination under section 97A.6,
2 17 subsections 3 and 5, shall include the medical board's
2 18 findings in accordance with section 97A.6 as to the
2 19 extent of the member's physical impairment.

2 20 9. DUTIES OF ACTUARY. The actuary hired by the
2 21 board of trustees shall be the technical advisor of
2 22 the board of trustees on matters regarding the
2 23 operation of the ~~fund's~~ retirement fund created by ~~the~~
2 24 ~~provisions of this chapter~~ and shall perform such
2 25 other duties as are required in connection therewith.

2 26 11. ACTUARIAL INVESTIGATION. At least once in
2 27 each two-year period, the actuary hired by the board
2 28 of trustees shall make an actuarial investigation in
2 29 the mortality, service, and compensation experience of
2 30 the members and beneficiaries of the system, and the
2 31 interest and other earnings on the moneys and other
2 32 assets of the system, and shall make a valuation of
2 33 the assets and liabilities of the ~~fund's~~ retirement
2 34 fund of the system, and taking into account the
2 35 results of the investigation and valuation, the board
2 36 of trustees shall:

2 37 a. ~~Adopt~~ adopt for the system, upon recommendation
2 38 of the system's actuary, such actuarial methods and
2 39 assumptions, interest rate, and mortality and other
2 40 tables as shall be deemed necessary;

2 41 b. ~~Certify the rates of contribution payable by~~
2 42 ~~the state of Iowa in accordance with section 97A.8 to~~
2 43 conduct the actuarial valuation of the system.

2 44 12. ANNUAL ACTUARIAL VALUATION.
2 45 On the basis of the actuarial methods and
2 46 assumptions, rate of interest, and tables adopted by
2 47 the board of trustees, the actuary hired by the board
2 48 of trustees shall make an annual actuarial valuation
2 49 of the assets and liabilities of the ~~fund's~~ of the
2 50 system retirement fund created by this chapter. As a



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3 1 result of the annual actuarial valuation, the board of
3 2 trustees shall certify the rates of contribution
3 3 payable by the state of Iowa in accordance with
3 4 section 97A.8.

3 5 Sec. 6. Section 97A.5, subsection 13, paragraphs
3 6 b, c, and d, Code 2007, are amended to read as
3 7 follows:

3 8 b. The ~~funds~~ retirement fund established in
3 9 section 97A.8 shall be held in trust for the benefit
3 10 of the members of the system and the members'
3 11 beneficiaries. No part of the corpus or income of the
3 12 ~~funds~~ retirement fund shall be used for, or diverted
3 13 to, purposes other than for the exclusive benefit of
3 14 the members or the members' beneficiaries or for
3 15 expenses incurred in the operation of the ~~funds~~
3 16 retirement fund. A person shall not have any interest
3 17 in, or right to, any part of the corpus or income of
3 18 the ~~funds~~ retirement fund except as otherwise
3 19 expressly provided.

3 20 c. Notwithstanding any provision of this chapter
3 21 to the contrary, in the event of a complete
3 22 discontinuance of contributions, for reasons other
3 23 than achieving fully funded status upon an actuarially
3 24 determined basis, or upon termination of the ~~funds~~
3 25 retirement fund established in section 97A.8, a member
3 26 shall be vested, to the extent then funded, in the
3 27 benefits which the member has accrued at the date of
3 28 the discontinuance or termination.

3 29 d. Benefits payable from the ~~funds~~ retirement fund
3 30 established in section 97A.8 to members and members'
3 31 beneficiaries shall not be increased due to
3 32 forfeitures from other members. Forfeitures shall be
3 33 used as soon as possible to reduce future
3 34 contributions by the state to the ~~pension accumulation~~
3 35 retirement fund, except that the rate shall not be
3 36 less than the minimum rate established in section
3 37 97A.8.

3 38 Sec. 7. Section 97A.5, subsection 14, Code 2007,
3 39 is amended to read as follows:

3 40 14. INVESTMENT CONTRACTS. The board of trustees
3 41 may execute contracts and agreements with investment
3 42 advisors, consultants, and investment management and
3 43 benefit consultant firms in the administration of the
3 44 ~~funds~~ retirement fund established in section 97A.8.

3 45 Sec. 8. Section 97A.6, subsection 7, Code 2007, is
3 46 amended by adding the following new paragraph:

3 47 NEW PARAGRAPH. d. Should a disability beneficiary
3 48 under age fifty-five be employed in a public safety
3 49 occupation, the disability beneficiary's retirement
3 50 allowance shall cease. Notwithstanding any provision



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4 1 of this chapter to the contrary, if a disability
4 2 beneficiary is employed in a public safety occupation
4 3 that would otherwise constitute membership service,
4 4 the disability beneficiary shall not become a member
4 5 of the system. For purposes of this paragraph,
4 6 "public safety occupation" means a peace officer, as
4 7 defined in section 97A.1; a protection occupation, as
4 8 defined in section 97B.49B; a sheriff or deputy
4 9 sheriff as defined in section 97B.49C; and a police
4 10 officer or fire fighter as defined in section 411.1,
4 11 who was not restored to active service as provided by
4 12 this subsection.

4 13 Sec. 9. Section 97A.6, subsection 11, Code 2007,
4 14 is amended to read as follows:

4 15 11. PENSIONS OFFSET BY COMPENSATION BENEFITS. Any
4 16 amounts which may be paid or payable by the state
4 17 under the provisions of any workers' compensation or
4 18 similar law to a member or to the dependents of a
4 19 member on account of any disability or death, shall be
4 20 offset against and payable in lieu of any benefits
4 21 payable out of ~~funds~~ the retirement fund provided by
4 22 the state under the provisions of this chapter on
4 23 account of the same disability or death. In case the
4 24 present value of the total commuted benefits under
4 25 said workers' compensation or similar law is less than
4 26 the ~~pension reserve on~~ present value of the benefits
4 27 otherwise payable from ~~funds~~ the retirement fund
4 28 provided by the state under this chapter, then the
4 29 present value of the commuted payments shall be
4 30 deducted from the pension ~~reserve~~ payable and such
4 31 benefits as may be provided by the ~~pension reserve~~
4 32 system so reduced shall be payable under the
4 33 provisions of this chapter.

4 34 Sec. 10. Section 97A.7, subsections 1, 2, and 3,
4 35 Code Supplement 2007, are amended to read as follows:

4 36 1. The board of trustees shall be the trustees of
4 37 the ~~several funds~~ retirement fund created by this
4 38 chapter as provided in section 97A.8 and shall have
4 39 full power to invest and reinvest ~~such~~ funds subject
4 40 to the terms, conditions, limitations, and
4 41 restrictions imposed by subsection 2 of this section
4 42 and chapter 12F, and subject to like terms,
4 43 conditions, limitations, and restrictions said
4 44 trustees shall have full power to hold, purchase,
4 45 sell, assign, transfer, or dispose of any of the
4 46 securities and investments ~~in which any~~ of the ~~funds~~
4 47 ~~created herein shall~~ retirement fund which have been
4 48 invested, as well as of the proceeds of said
4 49 investments and any moneys belonging to ~~said funds~~ the
4 50 retirement fund. The board of trustees may authorize



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5 1 the treasurer of state to exercise any of the duties
5 2 of this section. When so authorized the treasurer of
5 3 state shall report any transactions to the board of
5 4 trustees at its next monthly meeting.

5 5 2. The ~~several funds~~ retirement fund created by
5 6 this chapter may be invested in any investments
5 7 authorized for the Iowa public employees' retirement
5 8 system in section 97B.7A.

5 9 3. The treasurer of the state shall be the
5 10 custodian of the ~~several funds~~ retirement fund. All
5 11 payments from ~~said funds~~ the retirement fund shall be
5 12 made by the treasurer only upon vouchers signed by two
5 13 persons designated by the board of trustees. A duly
5 14 attested copy of the resolution of the board of
5 15 trustees designating such persons and bearing on its
5 16 face specimen signatures of such persons shall be
5 17 filed with the treasurer of state as the treasurer's
5 18 authority for making payments on such vouchers. No
5 19 voucher shall be drawn unless it shall previously have
5 20 been allowed by resolution of the board of trustees.

5 21 Sec. 11. Section 97A.8, Code 2007, is amended to
5 22 read as follows:

5 23 97A.8 METHOD OF FINANCING.

5 24 There is hereby created as a special fund, separate
5 25 and apart from all other public moneys or funds of
5 26 this state, the peace officers' retirement, accident,
5 27 and disability system retirement fund, hereafter
5 28 called the "retirement fund". All the assets of the
5 29 system created and established by this chapter shall
5 30 be credited according to the purpose for which they
5 31 are held to one of three funds, namely, the pension
5 32 accumulation fund, the pension reserve fund, and the
5 33 expense to the retirement fund.

5 34 1. ~~PENSION ACCUMULATION FUND.~~ ~~The pension~~
5 35 ~~accumulation fund shall be the fund in which shall be~~
5 36 ~~accumulated all~~ All moneys for the payment of all
5 37 pensions and other benefits payable from contributions
5 38 made by the state and from which shall be paid the
5 39 lump-sum death benefits for all members payable from
5 40 the said contributions shall be accumulated in the
5 41 retirement fund. The refunds and benefits for all
5 42 members and beneficiaries shall be payable from the
5 43 retirement fund. Contributions to and payments from
5 44 the ~~pension accumulation~~ retirement fund shall be as
5 45 follows:

5 46 a. On account of each member there shall be paid
5 47 annually into the ~~pension accumulation~~ retirement fund
5 48 by the state of Iowa an amount equal to a certain
5 49 percentage of the earnable compensation of the member
5 50 to be known as the "normal contribution". The rate



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6 1 percent of such contribution shall be fixed on the
6 2 basis of the liabilities of the retirement system as
6 3 shown by annual actuarial valuations.

6 4 b. (1) On the basis of the actuarial methods and
6 5 assumptions, rate of interest, and of the mortality,
6 6 interest, and other tables adopted by the board of
6 7 trustees, the board of trustees, upon the advice of
6 8 the actuary hired by the board for that purpose, shall
6 9 make each valuation required by this chapter pursuant
6 10 to the requirements of section 97A.5 and shall

6 11 immediately after making such valuation, determine the
6 12 "normal contribution rate". The normal contribution
6 13 rate shall be the rate percent of the earnable
6 14 compensation of all members obtained by deducting from
~~6 15 the total liabilities of the fund the sum of the~~
~~6 16 amount of the funds in hand to the credit of the fund~~
~~6 17 and dividing the remainder by one percent of the~~
~~6 18 present value of the prospective future compensation~~
~~6 19 of all members as computed on the basis of the rate of~~
~~6 20 interest and of mortality and service tables adopted~~
~~6 21 by the board of trustees, all equal to the rate~~
6 22 required by the system to discharge its liabilities,
6 23 stated as a percentage of the earnable compensation of
6 24 all members, and reduced by the employee contribution

6 25 ~~made pursuant to rate provided in this subsection.~~

6 26 However, the normal rate of contribution shall not be
6 27 less than seventeen percent. ~~The normal rate of~~

~~6 28 contribution shall be determined by the board of~~
~~6 29 trustees after each valuation. To assist in~~

~~6 30 determining the normal rate of contribution, the board~~
~~6 31 of trustees may adopt a smoothing method for valuing~~
~~6 32 the assets of the system. The smoothing method is~~
~~6 33 designed to reduce changes in the normal contribution~~
~~6 34 rate which could result from fluctuations in the~~
~~6 35 market value of the assets of the system.~~

6 36 (2) Notwithstanding the provisions of subparagraph
6 37 (1) to the contrary, the normal contribution rate
6 38 shall be as follows:

6 39 (a) For the fiscal year beginning July 1, 2008,
6 40 nineteen percent.

6 41 (b) For the fiscal year beginning July 1, 2009,
6 42 twenty-one percent.

6 43 (c) For the fiscal year beginning July 1, 2010,
6 44 twenty-three percent.

6 45 (d) For the fiscal year beginning July 1, 2011,
6 46 twenty-five percent.

6 47 (e) For each fiscal year beginning on or after
6 48 July 1, 2012, the lesser of twenty-seven percent or
6 49 the normal contribution rate as calculated pursuant to
6 50 subparagraph (1).



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7 1 c. The total amount payable in each year to the
7 2 ~~pension accumulation~~ retirement fund shall not be less
7 3 than the rate percent known as the normal contribution
7 4 rate of the total compensation earnable by all members
7 5 during the year. However, the aggregate payment by
7 6 the state shall be sufficient when combined with the
7 7 amount in the retirement fund to provide the pensions
7 8 and other benefits payable out of the retirement fund
7 9 during the then current year.

7 10 d. All lump-sum death benefits on account of death
7 11 in active service payable from contributions of the
7 12 state shall be paid from the ~~pension accumulation~~
7 13 retirement fund.

~~7 14 e. Upon the retirement or death of a member an
7 15 amount equal to the pension reserve on any pension
7 16 payable to the member or on account of the member's
7 17 death shall be transferred from the pension
7 18 accumulation fund to the pension reserve fund.~~

7 19 ~~f.~~ e. Except as otherwise provided in paragraph
7 20 "h" "g":

7 21 (1) An amount equal to three and one-tenth percent
7 22 of each member's compensation from the earnable
7 23 compensation of the member shall be paid to the
7 24 ~~pension accumulation~~ retirement fund for the fiscal
7 25 year beginning July 1, 1989.

7 26 (2) An amount equal to four and one-tenth percent
7 27 of each member's compensation from the earnable
7 28 compensation of the member shall be paid to the
7 29 ~~pension accumulation~~ retirement fund for the fiscal
7 30 year beginning July 1, 1990.

7 31 (3) An amount equal to five and one-tenth percent
7 32 of each member's compensation from the earnable
7 33 compensation of the member shall be paid to the
7 34 ~~pension accumulation~~ retirement fund for the fiscal
7 35 year beginning July 1, 1991.

7 36 (4) An amount equal to six and one-tenth percent
7 37 of each member's compensation from the earnable
7 38 compensation of the member shall be paid to the
7 39 ~~pension accumulation~~ retirement fund for the fiscal
7 40 year beginning July 1, 1992.

7 41 (5) An amount equal to seven and one-tenth percent
7 42 of each member's compensation from the earnable
7 43 compensation of the member shall be paid to the
7 44 ~~pension accumulation~~ retirement fund for the fiscal
7 45 year beginning July 1, 1993.

7 46 (6) An amount equal to eight and one-tenth percent
7 47 of each member's compensation from the earnable
7 48 compensation of the member shall be paid to the
7 49 ~~pension accumulation~~ retirement fund for the fiscal
7 50 period beginning July 1, 1994, through December 31,



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8 1 1994, and an amount equal to eight and thirty-five
8 2 hundredths percent of each member's compensation from
8 3 the earnable compensation of the member shall be paid
8 4 to the ~~pension accumulation~~ retirement fund for the
8 5 fiscal period beginning January 1, 1995, through June
8 6 30, 1995.

8 7 (7) An amount equal to nine and thirty-five
8 8 hundredths percent of each member's compensation from
8 9 the earnable compensation of the member shall be paid
8 10 to the ~~pension accumulation~~ retirement fund for the
8 11 fiscal year beginning July 1, 1995.

8 12 (8) Notwithstanding any other provision of this
8 13 chapter, beginning July 1, 1996, and each fiscal year
8 14 thereafter, an amount equal to the member's
8 15 contribution rate times each member's compensation
8 16 shall be paid to the ~~pension accumulation~~ retirement
8 17 fund from the earnable compensation of the member.
8 18 For the purposes of this subparagraph, the member's
8 19 contribution rate shall be nine and thirty-five
8 20 hundredths percent. However, the system shall
8 21 increase the member's contribution rate as necessary
8 22 to cover any increase in cost to the system resulting
8 23 from statutory changes which are enacted by any
8 24 session of the general assembly meeting after January
8 25 1, 1995, if the increase cannot be absorbed within the
8 26 contribution rates otherwise established pursuant to
8 27 this paragraph, but subject to a maximum employee
8 28 contribution rate of eleven and three-tenths percent.
8 29 After the employee contribution reaches eleven and
8 30 three-tenths percent, sixty percent of the additional
8 31 cost of such statutory changes shall be paid by the
8 32 employer under paragraph "c" and forty percent of the
8 33 additional cost shall be paid by employees under this
8 34 ~~paragraph~~ subparagraph (8).

8 35 ~~g.~~ f. The board of trustees shall certify to the
8 36 director of the department of administrative services
8 37 and the director of the department of administrative
8 38 services shall cause to be deducted from the earnable
8 39 compensation of each member the contribution required
8 40 under this subsection and shall forward the
8 41 contributions to the board of trustees for recording
8 42 and for deposit in the ~~pension accumulation~~ retirement
8 43 fund.

8 44 The deductions provided for under this subsection
8 45 shall be made notwithstanding that the minimum
8 46 compensation provided by law for any member is
8 47 reduced. Every member is deemed to consent to the
8 48 deductions made under this section.

8 49 ~~h.~~ g. Notwithstanding the provisions of paragraph
8 50 ~~"f"~~ "e", the following transition percentages apply to



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- 9 1 members' contributions as specified:
- 9 2 (1) For members who on July 1, 1990, have attained
9 3 the age of forty-nine years or more, an amount equal
9 4 to nine and one-tenth percent of each member's
9 5 compensation from the earnable compensation of the
9 6 member shall be paid to the ~~pension accumulation~~
9 7 retirement fund for the fiscal period beginning July
9 8 1, 1990, through October 15, 1992, and commencing
9 9 October 16, 1992, and for each subsequent fiscal
9 10 period, the rates specified in paragraph ~~"f"~~ "e",
9 11 subparagraphs (4) through (8), shall apply.
- 9 12 (2) For members who on July 1, 1990, have attained
9 13 the age of forty-eight years but have not attained the
9 14 age of forty-nine years, an amount equal to eight and
9 15 one-tenth percent shall be paid for the fiscal year
9 16 beginning July 1, 1990, and an amount equal to nine
9 17 and one-tenth percent shall be paid for the fiscal
9 18 period beginning July 1, 1991, through October 15,
9 19 1992, and commencing October 16, 1992, and for each
9 20 subsequent fiscal period, the rates specified in
9 21 paragraph ~~"f"~~ "e", subparagraphs (4) through (8),
9 22 shall apply.
- 9 23 (3) For members who on July 1, 1990, have attained
9 24 the age of forty-seven years but have not attained the
9 25 age of forty-eight years, an amount equal to seven and
9 26 one-tenth percent shall be paid for the fiscal year
9 27 beginning July 1, 1990, an amount equal to eight and
9 28 one-tenth percent shall be paid for the fiscal year
9 29 beginning July 1, 1991, and an amount equal to nine
9 30 and one-tenth percent shall be paid for the fiscal
9 31 period beginning July 1, 1992, through October 15,
9 32 1992, and commencing October 16, 1992, and for each
9 33 subsequent fiscal period, the rates specified in
9 34 paragraph ~~"f"~~ "e", subparagraphs (4) through (8),
9 35 shall apply.
- 9 36 (4) For members who on July 1, 1990, have attained
9 37 the age of forty-six years but have not attained the
9 38 age of forty-seven years, an amount equal to six and
9 39 one-tenth percent shall be paid for the fiscal year
9 40 beginning July 1, 1990, an amount equal to seven and
9 41 one-tenth percent shall be paid for the fiscal year
9 42 beginning July 1, 1991, an amount equal to eight and
9 43 one-tenth percent shall be paid for the fiscal period
9 44 beginning July 1, 1992, through October 15, 1992, and
9 45 commencing October 16, 1992, and for each subsequent
9 46 fiscal period, the rates specified in paragraph ~~"f"~~
9 47 "e", subparagraphs (4) through (8), shall apply.
- 9 48 (5) For members who on July 1, 1990, have attained
9 49 the age of forty-five years but have not attained the
9 50 age of forty-six years, an amount equal to five and



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10 1 one-tenth percent shall be paid for the fiscal year
10 2 beginning July 1, 1990, an amount equal to six and
10 3 one-tenth percent shall be paid for the fiscal year
10 4 beginning July 1, 1991, and an amount equal to seven
10 5 and one-tenth percent shall be paid for the fiscal
10 6 period beginning July 1, 1992, through October 15,
10 7 1992. Commencing October 16, 1992, and for each
10 8 subsequent fiscal period, the rates specified in
10 9 paragraph ~~"f"~~ "e", subparagraphs (4) through (8),
10 10 shall apply.

10 11 ~~i.~~ h. (1) Notwithstanding paragraph ~~"g"~~ "f" or
10 12 other provisions of this chapter, beginning January 1,
10 13 1995, for federal income tax purposes, and beginning
10 14 January 1, 1999, for state income tax purposes, member
10 15 contributions required under paragraph ~~"f"~~ "e" or ~~"h"~~
10 16 "g" which are picked up by the department shall be
10 17 considered employer contributions for federal and
10 18 state income tax purposes, and the department shall
10 19 pick up the member contributions to be made under
10 20 paragraph ~~"f"~~ "e" or ~~"h"~~ "g" by its employees. The
10 21 department shall pick up these contributions by
10 22 reducing the salary of each of its employees covered
10 23 by this chapter by the amount which each employee is
10 24 required to contribute under paragraph ~~"f"~~ "e" or ~~"h"~~
10 25 "g" and shall certify the amount picked up in lieu of
10 26 the member contributions to the department of
10 27 administrative services. The department of
10 28 administrative services shall forward the amount of
10 29 the contributions picked up to the board of trustees
10 30 for recording and deposit in the ~~pension accumulation~~
10 31 retirement fund.

10 32 (2) Member contributions picked up by the
10 33 department under subparagraph (1) shall be treated as
10 34 employer contributions for federal and state income
10 35 tax purposes only and for all other purposes of this
10 36 chapter shall be treated as employee contributions and
10 37 deemed part of the employee's earnable compensation or
10 38 salary.

10 39 ~~2. PENSION RESERVE FUND. The pension reserve fund~~
~~10 40 shall be the fund in which shall be held the reserves~~
~~10 41 on all pensions granted to members or to their~~
~~10 42 beneficiaries and from which such pensions and~~
~~10 43 benefits in lieu thereof shall be paid. Should a~~
~~10 44 beneficiary retired on account of disability be~~
~~10 45 restored to active service and again become a member~~
~~10 46 of the system, the member's pension reserve shall be~~
~~10 47 transferred from the pension reserve fund to the~~
~~10 48 pension accumulation fund. Should the pension of a~~
~~10 49 disability beneficiary be reduced as a result of an~~
~~10 50 increase in the beneficiary's amount earned, the~~



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~~11 1 amount of the annual reduction in the beneficiary's~~
~~11 2 pension shall be paid annually into the pension~~
~~11 3 accumulation fund during the period of such reduction.~~
 11 4 ~~3.~~ 2. a. EXPENSE FUND. The expense fund shall
~~11 5 be the fund to which shall be credited all money~~
~~11 6 provided by the state of Iowa to pay the~~
~~11 7 administration expenses of the system and from which~~
~~11 8 shall be paid all All the expenses necessary in~~
 11 9 connection with the administration and operation of
 11 10 the system shall be paid from the retirement fund.
 11 11 Biennially the board of trustees shall estimate the
~~11 12 amount of money necessary to be paid into the expense~~
~~11 13 fund during the ensuing biennium to provide for the~~
~~11 14 expense of operation of the system. Investment~~
 11 15 management expenses shall be charged to the investment
 11 16 income of the system and there is appropriated from
 11 17 the system an amount required for the investment
 11 18 management expenses. The board of trustees shall
 11 19 report the investment management expenses for the
 11 20 fiscal year as a percent of the market value of the
 11 21 system.
 11 22 b. For purposes of this subsection, investment
 11 23 management expenses are limited to the following:
 11 24 a. (1) Fees for investment advisors, consultants,
 11 25 and investment management and benefit consultant firms
 11 26 hired by the board of trustees in administering this
 11 27 chapter.
 11 28 ~~b.~~ (2) Fees and costs for safekeeping fund
 11 29 assets.
 11 30 ~~c.~~ (3) Costs for performance and compliance
 11 31 monitoring, and accounting for fund investments.
 11 32 ~~d.~~ (4) Any other costs necessary to prudently
 11 33 invest or protect the assets of the fund.
 11 34 Sec. 12. Section 97A.11, Code 2007, is amended to
 11 35 read as follows:
 11 36 97A.11 CONTRIBUTIONS BY THE STATE.
 11 37 On or before the first day of November in each
 11 38 year, the board of trustees shall certify to the
 11 39 director of the department of administrative services
 11 40 the amounts which will become due and payable during
 11 41 the year next following to the ~~pension accumulation~~
 11 42 retirement fund and the expense fund. The amounts so
 11 43 certified shall be paid by the director of the
 11 44 department of administrative services out of the funds
 11 45 appropriated for the Iowa department of public safety,
 11 46 to the treasurer of state, the same to be credited to
 11 47 the system for the ensuing year.
 11 48 Sec. 13. Section 97A.12, Code 2007, is amended to
 11 49 read as follows:
 11 50 97A.12 EXEMPTION FROM EXECUTION AND OTHER PROCESS



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12 1 OR ASSIGNMENT == EXCEPTIONS.
12 2 The right of any person to a pension, annuity, or
12 3 retirement allowance, to the return of contributions,
12 4 the pension, annuity, or retirement allowance itself,
12 5 any optional benefit or death benefit, any other right
12 6 accrued or accruing to any person under this chapter,
12 7 and the moneys in the ~~various funds~~ retirement fund
12 8 created under this chapter, are not subject to
12 9 execution, garnishment, attachment, or any other
12 10 process whatsoever, and are unassignable except for
12 11 the purposes of enforcing child, spousal, or medical
12 12 support obligations or marital property orders, or as
12 13 otherwise specifically provided in this chapter. For
12 14 the purposes of enforcing child, spousal, or medical
12 15 support obligations, the garnishment or attachment of
12 16 or the execution against compensation due a person
12 17 under this chapter shall not exceed the amount
12 18 specified in 15 U.S.C. } 1673(b).
12 19 Sec. 14. Section 97A.14, Code 2007, is amended to
12 20 read as follows:
12 21 97A.14 HOSPITALIZATION AND MEDICAL ATTENTION.
12 22 The board of trustees shall provide hospital,
12 23 nursing, and medical attention for the members in
12 24 service when injured while in the performance of their
12 25 duties and shall continue to provide hospital,
12 26 nursing, and medical attention for injuries or
12 27 diseases incurred while in the performance of their
12 28 duties for the members receiving a retirement
12 29 allowance under section 97A.6, subsection 6. The cost
12 30 of hospital, nursing, and medical attention shall be
12 31 paid out of the ~~expense~~ retirement fund. However, any
12 32 amounts received by the injured person under the
12 33 workers' compensation law of the state, or from any
12 34 other source for such specific purposes, shall be
12 35 deducted from the amount paid by the board of trustees
12 36 provisions of this section.
12 37 Sec. 15. Section 97A.14A, subsection 5, Code 2007,
12 38 is amended to read as follows:
12 39 5. All funds recovered by the system under this
12 40 section shall be deposited in the ~~pension accumulation~~
12 41 retirement fund created in section 97A.8.
12 42 Sec. 16. Section 97A.15, subsection 2, paragraph
12 43 a, Code 2007, is amended to read as follows:
12 44 a. "Accumulated contributions" means the sum of
12 45 all amounts deducted from the compensation of a member
12 46 and credited to the member's individual account in the
12 47 annuity savings fund together with regular interest
12 48 thereon as provided in this subsection. Accumulated
12 49 contributions do not include any amount deducted from
12 50 the compensation of a member and credited to the



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13 1 ~~pension accumulation~~ retirement fund.
13 2 Sec. 17. Section 97A.15, subsection 8, Code 2007,
13 3 is amended to read as follows:
13 4 8. The actuary shall annually determine the amount
13 5 required in the annuity reserve fund. If the amount
13 6 required is less than the amount in the annuity
13 7 reserve fund, the board of trustees shall transfer the
13 8 excess funds from the annuity reserve fund to the
13 9 ~~pension accumulation~~ retirement fund. If the amount
13 10 required is more than the amount in the annuity
13 11 reserve fund, the board of trustees shall transfer the
13 12 amount prescribed by the actuary to the annuity
13 13 reserve fund from the ~~pension accumulation~~ retirement
13 14 fund.

13 15 DIVISION II

13 16 IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

13 17 Sec. 18. Section 97B.1A, subsection 20, paragraph
13 18 a, Code 2007, is amended to read as follows:

13 19 a. Service in the armed forces of the United
13 20 States, if the employee was employed by a covered
13 21 employer immediately prior to entry into the armed
13 22 forces, and if ~~the~~ any of the following requirements
13 23 are met:

13 24 (1) The employee was released from service and
13 25 returns to covered employment with an employer within
13 26 twelve months of the date on which the employee has
13 27 the right of release from service or within a longer
13 28 period as required by the applicable laws of the
13 29 United States.

13 30 (2) The employee, while serving on active duty in
13 31 the armed forces of the United States in an area
13 32 designated by the president of the United States or
13 33 the United States Congress as a combat zone or as a
13 34 qualified hazardous duty area, or deployed outside the
13 35 United States away from the individual's permanent
13 36 duty station while participating in an operation
13 37 designated by the United States secretary of defense
13 38 as a contingency operation as defined in 10 U.S.C. }
13 39 101(a)(13), or which became such a contingency
13 40 operation by the operation of law, dies, or suffers an
13 41 injury or acquires a disease resulting in death, so
13 42 long as the death from the injury or disease occurs
13 43 within a two-year period from the date the employee
13 44 suffered the active duty injury or disease and the
13 45 active duty injury or disease prevented the employee
13 46 from returning to covered employment as provided in
13 47 subparagraph (1).

13 48 Sec. 19. Section 97B.1A, subsection 26, paragraph
13 49 a, subparagraph (2), subparagraph subdivision (i),
13 50 Code 2007, is amended to read as follows:



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14 1 (i) Payments for allowances ~~made to an employee~~
14 2 ~~that are not included in an employee's federal taxable~~
14 3 ~~income~~ except for those allowances included as wages
14 4 for a member of the general assembly.
14 5 Sec. 20. Section 97B.1A, subsection 26, paragraph
14 6 a, subparagraph (2), Code 2007, is amended by adding
14 7 the following new subparagraph subdivision:
14 8 NEW SUBPARAGRAPH SUBDIVISION. (n) Bonuses of any
14 9 type, whether paid in a lump sum or in installments.
14 10 Sec. 21. Section 97B.4, subsection 2, Code
14 11 Supplement 2007, is amended by adding the following
14 12 new paragraph:
14 13 NEW PARAGRAPH. d. In administering this chapter,
14 14 the system shall not be a participating agency for
14 15 purposes of chapter 8A, subchapter II.
14 16 Sec. 22. Section 97B.9, subsections 1 and 2, Code
14 17 2007, are amended to read as follows:
14 18 1. An employer shall be charged the greater of ~~ten~~
14 19 twenty dollars per occurrence or interest at the
14 20 combined interest and dividend rate required under
14 21 section 97B.70 for the applicable calendar year for
14 22 contributions unpaid on the date on which they are due
14 23 and payable as prescribed by the system. The system
14 24 may adopt rules prescribing circumstances for which
14 25 the interest or charge shall not accrue with respect
14 26 to contributions required. Interest or charges
14 27 collected pursuant to this section shall be paid into
14 28 the Iowa public employees' retirement fund.
14 29 2. If within thirty days after due notice the
14 30 employer defaults in payment of contributions or
14 31 interest thereon, the amount due ~~shall~~ may be
14 32 collected by civil action in the name of the system,
14 33 and the employer adjudged in default shall pay the
14 34 costs of such action. Civil actions brought under
14 35 this section to collect contributions or interest
14 36 thereon shall be heard by the court at the earliest
14 37 possible date and shall be entitled to preference upon
14 38 the calendar of the court over all other civil
14 39 actions.
14 40 Sec. 23. Section 97B.10, subsection 3, Code 2007,
14 41 is amended to read as follows:
14 42 3. ~~Except as provided in this subsection, interest~~
14 43 Interest shall not be paid on credits issued pursuant
14 44 to this section. However, ~~if a credit for~~
14 45 ~~contributions paid prior to an individual's decision~~
14 46 ~~to elect out of coverage pursuant to section 97B.42A~~
14 47 ~~is issued, accumulated interest and interest on~~
14 48 ~~dividends as provided in section 97B.70 shall apply.~~
14 49 ~~In addition,~~ the system may, at any time, apply
14 50 accumulated interest and interest dividends as



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15 1 provided in section 97B.70 on any credits issued under
15 2 this section if the system finds that the crediting of
15 3 interest is just and equitable.

15 4 Sec. 24. Section 97B.14, Code 2007, is amended to
15 5 read as follows:

15 6 97B.14 CONTRIBUTIONS FORWARDED.

15 7 Contributions deducted from the wages of the member
15 8 under section 97B.11 prior to January 1, 1995, member
15 9 contributions picked up by the employer under section
15 10 97B.11A beginning January 1, 1995, and the employer's
15 11 contribution shall be forwarded to the system for
15 12 recording and deposited with the treasurer of the
15 13 state to the credit of the Iowa public employees'
15 14 retirement fund. Contributions shall be remitted
15 15 monthly, ~~if total contributions by both employee and~~
~~15 16 employer amount to one hundred dollars or more each~~
~~15 17 month,~~ and shall be otherwise paid in such manner, at
15 18 such times, and under such conditions, either by
15 19 copies of payrolls or other methods necessary or
15 20 helpful in securing proper identification of the
15 21 member, as may be prescribed by the system.

15 22 Sec. 25. Section 97B.33, Code 2007, is amended to
15 23 read as follows:

15 24 97B.33 ~~CERTIFICATION TO DIRECTOR~~ PAYMENT TO
15 25 INDIVIDUALS.

15 26 Upon final decision of the system, or upon final
15 27 judgment of any court of competent jurisdiction, that
15 28 any person is entitled to any payment or payments
15 29 under this chapter, the system shall ~~certify to the~~
~~15 30 director of the department of administrative services~~
~~15 31 the name and address of the person so entitled to~~
~~15 32 receive such payment or payments, the amount of such~~
~~15 33 payment or payments, and the time at which such~~
~~15 34 payment or payments should be made, and the system,~~
~~15 35 through the director of the department of~~
~~15 36 administrative services, shall make payment in~~
~~15 37 accordance with the certification of the system to the~~
15 38 person, provided that where judicial review of the
15 39 system's decision is or may be sought in
15 40 accordance with the terms of the Iowa administrative
15 41 procedure Act, chapter 17A, ~~certification of payment~~
15 42 may be withheld pending such review. ~~The director of~~
~~15 43 the department of administrative services shall not be~~
~~15 44 held personally liable for any payment or payments~~
~~15 45 made in accordance with a certification by the system.~~

15 46 Sec. 26. Section 97B.34A, subsections 1 and 2,
15 47 Code 2007, are amended to read as follows:

15 48 1. If the total sum to be paid to the minor is
15 49 less than ~~ten~~ the greater of twenty-five thousand
15 50 dollars or the maximum amount permitted under section



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16 1 565B.7, subsection 3, the funds may be paid to an
16 2 adult as custodian for the minor. The custodian must
16 3 complete the proper forms as determined by the system.
16 4 2. If the total sum to be paid to the minor is
16 5 equal to or more than ~~ten thousand dollars~~ the amount
16 6 authorized in subsection 1, the funds must be paid to
16 7 a court-established conservator. The system shall not
16 8 make payment until the conservatorship has been
16 9 established and the system has received the
16 10 appropriate documentation.

16 11 Sec. 27. Section 97B.38, Code 2007, is amended to
16 12 read as follows:
16 13 97B.38 FEES FOR SERVICES.
16 14 The system may, by rule, prescribe reasonable fees
16 15 which may be charged for production costs incurred,
16 16 including staff time and materials, ~~associated with~~
16 17 ~~performing to perform~~ its duties under this chapter
16 18 ~~for active, inactive, and retired members,~~
16 19 ~~beneficiaries, and the general public, where such~~
16 20 ~~production costs are more than de minimis, as~~
16 21 ~~determined by the system.~~

16 22 Sec. 28. Section 97B.49B, subsection 1, paragraph
16 23 e, Code 2007, is amended by adding the following new
16 24 subparagraphs:
16 25 NEW SUBPARAGRAPH. (9) A jailer or detention
16 26 officer who performs duties as a jailer, including but
16 27 not limited to the transportation of inmates, who is
16 28 certified as having completed jailer training pursuant
16 29 to chapter 80B, and who is employed by a county as a
16 30 jailer.

16 31 NEW SUBPARAGRAPH. (10) An employee covered by the
16 32 merit system as provided in chapter 8A, subchapter IV,
16 33 whose primary duty is providing security at Iowa
16 34 national guard installations and facilities and who
16 35 carries or is licensed to carry a firearm while
16 36 performing those duties.

16 37 NEW SUBPARAGRAPH. (11) An emergency medical care
16 38 provider who provides emergency medical services, as
16 39 defined in section 147A.1, and who is not a member of
16 40 the retirement systems established in chapter 410 or
16 41 411.

16 42 NEW SUBPARAGRAPH. (12) An investigator employed
16 43 by a county attorney's office who is a certified law
16 44 enforcement officer and who is deputized as an
16 45 investigator for the county attorney's office by the
16 46 sheriff of the applicable county.

16 47 Sec. 29. Section 97B.49F, subsection 1, paragraph
16 48 b, subparagraph (2), subparagraph subdivision (b),
16 49 Code 2007, is amended to read as follows:
16 50 (b) The percentage representing the percentage



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17 1 amount the actuary has certified, ~~in the annual~~
~~17 2 actuarial valuation of the retirement system as of~~
~~17 3 June 30 of the year in which the dividend is to be~~
~~17 4 paid,~~ that the fund can absorb without requiring an
17 5 increase in the employer and employee contributions to
17 6 the fund. The actuary's certification of such
17 7 percentage amount shall be based on a comparison of
17 8 the actuarially required contribution rate for the
17 9 fiscal year of the dividend adjustment to the
17 10 statutory contribution rate for that same fiscal year.
17 11 If the actuarially required contribution rate exceeds
17 12 the statutory contribution rate for that same fiscal
17 13 year, the percentage amount shall be zero.
17 14 Sec. 30. Section 97B.49H, subsection 3, Code 2007,
17 15 is amended to read as follows:
17 16 3. The system shall annually determine the amount
17 17 to be credited to the supplemental accounts of active
17 18 members. The total amount credited to the
17 19 supplemental accounts of all active members shall not
17 20 exceed the amount that the system determines, in
17 21 consultation with the system's actuary, ~~can be~~
~~17 22 absorbed without significantly impacting the funded~~
~~17 23 status of~~ leaves the system fully funded following the
17 24 crediting of the total amount to the supplemental
17 25 accounts. The amount to be credited shall not be
17 26 greater than the amount calculated by multiplying the
17 27 member's covered wages for the applicable wage
17 28 reporting period by the supplemental rate. For
17 29 purposes of this subsection, the supplemental rate is
17 30 the difference, if positive, between the combined
17 31 employee and employer statutory contribution rates in
17 32 effect under section 97B.11 and the normal cost rate
17 33 of the retirement system as determined by the system's
17 34 actuary in the most recent annual actuarial valuation
17 35 of the retirement system. The credits shall be made
17 36 ~~at least quarterly~~ to each member's account at the
17 37 time that covered wages are reported for each wage
17 38 reporting period during the calendar year following a
17 39 determination that the retirement system does not have
~~17 40 an unfunded accrued liability will remain fully funded~~
17 41 following the crediting of the total amount to the
17 42 supplemental accounts. The normal cost rate,
17 43 calculated according to the actuarial cost method
17 44 used, is the percent of pay allocated to each year of
17 45 service that is necessary to fund projected benefits
17 46 over all members' service with the retirement system.
17 47 Sec. 31. Section 97B.50, subsection 2, Code 2007,
17 48 is amended by adding the following new paragraph:
17 49 NEW PARAGRAPH. d. For a vested member who retires
17 50 from the retirement system due to disability on or



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18 1 after July 1, 2009, and commences receiving disability
18 2 benefits pursuant to the federal Railroad Retirement
18 3 Act, 45 U.S.C. } 231 et seq., or the federal Social
18 4 Security Act, 42 U.S.C. } 423 et seq., the system may
18 5 require the vested member to certify on an annual
18 6 basis continued eligibility for disability payments
18 7 under the federal Railroad Retirement Act or the
18 8 federal Social Security Act. If the vested member is
18 9 under the age at which disability benefits are
18 10 converted under the federal Social Security Act or the
18 11 federal Railroad Retirement Act to retirement benefits
18 12 and is no longer eligible for disability payments
18 13 under either the federal Railroad Retirement Act or
18 14 the federal Social Security Act, the vested member
18 15 shall no longer be eligible to receive retirement
18 16 benefits as provided by this subsection. If the
18 17 system has paid retirement benefits to the member
18 18 between the month the member was no longer eligible
18 19 for payment pursuant to the federal Railroad
18 20 Retirement Act or the federal Social Security Act and
18 21 the month the system terminated retirement benefits
18 22 under this paragraph, the member shall return all
18 23 retirement benefits paid by the system following the
18 24 termination of such federal disability benefits, plus
18 25 interest. The system shall adopt rules pursuant to
18 26 chapter 17A to implement this paragraph.

18 27 Sec. 32. Section 97B.52, subsection 1, paragraph
18 28 a, unnumbered paragraphs 1 and 3, Code 2007, are
18 29 amended to read as follows:

18 30 A lump sum payment equal to the accumulated
18 31 contributions of the member at the date of death plus
18 32 the product of an amount equal to the highest year of
18 33 covered wages of the deceased member and the number of
18 34 years of membership service divided by the applicable
18 35 denominator. ~~However, a lump sum payment made to a~~
~~18 36 beneficiary under this paragraph due to the death of a~~
~~18 37 member shall not be less than the amount that would~~
~~18 38 have been payable on the death of the member on June~~
~~18 39 30, 1984, under this paragraph as it appeared in the~~
~~18 40 1983 Code.~~

~~18 41 Effective July 1, 1978, a method of payment under~~
~~18 42 this paragraph filed with the system by a member does~~
~~18 43 not apply.~~

18 44 Sec. 33. Section 97B.53B, Code 2007, is amended to
18 45 read as follows:

18 46 97B.53B ROLLOVERS OF MEMBERS' ACCOUNTS.

18 47 1. As used in this section, unless the context
18 48 otherwise requires, and to the extent permitted by the
18 49 internal revenue service:

18 50 a. "Direct rollover" means a payment by the system



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19 1 to the eligible retirement plan specified by ~~the~~
~~19 2 member or the member's surviving spouse an eligible~~
19 3 person.

19 4 b. "Eligible person" means any of the following:
19 5 (1) The member.
19 6 (2) The member's surviving spouse.
19 7 (3) The member's spouse or former spouse as an
19 8 alternate payee under a qualified domestic relations
19 9 order.

19 10 (4) Effective January 1, 2007, the member's
19 11 nonspouse beneficiaries who are designated
19 12 beneficiaries as defined by section 401(a)(9)(E) of
19 13 the federal Internal Revenue Code, as authorized under
19 14 section 829 of the federal Pension Protection Act of
19 15 2006.

19 16 c. "Eligible retirement plan" means either, for an
19 17 eligible person, any of the following retirement plans
19 18 that ~~accepts~~ can accept an eligible rollover
19 19 distribution from a ~~member or a member's surviving~~
~~19 20 spouse that eligible person:~~

19 21 (1) An individual retirement account in accordance
19 22 with section 408(a) of the federal Internal Revenue
19 23 Code.

19 24 (2) An individual retirement annuity in accordance
19 25 with section 408(b) of the federal Internal Revenue
19 26 Code.

19 27 (3) ~~In addition, an "eligible retirement plan"~~
~~19 28 includes an~~ An annuity plan in accordance with section
19 29 403(a) of the federal Internal Revenue Code, or a
19 30 qualified trust in accordance with section 401(a) of
19 31 the federal Internal Revenue Code, that accepts an
19 32 eligible rollover distribution from a member.

19 33 (4) Effective January 1, 2002, ~~the term "eligible~~
~~19 34 retirement plan" also includes~~ an annuity contract
19 35 described in section 403(b) of the federal Internal
19 36 Revenue Code, and an eligible plan under section
19 37 457(b) of the federal Internal Revenue Code which is
19 38 maintained by a state, political subdivision of a
19 39 state, or any agency or instrumentality of a state or
19 40 political subdivision of a state that chooses to
19 41 separately account for amounts transferred into such
19 42 eligible retirement plan from the system.

19 43 (5) Effective January 1, 2008, a Roth individual
19 44 retirement account or a Roth individual retirement
19 45 annuity established under section 408A of the Internal
19 46 Revenue Code.

19 47 e. d. (1) "Eligible rollover distribution"
19 48 includes any of the following:

19 49 (a) All or any portion of a member's account and
19 50 supplemental account.



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20 1 (b) Effective January 1, 2002, after-tax employee
20 2 contributions, if the plan to which such amounts are
20 3 to be transferred is an individual retirement account
20 4 described in federal Internal Revenue Code section
20 5 408(a) or 408(b), or is a qualified defined
20 6 contribution plan described in federal Internal
20 7 Revenue Code section 401(a) or 403(a), and such plan
20 8 agrees to separately account for the after-tax amount
20 9 so transferred.

20 10 (c) ~~A distribution made on behalf of a surviving~~
~~20 11 spouse and to an alternate payee, who is a spouse or~~
~~20 12 former spouse, under a qualified domestic relations~~
~~20 13 order.~~ Effective January 1, 2007, after-tax employee
20 14 contributions to a qualified defined benefit plan
20 15 described in federal Internal Revenue Code section
20 16 401(a) or 403(a), or a tax-sheltered annuity plan
20 17 described in federal Internal Revenue Code section
20 18 403(b), and such plan agrees to separately account for
20 19 the after-tax amount so transferred.

20 20 (2) An eligible rollover distribution does not
20 21 include any of the following:

20 22 (a) A distribution that is one of a series of
20 23 substantially equal periodic payments, which occur
20 24 annually or more frequently, made for the life or life
20 25 expectancy of the distributee or the joint lives or
20 26 joint life expectancies of the distributee and the
20 27 distributee's designated beneficiary, or made for a
20 28 specified period of ten years or more.

20 29 (b) A distribution to the extent that the
20 30 distribution is required pursuant to section 401(a)(9)
20 31 of the federal Internal Revenue Code.

20 32 (c) Prior to January 1, 2002, the portion of any
20 33 distribution that is not includible in the gross
20 34 income of the distributee, determined without regard
20 35 to the exclusion for net unrealized appreciation with
20 36 respect to employer securities.

20 37 2. ~~Effective January 1, 1993, a member or a~~
~~20 38 member's surviving spouse~~ An eligible person may
20 39 elect, at the time and in the manner prescribed in
20 40 rules adopted by the system and in rules of the
20 41 receiving retirement plan, to have the system pay all
20 42 or a portion of an eligible rollover distribution
20 43 directly to an eligible retirement plan, specified by
~~20 44 the member or the member's surviving spouse, in a~~
20 45 direct rollover. However, effective January 1, 2007,
20 46 if the eligible person is a nonspouse beneficiary as
20 47 described in subsection 1, paragraph "b", subparagraph
20 48 (4), the nonspouse beneficiary may only have a direct
20 49 rollover of the distribution to an individual
20 50 retirement account or annuity as described in



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21 1 subsection 1, paragraph "c", subparagraphs (1), (2),
21 2 and (5), established for the purpose of receiving the
21 3 distribution on behalf of the nonspouse beneficiary,
21 4 and such individual retirement account or annuity will
21 5 be treated as an inherited individual retirement
21 6 account or annuity pursuant to section 829 of the
21 7 federal Pension Protection Act of 2006.

21 8 Sec. 34. Section 97B.80C, subsection 1, paragraph
21 9 a, Code 2007, is amended to read as follows:
21 10 a. "Nonqualified service" means ~~service that is~~
21 11 ~~not qualified service and includes, but is not limited~~
21 12 ~~to,~~ any of the following:
21 13 (1) ~~Full-time volunteer public service in the~~
21 14 ~~federal peace corps program. Service that is not~~
21 15 ~~qualified service.~~

21 16 (2) ~~Public employment comparable to employment~~
21 17 ~~covered under this chapter in a qualified Canadian~~
21 18 ~~governmental entity that is an elementary school,~~
21 19 ~~secondary school, college, or university that is~~
21 20 ~~organized, administered, and primarily supported by~~
21 21 ~~the provincial, territorial, or federal governments of~~
21 22 ~~Canada, or any combination of the same. Any period of~~
21 23 ~~time for which there was no performance of services.~~

21 24 (3) Service as described in subsection 1,
21 25 paragraph "c", subparagraph (2).

21 26 Sec. 35. Section 97B.80C, subsection 2, Code 2007,
21 27 is amended to read as follows:
21 28 2. a. A vested or retired member may make
21 29 contributions to the retirement system to purchase up
21 30 to the maximum amount of permissive service credit for
21 31 qualified service as determined by the system,
21 32 pursuant to Internal Revenue Code section 415(n), and
21 33 the requirements of this section, and the system's
21 34 administrative rules.

21 35 b. A vested or retired member of the retirement
21 36 system ~~who has five or more full calendar years of~~
21 37 ~~covered wages~~ may make contributions to the retirement
21 38 system to purchase up to five years a maximum of
21 39 twenty quarters of permissive service credit for
21 40 nonqualified service as determined by the system,
21 41 pursuant to Internal Revenue Code section 415(n), and
21 42 the requirements of this section, and the system's
21 43 administrative rules. A vested or retired member must
21 44 have at least twenty quarters of covered wages in
21 45 order to purchase permissive service credit for
21 46 nonqualified service.

21 47 c. A vested or retired member may convert regular
21 48 member service credit to special service credit by
21 49 payment of the amount actuarially determined as
21 50 necessary to fund the resulting increase in the



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22 1 member's accrued benefit. The conversion shall be
22 2 treated as a purchase of qualified service credit
22 3 subject to the requirements of paragraph "a" if the
22 4 service credit to be converted was or would have been
22 5 for qualified service. The conversion shall be
22 6 treated as a purchase of nonqualified service credit
22 7 subject to the requirements of paragraph "b" if the
22 8 service credit to be converted was purchased as
22 9 nonqualified service credit.

22 10 Sec. 36. Section 97B.82, subsection 2, paragraph
22 11 b, subparagraph (2), subparagraph subdivision (c),
22 12 Code 2007, is amended to read as follows:

22 13 (c) ~~The~~ For rollover service purchases prior to
22 14 January 1, 2007, the portion of any distribution that
22 15 is not includible in the gross income of the
22 16 distributee, determined without regard to the
22 17 exclusion for net unrealized appreciation with respect
22 18 to employer securities.

22 19 For rollover service purchases on or after January
22 20 1, 2007, the portion of any distribution that is not
22 21 includible in the gross income of the distributee,
22 22 determined without regard to the exclusion for net
22 23 unrealized appreciation with respect to employer
22 24 securities, shall be treated as an eligible rollover
22 25 distribution only when such portion is received from a
22 26 qualified plan under section 401(a) or 403(a) of the
22 27 federal Internal Revenue Code.

22 28 Sec. 37. Section 97B.82, subsection 3, Code 2007,
22 29 is amended to read as follows:

22 30 3. A member may purchase any service credit as
22 31 authorized by this section, to the extent permitted by
22 32 the internal revenue service, by means of a direct
22 33 transfer, ~~excluding~~ of pretax amounts, and effective
22 34 January 1, 2007, any after-tax contributions, from an
22 35 annuity contract qualified under federal Internal
22 36 Revenue Code section 403(b), or an eligible plan
22 37 described in federal Internal Revenue Code section
22 38 457(b), maintained by a state, political subdivision
22 39 of a state, or any agency or instrumentality of a
22 40 state or political subdivision of a state. A direct
22 41 transfer is a trustee-to-trustee transfer to the
22 42 retirement system of contributions made to annuity
22 43 contracts qualified under federal Internal Revenue
22 44 Code section 403(b) and eligible governmental plans
22 45 qualified under federal Internal Revenue Code section
22 46 457(b) for purposes of purchasing service credit in
22 47 the retirement system.

22 48 Sec. 38. Section 97B.73B, Code 2007, is repealed.

22 49 Sec. 39. IMPLEMENTATION PROVISION.

22 50 Notwithstanding any provision of section 97B.65 to the



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23 1 contrary, the provisions of this division of this Act
23 2 shall be enacted and implemented by the Iowa public
23 3 employees' retirement system upon the effective dates
23 4 provided for the provisions of this division of this
23 5 Act.

23 6 Sec. 40. EFFECTIVE DATES == RETROACTIVE
23 7 APPLICABILITY.

23 8 1. The section of this Act amending section
23 9 97B.53B, being deemed of immediate importance, takes
23 10 effect upon enactment, and, except as otherwise
23 11 stated, is retroactively applicable to January 1,
23 12 2007, and is applicable on and after that date.

23 13 2. The sections of this Act amending section
23 14 97B.82, being deemed of immediate importance, take
23 15 effect upon enactment, and are retroactively
23 16 applicable to January 1, 2007, and are applicable on
23 17 and after that date.

23 18 DIVISION III

23 19 STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM

23 20 Sec. 41. NEW SECTION. 411.10 PURCHASE OF SERVICE
23 21 CREDIT FOR MILITARY SERVICE.

23 22 1. An active member of the system who has been a
23 23 member of the retirement system five or more years may
23 24 elect to purchase up to five years of service credit
23 25 for military service, other than military service
23 26 required to be recognized under Internal Revenue Code
23 27 section 414(u) or under the federal Uniformed Services
23 28 Employment and Reemployment Rights Act, that will be
23 29 recognized by the retirement system for purposes of
23 30 calculating a member's benefit, pursuant to Internal
23 31 Revenue Code section 415(n) and the requirements of
23 32 this section.

23 33 2. a. A member seeking to purchase service credit
23 34 pursuant to this section shall file a written
23 35 application with the system requesting an actuarial
23 36 determination of the cost of a purchase of service
23 37 credit. Upon receipt of the cost estimate for the
23 38 purchase of service from the system, the member may
23 39 make contributions to the system in an amount equal to
23 40 the actuarial cost of the service credit purchase.

23 41 b. For purposes of this subsection, the actuarial
23 42 cost of the service credit purchase is an amount
23 43 determined by the system in accordance with actuarial
23 44 tables, as reported to the system by the system's
23 45 actuary, which reflects the actuarial cost necessary
23 46 to fund an increased retirement allowance resulting
23 47 from the purchase of service credit.

23 48 3. The system shall ensure that the member, in
23 49 exercising an option provided in this section, does
23 50 not exceed the amount of annual additions to a



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24 1 member's account permitted pursuant to section 415 of
24 2 the federal Internal Revenue Code.
24 3 4. The board of trustees shall adopt rules
24 4 providing for the implementation and administration of
24 5 this section.

24 6 Sec. 42. Section 411.15, Code 2007, is amended to
24 7 read as follows:

24 8 411.15 HOSPITALIZATION AND MEDICAL ATTENTION.

24 9 Cities shall provide hospital, nursing, and medical
24 10 attention for the members of the police and fire
24 11 departments of the cities, when injured while in the
24 12 performance of their duties as members of such
24 13 department, and shall continue to provide hospital,
24 14 nursing, and medical attention for injuries or
24 15 diseases incurred while in the performance of their
24 16 duties for members receiving a retirement allowance
24 17 under section 411.6, subsection 6. Cities may ~~provide~~
24 18 fund the cost of the hospital, nursing, and medical
24 19 attention required by this section through the
24 20 purchase of insurance, by self-insuring the
24 21 obligation, or through payment of moneys into a local
24 22 government risk pool established for the purpose of
24 23 covering the costs associated with the requirements of
24 24 this section. However, the cost of the hospital,
24 25 nursing, and medical attention required by this
24 26 section shall not be funded through an employee-paid
24 27 health insurance policy. The cost of ~~providing~~ the
24 28 hospital, nursing, and medical attention required by
24 29 this section shall be paid from moneys held in a trust
24 30 and agency fund established pursuant to section 384.6,
24 31 or out of the appropriation for the department to
24 32 which the injured person belongs or belonged; provided
24 33 that any amounts received by the injured person ~~under~~
24 34 ~~the workers' compensation law of the state, or from~~
24 35 any other source for such specific purposes, shall be
24 36 deducted from the amount paid by the city under the
24 37 provisions of this section.

24 38 DIVISION IV

24 39 JUDICIAL RETIREMENT SYSTEM

24 40 Sec. 43. Section 602.9104, subsection 1, paragraph
24 41 b, Code 2007, is amended to read as follows:

24 42 b. The state shall contribute annually to the
24 43 judicial retirement fund an amount equal to the
24 44 state's required contribution for all judges covered
24 45 under this article. ~~The state's required contribution~~
24 46 ~~shall be appropriated directly to the judicial~~
24 47 ~~retirement fund by the general assembly.~~

24 48 Sec. 44. Section 602.9104, subsection 4,
24 49 paragraphs b, c, and e, Code 2007, are amended to read
24 50 as follows:



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25 1 b. "Fully funded status" means that the most
 25 2 recent actuarial valuation reflects that, ~~using the~~
~~25 3 projected unit credit method in accordance with~~
~~25 4 generally recognized and accepted actuarial principles~~
~~25 5 and practices set forth by the American academy of~~
~~25 6 actuaries,~~ the funded status of the system is at least
 25 7 ninety one hundred percent, based upon the benefits
 25 8 provided for judges through the judicial retirement
 25 9 system as of July 1, 2006.

25 10 c. "Judge's required contribution" means an amount
 25 11 equal to the basic salary of the judge multiplied by
 25 12 the following applicable percentage:

25 13 (1) For the fiscal year beginning July 1, 2008,
 25 14 and ending June 30, 2009, seven and seven-tenths
 25 15 percent.

25 16 (2) For the fiscal year beginning July 1, 2009,
 25 17 and ending June 30, 2010, eight and seven-tenths
 25 18 percent.

25 19 ~~(1)~~ (3) For the fiscal year beginning July 1,
 25 20 ~~2006~~ 2010, and for each subsequent fiscal year until
 25 21 the system attains fully funded status, ~~six percent~~
~~25 22 multiplied by a fraction equal to the actual~~
~~25 23 percentage rate contributed by the state for that~~
~~25 24 fiscal year divided by twenty-three and seven-tenths~~
~~25 25 percent~~ nine and thirty-five hundredths percent.

25 26 ~~(2)~~ (4) Commencing with the first fiscal year in
 25 27 which the system attains fully funded status, and for
 25 28 each subsequent fiscal year, the percentage rate equal
 25 29 to ~~fifty~~ forty percent of the required contribution
 25 30 rate.

25 31 e. "State's required contribution" means an amount
 25 32 equal to the basic salary of all judges covered under
 25 33 this article multiplied by the following applicable
 25 34 percentage:

25 35 (1) For the fiscal year beginning July 1, ~~2006~~
 25 36 2008, and for each subsequent fiscal year until the
 25 37 system attains fully funded status, ~~twenty-three and~~
~~25 38 seven-tenths~~ thirty and six-tenths percent.

25 39 (2) Commencing with the first fiscal year in which
 25 40 the system attains fully funded status, and for each
 25 41 subsequent fiscal year, the percentage rate equal to
 25 42 ~~fifty~~ sixty percent of the required contribution rate.

DIVISION V

MISCELLANEOUS PROVISIONS

25 45 Sec. 45. Section 8A.438, Code 2007, is amended by
 25 46 striking the section and inserting in lieu thereof the
 25 47 following:

25 48 8A.438 TAX-SHELTERED INVESTMENT CONTRACTS.

25 49 1. The director may establish a tax-sheltered
 25 50 investment program for eligible employees. The



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26 1 director may arrange for the provision of investment
26 2 vehicles authorized under section 403(b) of the
26 3 Internal Revenue Code, as defined in section 422.3.
26 4 The department may offer the tax=sheltered investment
26 5 program to eligible public employers in the state of
26 6 Iowa.

26 7 2. a. A special, separate tax=sheltered
26 8 investment revolving trust fund is created in the
26 9 state treasury under the control of the department.
26 10 The fund shall consist of all moneys deposited in the
26 11 fund pursuant to this section, any funds received from
26 12 other entities in the state of Iowa, and interest and
26 13 earnings thereon. The director is the trustee of the
26 14 fund and shall administer the fund. Any loss to the
26 15 fund shall be charged against the fund and the
26 16 director shall not be personally liable for such loss.

26 17 b. Moneys in the fund are not subject to section
26 18 8.33. Notwithstanding section 12C.7, subsection 2,
26 19 interest or earnings on moneys in the fund shall be
26 20 credited to the fund.

26 21 Sec. 46. Section 55.1, unnumbered paragraph 1,
26 22 Code 2007, is amended to read as follows:
26 23 A person who is elected to a municipal, county,
26 24 state, or federal office shall, upon written
26 25 application to the employer of that person, be granted
26 26 a leave of absence from regular employment to serve in
26 27 that office except where prohibited by the federal
26 28 law. The leave of absence may be granted without pay
26 29 and, except that if a salaried employee takes leave
26 30 without pay from regular employment for a portion of a
26 31 pay period, the employee's salaried compensation for
26 32 that pay period shall be reduced by the ratio of the
26 33 number of days of leave taken to the total number of
26 34 days in the pay period. The leave of absence shall be
26 35 granted without loss of net credited service and
26 36 benefits earned. This section shall not be construed
26 37 to require an employer to pay pension, health or other
26 38 benefits during the leave of absence to an employee
26 39 taking a leave of absence under this section.

26 40 Sec. 47. Section 97C.21, Code 2007, is amended to
26 41 read as follows:
26 42 97C.21 VOLUNTARY COVERAGE OF ELECTED OFFICIALS.
26 43 Notwithstanding any provision of this chapter to
26 44 the contrary, an employer of elected officials
26 45 otherwise excluded from the definition of employee as
26 46 provided in section 97C.2, may, but is not required
26 47 to, choose to provide benefits to those elected
26 48 officials as employees as provided by this chapter.
26 49 Alternatively, the governor may authorize a statewide
26 50 referendum of the appointed and elected officials of



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27 1 the state and its political subdivisions on the
27 2 question of whether to include in or exclude from the
27 3 definition of employee all such positions. This
27 4 choice shall be reflected in the federal=state
27 5 agreement described in section 97C.3, and, if
27 6 necessary, in this chapter. An employer who is
27 7 providing benefits to elected officials otherwise
27 8 excluded from the definition of employee prior to July
27 9 1, 2002, shall not be deemed to be in an erroneous
27 10 reporting situation, and corrections for prior federal
27 11 social security withholdings shall not be required.
27 12 The implementation of this section shall be subject to
27 13 the approval of the federal social security
27 14 administration.

27 15 Sec. 48. Section 260C.14, subsection 9, Code 2007,
27 16 is amended by striking the subsection and inserting in
27 17 lieu thereof the following:

27 18 9. a. The board may establish a plan, in
27 19 accordance with section 403(b) of the Internal Revenue
27 20 Code, as defined in section 422.3, for employees,
27 21 which plan shall consist of one or more investment
27 22 contracts, on a group or individual basis, acquired
27 23 from a company, or a salesperson for that company,
27 24 that is authorized to do business in this state.

27 25 b. The selection of investment contracts to be
27 26 included within the plan established by the board
27 27 shall be made either pursuant to a competitive bidding
27 28 process conducted by the board, in coordination with
27 29 employee organizations representing employees eligible
27 30 to participate in the plan, or pursuant to an
27 31 agreement with the department of administrative
27 32 services to make available investment contracts
27 33 included in a deferred compensation or similar plan
27 34 established by the department pursuant to section
27 35 8A.438, which plan meets the requirements of this
27 36 subsection. The determination of whether to select
27 37 investment contracts for the plan pursuant to a
27 38 competitive bidding process or by agreement with the
27 39 department of administrative services shall be made by
27 40 agreement between the board and the employee
27 41 organizations representing employees eligible to
27 42 participate in the plan.

27 43 c. The board may make elective deferrals in
27 44 accordance with the plan as authorized by an eligible
27 45 employee for the purpose of making contributions to an
27 46 investment contract in the plan on behalf of the
27 47 employee. The deferrals shall be made in the manner
27 48 which will qualify contributions to the investment
27 49 contract for the benefits under section 403(b) of the
27 50 Internal Revenue Code, as defined in section 422.3.



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28 1 In addition, the board may make nonelective employer
28 2 contributions to the plan.

28 3 d. As used in this subsection, unless the context
28 4 otherwise requires, "investment contract" shall mean a
28 5 custodial account utilizing mutual funds or an annuity
28 6 contract which meets the requirements of section
28 7 403(b) of the Internal Revenue Code, as defined in
28 8 section 422.3.

28 9 Sec. 49. Section 273.3, subsection 14, Code 2007,
28 10 is amended by striking the subsection and inserting in
28 11 lieu thereof the following:

28 12 14. a. The board may establish a plan, in
28 13 accordance with section 403(b) of the Internal Revenue
28 14 Code, as defined in section 422.3, for employees,
28 15 which plan shall consist of one or more investment
28 16 contracts, on a group or individual basis, acquired
28 17 from a company, or a salesperson for that company,
28 18 that is authorized to do business in this state.

28 19 b. The selection of investment contracts to be
28 20 included within the plan established by the board
28 21 shall be made either pursuant to a competitive bidding
28 22 process conducted by the board, in coordination with
28 23 employee organizations representing employees eligible
28 24 to participate in the plan, or pursuant to an
28 25 agreement with the department of administrative
28 26 services to make available investment contracts
28 27 included in a deferred compensation or similar plan
28 28 established by the department pursuant to section
28 29 8A.438, which plan meets the requirements of this
28 30 subsection. The determination of whether to select
28 31 investment contracts for the plan pursuant to a
28 32 competitive bidding process or by agreement with the
28 33 department of administrative services shall be made by
28 34 agreement between the board and the employee
28 35 organizations representing employees eligible to
28 36 participate in the plan.

28 37 c. The board may make elective deferrals in
28 38 accordance with the plan as authorized by an eligible
28 39 employee for the purpose of making contributions to
28 40 the investment contract on behalf of the employee.
28 41 The deferrals shall be made in the manner which will
28 42 qualify contributions to the investment contract for
28 43 the benefits under section 403(b) of the Internal
28 44 Revenue Code, as defined in section 422.3. In
28 45 addition, the board may make nonelective employer
28 46 contributions to the plan.

28 47 d. As used in this subsection, unless the context
28 48 otherwise requires, "investment contract" shall mean a
28 49 custodial account utilizing mutual funds or an annuity
28 50 contract which meets the requirements of section



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29 1 403(b) of the Internal Revenue Code, as defined in
29 2 section 422.3.
29 3 Sec. 50. Section 294.16, Code 2007, is amended by
29 4 striking the section and inserting in lieu thereof the
29 5 following:
29 6 294.16 INVESTMENT CONTRACTS.
29 7 1. The school district may establish a plan, in
29 8 accordance with section 403(b) of the Internal Revenue
29 9 Code, as defined in section 422.3, for employees,
29 10 which plan shall consist of one or more investment
29 11 contracts, on a group or individual basis, acquired
29 12 from a company, or a salesperson for that company,
29 13 that is authorized to do business in this state.
29 14 2. The selection of investment contracts to be
29 15 included within the plan established by the school
29 16 district shall be made either pursuant to a
29 17 competitive bidding process conducted by the school
29 18 district, in coordination with employee organizations
29 19 representing employees eligible to participate in the
29 20 plan, or pursuant to an agreement with the department
29 21 of administrative services to make available
29 22 investment contracts included in a deferred
29 23 compensation or similar plan established by the
29 24 department pursuant to section 8A.438, which plan
29 25 meets the requirements of this section. The
29 26 determination of whether to select investment
29 27 contracts for the plan pursuant to a competitive
29 28 bidding process or by agreement with the department of
29 29 administrative services shall be made by agreement
29 30 between the school district and the employee
29 31 organizations representing employees eligible to
29 32 participate in the plan.
29 33 3. The school district may make elective deferrals
29 34 in accordance with the plan as authorized by an
29 35 eligible employee for the purpose of making
29 36 contributions to the investment contract on behalf of
29 37 the employee. The deferrals shall be made in the
29 38 manner which will qualify contributions to the
29 39 investment contract for the benefits under section
29 40 403(b) of the Internal Revenue Code, as defined in
29 41 section 422.3. In addition, the school district may
29 42 make nonelective employer contributions to the plan.
29 43 4. As used in this section, unless the context
29 44 otherwise requires, "investment contract" shall mean a
29 45 custodial account utilizing mutual funds or an annuity
29 46 contract which meets the requirements of section
29 47 403(b) of the Internal Revenue Code, as defined in
29 48 section 422.3.
29 49 Sec. 51. TRANSITION PROVISIONS == INTERNAL REVENUE
29 50 CODE SECTION 403(b) PLANS. Notwithstanding any



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House Amendment 8626 continued

30 1 provision of law to the contrary, the investment
30 2 contracts to be included within a plan established
30 3 pursuant to section 260C.14, subsection 9, section
30 4 273.3, subsection 14, or section 294.16, for the
30 5 period beginning January 1, 2009, and ending December
30 6 31, 2009, shall be investment contracts selected by
30 7 the department of administrative services from among
30 8 the investment contracts included in a deferred
30 9 compensation or similar plan established by the
30 10 department of administrative services, which plan
30 11 meets the requirements of section 403(b) of the
30 12 Internal Revenue Code, as defined in section 422.3, or
30 13 shall be from no more than five companies authorized
30 14 to issue investment contracts as selected by the
30 15 applicable employer and from no more than three
30 16 companies authorized to issue investment contracts as
30 17 selected by, and in the sole discretion of, the
30 18 employee organizations representing the applicable
30 19 employer's employees. Selection of companies and
30 20 investment contracts for a plan shall be made in the
30 21 best interests of employees eligible to participate in
30 22 the plan. The determination of whether to select
30 23 investment contracts for the plan for the period
30 24 beginning January 1, 2009, and ending December 31,
30 25 2009, that are included in a deferred compensation or
30 26 similar plan established by the department of
30 27 administrative services or that are selected by the
30 28 applicable employer and the employee organizations
30 29 representing the applicable employer's employees,
30 30 shall be made by an agreement entered into by August
30 31 15, 2008, between the applicable employer and the
30 32 employee organizations representing the applicable
30 33 employer's employees eligible to participate in the
30 34 plan. Applicable employers shall have the authority
30 35 to take such action as deemed necessary to establish,
30 36 effective January 1, 2009, an eligible plan pursuant
30 37 to section 260C.14, subsection 9, section 273.3,
30 38 subsection 14, or section 294.16.

30 39 Sec. 52. DEPARTMENT OF ADMINISTRATIVE SERVICES ==
30 40 SELECTION OF INVESTMENT CONTRACT PROVIDERS FOR
30 41 INTERNAL REVENUE CODE SECTION 403(b) PLANS.

30 42 1. The department of administrative services shall
30 43 establish, by January 1, 2010, a plan, as authorized
30 44 pursuant to section 8A.438 and in accordance with
30 45 section 403(b) of the Internal Revenue Code, as
30 46 defined in section 422.3, for employees, which plan
30 47 shall consist of one or more investment contracts, on
30 48 a group or individual basis, acquired from a company,
30 49 or a salesperson for that company, that is authorized
30 50 to do business in this state, that is eligible to be



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House Amendment 8626 continued

31 1 utilized as a vendor of investment contracts for plans
 31 2 established pursuant to section 260C.14, subsection 9,
 31 3 section 273.3, subsection 14, or section 294.16.
 31 4 2. The department of administrative services shall
 31 5 determine which vendors will be authorized to
 31 6 participate under the tax-sheltered investment program
 31 7 established by the department pursuant to section
 31 8 8A.438. Employee organizations representing employees
 31 9 and employers participating in the programs authorized
 31 10 under sections 8A.433 and 8A.438 shall be allowed to
 31 11 assist the department in this decision, specific only
 31 12 to the initial competitive bid process that will
 31 13 determine the vendors that will be in the program as
 31 14 of January 1, 2010.
 31 15 3. As used in this section, unless the context
 31 16 otherwise requires, "investment contract" shall mean a
 31 17 custodial account utilizing mutual funds or an annuity
 31 18 contract which meets the requirements of section
 31 19 403(b) of the Internal Revenue Code, as defined in
 31 20 section 422.3.
 31 21 Sec. 53. EFFECTIVE DATE.
 31 22 1. The sections of this division of this Act
 31 23 amending section 260C.14, subsection 9, section 273.3,
 31 24 subsection 14, and section 294.16, take effect January
 31 25 1, 2009.
 31 26 2. The section of this division of this Act,
 31 27 enacting transition provisions relating to plans
 31 28 required to meet requirements for Internal Revenue
 31 29 Code section 403(b) plans, being deemed of immediate
 31 30 importance, takes effect upon enactment.>
 31 31 #2. By renumbering as necessary.
 31 32
 31 33
 31 34
 31 35 BOAL of Polk
 31 36
 31 37
 31 38
 31 39 JACOBS of Polk
 31 40
 31 41
 31 42
 31 43 DRAKE of Pottawattamie
 31 44
 31 45
 31 46
 31 47 PETTENGILL of Benton
 31 48 SF 2424.304 82
 31 49 ec/sc/21333



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House Amendment 8627

PAG LIN

1 1 Amend House File 2177, as passed by the House, as
 1 2 follows:
 1 3 #1. Page 1, line 3, by striking the word <The> and
 1 4 inserting the following: <An antlerless deer
 1 5 only>.
 1 6 #2. Page 1, line 4, by striking the word <a> and
 1 7 inserting the following: <a an antlerless>.
 1 8 #3. Page 1, line 5, by inserting after the word
 1 9 <dated.> the following: <An antlered or any sex deer
 1 10 hunting license shall be accompanied by two tags
 1 11 designed to be used only once.>
 1 12 #4. Page 1, line 6, by striking the words <the
 1 13 tag> and inserting the following: <one of the tags>.
 1 14 #5. Page 1, line 6, by inserting after the word
 1 15 <antlers> the following: <and one of the tags shall
 1 16 be affixed to the deer as provided by the commission
 1 17 by rule>.
 1 18 #6. Title page, line 2, by striking the word
 1 19 <antlered>.
 1 20 HF 2177.S
 1 21 av/ml/12
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House Amendment 8628

PAG LIN

1 1 Amend the amendment, H=8578, to Senate File 2424,
1 2 as passed by the Senate, as follows:
1 3 #1. Page 1, by inserting after line 22 the
1 4 following:
1 5 <#____. Page 33, by inserting after line 13 the
1 6 following:
1 7 <4. The section of this Act enacting section
1 8 97B.80C, subsection 3, paragraph cc, takes effect
1 9 January 1, 2009.>>
1 10 #2. By renumbering as necessary.
1 11
1 12
1 13
1 14 JOCHUM of Dubuque
1 15 SF 2424.206 82
1 16 ec/sc/12596
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House Amendment 8629

PAG LIN

1 1 Amend the amendment, H=8582, to House File 2689, as
1 2 follows:
1 3 #1. Page 5, line 2, by striking the word <"c"> and
1 4 inserting the following: <"a">.
1 5 #2. By renumbering as necessary.
1 6
1 7
1 8
1 9 REASONER of Union
1 10 HF 2689.202 82
1 11 da/nh/21335
1 12
1 13
1 14
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House Amendment 8630

PAG LIN

1 1 Amend Senate File 2427, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, lines 5 and 6, by striking the words
1 4 <thirty days prior to or during a legislative
1 5 session>.
1 6 #2. Page 1, lines 8 and 9, by striking the words
1 7 <was considered during the previous> and inserting the
1 8 following: <could be considered during a>.
1 9
1 10
1 11
1 12 RAECKER of Polk
1 13
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1 15
1 16 BOAL of Polk
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1 18
1 19
1 20 DRAKE of Pottawattamie
1 21
1 22
1 23
1 24 GREINER of Washington
1 25
1 26
1 27
1 28 JACOBS of Polk
1 29
1 30
1 31
1 32 L. MILLER of Scott
1 33
1 34
1 35
1 36 PETTENGILL of Benton
1 37
1 38
1 39
1 40 KAUFMANN of Cedar
1 41 SF 2427.501 82
1 42 av/rj/21110
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House Amendment 8631

PAG LIN

1 1 Amend the amendment, H=8604, to the Senate
 1 2 amendment, H=8439, to House File 2539, as amended,
 1 3 passed, and reprinted by the House, as follows:
 1 4 #1. Page 5, line 2, by inserting after the word
 1 5 <in> the following: <data collection related to>.
 1 6 #2. Page 7, by striking lines 3 through 6 and
 1 7 inserting the following: <pursuant to chapter 17A,
 1 8 the cost-sharing amounts, criteria for modification of
 1 9 the cost-sharing amounts, and graduated premiums for
 1 10 children under the hawk=I expansion program.>
 1 11 #3. Page 12, line 9, by striking the word <Six>
 1 12 and inserting the following: <Seven>.
 1 13 #4. Page 12, by inserting after line 19 the
 1 14 following:
 1 15 <(6) A representative of the Iowa association of
 1 16 health underwriters.>
 1 17 #5. Page 12, line 32, by striking the word
 1 18 <governor> and inserting the following: <director of
 1 19 public health>.
 1 20 #6. Page 12, line 35, by striking the word
 1 21 <governor> and inserting the following: <director>.
 1 22 #7. Page 41, by striking line 42 and inserting the
 1 23 following: <contrary. With reference to a
 1 24 hospital,>.
 1 25 #8. Page 41, by inserting after line 45 the
 1 26 following:
 1 27 <(1) Is designated as a critical access hospital
 1 28 pursuant to 42 U.S.C. } 1395i=4.>
 1 29 #9. Page 41, line 46, by striking the figure and
 1 30 word <(1) Serves> and inserting the following: <(2)
 1 31 Serves>.
 1 32 #10. Page 41, line 50, by striking the figure and
 1 33 word <(2) Provides> and inserting the following:
 1 34 <(3) Provides>.
 1 35 #11. Page 42, line 3, by striking the figure and
 1 36 word <(3) Is> and inserting the following: <(4) Is>.
 1 37
 1 38
 1 39
 1 40 HEDDENS of Story
 1 41
 1 42
 1 43
 1 44 UPMEYER of Hancock
 1 45 HF 2539.712 82
 1 46 pf/rj/11667
 1 47
 1 48
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Senate Amendment 5394

PAG LIN

1 1 Amend the amendment, S=5393, to Senate File 2428 as
1 2 follows:
1 3 #1. Page 4, line 29, by inserting after the word
1 4 <debt> the following: <imposed, assessed, or>.
1 5
1 6
1 7
1 8 ROBERT E. DVORSKY
1 9 SF 2428.506 82
1 10 jm/nh/21331
1 11
1 12
1 13
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Senate Amendment 5395

PAG LIN

1 1 Amend Senate File 2428 as follows:
1 2 #1. Page 20, by striking lines 11 through 15 and
1 3 inserting the following:
1 4 <(a) For a county with a population greater than
1 5 one hundred fifty thousand, an amount up to five
1 6 hundred thousand dollars.
1 7 (b) For a county with a population greater than
1 8 one hundred thousand but not more than one hundred
1 9 fifty thousand, an amount up to four hundred thousand
1 10 dollars.
1 11 (c) For a county with a population greater than
1 12 fifty thousand but not more than one hundred thousand,
1 13 an amount up to two hundred fifty thousand dollars.
1 14 (d) For a county with a population greater than
1 15 twenty=six thousand but not more than fifty thousand,
1 16 an amount up to one hundred thousand dollars.
1 17 (e) For a county with a population greater than
1 18 fifteen thousand but not more than twenty=six
1 19 thousand, an amount up to fifty thousand dollars.
1 20 (f) For a county with a population equal to or
1 21 less than fifteen thousand, an amount up to
1 22 twenty=five thousand dollars.>
1 23 #2. Page 20, by inserting after line 34 the
1 24 following:
1 25 <___. (1) A county may enter into an agreement
1 26 pursuant to chapter 28E with one or more other
1 27 counties for the purpose of collecting delinquent
1 28 court debt pursuant to this subsection.
1 29 (2) Notwithstanding paragraph "c", if a county
1 30 subject to the threshold amount in paragraph "c",
1 31 subparagraph (2), subparagraph subdivision (e) or (f)
1 32 enters into such an agreement exclusively with a
1 33 county or counties subject to the threshold amount in
1 34 paragraph "c", subparagraph (2), subparagraph
1 35 subdivision (e) or (f), the threshold amount
1 36 applicable to all of the counties combined shall be a
1 37 single threshold amount, equal to the threshold amount
1 38 attributable to the county with the largest
1 39 population.>
1 40
1 41
1 42
1 43 STEVE KETTERING
1 44
1 45
1 46
1 47 ROBERT E. DVORSKY
1 48 SF 2428.503 82
1 49 jm/nh/12586
1 50



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Senate Amendment 5396

PAG LIN

1 1 Amend House File 2177, as passed by the House, as
 1 2 follows:
 1 3 #1. Page 1, line 3, by striking the word <The> and
 1 4 inserting the following: <An antlerless deer
 1 5 only>.
 1 6 #2. Page 1, line 4, by striking the word <a> and
 1 7 inserting the following: <a an antlerless>.
 1 8 #3. Page 1, line 5, by inserting after the word
 1 9 <dated.> the following: <An antlered or any sex deer
 1 10 hunting license shall be accompanied by two tags
 1 11 designed to be used only once.>
 1 12 #4. Page 1, line 6, by striking the words <the
 1 13 tag> and inserting the following: <one of the tags>.
 1 14 #5. Page 1, line 6, by inserting after the word
 1 15 <antlers> the following: <and one of the tags shall
 1 16 be affixed to the deer as provided by the commission
 1 17 by rule>.
 1 18 #6. Title page, line 2, by striking the word
 1 19 <antlered>.
 1 20
 1 21
 1 22
 1 23 DICK L. DEARDEN
 1 24 HF 2177.501 82
 1 25 av/nh/21325
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Senate Amendment 5397

PAG LIN

1 1 Amend House File 2688, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 1, line 35, by striking the figure
1 4 <266.48> and inserting the following: <266.49>.
1 5 #2. Page 2, line 24, by striking the figure
1 6 <266.48> and inserting the following: <266.49>.
1 7 #3. Page 5, by inserting after line 29 the
1 8 following:
1 9 <Sec. _____. NEW SECTION. 266.48 COST=SHARE
1 10 PROGRAM FOR LIVESTOCK MITIGATION EFFORTS.
1 11 1. a. Iowa state university, in cooperation with
1 12 the department of agriculture and land stewardship and
1 13 the department of natural resources, shall establish a
1 14 cost=share program for the livestock odor mitigation
1 15 research efforts as established in sections 266.43
1 16 through 266.45 that maximizes participation in the
1 17 livestock mitigation research efforts so as to
1 18 accomplish the purposes in section 266.42, subsection
1 19 1.
1 20 b. The cost=share program shall allow for monetary
1 21 contributions from livestock producers and other
1 22 persons with an interest in livestock production. In
1 23 addition, a livestock producer participating in a
1 24 livestock odor mitigation research effort as provided
1 25 in sections 266.43 through 266.45 shall provide
1 26 in-kind contributions to participate in a research
1 27 effort which may include but are not limited to
1 28 furnishing the livestock producer's own labor,
1 29 construction equipment, electricity and other utility
1 30 costs, insurance, real property tax payments, and
1 31 basic construction materials that may be reused or
1 32 continued to be used by the livestock producer after
1 33 the completion of the research effort.
1 34 2. This section does not apply to a livestock
1 35 producer who is required to contribute one hundred
1 36 percent of the total costs of conducting a research
1 37 project.>
1 38 #4. Page 5, line 30, by striking the figure
1 39 <266.48> and inserting the following: <266.49>.
1 40 #5. Page 7, line 29, by striking the figure
1 41 <266.48> and inserting the following: <266.49>.
1 42 #6. Page 8, line 10, by striking the word <thirty>
1 43 and inserting the following: <forty=five>.
1 44 #7. Page 8, line 12, by striking the figure
1 45 <266.48> and inserting the following: <266.49>.
1 46 #8. Page 8, line 13, by inserting after the word
1 47 <application> the following: <is>.
1 48 #9. Page 8, line 19, by striking the figure
1 49 <266.48> and inserting the following: <266.49>.
1 50 #10. Page 8, line 32, by striking the words



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Senate Amendment 5397 continued

2 1 <appropriated by the general assembly>.
2 2 #11. By renumbering as necessary.
2 3
2 4
2 5
2 6 JOHN P. KIBBIE
2 7
2 8
2 9
2 10 HUBERT HOUSER
2 11 HF 2688.207 82
2 12 da/ml/12



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Senate Amendment 5398

PAG LIN

1 1 Amend Senate File 2428 as follows:
1 2 #1. By striking page 5, line 7, through page 14,
1 3 line 8, and inserting the following:
1 4 <DIVISION II>
1 5 #2. Title page, lines 3 and 4, by striking the
1 6 words <sanctioning of professional licenses,>.
1 7 #3. By renumbering as necessary.
1 8
1 9
1 10
1 11 DAVID L. HARTSUCH
1 12 SF 2428.502 82
1 13 jm/nh/21327
1 14
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Senate Amendment 5399

PAG LIN

1 1 Amend the amendment, S=5393, to Senate File 2428,
1 2 as follows:
1 3 #1. Page 4, by striking lines 29 through 32 and
1 4 inserting the following: <the processing fee or
1 5 collection fee provided for in that section shall only
1 6 be added to court debt imposed or assessed and deemed
1 7 delinquent after the effective date of this Act.>>
1 8
1 9
1 10
1 11 STEVE KETTERING
1 12
1 13
1 14
1 15 PAT WARD
1 16 SF 2428.505 82
1 17 jm/nh/21329
1 18
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Senate Amendment 5400

PAG LIN

1 1 Amend Senate File 2428 as follows:
1 2 #1. Page 1, lines 25 and 26, by striking the words
1 3 <are equal to or greater than ten thousand dollars>
1 4 and inserting the following: <meet the minimum level
1 5 for state income tax withholding in section 422.16,
1 6 subsection 1, paragraph "d">.
1 7 #2. Page 1, lines 30 and 31, by striking the words
1 8 <are equal to or greater than ten thousand dollars>
1 9 and inserting the following: <meet the minimum level
1 10 for state income tax withholding in section 422.16,
1 11 subsection 1, paragraph "d">.
1 12 #3. Page 3, lines 27 and 28, by striking the words
1 13 <are equal to or greater than ten thousand dollars>
1 14 and inserting the following: <meet the minimum level
1 15 for state income tax withholding in section 422.16,
1 16 subsection 1, paragraph "d">.
1 17 #4. Page 3, lines 32 and 33, by striking the words
1 18 <are equal to or greater than ten thousand dollars>
1 19 and inserting the following: <meet the minimum level
1 20 for state income tax withholding in section 422.16,
1 21 subsection 1, paragraph "d">.
1 22
1 23
1 24
1 25 BRAD ZAUN
1 26 SF 2428.504 82
1 27 jm/nh/21328
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Senate Amendment 5401

PAG LIN

1 1 Amend Senate File 2425, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, line 24, by striking the figure
1 4 <4,851,698> and inserting the following: <5,251,698>.
1 5 #2. Page 2, by inserting after line 21 the
1 6 following:
1 7 <___. Of the funds appropriated in this section,
1 8 \$200,000 shall be used to replace federal funding for
1 9 the aging and disability resource center.>
1 10 #3. Page 2, by inserting after line 21 the
1 11 following:
1 12 <___. Of the funds appropriated in this section,
1 13 \$200,000 shall be used for expansion of the elder
1 14 abuse initiative program established pursuant to
1 15 section 231.56A to additional counties.>
1 16 #4. Page 4, by striking lines 1 through 8, and
1 17 inserting the following:
1 18 <___. Of the funds appropriated in this
1 19 subsection, \$100,000 shall be distributed to a
1 20 statewide coalition that has demonstrated
1 21 effectiveness in a research-based literacy program to
1 22 train parents and health care providers about the
1 23 importance of early childhood learning and literacy by
1 24 providing parents with age-appropriate counseling on
1 25 reading aloud to their children, giving children new
1 26 books, and providing a literacy-rich physician waiting
1 27 room environment.>
1 28 #5. Page 4, by striking lines 9 through 13.
1 29 #6. Page 5, lines 30 and 31, by striking the words
1 30 and figures <pursuant to sections 135.102 and
1 31 135.103>.
1 32 #7. Page 6, line 13, by striking the figure
1 33 <2,798,513> and inserting the following: <2,961,013>.
1 34 #8. Page 6, line 24, by striking the figure
1 35 <100,000> and inserting the following: <262,500>.
1 36 #9. Page 7, line 25, by striking the figure
1 37 <4,678,000> and inserting the following: <1,690,000>.
1 38 #10. Page 7, line 26, by striking the words <a.
1 39 It> and inserting the following: <It>.
1 40 #11. Page 7, by striking lines 32 through 34.
1 41 #12. Page 8, by inserting after line 10 the
1 42 following:
1 43 <3. To enhance and standardize the availability,
1 44 delivery, and cost of delivery of gambling treatment
1 45 services statewide, the department shall implement a
1 46 transition process to transfer the delivery of
1 47 gambling treatment services to the network of licensed
1 48 substance abuse treatment providers funded by the
1 49 department. The transition process shall be completed
1 50 by July 1, 2009.



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Senate Amendment 5401 continued

2 1 a. By December 1, 2008, licensed substance abuse
2 2 treatment providers funded by the department shall
2 3 submit to the department, plans and budgets that
2 4 address transitioning gambling treatment services,
2 5 providing gambling treatment services, and training
2 6 staff to provide gambling treatment services. The
2 7 format for the plans and budgets shall be developed by
2 8 the department. Plans and budgets shall be approved
2 9 or disapproved by the department. The department
2 10 shall allocate funds to providers in accordance with
2 11 approved plans and budgets.

2 12 b. The transition process shall include the
2 13 establishment of joint licensure for gambling and
2 14 substance abuse treatment that includes one set of
2 15 standards, one licensure survey, comprehensive
2 16 technical assistance, and appropriately credentialed
2 17 counselors to support the following goals:

2 18 (1) Gambling treatment services are available to
2 19 Iowans statewide.

2 20 (2) The comorbidity and spectrum of conditions
2 21 involving substance use disorders, problematic and
2 22 pathological gambling, concerned persons, and mental
2 23 health disorders are readily acknowledged and service
2 24 providers have the skills to treat individuals who are
2 25 symptomatic with combinations of these conditions.

2 26 (3) Service providers also have the skills and
2 27 delivery structures to welcome and treat individuals
2 28 with single morbidity.

2 29 (4) Licensure standards for gambling treatment and
2 30 substance abuse treatment services are uniform to the
2 31 greatest possible extent, with no duplications or
2 32 contradictions.

2 33 (5) Client admissions to gambling treatment
2 34 services statewide are consistent with the incidence
2 35 of problematic and pathological gambling.

2 36 (6) Outcome measures for gambling treatment
2 37 services are uniform statewide.

2 38 (7) The costs to deliver gambling treatment
2 39 services are better aligned with the costs to deliver
2 40 substance abuse treatment services.

2 41 c. From the amounts appropriated in this section
2 42 and from other funding sources available for gambling
2 43 and substance abuse treatment, the department may
2 44 allocate up to \$100,000 for administrative costs to
2 45 develop and implement the transition process in
2 46 accordance with this subsection.>

2 47 #13. Page 10, by inserting after line 32 the
2 48 following:

2 49 <Notwithstanding section 8.33, moneys appropriated
2 50 in this subsection that remain unencumbered or



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3 1 unobligated at the close of the fiscal year shall not
3 2 revert but shall remain available for expenditure for
3 3 the purposes designated until the close of the
3 4 succeeding fiscal year. However, unless such moneys
3 5 are encumbered or obligated on or before September 30,
3 6 2009, the moneys shall revert.>
3 7 #14. Page 10, line 34, by striking the figure
3 8 <17,707,495> and inserting the following:
3 9 <19,707,495>.
3 10 #15. Page 11, by inserting before line 12 the
3 11 following:
3 12 <Of the funds appropriated in this subsection,
3 13 \$1,200,000 is allocated for additional income
3 14 maintenance workers and \$800,000 is allocated for
3 15 additional social workers.>
3 16 #16. Page 14, by striking lines 30 through 34.
3 17 #17. Page 15, by inserting after line 19 the
3 18 following:
3 19 <The department shall amend the food stamp
3 20 employment and training state plan in order to
3 21 maximize to the fullest extent permitted by federal
3 22 law the use of the fifty=fifty match provisions for
3 23 the claiming of allowable federal matching funds from
3 24 the United States department of agriculture pursuant
3 25 to the federal food stamp employment and training
3 26 program for providing education, employment, and
3 27 training services for eligible food assistance program
3 28 participants, including but not limited to related
3 29 dependent care and transportation expenses.>
3 30 #18. Page 19, line 10, by striking the figure
3 31 <646,401,453> and inserting the following:
3 32 <649,497,984>.
3 33 #19. Page 24, line 35, by inserting after the word
3 34 <Act,> the following: <beginning January 1, 2009,>.
3 35 #20. Page 25, line 3, by inserting after the word
3 36 <Act,> the following: <beginning January 1, 2009,>.
3 37 #21. Page 25, by inserting after line 25 the
3 38 following:
3 39 <___. Of the funds appropriated in this section,
3 40 \$250,000 shall be used to implement the provisions in
3 41 2007 Iowa Acts, chapter 218, section 124, as amended
3 42 by the Eighty=second General Assembly, 2008 Session,
3 43 relating to eligibility for certain persons with
3 44 disabilities under the medical assistance program.
3 45 ___. It is the intent of the general assembly that
3 46 if federal funding for the medical assistance program
3 47 is increased during the fiscal year beginning July 1,
3 48 2008, priority in utilization of the increased funding
3 49 shall be to eliminate the medical assistance home and
3 50 community=based services waivers waiting lists, with



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4 1 any remaining funds being used to provide an
4 2 across=the=board percentage increase, up to 3 percent
4 3 above the rates existing on June 30, 2008, in the
4 4 reimbursement rates of medical assistance providers.
4 5 _____. The department of human services shall
4 6 conduct a review of the impact of broadening the list
4 7 of drugs prescribed for the treatment of diabetes on
4 8 the preferred drug list under the medical assistance
4 9 program in order to promote drugs that are appropriate
4 10 and therapeutically effective for persons with
4 11 diabetes. The review shall include, at a minimum, a
4 12 comparison of the effectiveness of drugs prescribed
4 13 for the treatment of diabetes and a cost analysis.
4 14 The department shall report its findings and
4 15 recommendations to the individuals specified in this
4 16 Act to receive reports by December 15, 2008.
4 17 _____. The department of human services shall
4 18 conduct a review of the medical assistance home and
4 19 community=based services waivers, including but not
4 20 limited to the upper limit of reimbursement for each
4 21 waiver and the services provided under each waiver,
4 22 and shall make recommendations to the individuals
4 23 specified in this Act to receive reports by December
4 24 15, 2008, regarding revising the upper limits of
4 25 reimbursement and services provided.>
4 26 #22. Page 27, line 27, by striking the figure
4 27 <15,873,103> and inserting the following:
4 28 <13,868,885>.
4 29 #23. Page 31, line 13, by striking the figure
4 30 <88,557,565> and inserting the following:
4 31 <88,210,005>.
4 32 #24. Page 31, line 34, by striking the figure
4 33 <36,441,744> and inserting the following:
4 34 <35,841,744>.
4 35 #25. Page 35, line 23, by striking the figure
4 36 <1,030,000> and inserting the following: <1,130,000>.
4 37 #26. Page 37, by inserting after line 21 the
4 38 following:
4 39 <25. Of the funds appropriated in this section,
4 40 \$152,440 shall be used for continuation of the funding
4 41 of one or more child welfare diversion and mediation
4 42 pilot projects as provided in 2004 Iowa Acts, chapter
4 43 1130, section 1.>
4 44 _____. The department shall review the processes for
4 45 drug testing of persons responsible for the care of a
4 46 child in child abuse cases to evaluate the
4 47 effectiveness of the testing, whether it is applied in
4 48 the same manner in all service areas, identify how the
4 49 funding designated for drug testing is utilized, and
4 50 address other issues associated with the testing. The



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5 1 department shall report concerning the review to the
5 2 persons designated by this Act to receive reports.
5 3 #27. Page 37, line 29, by striking the figure
5 4 <32,568,872> and inserting the following:
5 5 <33,168,872>.
5 6 #28. Page 44, by striking lines 2 through 13 and
5 7 inserting the following:
5 8 <6. Of the funds appropriated in this section,
5 9 \$260,000 shall be used for a grant to a statewide
5 10 association of counties for development and
5 11 implementation of the community services network to
5 12 replace the county management information system.>
5 13 #29. Page 45, line 26, by striking the figure
5 14 <16,682,067> and inserting the following:
5 15 <16,982,067>.
5 16 #30. Page 45, by inserting after line 33 the
5 17 following:
5 18 <3. Of the funds appropriated in this section,
5 19 \$300,000 is allocated for opening a new Alzheimer's
5 20 disease unit at one of the state mental health
5 21 institutes.>
5 22 #31. Page 46, by striking lines 6 through 20 and
5 23 inserting the following:
5 24 <Sec. ____ . ALLOWED GROWTH == ADDITIONAL FUNDING.
5 25 There is appropriated from the general fund of the
5 26 state to the department of human services for the
5 27 fiscal year beginning July 1, 2008, and ending June
5 28 30, 2009, the following amount, or so much thereof as
5 29 is necessary, to be used for the purposes designated:
5 30 To be credited to the appropriation made in 2007
5 31 Iowa Acts, chapter 215, section 1, subsection 1, as
5 32 amended by this Act, for allocation as additional
5 33 funding under new subsection 3 of that section, as
5 34 enacted by this Act:
5 35 \$ 750,000>
5 36 #32. Page 46, line 32, by striking the figure
5 37 <2007.> and inserting the following: <2007, plus 1
5 38 percent. Nursing facility rates calculated in
5 39 accordance with this subparagraph shall in no instance
5 40 exceed the rate component limits as defined in 441 IAC
5 41 81.6(16).>
5 42 #33. Page 47, line 23, by striking the figure
5 43 <4.52> and inserting the following: <4.57>.
5 44 #34. Page 47, line 27, by striking the words
5 45 <remain at> and inserting the following: <be
5 46 increased by 1 percent over>.
5 47 #35. Page 48, by inserting after line 8 the
5 48 following:
5 49 <(4) A hospital is not eligible for an increase in
5 50 reimbursement under the medical assistance program for



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6 1 the fiscal year beginning July 1, 2008, if at any time
6 2 within the 24-month period directly preceding the
6 3 start of that fiscal year, the hospital meets both of
6 4 the following criteria:

6 5 (a) Has been subject to a cease and desist order
6 6 or other adverse order or adverse decision by the
6 7 national labor relations board, either by the board or
6 8 by an administrative law judge under the board, in
6 9 response to an unfair labor practice charge, and the
6 10 order or decision has not been subsequently overturned
6 11 by administrative or judicial review.

6 12 (b) Has been cited for a violation of the
6 13 occupational health and safety administration of the
6 14 United States department of labor pursuant to Iowa
6 15 Code chapter 88, and the citation has not been
6 16 subsequently overturned by administrative or judicial
6 17 review.>

6 18 #36. Page 48, line 16, by striking the words
6 19 <remain at> and inserting the following: <be
6 20 increased by 1 percent over>.

6 21 #37. Page 48, line 21, by striking the figure
6 22 <2008> and inserting the following: <2009>.

6 23 #38. Page 48, line 27, by striking the words
6 24 <remain at> and inserting the following: <be
6 25 increased by 1 percent over>.

6 26 #39. Page 48, line 31, by striking the figure
6 27 <160.71> and inserting the following: <167.19>.

6 28 #40. Page 48, line 34, by striking the words
6 29 <remain at> and inserting the following: <be
6 30 increased by 1 percent over>.

6 31 #41. Page 49, by inserting after line 3 the
6 32 following:

6 33 <ii. Notwithstanding any provision to the
6 34 contrary, for the fiscal year beginning July 1, 2008,
6 35 the reimbursement rate for anesthesiologists shall be
6 36 increased by 1 percent over the medical assistance
6 37 rate for anesthesiologists in effect on July 1, 2007.>

6 38 #42. Page 49, line 8, by striking the words
6 39 <remain at> and inserting the following: <be
6 40 increased by 1 percent over>.

6 41 #43. Page 54, by striking line 27 and inserting
6 42 the following: <provider entities, the state and
6 43 local offices of the long-term resident's care
6 44 advocate, the older Iowans' legislature, area agencies
6 45 on aging, the>.

6 46 #44. Page 55, by striking lines 13 through 25.

6 47 #45. Page 55, by inserting before line 26 the
6 48 following:

6 49 <___. VISUAL INSPECTIONS AND REPAIR OF HAZARDS ==
6 50 LEAD HAZARDS. The department of human services and



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7 1 the department of education shall adopt rules to
 7 2 require programs and facilities under the purview of
 7 3 the respective department to conduct visual
 7 4 assessments for lead hazards and to repair lead
 7 5 hazards identified.>
 7 6 #46. Page 63, line 7, by striking the figure
 7 7 <500,000> and inserting the following: <1,000,000>.
 7 8 #47. Page 63, by striking lines 32 through 35.
 7 9 #48. Page 64, by striking lines 1 through 19 and
 7 10 inserting the following:
 7 11 <11. For transfer to the appropriation made in
 7 12 2007 Iowa Acts, chapter 215, section 1, subsection 1,
 7 13 as amended by this Act, for allocation as additional
 7 14 funding under new subsection 3 of that section, as
 7 15 enacted by this Act:
 7 16 \$ 200,000>
 7 17 #49. Page 67, by striking lines 24 and 25 and
 7 18 inserting the following:
 7 19 <2. a. A statewide emergency mental health crisis
 7 20 services system shall be implemented through counties
 7 21 in accordance with this section.>
 7 22 #50. Page 68, by striking line 24 and inserting the
 7 23 following:
 7 24 <b. Identification of county groupings, geographic
 7 25 regions,>.
 7 26 #51. By striking page 82, line 10, through page 84,
 7 27 line 2, and inserting the following:
 7 28 <Sec. ____ . COMMUNITY MENTAL HEALTH CENTER LAW
 7 29 UPDATE.
 7 30 1. The mental health, mental retardation,
 7 31 developmental disabilities, and brain injury
 7 32 commission, as part of fulfilling its responsibilities
 7 33 under chapter 225C, shall develop a proposal for
 7 34 updating and revising Code chapter 230A, relating to
 7 35 community mental health centers, and for revising the
 7 36 accreditation standards in rule that would result from
 7 37 the statutory revisions. The commission shall utilize
 7 38 an advisory committee in developing the proposal. In
 7 39 addition to the interests represented on the
 7 40 commission, the advisory committee membership shall
 7 41 include but is not limited to representatives of the
 7 42 following: the child welfare advisory committee
 7 43 established pursuant to section 234.3, the coalition
 7 44 for family and children's services in Iowa, the Iowa
 7 45 chapter of the national association of social workers,
 7 46 the Iowa psychological society, and the Iowa
 7 47 psychiatric society.
 7 48 2. The proposal content shall include but is not
 7 49 limited to addressing Code chapter 230A requirements
 7 50 in the following areas: establishment and support of



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8 1 community mental health centers, services offered,
8 2 consumer and family involvement, capability to address
8 3 co-occurring disorders, forms of organization, board
8 4 of directors, organization meetings, duties and powers
8 5 of directors, center organization as a nonprofit
8 6 entity, annual budget, financial support of centers
8 7 through federal and state block grants, comprehensive
8 8 community mental health programs, target populations
8 9 to be served, emergency mental health crisis services,
8 10 quality improvement programs, use of evidence-based
8 11 practices, use of functional assessments and outcomes
8 12 measures, establishment of standards, and review and
8 13 evaluation processes.

8 14 3. The commission shall submit the proposal with
8 15 findings and recommendations to the governor and
8 16 general assembly on or before December 1, 2008. Until
8 17 the report has been considered and acted upon by the
8 18 general assembly, the division administrator may defer
8 19 consideration of requests for accreditation of a new
8 20 community mental health center or for approval of a
8 21 provider to fill the role of a community mental health
8 22 center.>

8 23 #52. Page 84, by inserting after line 2 the
8 24 following:

8 25 <Sec. _____. MENTAL HEALTH PATIENT ADVOCATE INTERIM
8 26 STUDY. The legislative council shall authorize a 2008
8 27 legislative interim study of the duties,
8 28 responsibilities, funding, and authority for the
8 29 mental health patient advocates appointed by the
8 30 courts under chapter 229. In addition to legislators,
8 31 the study committee membership shall include
8 32 representatives of counties, the judicial branch,
8 33 mental health patient advocates, and the department of
8 34 human services. The study committee shall
8 35 specifically identify the appropriate appointing
8 36 authority and funding source for the advocates in the
8 37 study recommendations.>

8 38 #53. Page 89, line 20, by striking the figure
8 39 <113,690,856> and inserting the following:
8 40 <114,953,296>.

8 41 #54. Page 94, by striking lines 20 through 30 and
8 42 inserting the following:

8 43 <TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
8 44 FAMILY DEVELOPMENT AND SELF-SUFFICIENCY GRANT PROGRAM
8 45 Sec. _____. 2007 Iowa Acts, chapter 218, section 7,
8 46 subsection 3, is amended by adding the following new
8 47 unnumbered paragraph:

8 48 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
8 49 8.33, moneys appropriated in this subsection that
8 50 remain unencumbered or unobligated at the close of the



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9 1 fiscal year shall not revert but shall remain
9 2 available for expenditure for the purposes designated
9 3 until the close of the succeeding fiscal year.
9 4 However, unless such moneys are encumbered or
9 5 obligated on or before September 30, 2008, the moneys
9 6 shall revert.>

9 7 #55. Page 98, by inserting after line 6 the
9 8 following:

9 9 <MI/MR/DD STATE CASES
9 10 ADOPTION SUBSIDY
9 11 Sec. _____. 2007 Iowa Acts, chapter 218, section 25,
9 12 subsection 3, is amended to read as follows:
9 13 3. Notwithstanding section 8.33, moneys
9 14 appropriated in this section that remain unencumbered
9 15 or unobligated at the close of the fiscal year shall
9 16 not revert but shall remain available for expenditure
9 17 for the purposes designated until the close of the
9 18 succeeding fiscal year. The first \$1,000,000 of such
9 19 moneys shall be transferred to the appropriation made
9 20 for adoption subsidy for the fiscal year beginning
9 21 July 1, 2008.>

9 22 #56. Page 100, line 10, by striking the word
9 23 <subsection> and inserting the following:
9 24 <subsections>.

9 25 #57. Page 100, by inserting after line 20 the
9 26 following:

9 27 <NEW SUBSECTION. 9. For the medical assistance
9 28 program only to the extent all other appropriations
9 29 made for the program are insufficient:
9 30 \$ 2,500,000>

9 31 #58. Page 107, by inserting after line 14 the
9 32 following:

9 33 <Sec. _____. Section 135.150, subsection 2, Code
9 34 Supplement 2007, is amended to read as follows:
9 35 2. a. Moneys appropriated to the department under
9 36 this section shall be for the purpose of operating a
9 37 gambling treatment program and shall be used for
9 38 funding of administrative costs and to provide
9 39 programs which may include, but are not limited to,
9 40 outpatient and follow-up treatment for persons
9 41 affected by problem gambling, rehabilitation and
9 42 residential treatment programs, information and
9 43 referral services, crisis call access, education and
9 44 preventive services, and financial management ~~and~~
9 45 ~~credit counseling~~ services.

9 46 b. A person shall not maintain or conduct a
9 47 gambling treatment program funded under this section
9 48 unless the person has obtained a license for the
9 49 program from the department. The department shall
9 50 adopt rules to establish standards for the licensing



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10 1 and operation of gambling treatment programs under
10 2 this section. The rules shall specify, but are not
10 3 limited to specifying, the qualifications for persons
10 4 providing gambling treatment services, standards for
10 5 the organization and administration of gambling
10 6 treatment programs, and a mechanism to monitor
10 7 compliance with this section and the rules adopted
10 8 under this section. Effective on or after July 1,
10 9 2009, the department shall adopt rules regarding the
10 10 joint licensure of gambling treatment and substance
10 11 abuse treatment programs including qualifications for
10 12 persons providing the services.>

10 13 #59. Page 107, line 26, by inserting after the
10 14 word <policy> the following: <bodies>.

10 15 #60. By striking page 119, line 35, through page
10 16 120, line 21.

10 17 #61. Page 121, by inserting after line 21 the
10 18 following:

10 19 <Sec. _____. Section 235B.19, subsection 1, Code
10 20 2007, is amended to read as follows:

10 21 1. If the department determines that a dependent
10 22 adult is suffering from dependent adult abuse which
10 23 presents an immediate danger to the health or safety
10 24 of the dependent adult or which results in irreparable
10 25 harm to the physical or financial resources or
10 26 property of the dependent adult, and that the
10 27 dependent adult lacks capacity to consent to receive
10 28 protective services and that no consent can be
10 29 obtained, the department ~~may~~ shall petition the court
10 30 with probate jurisdiction in the county in which the
10 31 dependent adult resides for an emergency order
10 32 authorizing protective services.

10 33 Sec. _____. Section 235B.19, subsection 3, paragraph
10 34 c, Code 2007, is amended to read as follows:

10 35 c. Order the provision of other available services
10 36 necessary to remove conditions creating the danger to
10 37 health or safety, including the services of peace
10 38 officers or emergency services personnel, and
10 39 including the termination of a guardianship or a
10 40 conservatorship pursuant to the requirements of
10 41 section 633.675.>

10 42 #62. Page 123, by inserting after line 8 the
10 43 following:

10 44 <Sec. _____. Section 249A.20A, subsection 2, Code
10 45 2007, is amended by adding the following new
10 46 paragraph:

10 47 NEW PARAGRAPH. d. A member of the committee shall
10 48 disclose to the department, in a format and in
10 49 accordance with a schedule prescribed by rule of the
10 50 department, any financial relationship or affiliation



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11 1 with a pharmaceutical manufacturer, including but not
11 2 limited to any payments or contributions for lectures,
11 3 consulting, research, or other services. The
11 4 disclosure requirements shall be at least as stringent
11 5 as the campaign disclosure requirements applicable to
11 6 a member of the general assembly pursuant to chapter
11 7 68A.

11 8 Sec. _____. Section 249A.24, Code 2007, is amended
11 9 by adding the following new subsection:

11 10 NEW SUBSECTION. 4. A member of the commission
11 11 shall disclose to the department, in a format and in
11 12 accordance with a schedule prescribed by rule of the
11 13 department, any financial relationship or affiliation
11 14 with a pharmaceutical manufacturer, including but not
11 15 limited to any payments or contributions for lectures,
11 16 consulting, research, or other services. The
11 17 disclosure requirements shall be at least as stringent
11 18 as the campaign disclosure requirements applicable to
11 19 a member of the general assembly pursuant to chapter
11 20 68A.

11 21 <Sec. _____. NEW SECTION. 249A.36 HEALTH CARE
11 22 INFORMATION SHARING.

11 23 1. As a condition of doing business in the state,
11 24 health insurers including self-insured plans, group
11 25 health plans as defined in the federal Employee
11 26 Retirement Income Security Act of 1974, Pub. L. No.
11 27 93-406, service benefit plans, managed care
11 28 organizations, pharmacy benefits managers, and other
11 29 parties that are, by statute, contract, or agreement,
11 30 legally responsible for payment of a claim for a
11 31 health care item or service, shall do all of the
11 32 following:

11 33 a. Provide, with respect to individuals who are
11 34 eligible for or are provided medical assistance under
11 35 the state's medical assistance state plan, upon the
11 36 request of the state, information to determine during
11 37 what period the individual or the individual's spouse
11 38 or dependents may be or may have been covered by a
11 39 health insurer and the nature of the coverage that is
11 40 or was provided by the health insurer, including the
11 41 name, address, and identifying number of the plan, in
11 42 accordance with section 505.25, in a manner prescribed
11 43 by the department of human services or as agreed upon
11 44 by the department and the entity specified in this
11 45 section.

11 46 b. Accept the state's right of recovery and the
11 47 assignment to the state of any right of an individual
11 48 or other entity to payment from the party for an item
11 49 or service for which payment has been made under the
11 50 medical assistance state plan.



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12 1 c. Respond to any inquiry by the state regarding a
12 2 claim for payment for any health care item or service
12 3 that is submitted no later than three years after the
12 4 date of the provision of such health care item or
12 5 service.

12 6 d. Agree not to deny any claim submitted by the
12 7 state solely on the basis of the date of submission of
12 8 the claim, the type or format of the claim form, or a
12 9 failure to present proper documentation at the
12 10 point-of-sale that is the basis of the claim, if all
12 11 of the following conditions are met:

12 12 (1) The claim is submitted to the entity by the
12 13 state within the three-year period beginning on the
12 14 date on which the item or service was furnished.

12 15 (2) Any action by the state to enforce its rights
12 16 with respect to such claim is commenced within six
12 17 years of the date that the claim was submitted by the
12 18 state.

12 19 2. The department of human services may adopt
12 20 rules pursuant to chapter 17A as necessary to
12 21 implement this section. Rules governing the exchange
12 22 of information under this section shall be consistent
12 23 with all laws, regulations, and rules relating to the
12 24 confidentiality or privacy of personal information or
12 25 medical records, including but not limited to the
12 26 federal Health Insurance Portability and
12 27 Accountability Act of 1996, Pub. L. No. 104-191, and
12 28 regulations promulgated in accordance with that Act

12 29 and published in 45 C.F.R. pts. 160 through 164.>

12 30 #63. Page 126, by striking lines 18 through 24.
12 31 #64. By striking page 128, line 32, through page
12 32 130, line 10.

12 33 #65. Page 135, by inserting after line 32 the
12 34 following:

12 35 <DIVISION
12 36 MASS TRANSIT

12 37 Sec. ____ . MASS TRANSIT INTERIM COMMITTEE. The
12 38 legislative council is requested to establish a
12 39 legislative interim study committee to conduct a
12 40 comprehensive study of the ways in which mass transit
12 41 might be employed to provide public transportation
12 42 services among Iowa communities. The study should
12 43 include but not be limited to an examination of the
12 44 following:

12 45 1. The ways in which the availability of mass
12 46 transit affects various populations within rural and
12 47 urban communities. In particular, the study should
12 48 examine the benefits of mass transit for poor,
12 49 elderly, and disabled individuals who are unable to
12 50 drive or cannot afford to own a motor vehicle.



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13 1 2. Any impact that mass transit services among
13 2 Iowa communities might have on population levels,
13 3 quality of life, and economic development in urban job
13 4 centers, smaller satellite communities, and rural
13 5 towns.

13 6 3. The effect of mass transit on statewide
13 7 greenhouse gas emissions and overall air quality,
13 8 including the role that mass transit can play in
13 9 meeting the goals of the Iowa energy independence
13 10 plan.

13 11 4. The level of public need for mass transit among
13 12 Iowa communities, including any specific areas of the
13 13 state where the need is most immediate.

13 14 5. The feasibility of expanding mass transit
13 15 services and the types and combinations of services
13 16 that might comprise a mass transit system for Iowa.

13 17 6. The potential costs and possible funding
13 18 mechanisms for developing and maintaining specific
13 19 mass transit services.

13 20 7. The attitudes and habits of Iowans concerning
13 21 personal transportation. The study should include a
13 22 component for educating the public about the economic,
13 23 social, and environmental advantages of mass transit.

13 24 The committee membership should include ten members
13 25 representing both political parties and both houses of
13 26 the general assembly. The committee should consult
13 27 with the department of transportation, the office of
13 28 energy independence, the department of human services,
13 29 local officials, members of the general public who are
13 30 knowledgeable concerning intercity public transit and
13 31 passenger rail, and other interested parties as
13 32 necessary to accomplish the work of the committee.
13 33 The committee, if authorized, shall submit a written
13 34 report of its findings and recommendations to the
13 35 governor and the general assembly by December 31,
13 36 2008.>

13 37 #66. By renumbering, relettering, or redesignating
13 38 and correcting internal references as necessary.

13 39 SF 2425.H

13 40 jg/25



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Senate Amendment 5402

PAG LIN

1 1 Amend Senate Resolution 155 as follows:
1 2 #1. Page 2, by striking lines 7 through 9 and
1 3 inserting the following:
1 4 <BE IT FURTHER RESOLVED, "That I know it, that you
1 5 know it, and the people of Iowa know it," and
1 6 therefore the Secretary of the Senate is directed to
1 7 prepare an official copy of the Resolution for
1 8 presentation to Senator Connolly.>
1 9
1 10
1 11
1 12 MICHAEL E. GRONSTAL
1 13
1 14
1 15
1 16 JEFF ANGELO
1 17
1 18
1 19
1 20 STACI APPEL
1 21
1 22
1 23
1 24 DARYL BEALL
1 25
1 26
1 27
1 28 JERRY BEHN
1 29
1 30
1 31
1 32 DENNIS H. BLACK
1 33
1 34
1 35
1 36 NANCY J. BOETTGER
1 37
1 38
1 39
1 40 JOE BOLKCOM
1 41
1 42
1 43
1 44 THOMAS G. COURTNEY
1 45
1 46
1 47
1 48 JEFF DANIELSON
1 49
1 50



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2 1
2 2 DICK L. DEARDEN
2 3
2 4
2 5
2 6 WILLIAM DOTZLER
2 7
2 8
2 9
2 10 ROBERT E. DVORSKY
2 11
2 12
2 13
2 14 EUGENE S. FRAISE
2 15
2 16
2 17
2 18 E. THURMAN GASKILL
2 19
2 20
2 21
2 22 JAMES F. HAHN
2 23
2 24
2 25
2 26 TOM HANCOCK
2 27
2 28
2 29
2 30 DAVID L. HARTSUCH
2 31
2 32
2 33
2 34 JACK HATCH
2 35
2 36
2 37
2 38 WILLIAM HECKROTH
2 39
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2 42 ROBERT M. HOGG
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2 46 WALLY E. HORN
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2 50 HUBERT HOUSER



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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Senate Amendment 5402 continued

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3 4 DAVID JOHNSON
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3 8 STEVE KETTERING
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3 12 JOHN P. KIBBIE
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3 16 KEITH A. KREIMAN
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3 20 MARY A. LUNDBY
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3 24 MATT McCOY
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3 48 JOHN PUTNEY
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
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Senate Amendment 5402 continued

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4 2 HERMAN C. QUIRMBACH
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4 6 AMANDA RAGAN
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4 10 THOMAS RIELLY
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4 14 BECKY SCHMITZ
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4 18 BRIAN SCHOENJAHN
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4 22 Dr. JOE M. SENG
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4 26 JAMES A. SEYMOUR
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4 30 ROGER STEWART
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4 34 PAT WARD
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4 38 STEVE WARNSTADT
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4 42 RON WIECK
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4 46 FRANK B. WOOD
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4 49
4 50 BRAD ZAUN



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 22, 2008**

Senate Amendment 5402 continued

5 1
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5 3
5 4 MARK ZIEMAN
5 5 SR 155.S
5 6 jr/ml/12



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
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Senate Amendment 5403

PAG LIN

1 1 Amend House File 2688, as amended, passed, and
 1 2 reprinted by the House, as follows:
 1 3 #1. Page 7, by inserting after line 24 the
 1 4 following:
 1 5 <Sec. _____. NEW SECTION. 266.49 UNIVERSITY OF
 1 6 IOWA STUDY == HEALTH EFFECTS.
 1 7 1. The university of Iowa college of public health
 1 8 shall conduct research regarding the possible effects
 1 9 on human health from the exposure to odor from
 1 10 livestock operations. The research shall include
 1 11 effects on neighbors who reside near a livestock
 1 12 operation and livestock production workers who
 1 13 regularly work inside a confinement feeding operation
 1 14 building. The research shall include but is not
 1 15 limited to the effect of livestock odor on respiratory
 1 16 diseases, cardiovascular events, and neuropsychiatric
 1 17 conditions. The research shall include effects on
 1 18 subgroups of especially susceptible individuals, such
 1 19 as the elderly, children, and those with preexisting
 1 20 impairments.
 1 21 2. a. The university of Iowa college of public
 1 22 health shall submit an interim report to the general
 1 23 assembly by January 15 of each year through January
 1 24 15, 2012. An interim report shall include data
 1 25 collected from the research and any recommendations
 1 26 deemed necessary by the college to protect the public
 1 27 health of individuals exposed to air emissions from
 1 28 livestock operations.
 1 29 b. The university of Iowa college of public health
 1 30 shall submit a final report to the general assembly by
 1 31 January 30, 2013. The report shall include a summary
 1 32 of efforts, the university's findings and conclusions,
 1 33 and recommendations necessary to protect the health of
 1 34 the public, including but not limited to neighbors who
 1 35 reside near a livestock operation and livestock
 1 36 production workers who regularly work inside a
 1 37 confinement feeding operation building, from the
 1 38 effects of exposure from livestock operations.>
 1 39 #2. By renumbering as necessary.
 1 40
 1 41
 1 42
 1 43 JOE BOLKCOM
 1 44
 1 45
 1 46 _____
 1 47 MARY A. LUNDBY
 1 48 HF 2688.704 82
 1 49 da/ml/12

1 50



Iowa General Assembly
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Senate Amendment 5404

PAG LIN

1 1 Amend Senate File 2428 as follows:
1 2 #1. Page 20, by striking lines 11 through 15 and
1 3 inserting the following:
1 4 <(a) For a county with a population greater than
1 5 one hundred fifty thousand, an amount equal to five
1 6 hundred thousand dollars.
1 7 (b) For a county with a population greater than
1 8 one hundred thousand but not more than one hundred
1 9 fifty thousand, an amount equal to four hundred
1 10 thousand dollars.
1 11 (c) For a county with a population greater than
1 12 fifty thousand but not more than one hundred thousand,
1 13 an amount equal to two hundred fifty thousand dollars.
1 14 (d) For a county with a population greater than
1 15 twenty=six thousand but not more than fifty thousand,
1 16 an amount equal to one hundred thousand dollars.
1 17 (e) For a county with a population greater than
1 18 fifteen thousand but not more than twenty=six
1 19 thousand, an amount equal to fifty thousand dollars.
1 20 (f) For a county with a population equal to or
1 21 less than fifteen thousand, an amount equal to
1 22 twenty=five thousand dollars.>
1 23 #2. Page 20, by inserting after line 34 the
1 24 following:
1 25 <___. (1) A county may enter into an agreement
1 26 pursuant to chapter 28E with one or more other
1 27 counties for the purpose of collecting delinquent
1 28 court debt pursuant to this subsection.
1 29 (2) Notwithstanding paragraph "c", if a county
1 30 subject to the threshold amount in paragraph "c",
1 31 subparagraph (2), subparagraph subdivision (e) or (f)
1 32 enters into such an agreement exclusively with a
1 33 county or counties subject to the threshold amount in
1 34 paragraph "c", subparagraph (2), subparagraph
1 35 subdivision (e) or (f), the threshold amount
1 36 applicable to all of the counties combined shall be a
1 37 single threshold amount, equal to the threshold amount
1 38 attributable to the county with the largest
1 39 population.>
1 40
1 41
1 42
1 43 STEVE KETTERING
1 44
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1 46
1 47 ROBERT E. DVORSKY
1 48 SF 2428.301 82
1 49 jm/nh/12595
1 50



Iowa General Assembly
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Senate Amendment 5405

PAG LIN

1 1 Amend the amendment, S=5393, to Senate File 2428 as
1 2 follows:
1 3 #1. Page 4, lines 8 and 9, by striking the words
1 4 <into the general fund of the state> and inserting the
1 5 following: <with the clerk of the district court for
1 6 distribution under section 602.8108>.
1 7
1 8
1 9
1 10 ROBERT E. DVORSKY
1 11 SF 2428.302 82
1 12 jm/nh/21336
1 13
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**Iowa General Assembly
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Senate Amendment 5406

PAG LIN

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1 1 Amend the amendment, S=5397, to House File 2688, as
1 2 amended, passed, and reprinted by the House, as
1 3 follows:
1 4 #1. Page 1, by inserting after line 49 the
1 5 following:
1 6 <#____. Page 8, by inserting after line 20 the
1 7 following:
1 8 <Sec. _____. APPROPRIATIONS == COST-SHARE PROGRAM
1 9 FOR LIVESTOCK ODOR MITIGATION EFFORTS. There is
1 10 appropriated from interest or earnings on moneys in
1 11 the grow Iowa values fund created pursuant to section
1 12 15G.108 to Iowa state university for the fiscal year
1 13 beginning July 1, 2008, and ending June 30, 2009, the
1 14 following amount, or so much thereof as is necessary,
1 15 to be used for the purposes designated:
1 16 For purposes of supporting the cost-share program
1 17 for livestock odor mitigation efforts as provided in
1 18 this Act:
1 19 ..... $ 1,000,000>>
1 20 #2. Page 2, by inserting after line 1 the
1 21 following:
1 22 <#____. Title page, line 3, by inserting after the
1 23 word <evaluations,> the following: <providing an
1 24 appropriation,>.>
1 25
1 26
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1 28 PAUL McKINLEY
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1 31 _____
1 32 JERRY BEHN
1 33 HF 2688.508 82
1 34 da/ml/12
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Iowa General Assembly
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Senate Amendment 5407

PAG LIN

1 1 Amend House File 2663, as passed by the House, as
1 2 follows:
1 3 #1. Page 20, by striking lines 16 through 34.
1 4
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1 6
1 7 PAT WARD
1 8 HF 2663.709 82
1 9 mg/ml/12
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**Iowa General Assembly
Daily Bills, Amendments & Study Bills
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Senate Amendment 5408

PAG LIN

1 1 Amend House File 2663, as passed by the House, as
 1 2 follows:
 1 3 #1. By striking everything after the enacting
 1 4 clause and inserting the following:
 1 5 <Section 1. Section 8.57, subsection 6, paragraph
 1 6 f, Code Supplement 2007, is amended to read as
 1 7 follows:
 1 8 f. There is appropriated from the rebuild Iowa
 1 9 infrastructure fund to the secure an advanced vision
 1 10 for education fund created in section 423E.4, for ~~each~~
 1 11 ~~the fiscal year of the fiscal period~~ beginning July 1,
 1 12 2004, and ~~ending June 30, 2014~~ each succeeding fiscal
 1 13 year, the amount of the moneys in excess of the first
 1 14 forty-seven million dollars credited to the rebuild
 1 15 Iowa infrastructure fund during the fiscal year, not
 1 16 to exceed ten million dollars.
 1 17 Sec. 2. Section 423E.1, subsection 2, Code 2007,
 1 18 is amended to read as follows:
 1 19 2. The maximum rate of tax shall be one percent.
 1 20 The tax shall be imposed without regard to any other
 1 21 local sales and services tax authorized in chapter
 1 22 423B, and is repealed at the expiration of a period of
 1 23 ten years of imposition or a shorter period as
 1 24 provided in the ballot proposition unless the period
 1 25 is extended as provided in section 423E.2, subsection
 1 26 5. ~~However, all local option sales and services taxes~~
 1 27 ~~for school infrastructure purposes are repealed~~
 1 28 ~~December 31, 2022.~~
 1 29 Sec. 3. Section 423E.2, subsection 5, paragraph c,
 1 30 Code Supplement 2007, is amended to read as follows:
 1 31 c. A local option sales and services tax shall not
 1 32 be repealed or reduced in rate if obligations are
 1 33 outstanding which are payable as provided in section
 1 34 423E.5, unless funds sufficient to pay the principal,
 1 35 interest, and premium, if any, on the outstanding
 1 36 obligations at and prior to maturity have been
 1 37 properly set aside and pledged for that purpose.
 1 38 ~~However, this paragraph does not apply to the repeal~~
 1 39 ~~of the tax on December 31, 2022, as specified in~~
 1 40 ~~section 423E.1, subsection 2.~~
 1 41 Sec. 4. Section 423E.4, subsection 3, paragraph a,
 1 42 Code 2007, is amended to read as follows:
 1 43 a. The director of revenue by August 15 of each
 1 44 fiscal year shall compute the guaranteed school
 1 45 infrastructure amount for each school district, each
 1 46 school district's sales tax capacity per student for
 1 47 each county, the statewide tax revenues per student,
 1 48 and the supplemental school infrastructure amount for
 1 49 the ~~coming~~ fiscal year.
 1 50 Sec. 5. Section 423E.4, subsection 3, paragraph b,



Iowa General Assembly
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April 22, 2008

Senate Amendment 5408 continued

2 1 subparagraph (3), Code 2007, is amended by striking
2 2 the subparagraph and inserting in lieu thereof the
2 3 following:
2 4 (3) "Statewide tax revenues per student" means the
2 5 greater of the following amounts:
2 6 (a) The amount determined by estimating the total
2 7 revenues that would be generated by a one percent
2 8 local option sales and services tax for school
2 9 infrastructure purposes if imposed by all the counties
2 10 during the entire fiscal year and dividing this
2 11 estimated revenue amount by the sum of the combined
2 12 actual enrollment for all counties as determined in
2 13 section 423E.3, subsection 5, paragraph "d",
2 14 subparagraph (2).
2 15 (b) Five hundred seventy-five dollars per student.
2 16 Sec. 6. Section 423E.4, Code 2007, is amended by
2 17 adding the following new subsections:
2 18 NEW SUBSECTION. 5A. For the fiscal year beginning
2 19 July 1, 2008, if any school district will not receive
2 20 a distribution under this section from the fund equal
2 21 to at least five hundred seventy-five dollars per
2 22 student, there is appropriated from the surplus
2 23 existing in the general fund of the state at the
2 24 conclusion of the fiscal year beginning July 1, 2007,
2 25 to the secure an advanced vision for education fund an
2 26 amount to be distributed to such school districts so
2 27 that the amount received for the fiscal year beginning
2 28 July 1, 2008, will equal five hundred seventy-five
2 29 dollars per student. The appropriation under this
2 30 subsection shall be made prior to the appropriation
2 31 and distribution to the senior living trust fund and
2 32 cash reserve fund of the surplus existing in the
2 33 general fund of the state at the conclusion of the
2 34 fiscal year beginning July 1, 2007.
2 35 NEW SUBSECTION. 5B. For the fiscal year beginning
2 36 July 1, 2009, and each subsequent fiscal year, if any
2 37 school district will not receive a distribution under
2 38 this section from the fund equal to at least five
2 39 hundred seventy-five dollars per student, there is
2 40 appropriated from the general fund of the state to the
2 41 secure an advanced vision for education fund an amount
2 42 to be distributed to such school districts so that the
2 43 amount received for the fiscal year will equal five
2 44 hundred seventy-five dollars per student.
2 45 Sec. 7. Section 423E.7, Code 2007, is repealed.
2 46 Sec. 8. CONSTITUTIONAL AMENDMENT == INTENT. It is
2 47 the intent of the general assembly that an amendment
2 48 to the Constitution of the State of Iowa be proposed
2 49 and passed by two successive general assemblies and
2 50 submitted to the voters of the state that provides the



Iowa General Assembly
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Senate Amendment 5408 continued

3 1 following:
3 2 All revenues derived from the imposition and
3 3 collection of a local sales and services tax for
3 4 school infrastructure purposes be distributed to
3 5 school districts of the state to be used exclusively
3 6 for school infrastructure purposes or school property
3 7 tax relief, including the payment of principal and
3 8 interest on bonds issued for school infrastructure
3 9 purposes.>
3 10 #2. Title page, by striking lines 1 through 7 and
3 11 inserting the following: <An Act relating to the
3 12 local sales and services tax for school infrastructure
3 13 purposes and providing for appropriations, if
3 14 necessary.>
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3 17
3 18 LARRY McKIBBEN
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3 20
3 21
3 22 JEFF ANGELO
3 23 HF 2663.518 82
3 24 mg/ml/12



Iowa General Assembly
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Senate Amendment 5409

PAG LIN

1 1 Amend the House amendment, S=5401, to Senate File
1 2 2425, as amended, passed, and reprinted by the Senate,
1 3 as follows:
1 4 #1. Page 7, by inserting after line 25 the
1 5 following:
1 6 <#____. Page 75, line 25, by striking the figure
1 7 <54,081,310> and inserting the following:
1 8 <58,081,310>.
1 9 #____. Page 76, line 9, by striking the figure
1 10 <12,000,000> and inserting the following:
1 11 <16,000,000>.>
1 12 #2. By renumbering as necessary.
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1 15
1 16 BRAD ZAUN
1 17
1 18
1 19 _____
1 20 PAT WARD
1 21
1 22
1 23 _____
1 24 DAVE MULDER
1 25 SF 2425.207 82
1 26 jp/ml/12
1 27
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**Iowa General Assembly
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Senate Amendment 5410

PAG LIN

1 1 Amend Senate File 2406, as passed by the Senate, as
 1 2 follows:
 1 3 #1. By striking page 4, line 11, through page 5,
 1 4 line 28, and inserting the following:
 1 5 <Sec. _____. Section 7K.1, subsection 3, unnumbered
 1 6 paragraph 1, Code 2007, is amended to read as follows:
 1 7 The board of directors of the foundation shall
 1 8 consist of fifteen members ~~serving staggered~~
~~1 9 three-year terms beginning on May 1 of the year of~~
~~1 10 appointment~~ who shall be appointed as follows:
 1 11 Sec. _____. Section 7K.1, subsection 3, Code 2007,
 1 12 is amended by adding the following new paragraph:
 1 13 NEW PARAGRAPH. d. The term of the members
 1 14 appointed by the governor shall be for three years,
 1 15 staggered by the governor, beginning upon the
 1 16 convening of a regular session of the general assembly
 1 17 and ending upon the convening of a regular session of
 1 18 the general assembly three years later. The term of
 1 19 the members appointed by a member of the general
 1 20 assembly shall be as provided in section 69.16B.>
 1 21 #2. By renumbering as necessary.
 1 22 SF 2406.H
 1 23 jp/jg/25
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Iowa General Assembly
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Senate Amendment 5411

PAG LIN

1 1 Amend House File 2660, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 1, by inserting after line 26 the
1 4 following:
1 5 <It is the intent of the general assembly to
1 6 appropriate from the general fund of the state to the
1 7 department of justice for victim assistance grants the
1 8 following amount: \$1,000,000 for the fiscal year
1 9 beginning July 1, 2009, and ending June 30, 2010.>
1 10
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1 12
1 13 DAVID JOHNSON
1 14
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1 17 ROBERT E. DVORSKY
1 18 HF 2660.211 82
1 19 jm/jp/12425
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Iowa General Assembly
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Senate Amendment 5412

PAG LIN

1 1 Amend House File 2660, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 2, line 3, by striking the figure
1 4 <600,000> and inserting the following: <850,000>.
1 5 #2. Page 3, line 22, by striking the figure
1 6 <44,512,509> and inserting the following:
1 7 <44,756,586>.
1 8 #3. Page 3, line 26, by striking the figure
1 9 <30,894,866> and inserting the following:
1 10 <31,428,054>.
1 11 #4. Page 4, line 6, by striking the figure
1 12 <56,204,468> and inserting the following:
1 13 <58,128,271>.
1 14 #5. Page 4, line 10, by striking the figure
1 15 <27,841,158> and inserting the following:
1 16 <27,978,941>.
1 17 #6. Page 4, line 14, by striking the figure
1 18 <26,331,092> and inserting the following:
1 19 <27,290,452>.
1 20 #7. Page 4, line 18, by striking the figure
1 21 <9,166,484> and inserting the following: <9,262,685>.
1 22 #8. Page 4, line 22, by striking the figure
1 23 <25,078,365> and inserting the following:
1 24 <25,207,465>.
1 25 #9. Page 4, line 31, by striking the figure
1 26 <15,878,663> and inserting the following:
1 27 <15,935,768>.
1 28 #10. Page 4, line 35, by striking the figure
1 29 <29,715,121> and inserting the following:
1 30 <29,823,711>.
1 31 #11. Page 5, by striking lines 12 through 16.
1 32 #12. Page 8, by inserting after line 25 the
1 33 following:
1 34 <4. As a condition of receiving the appropriations
1 35 made in this section, the department of corrections
1 36 shall develop and implement offender reentry centers
1 37 in Black Hawk and Polk counties to provide
1 38 transitional planning and release primarily for
1 39 offenders released from the Iowa correctional
1 40 institution for women at Mitchellville and the Fort
1 41 Dodge correctional facility. Programming shall
1 42 include minority and gender-specific responsivity,
1 43 employment, substance abuse treatment, mental health
1 44 services, housing, and family reintegration. The
1 45 department of corrections shall collaborate with the
1 46 first and fifth judicial district departments of
1 47 correctional services, Iowa department of workforce
1 48 development, department of human services,
1 49 community-based providers and faith-based
1 50 organizations, and local law enforcement.>



Iowa General Assembly
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Senate Amendment 5412 continued

2 1 #13. Page 9, line 2, by striking the figure
2 2 <12,912,033> and inserting the following:
2 3 <13,103,903>.
2 4 #14. Page 9, line 10, by striking the figure
2 5 <10,669,139> and inserting the following:
2 6 <10,835,021>.
2 7 #15. Page 9, line 13, by striking the figure
2 8 <5,903,401> and inserting the following: <5,914,624>.
2 9 #16. Page 9, line 16, by striking the figure
2 10 <5,419,406> and inserting the following: <5,435,240>.
2 11 #17. Page 9, line 20, by striking the figure
2 12 <18,276,003> and inserting the following:
2 13 <18,813,816>.
2 14 #18. Page 9, line 23, by striking the figure
2 15 <12,475,246> and inserting the following:
2 16 <13,991,982>.
2 17 #19. Page 10, line 2, by striking the figure
2 18 <7,020,794> and inserting the following: <7,053,660>.
2 19 #20. Page 10, line 5, by striking the figure
2 20 <6,998,544> and inserting the following: <7,066,926>.
2 21 #21. Page 15, line 21, by striking the words and
2 22 figure <17 percent of> and inserting the following:
2 23 <the state's normal contribution rate, as defined in
2 24 section 97A.8, multiplied by>.
2 25 #22. Page 16, line 30, by striking the words and
2 26 figure <17 percent of> and inserting the following:
2 27 <the state's normal contribution rate, as defined in
2 28 section 97A.8, multiplied by>.
2 29 #23. Page 17, line 9, by striking the words and
2 30 figure <17 percent of> and inserting the following:
2 31 <the state's normal contribution rate, as defined in
2 32 section 97A.8, multiplied by>.
2 33 #24. Page 17, line 18, by striking the words and
2 34 figure <17 percent of> and inserting the following:
2 35 <the state's normal contribution rate, as defined in
2 36 section 97A.8, multiplied by>.
2 37 #25. Page 17, line 21, by striking the figure
2 38 <49,688,777> and inserting the following:
2 39 <50,353,777>.
2 40 #26. Page 17, line 22, by striking the figure
2 41 <535.00> and inserting the following: <536.00>.
2 42 #27. Page 17, by inserting after line 22 the
2 43 following:
2 44 <As a condition of receiving the appropriation made
2 45 in this subsection, the department of public safety
2 46 shall increase expenditures for overtime paid to peace
2 47 officer members of the state patrol by \$350,000 and
2 48 increase expenditures for fuel used by the motor
2 49 vehicles of such members by \$227,000. In addition as
2 50 a condition of receiving the appropriation made in



**Iowa General Assembly
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Senate Amendment 5412 continued

3 1 this subsection, the department shall hire and employ
3 2 one additional peace officer member of the state
3 3 patrol.>
3 4
3 5
3 6
3 7 TOM HANCOCK
3 8 HF 2660.706 82
3 9 jm/ml/12



**Iowa General Assembly
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Senate Amendment 5413

PAG LIN

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1 1 Amend the House Amendment, S=5330, to Senate File
1 2 2400, as amended, passed, and reprinted by the Senate,
1 3 as follows:
1 4 #1. Page 1, by inserting after line 2 the
1 5 following:
1 6 <#____. Page 1, by inserting before line 1 the
1 7 following:
1 8
1 9 <DIVISION I
1 10 ADMINISTRATION AND REGULATION APPROPRIATIONS>>
1 11 #2. Page 1, by inserting after line 6 the
1 12 following:
1 13 <#____. Page 7, by striking lines 3 and 4 and
1 14 inserting the following:
1 15 <..... $ 2,524,462
1 16 ..... FTEs 26.25>
1 17 #____. Page 7, by striking line 9 and inserting the
1 18 following:
1 19 <..... $ 492,593>>
1 20 #3. Page 1, by inserting after line 18 the
1 21 following:
1 22 <#____. Page 8, by striking line 32 and inserting
1 23 the following:
1 24 <..... $ 356,535>
1 25 #____. Page 9, by striking line 3 and inserting the
1 26 following:
1 27 <..... $ 421,700>
1 28 #____. Page 9, by striking line 10 and inserting
1 29 the following:
1 30 <..... $ 153,093>
1 31 #____. Page 9, by striking line 16 and inserting
1 32 the following:
1 33 <..... $ 217,221>
1 34 #____. Page 9, by striking line 22 and inserting
1 35 the following:
1 36 <..... $ 207,035>
1 37 #____. Page 9, by striking line 29 and inserting
1 38 the following:
1 39 <..... $ 367,203>
1 40 #____. Page 10, by inserting after line 1 the
1 41 following:
1 42 <7A. NATIVE AMERICAN AFFAIRS DIVISION
1 43 For travel reimbursement for members of the
1 44 commission on Native American affairs:
1 45 ..... $ 6,000>
1 46 #____. Page 13, line 19, by striking the words <USE
1 47 TAX APPROPRIATION> and inserting the following: <ROAD
1 48 USE TAX FUND APPROPRIATION == DEPARTMENT OF
1 49 INSPECTIONS AND APPEALS>.
1 50 #____. Page 13, by striking lines 20 through 22 and
1 51 inserting the following: <from the road use tax fund

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2 1 to the administrative hearings>.>
 2 2 #4. Page 1, by inserting after line 26 the
 2 3 following:
 2 4 <#____. Page 15, by striking line 29 and inserting
 2 5 the following:
 2 6 <..... \$ 1,499,063>>
 2 7 #5. Page 1, by inserting after line 45 the
 2 8 following:
 2 9 <#____. Page 18, line 20, by inserting after the
 2 10 word <this> the following: <division of this>.
 2 11 #____. Page 18, line 26, by inserting after the
 2 12 word <this> the following: <division of this>.>
 2 13 #6. Page 1, line 48, by inserting after the word
 2 14 <this> the following: <division of this>.
 2 15 #7. Page 1, by inserting after line 50 the
 2 16 following:
 2 17 <DIVISION II
 2 18 DEPARTMENT OF ADMINISTRATIVE SERVICES OPERATIONS
 2 19 Sec. _____. Section 8.6, Code Supplement 2007, is
 2 20 amended by adding the following new subsection:
 2 21 NEW SUBSECTION. 16. DESIGNATION OF SERVICES ==
 2 22 FUNDING == CUSTOMER COUNCILS.
 2 23 a. Establish a process by which the department, in
 2 24 consultation with the department of administrative
 2 25 services, shall determine which services provided by
 2 26 the department of administrative services shall be
 2 27 funded by an appropriation and which services shall be
 2 28 funded by the governmental entity receiving the
 2 29 service.
 2 30 b. Establish a process for determining whether the
 2 31 department of administrative services shall be the
 2 32 sole provider of a service for purposes of those
 2 33 services which the department determines under
 2 34 paragraph "a" are to be funded by the governmental
 2 35 entities receiving the service.
 2 36 c. Establish, by rule, a customer council
 2 37 responsible for overseeing the services provided
 2 38 solely by the department of administrative services.
 2 39 The rules adopted shall provide for all of the
 2 40 following:
 2 41 (1) The method of appointment of members to the
 2 42 council by the governmental entities required to
 2 43 receive the services.
 2 44 (2) The duties of the customer council which shall
 2 45 be as follows:
 2 46 (a) Annual review and approval of the department
 2 47 of administrative services' business plan regarding
 2 48 services provided solely by the department of
 2 49 administrative services.
 2 50 (b) Annual review and approval of the procedure



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3 1 for resolving complaints concerning services provided
3 2 by the department of administrative services.
3 3 (c) Annual review and approval of the procedure
3 4 for setting rates for the services provided solely by
3 5 the department of administrative services.
3 6 (3) A process for receiving input from affected
3 7 governmental entities as well as for a biennial review
3 8 by the customer council of the determinations made by
3 9 the department of which services are funded by an
3 10 appropriation to the department of administrative
3 11 services and which services are funded by the
3 12 governmental entities receiving the service, including
3 13 any recommendations as to whether the department of
3 14 administrative services shall be the sole provider of
3 15 a service funded by the governmental entities
3 16 receiving the service. The department, in
3 17 consultation with the department of administrative
3 18 services, may change the determination of a service if
3 19 it is determined that the change is in the best
3 20 interests of those governmental entities receiving the
3 21 service.
3 22 d. If a service to be provided may also be
3 23 provided to the judicial branch and legislative
3 24 branch, then the rules shall provide that the chief
3 25 justice of the supreme court and the legislative
3 26 council may, in their discretion, each appoint a
3 27 member to the customer council.
3 28 Sec. _____. NEW SECTION. 8A.111 REPORTS REQUIRED.
3 29 The department shall provide all of the following
3 30 reports:
3 31 1. An annual report of the department as required
3 32 under section 7E.3, subsection 4.
3 33 2. Internal service fund service business plans
3 34 and financial reports as required under section
3 35 8A.123, subsection 5, paragraph "a", and an annual
3 36 internal service fund expenditure report as required
3 37 under section 8A.123, subsection 5, paragraph "b".
3 38 3. An annual report regarding total spending on
3 39 technology as required under section 8A.204,
3 40 subsection 3, paragraph "a".
3 41 4. An annual report of expenditures from the
3 42 IowAccess revolving fund as provided in section
3 43 8A.224.
3 44 5. A technology audit of the electronic
3 45 transmission system as required under section 8A.223.
3 46 6. An annual report on state purchases of recycled
3 47 and soybean-based products as required under section
3 48 8A.315, subsection 1, paragraph "d".
3 49 7. An annual report on the status of capital
3 50 projects as required under section 8A.321, subsection



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4 1 11.
4 2 8. An annual salary report as required under
4 3 section 8A.341, subsection 2.
4 4 9. An annual average fuel economy standards
4 5 compliance report as required under section 8A.362,
4 6 subsection 4, paragraph "c".
4 7 10. An annual report of the capitol planning
4 8 commission as required under section 8A.373.
4 9 11. A comprehensive annual financial report as
4 10 required under section 8A.502, subsection 8.
4 11 11A. An annual report regarding the Iowa targeted
4 12 small business procurement Act activities of the
4 13 department as required under section 15.108,
4 14 subsection 7, paragraph "c", and quarterly reports
4 15 regarding the total dollar amount of certified
4 16 purchases for certified targeted small businesses
4 17 during the previous quarter as required in section
4 18 73.16, subsection 2. The department shall keep any
4 19 vendor identification information received from the
4 20 department of inspections and appeals as provided in
4 21 section 10A.104, subsection 8, and necessary for the
4 22 quarterly reports, confidential to the same extent as
4 23 the department of inspection and appeals is required
4 24 to keep such information. Confidential information
4 25 received by the department from the department of
4 26 inspections and appeals shall not be disclosed except
4 27 pursuant to court order or with the approval of the
4 28 department of inspections and appeals.
4 29 12. An annual report on the condition of
4 30 affirmative action, diversity, and multicultural
4 31 programs as provided under section 19B.5, subsection
4 32 2.
4 33 13. An unpaid warrants report as required under
4 34 section 25.2, subsection 3, paragraph "b".
4 35 14. A report on educational leave as provided
4 36 under section 70A.25.
4 37 15. A monthly report regarding the revitalize
4 38 Iowa's sound economy fund as required under section
4 39 315.7.
4 40 Sec. _____. Section 8A.202, subsection 2, paragraph
4 41 e, Code 2007, is amended by striking the paragraph.
4 42 Sec. _____. Section 8A.221, subsection 2, paragraph
4 43 a, subparagraph (2), Code 2007, is amended to read as
4 44 follows:
4 45 (2) Recommend to the director the priority of
4 46 projects associated with IowAccess. The
4 47 recommendation may also include a recommendation
4 48 concerning funding for a project proposed by a
4 49 political subdivision of the state or an association,
4 50 the membership of which is comprised solely of



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5 1 political subdivisions of the state. Prior to
5 2 recommending a project proposed by a political
5 3 subdivision, the advisory council shall verify that
5 4 all of the following conditions are met:
5 5 (a) The proposed project provides a benefit to the
5 6 state.
5 7 (b) The proposed project, once completed, can be
5 8 shared with and used by other political subdivisions
5 9 or the state, as appropriate.
5 10 (c) The state retains ownership of any final
5 11 product or is granted a permanent license to the use
5 12 of the product.
5 13 Sec. _____. Section 8A.402, subsection 2, Code 2007,
5 14 is amended by adding the following new paragraph:
5 15 NEW PARAGRAPH. f. Develop, in consultation with
5 16 the department of veterans affairs, programs to inform
5 17 members of the national guard or organized reserves of
5 18 the armed forces of the United States returning to
5 19 Iowa following active federal service about job
5 20 opportunities in state government.
5 21 Sec. _____. Section 10A.104, subsection 8, Code
5 22 2007, is amended to read as follows:
5 23 8. Establish by rule standards and procedures for
5 24 certifying that targeted small businesses are eligible
5 25 to participate in the procurement program established
5 26 in sections 73.15 through 73.21. The procedure for
5 27 determination of eligibility shall not include
5 28 self-certification by a business. The director shall
5 29 maintain a current directory of targeted small
5 30 businesses that have been certified pursuant to this
5 31 subsection. The director shall also provide
5 32 information to the department of administrative
5 33 services necessary for the identification of targeted
5 34 small businesses as provided under section 8A.111,
5 35 subsection 11A.
5 36 Sec. _____. Section 305.10, subsection 1, paragraph
5 37 h, Code 2007, is amended to read as follows:
5 38 h. Prepare all mandated reports, newsletters, and
5 39 publications for electronic distribution in accordance
5 40 with government information policies, standards, and
5 41 guidelines. A reference copy of all mandated reports,
5 42 newsletters, and publications shall be located at an
5 43 electronic repository for public access ~~to be~~
~~5 44 developed and maintained by the department of~~
~~5 45 administrative services in consultation with the state~~
~~5 46 librarian and the state archivist.~~
5 47 Sec. _____. Section 8A.121, Code 2007, is repealed.
5 48 DIVISION III
5 49 COMMISSION ON NATIVE AMERICAN AFFAIRS
5 50 Sec. _____. Section 7E.5, subsection 1, paragraph s,



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6 1 Code 2007, is amended to read as follows:
6 2 s. The department of human rights, created in
6 3 section 216A.1, which has primary responsibility for
6 4 services relating to Latino persons, women, persons
6 5 with disabilities, community action agencies, criminal
6 6 and juvenile justice planning, the status of
6 7 African-Americans, ~~and~~ deaf and hard-of-hearing
6 8 persons, and Native-Americans.
6 9 Sec. _____. Section 216A.1, Code 2007, is amended by
6 10 adding the following new subsection:
6 11 NEW SUBSECTION. 9. Division on Native American
6 12 affairs.
6 13 Sec. _____. NEW SECTION. 216A.161 DEFINITIONS.
6 14 For purposes of this subchapter, unless the context
6 15 otherwise requires:
6 16 1. "Administrator" means the administrator of the
6 17 division on Native American affairs.
6 18 2. "Commission" means the commission on Native
6 19 American affairs.
6 20 3. "Division" means the division on Native
6 21 American affairs of the department of human rights.
6 22 4. "Tribal government" means the governing body of
6 23 a federally recognized Indian tribe.
6 24 Sec. _____. NEW SECTION. 216A.162 ESTABLISHMENT ==
6 25 PURPOSE.
6 26 1. A commission on Native American affairs is
6 27 established consisting of eleven voting members
6 28 appointed by the governor, subject to confirmation by
6 29 the senate. The members of the commission shall
6 30 appoint one of the members to serve as chairperson of
6 31 the commission.
6 32 2. The purpose of the commission shall be to work
6 33 in concert with tribal governments, Native American
6 34 groups, and Native American persons in this state to
6 35 advance the interests of tribal governments and Native
6 36 American persons in the areas of human rights, access
6 37 to justice, economic equality, and the elimination of
6 38 discrimination.
6 39 3. The members of the commission shall be as
6 40 follows:
6 41 a. Seven public members appointed in compliance
6 42 with sections 69.16 and 69.16A who shall be appointed
6 43 with consideration given to the geographic residence
6 44 of the member and the population density of Native
6 45 Americans within the vicinity of the geographic
6 46 residence of a member. Of the seven public members
6 47 appointed, at least one shall be a Native American who
6 48 is an enrolled tribal member living on a tribal
6 49 settlement or reservation in Iowa and whose tribal
6 50 government is located in Iowa and one shall be a



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7 1 Native American who is primarily descended from a
7 2 tribe other than those specified in paragraph "b".
7 3 b. Four members selected by and representing each
7 4 of the following tribal governments:
7 5 (1) Sac and Fox tribe of the Mississippi in Iowa.
7 6 (2) Omaha tribe of Nebraska.
7 7 (3) Winnebago tribe of Nebraska.
7 8 (4) Ponca tribe of Nebraska.
7 9 c. All members of the commission shall be
7 10 residents of Iowa.
7 11 Sec. _____. NEW SECTION. 216A.163 TERM OF OFFICE.
7 12 Five of the members appointed to the initial
7 13 commission shall be designated by the governor to
7 14 serve two-year terms, and six shall be designated by
7 15 the governor to serve four-year terms. Succeeding
7 16 appointments shall be for a term of four years.
7 17 Vacancies in the membership shall be filled for the
7 18 remainder of the term of the original appointment.
7 19 Sec. _____. NEW SECTION. 216A.164 MEETINGS OF THE
7 20 COMMISSION.
7 21 The commission shall meet at least four times each
7 22 year, and shall hold special meetings on the call of
7 23 the chairperson. The commission shall adopt rules
7 24 pursuant to chapter 17A as it deems necessary for the
7 25 conduct of its business. The members of the
7 26 commission shall be reimbursed for actual expenses
7 27 while engaged in their official duties. A member may
7 28 also be eligible to receive compensation as provided
7 29 in section 7E.6.
7 30 Sec. _____. NEW SECTION. 216A.165 DUTIES.
7 31 The commission shall have all powers necessary to
7 32 carry out the functions and duties specified in this
7 33 subchapter and shall do all of the following:
7 34 1. Advise the governor and the general assembly on
7 35 issues confronting tribal governments and Native
7 36 American persons in this state.
7 37 2. Promote legislation beneficial to tribal
7 38 governments and Native American persons in this state.
7 39 3. Recommend to the governor and the general
7 40 assembly any revisions in the state's affirmative
7 41 action program and other steps necessary to eliminate
7 42 discrimination against and the underutilization of
7 43 Native American persons in the state's workforce.
7 44 4. Serve as a conduit to state government for
7 45 Native American persons in this state.
7 46 5. Serve as an advocate for Native American
7 47 persons and a referral agency to assist Native
7 48 American persons in securing access to justice and
7 49 state agencies and programs.
7 50 6. Serve as a liaison with federal, state, and



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8 1 local governmental units, and private organizations on
8 2 matters relating to Native American persons in this
8 3 state.

8 4 7. Conduct studies, make recommendations, and
8 5 implement programs designed to solve the problems of
8 6 Native American persons in this state in the areas of
8 7 human rights, housing, education, welfare, employment,
8 8 health care, access to justice, and any other related
8 9 problems.

8 10 8. Publicize the accomplishments of Native
8 11 American persons and their contributions to this
8 12 state.

8 13 9. Work with other state, tribal, and federal
8 14 agencies and organizations to develop small business
8 15 opportunities and promote economic development for
8 16 Native American persons.

8 17 Sec. ____ . NEW SECTION. 216A.166 REVIEW OF GRANT
8 18 APPLICATIONS AND BUDGET REQUESTS.

8 19 Before the submission of an application, a state
8 20 department or agency shall consult with the commission
8 21 concerning an application for federal funding that
8 22 will have its primary effect on tribal governments or
8 23 Native American persons. The commission shall advise
8 24 the governor, the director of the department of human
8 25 rights, and the director of revenue concerning any
8 26 state agency budget request that will have its primary
8 27 effect on tribal governments or Native American
8 28 persons.

8 29 Sec. ____ . NEW SECTION. 216A.167 ADDITIONAL
8 30 DUTIES AND AUTHORITY == LIMITATIONS.

8 31 1. The commission shall have responsibility for
8 32 the budget of the commission and the division and
8 33 shall submit the budget to the director of the
8 34 department of human rights as provided in section
8 35 216A.2, subsection 2.

8 36 2. The commission may do any of the following:

8 37 a. Enter into contracts, within the limit of funds
8 38 made available, with individuals, organizations, and
8 39 institutions for services.

8 40 b. Accept gifts, grants, devises, or bequests of
8 41 real or personal property from the federal government
8 42 or any other source for the use and purposes of the
8 43 commission.

8 44 3. The commission shall not have the authority to
8 45 do any of the following:

8 46 a. Implement or administer the duties of the state
8 47 of Iowa under the federal Indian Gaming Regulatory
8 48 Act, shall not have any authority to recommend,
8 49 negotiate, administer, or enforce any agreement or
8 50 compact entered into between the state of Iowa and



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9 1 Indian tribes located in the state pursuant to section
9 2 10A.104, and shall not have any authority relative to
9 3 Indian gaming issues.

9 4 b. Administer the duties of the state under the
9 5 federal National Historic Preservation Act, the
9 6 federal Native American Graves Protection and
9 7 Repatriation Act, and chapter 263B. The commission
9 8 shall also not interfere with the advisory role of a
9 9 separate Indian advisory council or committee
9 10 established by the state archeologist by rule for the
9 11 purpose of consultation on matters related to ancient
9 12 human skeletal remains and associated artifacts.

9 13 4. This subchapter shall not diminish or inhibit
9 14 the right of any tribal government to interact
9 15 directly with the state or any of its departments or
9 16 agencies for any purpose which a tribal government
9 17 desires to conduct its business or affairs as a
9 18 sovereign governmental entity.

9 19 Sec. ____ . NEW SECTION. 216A.168 ADMINISTRATOR.

9 20 The commission shall designate the duties and
9 21 obligations of the position of administrator. The
9 22 administrator shall carry out programs and policies as
9 23 determined by the commission. The administrator may
9 24 employ other persons necessary to carry out the
9 25 programs of the division.

9 26 Sec. ____ . NEW SECTION. 216A.169 STATE AGENCY
9 27 ASSISTANCE.

9 28 On the request of the commission, state departments
9 29 and agencies may supply the commission with advisory
9 30 staff services on matters relating to the jurisdiction
9 31 of the commission. The commission shall cooperate and
9 32 coordinate its activities with other state agencies to
9 33 the highest possible degree.

9 34 Sec. ____ . NEW SECTION. 216A.170 ANNUAL REPORT.

9 35 Not later than February 1 of each year, the
9 36 commission shall file a report in an electronic format
9 37 with the governor and the general assembly of its
9 38 activities for the previous calendar year. With the
9 39 report, the commission may submit any recommendations
9 40 pertaining to its activities and shall submit
9 41 recommendations for legislative consideration and
9 42 other action it deems necessary.

9 43 Sec. ____ . COMMISSION ON NATIVE AMERICAN AFFAIRS ==
9 44 TRANSITION PROVISIONS.

9 45 1. The initial members of the commission
9 46 established pursuant to this Act shall be appointed by
9 47 September 1, 2008.

9 48 2. Notwithstanding any provision of this Act to
9 49 the contrary, an administrator of the division on
9 50 Native American affairs and employees of the division



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10 1 shall not be appointed or hired prior to July 1, 2009.
10 2 3. Prior to June 1, 2009, the commission shall
10 3 submit a report to the director of human rights. The
10 4 report shall include a job description for the
10 5 administrator of the division, goals for division
10 6 operations, and performance measures to measure
10 7 achievement of division goals.

10 8 DIVISION IV

10 9 DEPARTMENT OF REVENUE ADMINISTRATION

10 10 Sec. _____. Section 99B.10B, subsection 2, Code
10 11 Supplement 2007, is amended to read as follows:

10 12 2. a. The department shall revoke a registration
10 13 issued pursuant to section 99B.10 or 99B.10A, for a
10 14 period of ten years if a person commits an offense of
10 15 awarding a cash prize in violation of section 99B.10,
10 16 subsection 1, paragraph "b", pursuant to rules adopted
10 17 by the department. A person whose registration is
10 18 revoked under this subsection who is a person for
10 19 which a class "A", class "B", class "C", special class
10 20 "C", or class "D" liquor control license has been
10 21 issued pursuant to chapter 123 shall have the person's
10 22 liquor control license suspended for a period of
10 23 fourteen days in the same manner as provided in
10 24 section 123.50, subsection 3, paragraph "a". A person
10 25 whose registration is revoked under this subsection
10 26 who is a person for which only a class "B" or class
10 27 "C" beer permit has been issued pursuant to chapter
10 28 123 shall have the person's class "B" or class "C"
10 29 beer permit suspended ~~and that person's sales tax~~
~~10 30 permit suspended~~ for a period of fourteen days in the
10 31 same manner as provided in section 123.50, subsection
10 32 3, paragraph "a".

10 33 b. If a person owning or employed by an
10 34 establishment having a class "A", class "B", class
10 35 "C", special class "C", or class "D" liquor control
10 36 license issued pursuant to chapter 123 commits an
10 37 offense of awarding a cash prize in violation of
10 38 section 99B.10, subsection 1, paragraph "b", pursuant
10 39 to rules adopted by the department, the liquor control
10 40 license of the establishment shall be suspended for a
10 41 period of fourteen days in the same manner as provided
10 42 in section 123.50, subsection 3, paragraph "a". If a
10 43 person owning or employed by an establishment having a
10 44 class "B" or class "C" beer permit issued pursuant to
10 45 chapter 123 awards a cash prize in violation of
10 46 section 99B.10, subsection 1, paragraph "b", pursuant
10 47 to rules adopted by the department, the beer permit of
10 48 the establishment ~~and the establishment's sales tax~~
~~10 49 permit~~ shall be suspended for a period of fourteen
10 50 days in the same manner as provided in section 123.50,



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11 1 subsection 3, paragraph "a".
11 2 Sec. _____. Section 99B.14, subsection 1, Code 2007,
11 3 is amended to read as follows:
11 4 1. The department may deny, suspend, or revoke a
11 5 license if the department finds that an applicant,
11 6 licensee, or an agent of the licensee violated or
11 7 permitted a violation of a provision of this chapter
11 8 or a departmental rule adopted pursuant to chapter
11 9 17A, or for any other cause for which the director of
11 10 the department would be or would have been justified
11 11 in refusing to issue a license, or upon the conviction
11 12 of a person of a violation of this chapter or a rule
11 13 adopted under this chapter which occurred on the
11 14 licensed premises. However, the denial, suspension,
11 15 or revocation of one type of gambling license does not
11 16 require, but may result in, the denial, suspension, or
11 17 revocation of a different type of gambling license
11 18 held by the same licensee. In addition, a person
11 19 whose license is revoked under this section who is a
11 20 person for which a class "A", class "B", class "C", or
11 21 class "D" liquor control license has been issued
11 22 pursuant to chapter 123 shall have the person's liquor
11 23 control license suspended for a period of fourteen
11 24 days in the same manner as provided in section 123.50,
11 25 subsection 3, paragraph "a". In addition, a person
11 26 whose license is revoked under this section who is a
11 27 person for which only a class "B" or class "C" beer
11 28 permit has been issued pursuant to chapter 123 shall
11 29 have the person's class "B" or class "C" beer permit
11 30 suspended ~~and that person's sales tax permit suspended~~
11 31 for a period of fourteen days in the same manner as
11 32 provided in section 123.50, subsection 3, paragraph
11 33 "a".
11 34 Sec. _____. Section 421.17, Code 2007, is amended by
11 35 adding the following new subsection:
11 36 NEW SUBSECTION. 30. If a natural disaster is
11 37 declared by the governor in any area of the state, the
11 38 director may extend for a period of up to one year the
11 39 due date for the filing of any tax return and may
11 40 suspend any associated penalty or interest that would
11 41 accrue during that period of time for any affected
11 42 taxpayer whose principal residence or business is
11 43 located in the covered area if the director determines
11 44 it necessary for the efficient administration of the
11 45 tax laws of this state.
11 46 Sec. _____. Section 421.60, subsection 8, Code 2007,
11 47 is amended to read as follows:
11 48 8. REFUND OF UNTIMELY ASSESSED TAXES.
11 49 Notwithstanding any other refund statute, if it
11 50 appears that an amount of tax, penalty, or interest



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12 1 has been paid to the department after the expiration
12 2 of the statute of limitations for the department to
12 3 determine and assess or collect the amount of such tax
12 4 due, then the amount paid shall be credited against
12 5 another tax liability of the taxpayer which is
12 6 outstanding, if the statute of limitations for
12 7 assessment or collection of that other tax has not
12 8 expired or the amount paid shall be refunded to the
12 9 person or, with the person's approval, credited to tax
12 10 to become due. An application for refund or credit
12 11 under this subsection must be filed within one year of
12 12 payment. This subsection shall not be construed to
12 13 prohibit the department from offsetting the refund
12 14 claim against any tax due, if the statute of
12 15 limitations for that other tax has not expired.
12 16 However, any tax, penalty, or interest due for which a
12 17 notice of assessment was not issued by the department
12 18 but which was voluntarily paid by a taxpayer after the
12 19 expiration of the statute of limitations for
12 20 assessment shall not be refunded.

12 21 Sec. _____. Section 422.24A, Code 2007, is repealed.
12 22 Sec. _____. RETROACTIVE APPLICABILITY DATE. The
12 23 section of this division of this Act repealing section
12 24 422.24A applies retroactively to January 1, 2008, for
12 25 tax years beginning on or after that date.

12 26 DIVISION V

12 27 DEPUTY SHERIFF POSITIONS

12 28 Sec. _____. Section 341A.7, Code 2007, is amended to
12 29 read as follows:

12 30 341A.7 CLASSIFICATIONS.

12 31 1. The classified civil service positions covered
12 32 by this chapter include persons actually serving as
12 33 deputy sheriffs who are salaried pursuant to section
12 34 331.904, subsection 2, but do not include a chief
12 35 deputy sheriff, two second deputy sheriffs in counties
12 36 with a population of more than one hundred thousand,
12 37 three second deputy sheriffs in counties with a
12 38 population of more than one hundred fifty thousand,
12 39 and four second deputy sheriffs in counties with a
12 40 population of more than two hundred thousand.
12 41 However, a chief deputy sheriff or second deputy
12 42 sheriff who becomes a candidate for a partisan
12 43 elective office for remuneration is subject to section
12 44 341A.18. A deputy sheriff serving with permanent rank
12 45 under this chapter may be designated chief deputy
12 46 sheriff or second deputy sheriff and retain that rank
12 47 during the period of service as chief deputy sheriff
12 48 or second deputy sheriff and shall, upon termination
12 49 of the duties as chief deputy sheriff or second deputy
12 50 sheriff, revert to the permanent rank.



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13 1 2. If the positions of two second deputy sheriffs
13 2 of a county were exempt from classified civil service
13 3 coverage under this chapter based on the 1980
13 4 decennial census, the two second deputy positions
13 5 shall remain exempt from classified civil service
13 6 coverage under this chapter.
13 7 Sec. _____. IMPLEMENTATION OF ACT. Section 25B.2,
13 8 subsection 3, shall not apply to this division of this
13 9 Act.

DIVISION VI

MISCELLANEOUS PROVISIONS

13 11 Sec. _____. Section 8.64, subsection 2, Code
13 13 Supplement 2007, is amended to read as follows:

13 14 2. "Community-wide area" means a distinct
13 15 geographical area voluntarily formed by and comprised
13 16 of counties, cities, or townships, or any combination
13 17 thereof, all of which possess a degree of autonomy in
13 18 a varying number of matters. State agencies,
13 19 community colleges, and school districts may also
13 20 participate in a community-wide area if joined by a
13 21 county, city, or township.

13 22 Sec. _____. Section 331.907, subsection 3, Code
13 23 2007, is amended to read as follows:

13 24 3. The elected county officers are also entitled
13 25 to receive their actual and necessary expenses
13 26 incurred in performance of official duties of their
13 27 respective offices. The board of supervisors may
13 28 authorize the reimbursement of expenses related to an
13 29 educational course, seminar, or school which is
13 30 attended by a county officer after the county officer
13 31 is elected, but prior to the county officer taking
13 32 office.

13 33 Sec. _____. NEW SECTION. 504.132 SECRETARY OF
13 34 STATE == INTERNET SITE.

13 35 The secretary of state shall place on the secretary
13 36 of state's internet site a link to a free internet
13 37 site with completed internal revenue service forms 990
13 38 and 990EZ.>

13 39 #8. Title page, line 4, by inserting after the
13 40 word <effective> the following: <and retroactive
13 41 applicability>.

13 42 #9. By renumbering as necessary.

13 43

13 44

13 45

13 46 JEFF DANIELSON

13 47 SF 2400.705 82

13 48 ec/ml/12



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 22, 2008

Senate File 2429 - Introduced

SENATE FILE
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 3302)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to budget requirements by certain small cities
- 2 and providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6685SV 82
- 5 da/rj/14



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Senate File 2429 - Introduced continued

PAG LIN

1 1 Section 1. BUDGET REQUIREMENTS BY CITIES == DEADLINE
1 2 EXTENSIONS.
1 3 1. As used in this section, "qualified city" means a city
1 4 in this state having a population of seventy-five persons or
1 5 less as shown by the 2000 certified federal census.
1 6 2. Notwithstanding any provision in section 384.22 to the
1 7 contrary, a qualified city that failed to publish an annual
1 8 report for the fiscal year ending June 30, 2005, and failed to
1 9 file a copy of the report with the auditor of state on or
1 10 before December 1, 2005, as provided in section 384.22, may
1 11 publish such annual report and file a copy of the report with
1 12 the auditor of state no later than July 1, 2008, as otherwise
1 13 provided in that section. A qualified city that meets the
1 14 extended publication and filing deadline as provided in this
1 15 subsection shall be deemed to have published the annual report
1 16 and filed a copy of the report with the auditor of state on
1 17 December 1, 2005.
1 18 3. a. Notwithstanding any provision in section 384.16 to
1 19 the contrary, a qualified city that failed to prepare and
1 20 submit a budget as provided in that section for the fiscal
1 21 year beginning July 1, 2006, including by showing income from
1 22 sources other than property taxation and by showing actual
1 23 expenditures and revenues from its annual report as provided
1 24 in section 384.22, or as corrected by a subsequent audit
1 25 report, by March 15, 2006, may comply with the requirements in
1 26 section 384.16 by submitting the budget no later than July 1,
1 27 2008, as otherwise provided by that section.
1 28 b. A qualified city that complies with the requirements of
1 29 paragraph "a" is not required to conduct a hearing as required
1 30 in section 384.16 or 384.18. In addition, the provisions
1 31 allowing persons affected by the budget to file a written
1 32 protest with the county auditor as provided in section 384.19
1 33 are inapplicable.
1 34 c. A qualified city that meets the extended submission
1 35 deadline as provided in this subsection shall be deemed to



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Senate Resolution 162 - Introduced continued

2 1 Month in Iowa and urges all citizens to join in
2 2 honoring the dedicated men and women who work or
2 3 volunteer for this fine organization and touch the
2 4 lives of so many.
2 5 LSB 6691SS 82
2 6 jr/rj/5