



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 15, 2008

House Amendment 8530

PAG LIN

1 1 Amend Senate File 2417, as passed by the Senate, as  
1 2 follows:  
1 3 #1. Page 1, by striking lines 2 through 5 and  
1 4 inserting the following:  
1 5 <GENERAL FUND == APPROPRIATIONS  
1 6 Section 1. GENERAL FUND == APPROPRIATIONS TO  
1 7 DEPARTMENTS. There is appropriated from the general  
1 8 fund of the state to the following>.  
1 9 #2. Page 7, by striking line 13 and inserting the  
1 10 following: <general fund of the state to the>.  
1 11 #3. Page 7, by striking line 28 and inserting the  
1 12 following: <the general fund of the state to>.  
1 13 #4. Page 7, by striking lines 34 and 35 and  
1 14 inserting the following: <appropriated from the  
1 15 general fund of the state to the department of  
1 16 economic development for>.  
1 17 #5. Page 8, by striking line 11 and inserting the  
1 18 following: <from the general fund of the state>.  
1 19 #6. Page 9, by striking lines 6 and 7 and  
1 20 inserting the following: <transferred to the general  
1 21 fund of the state.>  
1 22 #7. Page 9, by striking line 12 and inserting the  
1 23 following: <general fund of the state, being deemed  
1 24 of immediate>.  
1 25 #8. Page 12, line 17, by striking the figure  
1 26 <2009> and inserting the following: <2008>.  
1 27 #9. Page 13, line 13, by striking the figure  
1 28 <2009> and inserting the following: <2008>.  
1 29 #10. Title page, lines 1 and 2, by striking the  
1 30 words <healthy Iowans tobacco trust and the tobacco  
1 31 settlement trust fund> and inserting the following:  
1 32 <general fund of the state>.  
1 33  
1 34  
1 35  
1 36 RAECKER of Polk  
1 37 SF 2417.701 82  
1 38 pf/jp/11016  
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Iowa General Assembly  
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House Amendment 8531

PAG LIN

1 1 Amend the Senate Amendment, H=8360, to House File  
1 2 2450, as amended, passed, and reprinted by the House,  
1 3 as follows:  
1 4 #1. Page 1, by inserting after line 20 the  
1 5 following:  
1 6 <#\_\_\_\_. Page 11, by inserting after line 5 the  
1 7 following:  
1 8  
1 9 <DIVISION  
1 10 PROPERTY REHABILITATION TAX CREDIT  
1 11 Sec. \_\_\_\_ . Section 404A.4, subsection 4, Code  
1 12 Supplement 2007, is amended to read as follows:  
1 13 4. The total amount of tax credits that may be  
1 14 approved for a fiscal year under this chapter shall  
1 15 not exceed ten million dollars in the fiscal year  
1 16 beginning July 1, 2007, fifteen million dollars in the  
1 17 fiscal year beginning July 1, 2008, and twenty million  
1 18 dollars in the fiscal year beginning July 1, 2009, and  
1 19 each fiscal year thereafter. Of the tax credits  
1 20 approved for a fiscal year under this chapter, ten  
1 21 percent of the dollar amount of tax credits shall be  
1 22 allocated for purposes of new projects with qualified  
1 23 costs of five hundred thousand dollars or less, and  
1 24 forty percent of the dollar amount of tax credits  
1 25 shall be allocated for purposes of new projects  
1 26 located in cultural and entertainment districts  
1 27 certified pursuant to section 303.3B or identified in  
1 28 Iowa great places agreements developed pursuant to  
1 29 section 303.3C. Any of the tax credits allocated for  
1 30 projects located in certified cultural and  
1 31 entertainment districts or identified in Iowa great  
1 32 places agreements and for projects with a cost of five  
1 33 hundred thousand dollars or less that are not reserved  
1 34 during a fiscal year shall be applied to reserved tax  
1 35 credits issued in accordance with section 404A.3 in  
1 36 order of original reservation. The department of  
1 37 cultural affairs shall establish by rule the  
1 38 procedures for the application, review, selection, and  
1 39 awarding of certifications of completion. The  
1 40 departments of cultural affairs and revenue shall each  
1 41 adopt rules to jointly administer this subsection and  
1 42 shall provide by rule for the method to be used to  
1 43 determine for which fiscal year the tax credits are  
1 44 available. With the exception of tax credits issued  
1 45 pursuant to contracts entered into prior to July 1,  
1 46 2007, tax credits shall not be reserved for more than  
1 47 ~~three~~ five years.>>  
1 48 #2. By renumbering as necessary.  
1 49  
1 50



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House Amendment 8531 continued

2 1 VAN FOSSEN of SCOTT  
2 2 HF 2450.502 82  
2 3 tw/rj/21249



**Iowa General Assembly  
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**House Amendment 8532**

PAG LIN

1 1 Amend House File 2691 as follows:  
 1 2 #1. Page 89, by inserting after line 14 the  
 1 3 following:  
 1 4 <PART 5  
 1 5 CONTINGENT CONFORMING AMENDMENTS  
 1 6 Sec. \_\_\_\_\_. Section 423.5, subsection 3, Code 2007,  
 1 7 as amended by this division of this Act, is amended to  
 1 8 read as follows:  
 1 9 3. The An excise tax at the rate of five percent  
 1 10 is imposed on the use of leased vehicles, if the lease  
 1 11 transaction does not require titling or registration  
 1 12 of the vehicle, on the amount subject to tax as  
 1 13 calculated pursuant to section 423.26, subsection 2.  
 1 14 Sec. \_\_\_\_\_. Section 423.43, subsection 1, as enacted  
 1 15 by this division of this Act, is amended to read as  
 1 16 follows:  
 1 17 1. a. Except as provided in subsection 2, all  
 1 18 revenue arising under the operation of the use tax  
 1 19 under subchapter III shall be deposited into the  
 1 20 general fund of the state.  
 1 21 b. Subsequent to the deposit into the general fund  
 1 22 of the state and after the transfer of such revenues  
 1 23 collected under chapter 423B, the department shall  
 1 24 transfer one-sixth of such remaining revenues to the  
 1 25 secure an advanced vision for education fund created  
 1 26 in section 423F.2. This paragraph is repealed  
 1 27 December 31, 2029.  
 1 28 Sec. \_\_\_\_\_. The sections of 2008 Iowa Acts, House  
 1 29 File 2663, amending section 312.1, subsection 4,  
 1 30 section 327I.26, section 423.5, subsection 3, section  
 1 31 455G.3, subsection 1, section 455G.6, subsection 4,  
 1 32 and section 455G.8, subsection 2, Code 2007, are  
 1 33 repealed.  
 1 34 Sec. \_\_\_\_\_. The sections of 2008 Iowa Acts, House  
 1 35 File 2663, amending section 312.2, subsection 14,  
 1 36 section 321.34, subsections 7, 10, 10A, 11, 11A, 11B,  
 1 37 13, 16, 17, 18, 19, 20, 20A, 20B, 21, 22, 23, and 24,  
 1 38 section 423.43, and section 423.57, Code Supplement  
 1 39 2007, are repealed.  
 1 40 Sec. \_\_\_\_\_. The sections of 2008 Iowa Acts, House  
 1 41 File 2663, amending 2007 Iowa Acts, chapter 179,  
 1 42 section 6, and providing for such amendment's  
 1 43 effective date, are repealed.  
 1 44 Sec. \_\_\_\_\_. CONTINGENT EFFECTIVE DATE. This part 5  
 1 45 of this division of this Act takes effect only upon  
 1 46 the enactment of 2008 Iowa Acts, House File 2663.  
 1 47 PART 6  
 1 48 EFFECT ON PRIOR LAW>  
 1 49 #2. By renumbering as necessary.  
 1 50



**Iowa General Assembly  
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House Amendment 8532 continued

- 2 1
- 2 2
- 2 3 HUSER of Polk
- 2 4 HF 2691.501 82
- 2 5 dea/nh/12470



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House Amendment 8533

PAG LIN

1 1 Amend Senate File 2417, as passed by the Senate, as  
1 2 follows:  
1 3 #1. Page 1, line 16, by striking the figure  
1 4 <3,761,677> and inserting the following: <3,786,677>.  
1 5 #2. Page 1, by inserting after line 16 the  
1 6 following:  
1 7 <Of the funds appropriated in this paragraph "a",  
1 8 \$25,000 is allocated for the provision of additional  
1 9 services by the grantee that receives the grant under  
1 10 2007 Iowa Acts, chapter 218, section 20, subsection 2,  
1 11 and successor grants, to be used for support services  
1 12 for parents of children with autism spectrum  
1 13 disorder.>  
1 14  
1 15  
1 16  
1 17 COMMITTEE ON APPROPRIATIONS  
1 18 OLDSON of Polk, Chairperson  
1 19 SF 2417.702 82  
1 20 pf/jp/21095  
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# House Amendment 8534

PAG LIN

1 1 Amend House File 2686 as follows:  
1 2 #1. Page 9, by striking lines 15 through 33.  
1 3 #2. Page 9, by inserting after line 35 the  
1 4 following:  
1 5 <\_\_\_\_. "Employer" means any person, as defined in  
1 6 section 4.1, engaged in doing business in this state  
1 7 and includes the state of Iowa and its officers,  
1 8 agencies, and political subdivisions.>  
1 9 #3. Page 10, line 2, by striking the words <a  
1 10 contractor>, and inserting the following: <an  
1 11 employer>.  
1 12 #4. Page 10, by striking lines 5 through 19 and  
1 13 inserting the following:  
1 14 <\_\_\_\_. "Performing services" means providing any  
1 15 service to any employer in this state for a fee.>  
1 16 #5. Page 10, line 25, by striking the word  
1 17 <contractor>, and inserting the following:  
1 18 <employer>.  
1 19 #6. Page 10, line 26, by striking the word  
1 20 <contractor>, and inserting the following:  
1 21 <employer>.  
1 22 #7. Page 10, line 28, by striking the word  
1 23 <contractor>, and inserting the following:  
1 24 <employer>.  
1 25 #8. Page 10, line 30, by striking the word  
1 26 <contractor>, and inserting the following:  
1 27 <employer>.  
1 28 #9. Page 10, line 32, by striking the word  
1 29 <contractor>, and inserting the following:  
1 30 <employer>.  
1 31 #10. Page 11, line 2, by striking the words <A  
1 32 contractor>, and inserting the following: <An  
1 33 employer>.  
1 34 #11. Page 11, line 17, by striking the word  
1 35 <contractors>, and inserting the following:  
1 36 <employers>.  
1 37 #12. Page 11, line 18, by striking the words <a  
1 38 contractor>, and inserting the following: <an  
1 39 employer>.  
1 40 #13. Page 11, line 20, by striking the word  
1 41 <contractor>, and inserting the following:  
1 42 <employer>.  
1 43 #14. Page 11, line 24, by striking the word  
1 44 <contractor>, and inserting the following:  
1 45 <employer>.  
1 46 #15. Page 11, line 34, by striking the words <a  
1 47 contractor>, and inserting the following: <an  
1 48 employer>.  
1 49 #16. Page 12, lines 5 and 6, by striking the words  
1 50 <a contractor>, and inserting the following: <an



Iowa General Assembly  
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House Amendment 8534 continued

2 1 employer>.  
2 2 #17. Page 13, line 18, by striking the word  
2 3 <contractor>, and inserting the following:  
2 4 <employer>.  
2 5 #18. Page 13, line 20, by striking the words <A  
2 6 contractor>, and inserting the following: <An  
2 7 employer>.  
2 8 #19. Page 13, line 21, by striking the word  
2 9 <contractor's>, and inserting the following:  
2 10 <employer's>.  
2 11 #20. Page 13, line 28, by striking the words <A  
2 12 contractor>, and inserting the following: <An  
2 13 employer>.  
2 14 #21. Page 13, line 32, by striking the words <A  
2 15 contractor>, and inserting the following: <An  
2 16 employer>.  
2 17 #22. Page 13, line 35, by striking the words <A  
2 18 contractor>, and inserting the following: <An  
2 19 employer>.  
2 20 #23. Page 14, line 5, by striking the words <A  
2 21 contractor>, and inserting the following: <An  
2 22 employer>.  
2 23 #24. Page 14, line 7, by striking the words <A  
2 24 contractor>, and inserting the following: <An  
2 25 employer>.  
2 26 #25. Page 14, line 9, by striking the words <A  
2 27 contractor>, and inserting the following: <An  
2 28 employer>.  
2 29 #26. Page 14, line 12, by striking the words <A  
2 30 contractor>, and inserting the following: <An  
2 31 employer>.  
2 32 #27. Page 14, lines 14 and 15, by striking the  
2 33 words <a contractor>, and inserting the following:  
2 34 <an employer>.  
2 35 #28. Page 14, line 21, by striking the word  
2 36 <contractor>, and inserting the following:  
2 37 <employer>.  
2 38 #29. Page 14, line 28, by striking the word  
2 39 <contractor's>, and inserting the following:  
2 40 <employer's>.  
2 41 #30. Page 14, line 29, by striking the word  
2 42 <contractor>, and inserting the following:  
2 43 <employer>.  
2 44 #31. Page 14, lines 30 and 31, by striking the  
2 45 words <a contractor>, and inserting the following:  
2 46 <an employer>.  
2 47 #32. Page 14, by striking line 35 and inserting  
2 48 the following:  
2 49 <1. An employer or employer's agent shall not  
2 50 retaliate>.



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House Amendment 8534 continued

3 1 #33. Page 15, line 8, by striking the words <a  
3 2 contractor>, and inserting the following: <an  
3 3 employer>.  
3 4 #34. Page 15, line 9, by striking the word  
3 5 <contractor's>, and inserting the following:  
3 6 <employer's>.  
3 7 #35. Page 15, line 18, by striking the words <a  
3 8 contractor's>, and inserting the following: <an  
3 9 employer's>.  
3 10 #36. Page 15, line 21, by striking the word  
3 11 <contractor>, and inserting the following:  
3 12 "employer".  
3 13 #37. Page 15, lines 28 and 29, by striking the  
3 14 words <a contractor>, and inserting the following:  
3 15 <an employer>.  
3 16 #38. Page 16, line 3, by striking the word  
3 17 <contractor>, and inserting the following:  
3 18 <employer>.  
3 19 #39. Page 16, line 10, by striking the word  
3 20 <contractor>, and inserting the following:  
3 21 <employer>.  
3 22 #40. Page 16, by striking line 14 and inserting  
3 23 the following: <by an employer of one or more of the  
3 24 employer's employees>.  
3 25 #41. Page 16, line 16, by striking the words <a  
3 26 contractor>, and inserting the following: <an  
3 27 employer>.  
3 28 #42. Page 16, line 21, by striking the word  
3 29 <contractor's>, and inserting the following:  
3 30 <employer's>.  
3 31 #43. By renumbering as necessary.  
3 32  
3 33  
3 34  
3 35 DANDEKAR of Linn  
3 36 HF 2686.701 82  
3 37 ak/rj/11544



**Iowa General Assembly  
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**House Amendment 8535**

PAG LIN

1 1 Amend House File 2681 as follows:  
 1 2 #1. Page 2, by inserting after line 23 the  
 1 3 following:  
 1 4 <Sec. \_\_\_\_\_. Section 299.5A, unnumbered paragraph 4,  
 1 5 Code 2007, is amended to read as follows:  
 1 6 The school district shall be responsible for  
 1 7 monitoring any agreements arrived at through  
 1 8 mediation. If a parent, guardian, or legal or actual  
 1 9 custodian, or the child if the child is ten years of  
 1 10 age or older, refuses to engage in mediation or  
 1 11 violates a term of the agreement, the matter shall be  
 1 12 rereferred to the county attorney for prosecution  
 1 13 under section 299.6. The county attorney's office or  
 1 14 the mediation service shall require the parent,  
 1 15 guardian, or legal or actual custodian and the school  
 1 16 to pay a fee to help defray the administrative cost of  
 1 17 mediation services. The county attorney's office or  
 1 18 the mediation service shall establish a sliding scale  
 1 19 of fees to be charged parents, guardians, and legal or  
 1 20 actual custodians based upon ability to pay. A  
 1 21 parent, guardian, or legal or actual custodian shall  
 1 22 not be denied the services of a mediator solely  
 1 23 because of inability to pay the fee.  
 1 24 Sec. \_\_\_\_\_. Section 299.6, unnumbered paragraph 1,  
 1 25 Code 2007, is amended to read as follows:  
 1 26 Any person who violates a mediation agreement under  
 1 27 section 299.5A, who is referred for prosecution under  
 1 28 section 299.5A and is convicted of a violation of any  
 1 29 of the provisions of sections 299.1 through 299.5, who  
 1 30 violates any of the provisions of sections 299.1  
 1 31 through 299.5, or who refuses to participate in  
 1 32 mediation under section 299.5A, for a first offense,  
 1 33 is guilty of a simple misdemeanor. If a child ten  
 1 34 years of age or older violates a mediation agreement  
 1 35 under section 299.5A, or refuses to participate in  
 1 36 mediation under section 299.5A, the child commits a  
 1 37 delinquent act. However, the child shall not be  
 1 38 placed in detention under chapter 232 for a violation  
 1 39 of section 299.5A.>  
 1 40 #2. By renumbering as necessary.  
 1 41  
 1 42  
 1 43  
 1 44 HORBACH of Tama  
 1 45 HF 2681.702 82  
 1 46 kh/nh/12129  
 1 47  
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**House Amendment 8536**

PAG LIN

1 1 Amend Senate File 2203, as passed by the Senate, as  
1 2 follows:  
1 3 #1. Page 1, by inserting before line 1 the  
1 4 following:  
1 5 <Section 1. Section 709.8, unnumbered paragraph 2,  
1 6 Code 2007, is amended to read as follows:  
1 7 Any person who violates a provision of this section  
1 8 ~~involving an act included in subsection 1 or 2 shall,~~  
1 9 upon conviction, be guilty of a class "C" felony. ~~Any~~  
~~1 10 person who violates a provision of this section~~  
~~1 11 involving an act included in subsection 3 or 4 shall,~~  
~~1 12 upon conviction, be guilty of a class "D" felony.~~  
1 13 Sec. \_\_\_\_\_. Section 709.11, Code 2007, is amended to  
1 14 read as follows:  
1 15 709.11 ASSAULT WITH INTENT TO COMMIT SEXUAL ABUSE.  
1 16 Any person who commits an assault, as defined in  
1 17 section 708.1, with the intent to commit sexual abuse  
1 18 is guilty of a class "C" felony if the person thereby  
1 19 causes ~~serious~~ injury to any person and guilty of a  
1 20 class "D" felony if the person ~~thereby causes any~~  
~~1 21 person a bodily injury other than a serious does not~~  
~~1 22 cause an injury to a person. The person is guilty of~~  
~~1 23 an aggravated misdemeanor if no injury results.~~  
1 24 Sec. \_\_\_\_\_. Section 709.12, unnumbered paragraph 1,  
1 25 Code 2007, is amended to read as follows:  
1 26 A person eighteen years of age or older is upon  
1 27 conviction guilty of ~~an aggravated misdemeanor a class~~  
~~1 28 "D" felony~~ if the person commits any of the following  
1 29 acts with a child, not the person's spouse, with or  
1 30 without the child's consent, for the purpose of  
1 31 arousing or satisfying the sexual desires of either of  
1 32 them:  
1 33 Sec. \_\_\_\_\_. Section 709.14, Code 2007, is amended to  
1 34 read as follows:  
1 35 709.14 LASCIVIOUS CONDUCT WITH A MINOR.  
1 36 1. It is unlawful for a person over eighteen years  
1 37 of age who is in a position of authority over a minor  
1 38 to force, persuade, or coerce a minor, with or without  
1 39 consent, to disrobe or partially disrobe for the  
1 40 purpose of arousing or satisfying the sexual desires  
1 41 of either of them.  
1 42 2. Lascivious conduct with a minor as prohibited  
~~1 43 in subsection 1 is a serious misdemeanor class "D"~~  
~~1 44 felony.>~~  
1 45 #2. Title page, line 1, by inserting after the  
1 46 words <relating to> the following: <the commission of  
1 47 abusive acts, including sexual abuse and>.  
1 48 #3. Title page, by striking line 2, and inserting  
1 49 the following: <tormented, or killed, and providing  
1 50 for penalties.>



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House Amendment 8536 continued

2 1 #4. By renumbering as necessary.  
2 2  
2 3  
2 4  
2 5 KELLEY of Black Hawk  
2 6 SF 2203.301 82  
2 7 da/nh/21254



**Iowa General Assembly  
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**House Amendment 8537**

PAG LIN

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1 1 Amend House File 2686 as follows:
1 2 #1. Page 19, by inserting before line 10 the
1 3 following:
1 4
1 5 <DIVISION
1 6 MEMORANDUM OF UNDERSTANDING
1 7 Sec. ____ . MEMORANDUM OF UNDERSTANDING ==
1 8 NATURALIZATION PROCESS.
1 9 1. The attorney general is authorized and directed
1 10 to negotiate the terms of a memorandum of
1 11 understanding between the state of Iowa and the United
1 12 States department of justice or the department of
1 13 homeland security pertaining to a pilot program that
1 14 allows state officials to initiate the procedures of
1 15 naturalization for immigrants residing in the state of
1 16 Iowa.
1 17 2. The memorandum of understanding negotiated
1 18 pursuant to subsection 1 shall be signed on behalf of
1 19 this state by the attorney general and the governor or
1 20 as otherwise required by the appropriate federal
1 21 agency but shall not be implemented until money is
1 22 appropriated for such purpose.>
1 23 #2. By renumbering as necessary.
1 24
1 25
1 26 R. OLSON of Polk
1 27 HF 2686.205 82
1 28 ak/rj/21255
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House Amendment 8538

PAG LIN

1 1 Amend the amendment, H=8527, to House File 2675, as  
1 2 follows:  
1 3 #1. Page 3, line 44, by inserting after the word  
1 4 <date.> the following: <The sections of this Act  
1 5 referred to in this section shall not become effective  
1 6 until the United States department of labor notifies  
1 7 the Iowa department of workforce development that the  
1 8 sections are in compliance with federal law and the  
1 9 department of workforce development provides a copy of  
1 10 the notification to the Iowa Code editor.>  
1 11  
1 12  
1 13  
1 14 HORBACH of Tama  
1 15 HF 2675.203 82  
1 16 ak/rj/21256  
1 17  
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House Amendment 8539

PAG LIN

1 1 Amend House File 2667 as follows:  
1 2 #1. By striking page 4, line 9, through page 5,  
1 3 line 28.  
1 4 #2. By renumbering as necessary.  
1 5  
1 6  
1 7  
1 8 COMMITTEE ON ADMINISTRATION  
1 9 AND RULES  
1 10 QUIRK of Chickasaw, CHAIRPERSON  
1 11 HF 2667.501 82  
1 12 jp/rj/11912  
1 13  
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**House Amendment 8540**

PAG LIN

1 1 Amend Senate File 2203, as passed by the Senate, as  
 1 2 follows:  
 1 3 #1. Page 1, by striking lines 1 through 9 and  
 1 4 inserting the following:  
 1 5 <Sec. \_\_\_\_\_. Section 717D.1, subsection 8, Code  
 1 6 2007, is amended to read as follows:  
 1 7 8. "Spectator" means a person who attends an  
 1 8 establishment ~~for purposes of witnessing~~ knowingly to  
 1 9 watch or observe a contest event.  
 1 10 Sec. \_\_\_\_\_. Section 717D.2, subsection 9, Code 2007,  
 1 11 is amended to read as follows:  
 1 12 9. Gambling at a contest event conducted in this  
 1 13 state, including but not limited to wagering on the  
 1 14 outcome of a contest involving animals.  
 1 15 10. Act as a spectator of a contest event  
 1 16 conducted in this state, regardless of whether the  
 1 17 person paid admission to witness the contest event.  
 1 18 Sec. \_\_\_\_\_. Section 717D.4, Code 2007, is amended to  
 1 19 read as follows:  
 1 20 717D.4 PENALTIES.  
 1 21 1. Except as provided in ~~subsection 2~~ section  
 1 22 717D.2, subsection 10, a person who violates a  
 1 23 provision of this chapter ~~is guilty of~~ commits a class  
 1 24 "D" felony.  
 1 25 2. A person who violates section 717D.2,  
 1 26 subsection 10, by acting as a spectator of a contest  
 1 27 event conducted in this state ~~is guilty of an~~ commits  
 1 28 the following:  
 1 29 a. An aggravated misdemeanor for the first  
 1 30 offense.  
 1 31 b. A class "D" felony for a second or subsequent  
 1 32 offense.>  
 1 33 #2. By renumbering as necessary.  
 1 34  
 1 35  
 1 36  
 1 37 R. OLSON of Polk  
 1 38 SF 2203.503 82  
 1 39 da/rj/21259  
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Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 15, 2008

House File 2693 - Introduced

HOUSE FILE  
BY McCARTHY

(COMPANION TO LSB 6671SS  
BY GRONSTAL)

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

A BILL FOR

- 1 An Act pertaining to employers' participation in unemployment
- 2 insurance adjudications.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6671YH 82
- 5 ak/nh/5



Iowa General Assembly  
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House File 2693 - Introduced continued

PAG LIN

1 1 Section 1. Section 96.3, subsection 7, Code 2007, is  
1 2 amended to read as follows:

1 3 7. RECOVERY OF OVERPAYMENT OF BENEFITS.

1 4 a. If an individual receives benefits for which the  
1 5 individual is subsequently determined to be ineligible, even  
1 6 though the individual acts in good faith and is not otherwise  
1 7 at fault, the benefits shall be recovered. The department in  
1 8 its discretion may recover the overpayment of benefits either  
1 9 by having a sum equal to the overpayment deducted from any  
1 10 future benefits payable to the individual or by having the  
1 11 individual pay to the department a sum equal to the  
1 12 overpayment.

1 13 b. If the department determines that an overpayment has  
1 14 been made, the charge for the overpayment against the  
1 15 employer's account shall be removed and the account shall be  
1 16 credited with an amount equal to the overpayment from the  
1 17 unemployment compensation trust fund and this credit shall  
1 18 include both contributory and reimbursable employers,  
1 19 notwithstanding section 96.8, subsection 5. However, provided  
1 20 the benefits were not received as the result of fraud or  
1 21 willful misrepresentation by the individual, benefits shall  
1 22 not be recovered from an individual if the employer did not  
1 23 participate in the initial determination to award benefits  
1 24 pursuant to section 96.6, subsection 2, and an overpayment  
1 25 occurred because of a subsequent reversal on appeal regarding  
1 26 the issue of the individual's separation from employment. The  
1 27 employer not participating in the initial determination shall  
1 28 be charged with the benefits.

1 29 EXPLANATION

1 30 This bill provides that employers who do not participate in  
1 31 the initial fact-finding determination of eligibility for  
1 32 unemployment insurance benefits but who prevail upon appeal  
1 33 will not recover charges for benefits paid to claimants prior  
1 34 to the decision denying benefits. The employer that did not  
1 35 participate in the initial determination shall be charged with



**Iowa General Assembly  
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House File 2693 - Introduced continued

2 1 the benefits. However, if a claimant used fraud or  
2 2 misrepresentation to secure benefits, the benefits will be  
2 3 recovered.  
2 4 LSB 6671YH 82  
2 5 ak/nh/5



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
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**Senate Amendment 5354**

PAG LIN

1 1 Amend House File 2660, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 15, line 21, by striking the words and  
1 4 figure <17 percent of> and inserting the following:  
1 5 <the state's normal contribution rate, as defined in  
1 6 section 97A.8, multiplied by>.  
1 7 #2. Page 16, line 30, by striking the words and  
1 8 figure <17 percent of> and inserting the following:  
1 9 <the state's normal contribution rate, as defined in  
1 10 section 97A.8, multiplied by>.  
1 11 #3. Page 17, line 9, by striking the words and  
1 12 figure <17 percent of> and inserting the following:  
1 13 <the state's normal contribution rate, as defined in  
1 14 section 97A.8, multiplied by>.  
1 15 #4. Page 17, line 18, by striking the words and  
1 16 figure <17 percent of> and inserting the following:  
1 17 <the state's normal contribution rate, as defined in  
1 18 section 97A.8, multiplied by>.  
1 19  
1 20  
1 21  
1 22 MICHAEL CONNOLLY  
1 23 HF 2660.208 82  
1 24 jm/nh/11589  
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Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 15, 2008

Senate Amendment 5355

PAG LIN

1 1 Amend Senate File 2420 as follows:  
1 2 #1. By striking everything after the enacting  
1 3 clause and inserting the following:  
1 4 <Section 1. Section 8.57, subsection 6, paragraph  
1 5 e, Code Supplement 2007, is amended to read as  
1 6 follows:  
1 7 e. Notwithstanding provisions to the contrary in  
1 8 sections 99D.17 and 99F.11, for the fiscal year  
1 9 beginning July 1, 2000, and for each fiscal year  
1 10 thereafter, not more than a total of sixty million  
1 11 dollars shall be deposited in the general fund of the  
1 12 state in any fiscal year pursuant to sections 99D.17  
1 13 and 99F.11. The next fifteen million dollars of the  
1 14 moneys directed to be deposited in the general fund of  
1 15 the state in a fiscal year pursuant to sections 99D.17  
1 16 and 99F.11 shall be deposited in the vision Iowa fund  
1 17 created in section 12.72 for the fiscal year beginning  
1 18 July 1, 2000, and for each fiscal year through the  
1 19 fiscal year beginning July 1, 2019. The next five  
1 20 million dollars of the moneys directed to be deposited  
1 21 in the general fund of the state in a fiscal year  
1 22 pursuant to sections 99D.17 and 99F.11 shall be  
1 23 deposited in the school infrastructure fund created in  
1 24 section 12.82 for the fiscal year beginning July 1,  
1 25 2000, and for each fiscal year thereafter until the  
1 26 principal and interest on all bonds issued by the  
1 27 treasurer of state pursuant to section 12.81 are paid,  
1 28 as determined by the treasurer of state. The next  
1 29 thirty million dollars of the moneys directed to be  
1 30 deposited in the general fund of the state in a fiscal  
1 31 year pursuant to sections 99D.17 and 99F.11 shall be  
1 32 deposited in the TIME=21 fund created in section  
1 33 312A.2 for the fiscal year beginning July 1, 2009.  
1 34 The next sixty million dollars of the moneys directed  
1 35 to be deposited in the general fund of the state in a  
1 36 fiscal year pursuant to sections 99D.17 and 99F.11  
1 37 shall be deposited in the TIME=21 fund created in  
1 38 section 312A.2 for the fiscal year beginning July 1,  
1 39 2010. The next ninety million dollars of the moneys  
1 40 directed to be deposited in the general fund of the  
1 41 state in a fiscal year pursuant to sections 99D.17 and  
1 42 99F.11 shall be deposited in the TIME=21 fund created  
1 43 in section 312A.2 for the fiscal year beginning July  
1 44 1, 2011, and for each succeeding fiscal year through  
1 45 the fiscal year beginning July 1, 2027. The total  
1 46 moneys in excess of the moneys deposited in the  
1 47 general fund of the state, the vision Iowa fund, and  
1 48 the school infrastructure fund, and the TIME=21 fund  
1 49 in a fiscal year shall be deposited in the rebuild  
1 50 Iowa infrastructure fund and shall be used as provided



Iowa General Assembly  
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Senate Amendment 5355 continued

2 1 in this section, notwithstanding section 8.60.

2 2 If the total amount of moneys directed to be  
2 3 deposited in the general fund of the state under  
2 4 sections 99D.17 and 99F.11 in a fiscal year is less  
2 5 than the total amount of moneys directed to be  
2 6 deposited in the vision Iowa fund, ~~and~~ the school  
2 7 infrastructure fund, and the TIME=21 fund in the  
2 8 fiscal year pursuant to this paragraph "e", the  
2 9 difference shall be paid from lottery revenues in the  
2 10 manner provided in section 99G.39, subsection 3.

2 11 Sec. 2. Section 99G.39, subsection 3, paragraph a,  
2 12 Code 2007, is amended to read as follows:

2 13 a. Notwithstanding subsection 1, if gaming  
2 14 revenues under sections 99D.17 and 99F.11 are  
2 15 insufficient in a fiscal year to meet the total amount  
2 16 of such revenues directed to be deposited in the  
2 17 vision Iowa fund, ~~and~~ the school infrastructure fund,  
2 18 and the TIME=21 fund during the fiscal year pursuant  
2 19 to section 8.57, subsection 6, paragraph "e", the  
2 20 difference shall be paid from lottery revenues prior  
2 21 to deposit of the lottery revenues in the general  
2 22 fund. If lottery revenues are insufficient during the  
2 23 fiscal year to pay the difference, the remaining  
2 24 difference shall be paid from lottery revenues in  
2 25 subsequent fiscal years as such revenues become  
2 26 available.

2 27 Sec. 3. Section 312A.2, Code Supplement 2007, is  
2 28 amended to read as follows:

2 29 312A.2 TRANSPORTATION INVESTMENT MOVES THE ECONOMY  
2 30 IN THE TWENTY=FIRST CENTURY (TIME=21) FUND.

2 31 1. A transportation investment moves the economy  
2 32 in the twenty=first century fund is created in the  
2 33 state treasury under the control of the department.  
2 34 The fund shall be known and referred to as the TIME=21  
2 35 fund. The fund shall consist of any moneys  
2 36 appropriated by the general assembly and any revenues  
2 37 credited by law to the TIME=21 fund. Moneys in the  
2 38 fund are not subject to section 8.33. Notwithstanding  
2 39 section 12C.7, subsection 2, interest or earnings on  
2 40 moneys deposited in the fund shall be credited to the  
2 41 fund.

2 42 2. Notwithstanding any other provision of law to  
2 43 the contrary, there is appropriated from the general  
2 44 fund of the state to the TIME=21 fund the following  
2 45 amounts for the following fiscal years:

2 46 a. For the fiscal year beginning July 1, 2009, an  
2 47 amount equal to one=fourth of one percent of the  
2 48 adjusted revenue estimate, as defined in section 8.54,  
2 49 for the fiscal year.

2 50 b. For the fiscal year beginning July 1, 2010,



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Senate Amendment 5355 continued

3 1 one-half of one percent of the adjusted revenue  
3 2 estimate, as defined in section 8.54, for the fiscal  
3 3 year.  
3 4 c. For the fiscal year beginning July 1, 2011,  
3 5 three-fourths of one percent of the adjusted revenue  
3 6 estimate, as defined in section 8.54, for the fiscal  
3 7 year.  
3 8 d. For the fiscal year beginning July 1, 2012, and  
3 9 each succeeding fiscal year through the fiscal year  
3 10 beginning July 1, 2027, one percent of the adjusted  
3 11 revenue estimate, as defined in section 8.54, for the  
3 12 fiscal year.>  
3 13 #2. Title page, by striking lines 1 through 12 and  
3 14 inserting the following: <An Act relating to state  
3 15 revenues to be deposited in the TIME=21 fund and  
3 16 providing appropriations.>  
3 17 #3. By renumbering as necessary.  
3 18  
3 19  
3 20  
3 21 STEVE KETTERING  
3 22 SF 2420.503 82  
3 23 dea/nh/12475



**Iowa General Assembly  
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## Senate Amendment 5356

PAG LIN

1 1 Amend Senate File 2420 as follows:

1 2 #1. By striking everything after the enacting

1 3 clause and inserting the following:

1 4 <Section 1. Section 312A.2, Code Supplement 2007,

1 5 is amended to read as follows:

1 6 312A.2 TRANSPORTATION INVESTMENT MOVES THE ECONOMY

1 7 IN THE TWENTY-FIRST CENTURY (TIME=21) FUND.

1 8 1. A transportation investment moves the economy

1 9 in the twenty-first century fund is created in the

1 10 state treasury under the control of the department.

1 11 The fund shall be known and referred to as the TIME=21

1 12 fund. The fund shall consist of any moneys

1 13 appropriated by the general assembly and any revenues

1 14 credited by law to the TIME=21 fund. Moneys in the

1 15 fund are not subject to section 8.33. Notwithstanding

1 16 section 12C.7, subsection 2, interest or earnings on

1 17 moneys deposited in the fund shall be credited to the

1 18 fund.

1 19 2. Notwithstanding any other provision of law to

1 20 the contrary, there is appropriated from the general

1 21 fund of the state to the TIME=21 fund the following

1 22 amounts for the following fiscal years:

1 23 a. For the fiscal year beginning July 1, 2009, an

1 24 amount equal to one-fourth of one percent of the

1 25 adjusted revenue estimate, as defined in section 8.54,

1 26 for the fiscal year.

1 27 b. For the fiscal year beginning July 1, 2010,

1 28 one-half of one percent of the adjusted revenue

1 29 estimate, as defined in section 8.54, for the fiscal

1 30 year.

1 31 c. For the fiscal year beginning July 1, 2011,

1 32 three-fourths of one percent of the adjusted revenue

1 33 estimate, as defined in section 8.54, for the fiscal

1 34 year.

1 35 d. For the fiscal year beginning July 1, 2012, and

1 36 each succeeding fiscal year through the fiscal year

1 37 beginning July 1, 2027, one percent of the adjusted

1 38 revenue estimate, as defined in section 8.54, for the

1 39 fiscal year.

1 40 Sec. 2. TIME=21 FUND == APPROPRIATIONS. There is

1 41 appropriated from the general fund of the state to the

1 42 TIME=21 fund created in section 312A.2, the following

1 43 amounts for the following fiscal years:

1 44 1. For the fiscal year beginning July 1, 2007, and

1 45 ending June 30, 2008, the following amount:

1 46 ..... \$ 78,000,000

1 47 2. For the fiscal year beginning July 1, 2008, and

1 48 ending June 30, 2009, the following amount:

1 49 ..... \$ 49,000,000

1 50 Notwithstanding section 8.33, moneys appropriated



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Senate Amendment 5356 continued

2 1 in this section that remain unencumbered or  
2 2 unobligated at the close of the fiscal year shall not  
2 3 revert but shall remain available for expenditure for  
2 4 the purposes designated until the close of the  
2 5 succeeding fiscal year.>  
2 6 #2. Title page, by striking lines 1 through 12 and  
2 7 inserting the following: <An Act providing  
2 8 appropriations of certain state revenues to the  
2 9 TIME=21 fund.>  
2 10  
2 11  
2 12  
2 13 PAUL McKINLEY  
2 14 SF 2420.206 82  
2 15 dea/nh/12476



**Iowa General Assembly  
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**Senate Amendment 5357**

PAG LIN

1 1 Amend Senate File 2420 as follows:  
 1 2 #1. By striking everything after the enacting  
 1 3 clause and inserting the following:  
 1 4 <Section 1. Section 8.54, subsection 3, Code 2007,  
 1 5 is amended to read as follows:  
 1 6 3. Except as otherwise provided in this section,  
 1 7 the state general fund expenditure limitation for a  
 1 8 fiscal year shall be as follows:  
 1 9 a. For the fiscal year beginning July 1, 2008,  
 1 10 ninety=nine percent of the adjusted revenue estimate.  
 1 11 b. For the fiscal year beginning July 1, 2009,  
 1 12 ninety=eight and one=half percent of the adjusted  
 1 13 revenue estimate.  
 1 14 c. For the fiscal year beginning July 1, 2010, and  
 1 15 subsequent fiscal years, ninety=eight percent of the  
 1 16 adjusted revenue estimate.  
 1 17 Sec. 2. Section 8.55, subsection 2, paragraph a,  
 1 18 Code 2007, is amended to read as follows:  
 1 19 a. The maximum balance of the fund is the amount  
 1 20 equal to two and one=half percent of the adjusted  
 1 21 revenue estimate for the fiscal year. If the amount  
 1 22 of moneys in the Iowa economic emergency fund is equal  
 1 23 to the maximum balance, moneys in excess of this  
 1 24 amount shall be transferred to the general road use  
 1 25 tax fund.  
 1 26 Sec. 3. EFFECTIVE DATE. The section of this Act  
 1 27 amending section 8.55, being deemed of immediate  
 1 28 importance, takes effect upon enactment.>  
 1 29 #2. Title page, by striking lines 1 through 12 and  
 1 30 inserting the following: <An Act relating to state  
 1 31 revenues involving the road use tax fund and the  
 1 32 general fund of the state and providing an effective  
 1 33 date.>  
 1 34  
 1 35  
 1 36  
 1 37 JEFF ANGELO  
 1 38 SF 2420.701 82  
 1 39 dea/nh/12474

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Iowa General Assembly  
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Senate Amendment 5358

PAG LIN

1 1 Amend Senate File 2420 as follows:  
 1 2 #1. Page 25, by inserting after line 16 the  
 1 3 following:  
 1 4 <Sec. \_\_\_\_\_. Section 312.6, Code 2007, is amended to  
 1 5 read as follows:  
 1 6 312.6 ~~LIMITATION~~ LIMITATIONS ON USE OF FUNDS.  
 1 7 1. Notwithstanding any other provision of law,  
 1 8 funds credited to the road use tax fund shall not be  
 1 9 expended for purposes of membership in North America's  
 1 10 supercorridor coalition (NASCO) or for any purpose or  
 1 11 project supported by or related to NASCO.  
 1 12 2. Funds received by municipal corporations from  
 1 13 the road use tax fund shall be used for any purpose  
 1 14 relating to the construction, maintenance, and  
 1 15 supervision of the public streets.  
 1 16 Sec. \_\_\_\_\_. NEW SECTION. 312A.2A LIMITATION ON USE  
 1 17 OF FUNDS.  
 1 18 Notwithstanding any other provision of law, funds  
 1 19 credited to the TIME=21 fund shall not be expended for  
 1 20 purposes of membership in North America's  
 1 21 supercorridor coalition (NASCO) or for any purpose or  
 1 22 project supported by or related to NASCO.>  
 1 23 #2. By renumbering as necessary.  
 1 24  
 1 25  
 1 26  
 1 27 DAVID L. HARTSUCH  
 1 28 SF 2420.304 82  
 1 29 dea/nh/21252  
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Iowa General Assembly  
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## Senate Amendment 5359

PAG LIN

1 1 Amend House File 2633, as passed by the House, as  
1 2 follows:  
1 3 #1. Page 1, by striking lines 25 through 27.  
1 4 #2. Page 2, by inserting after line 6 the  
1 5 following:  
1 6 <\_\_\_\_. "Domestic cooperative" means an entity  
1 7 organized on a cooperative basis under chapter 497,  
1 8 498, or 499 or a cooperative organized under chapter  
1 9 501 or 501A.>  
1 10 #3. Page 11, line 28, by striking the words <A  
1 11 operating> and inserting the following: <An  
1 12 operating>.  
1 13 #4. Page 12, lines 17 and 18, by striking the  
1 14 words <as follows> and inserting the following: <,  
1 15 the following rules apply>.  
1 16 #5. Page 16, line 10, by striking the word  
1 17 <corporation> and inserting the following: <limited  
1 18 liability company>.  
1 19 #6. Page 16, line 29, by striking the figure  
1 20 <489.110> and inserting the following: <489.112>.  
1 21 #7. Page 29, line 8, by inserting after the word  
1 22 <becomes> the following: <a>.  
1 23 #8. Page 44, line 7, by striking the figure <2>  
1 24 and inserting the following: <3>.  
1 25 #9. Page 49, line 33, by striking the word  
1 26 <transferree> and inserting the following:  
1 27 <transferee>.  
1 28 #10. Page 51, line 10, by striking the word  
1 29 <applies> and inserting the following: <apply>.  
1 30 #11. Page 54, line 15, by inserting after the word  
1 31 <due> the following: <to>.  
1 32 #12. By striking page 65, line 3, through page 66,  
1 33 line 26.  
1 34 #13. Page 82, line 30, by inserting after the word  
1 35 <podiatry,> the following: <real estate brokerage,>.  
1 36 #14. Page 89, line 26, by striking the word  
1 37 <account> and inserting the following: <accountant>.  
1 38 #15. Page 92, line 7, by striking the word  
1 39 <limited> and inserting the following: <professional  
1 40 limited>.  
1 41 #16. Page 101, line 9, by striking the word <"a",>  
1 42 and inserting the following: <"a">.  
1 43 #17. Page 104, line 35, by striking the figure  
1 44 <10> and inserting the following: <12>.  
1 45 #18. Page 106, line 11, by striking the word <OR>  
1 46 and inserting the following: <ON>.  
1 47 #19. Page 106, line 33, by inserting after the  
1 48 word <conversion.> the following: <The notice shall  
1 49 include or be accompanied by a copy of the organic  
1 50 documents as they will be in effect immediately after



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Senate Amendment 5359 continued

2 1 the conversion.>  
2 2 #20. Page 107, line 27, by striking the word  
2 3 <entity> and inserting the following: <entity,>.  
2 4 #21. Page 110, line 4, by striking the words and  
2 5 figure <as provided in section 490.1112>.  
2 6 #22. Page 114, line 35, by striking the word  
2 7 <corporation> and inserting the following:  
2 8 <~~corporation~~ company>.  
2 9 #23. Page 118, line 12, by striking the figure  
2 10 <289.108> and inserting the following: <489.108>.  
2 11 #24. By renumbering as necessary.  
2 12  
2 13  
2 14  
2 15 ROBERT M. HOGG  
2 16 HF 2633.701 82  
2 17 da/rj/11583



**Iowa General Assembly  
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**Senate Amendment 5360**

PAG LIN

1 1 Amend the amendment, S=5352, to House File 2662, as  
 1 2 amended, passed, and reprinted by the House, as  
 1 3 follows:  
 1 4 #1. Page 1, by striking lines 5 through 12 and  
 1 5 inserting the following:  
 1 6 <Sec. \_\_\_\_\_. SUPPLEMENTAL APPROPRIATION == FUNDING  
 1 7 RESTORATION. There is appropriated from the general  
 1 8 fund of the state to the department of natural  
 1 9 resources, for the fiscal year beginning July 1, 2007,  
 1 10 and ending June 30, 2008, the following amounts, or so  
 1 11 much thereof as is necessary, to be used for the  
 1 12 purposes designated:>  
 1 13 #2. Page 1, by inserting after line 25 the  
 1 14 following:  
 1 15 <#\_\_\_\_\_. Page 9, by inserting after page 33 the  
 1 16 following:  
 1 17 <Sec. \_\_\_\_\_. EFFECTIVE DATE. The section of this  
 1 18 division of this Act making a supplemental  
 1 19 appropriation to restore funding to the special  
 1 20 snowmobile fund and the special all-terrain vehicle  
 1 21 fund, being deemed of immediate importance, takes  
 1 22 effect upon enactment.>  
 1 23 #\_\_\_\_\_. Title page, line 3, by inserting after the  
 1 24 word <protection> the following: <, and providing an  
 1 25 effective date>.>  
 1 26  
 1 27  
 1 28  
 0 MARK ZIEMAN  
 1 29 HF 2662.303 82  
 1 30 da/ml/12  
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## Senate Amendment 5361

PAG LIN

1 1 Amend the amendment, S=5346, to Senate File 2413,  
1 2 as follows:  
1 3 #1. Page 1, line 10, by inserting after the word  
1 4 <annually> the following: <, but not earlier than  
1 5 November 1,>.  
1 6 #2. By renumbering as necessary.  
1 7  
1 8  
1 9  
1 10 THOMAS G. COURTNEY  
1 11 SF 2413.502 82  
1 12 da/rj/21260  
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**Senate Amendment 5362**

PAG LIN

1 1 Amend Senate File 2417, as passed by the Senate, as  
1 2 follows:  
1 3 #1. Page 1, line 16, by striking the figure  
1 4 <3,761,677> and inserting the following: <3,786,677>.  
1 5 #2. Page 1, by inserting after line 16 the  
1 6 following:  
1 7 <Of the funds appropriated in this paragraph "a",  
1 8 \$25,000 is allocated for the provision of additional  
1 9 services by the grantee that receives the grant under  
1 10 2007 Iowa Acts, chapter 218, section 20, subsection 2,  
1 11 and successor grants, to be used for support services  
1 12 for parents of children with autism spectrum  
1 13 disorder.>  
1 14 SF 2417.H  
1 15 pf/jg/25  
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**Iowa General Assembly  
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**Senate Amendment 5363**

PAG LIN

1 1 Amend House File 2612, as amended, passed, and  
 1 2 reprinted by the House, as follows:  
 1 3 #1. Page 4, by inserting after line 35 the  
 1 4 following:  
 1 5                                   <DIVISION  
 1 6                                   WATER SAFETY  
 1 7     Sec. \_\_\_\_\_. Section 462A.12, Code Supplement 2007,  
 1 8 is amended by adding the following new subsection:  
 1 9     NEW SUBSECTION. 15. A person shall not operate a  
 1 10 vessel on the waters of this state under the  
 1 11 jurisdiction of the commission unless every person on  
 1 12 board the vessel who is under thirteen years of age is  
 1 13 wearing a type I, II, III, or V personal flotation  
 1 14 device, including "float coats" that meet this  
 1 15 definition, that is approved by the United States  
 1 16 coast guard, while the vessel is under way. This  
 1 17 subsection does not apply when the person under  
 1 18 thirteen years of age is in an enclosed cabin or below  
 1 19 deck, or is a passenger on a commercial vessel with a  
 1 20 passenger capacity of twenty-five persons or more.  
 1 21     Sec. \_\_\_\_\_. WARNING CITATIONS == TWELVE=MONTH  
 1 22 PERIOD. During the twelve-month period beginning on  
 1 23 the effective date of section 462A.12, subsection 15,  
 1 24 as enacted in this division of this Act, peace  
 1 25 officers shall issue only warning citations for a  
 1 26 violation of such subsection.  
 1 27     Sec. \_\_\_\_\_. EFFECTIVE DATE. This division of this  
 1 28 Act, being deemed of immediate importance, takes  
 1 29 effect upon enactment.>  
 1 30 #2. Title page, line 3, by inserting after the  
 1 31 word <lands> the following: <, waters,>.  
 1 32 #3. Title page, line 5, by inserting after the  
 1 33 word <applicable> the following: <and providing an  
 1 34 effective date>.  
 1 35 #4. By renumbering as necessary.  
 1 36  
 1 37  
 1 38  
 1 39 DICK L. DEARDEN  
 1 40  
 1 41  
 1 42  
 1 43 DAVID JOHNSON  
 1 44  
 1 45  
 1 46  
 1 47 DENNIS H. BLACK  
 1 48 HF 2612.502 82  
 1 49 da/rj/11586  
 1 50



Iowa General Assembly  
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**Senate File 2422 - Introduced**

SENATE FILE  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 3285)

Passed Senate, Date \_\_\_\_\_

Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved

**A BILL FOR**

- 1 An Act relating to energy independence initiatives, specifying
- 2 procedures applicable to Iowa power fund applications,
- 3 authorizing allocations from the fund, directing that
- 4 specified payments, repayments, or recaptures made to or
- 5 received by the board shall be deposited in the fund,
- 6 authorizing increased allocations for administrative costs,
- 7 and providing an effective date and applicability provision.
- 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 9 TL5B 6604SV 82
- 10 rn/nh/8



Iowa General Assembly  
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Senate File 2422 - Introduced continued

PAG LIN

1 1 Section 1. Section 22.7, Code Supplement 2007, is amended  
1 2 by adding the following new subsection:

1 3 NEW SUBSECTION. 60. Information possessed by the office  
1 4 of energy independence, the Iowa power fund board, or the due  
1 5 diligence committee associated with the office and the board,  
1 6 relating to a prospective applicant with which the office,  
1 7 board, or committee is currently negotiating, or an award  
1 8 recipient, shall only be released as provided in section  
1 9 469.6, subsection 6.

1 10 Sec. 2. Section 469.6, subsection 5, paragraph d, Code  
1 11 Supplement 2007, is amended to read as follows:

1 12 d. Direct moneys from the fund to be used to purchase  
1 13 private or public technical assistance needed to conduct due  
1 14 diligence activities, to facilitate a technical, scientific,  
1 15 or financial review relating to an application for financial  
1 16 assistance to the extent not financed by the applicant and if  
1 17 recommended by the due diligence committee, and to develop an  
1 18 Iowa energy independence plan, pursuant to section 469.10,  
1 19 subsection 3A. Other than applicant financing of a technical,  
1 20 scientific, or financial review of an application for  
1 21 financial assistance if agreed to by an applicant and the due  
1 22 diligence committee, an application fee shall not be imposed.  
1 23 Payments received in the form of applicant financing pursuant  
1 24 to this paragraph shall be deposited in the fund and utilized  
1 25 exclusively for the technical, scientific, or financial review  
1 26 for which the payments were submitted.

1 27 Sec. 3. Section 469.6, Code Supplement 2007, is amended by  
1 28 adding the following new subsection:

1 29 NEW SUBSECTION. 6. a. In establishing guidelines,  
1 30 procedures, and policies for the awarding of financial  
1 31 assistance, the board shall give due regard to the  
1 32 confidentiality of certain information disclosed during the  
1 33 financial assistance application process and the contract  
1 34 administration process.

1 35 b. All information contained in an application for



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Senate File 2422 - Introduced continued

2 1 financial assistance submitted to the board shall remain  
2 2 confidential while the board is reviewing the application,  
2 3 processing requests for confidentiality, negotiating with the  
2 4 applicant, and preparing the application for consideration by  
2 5 the board. The board may release certain information in an  
2 6 application for financial assistance to a third party for  
2 7 technical review. If the board releases such information to a  
2 8 third party, the board shall ensure that the third party  
2 9 protects such information from public disclosure. After the  
2 10 board has considered a request for confidentiality, any  
2 11 information not deemed confidential by the board shall be made  
2 12 publicly available. Any information deemed confidential by  
2 13 the board shall also be kept confidential by the office and  
2 14 board during and following administration of a contract  
2 15 executed pursuant to a successful application.  
2 16 c. The board shall consider the written request of an  
2 17 applicant or award recipient to keep confidential certain  
2 18 details of an application, a contract, or the materials  
2 19 submitted in support of an application or a contract. If the  
2 20 request includes a sufficient explanation as to why the public  
2 21 disclosure of such details would give an unfair advantage to  
2 22 competitors, the board shall keep such details confidential.  
2 23 If the board elects to keep certain details confidential, the  
2 24 board shall release only the nonconfidential details in  
2 25 response to a request for records pursuant to chapter 22. If  
2 26 confidential details are withheld from a request for records  
2 27 pursuant to chapter 22, the board shall release an explanation  
2 28 of why the information was deemed confidential and a summary  
2 29 of the nature of the information withheld and the reasons for  
2 30 withholding it. In considering requests for confidential  
2 31 treatment, the board shall narrowly construe the provisions of  
2 32 this subsection in order to appropriately balance an  
2 33 applicant's need for confidentiality against the public's  
2 34 right to information about the board's activities.  
2 35 d. If a request for confidentiality is denied by the



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Senate File 2422 - Introduced continued

3 1 board, an applicant may withdraw an application and any  
3 2 supporting materials, and the board shall not retain any  
3 3 copies of the application or supporting materials. Upon  
3 4 notice that an application has been withdrawn, the board shall  
3 5 not release a copy in response to a request for records  
3 6 pursuant to chapter 22.

3 7 e. The board shall adopt by rule a process for considering  
3 8 requests to keep information confidential pursuant to this  
3 9 subsection. The board may adopt emergency rules pursuant to  
3 10 chapter 17A to implement this subsection. The rules shall  
3 11 include criteria for guiding the board's decisions about the  
3 12 confidential treatment of applicant information. The criteria  
3 13 may include, but are not limited to the following:

3 14 (1) The nature and extent of competition in the  
3 15 applicant's industry sector.

3 16 (2) The likelihood of adverse financial impact to the  
3 17 applicant if the information were to be released.

3 18 (3) The risk that the applicant would locate in another  
3 19 state if the request is denied.

3 20 (4) Any other factor the board reasonably considers  
3 21 relevant.

3 22 Sec. 4. Section 469.9, subsection 4, Code Supplement 2007,  
3 23 is amended by adding the following new paragraph:

3 24 NEW PARAGRAPH. e. Payments of interest, repayments of  
3 25 moneys loaned, payments of royalties, recaptures of grants or  
3 26 loans, and any other payments made pursuant to an agreement  
3 27 approved by the board pursuant to this chapter shall be  
3 28 deposited in the fund.

3 29 Sec. 5. Section 469.10, subsection 1, Code Supplement  
3 30 2007, is amended to read as follows:

3 31 1. There is appropriated from the general fund of the  
3 32 state to the office of energy independence for each fiscal  
3 33 year of the fiscal period beginning July 1, 2008, and ending  
3 34 June 30, 2011, the sum of twenty-five million dollars to be  
3 35 used for awarding grants and making loans from the Iowa power



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Senate File 2422 - Introduced continued

4 1 fund, and for all other purposes specified in and consistent  
4 2 with this subchapter.

4 3 Sec. 6. Section 469.10, subsection 2, Code Supplement  
4 4 2007, is amended to read as follows:

4 5 2. Of the moneys appropriated to the office and deposited  
4 6 in the fund, the office shall utilize up to ~~one and~~  
~~4 7 five-tenths~~ five percent of the amount appropriated from the  
4 8 fund for a fiscal year for administrative costs. From the  
4 9 funds available for administrative costs, the office shall not  
4 10 employ more than four full-time equivalent positions.

4 11 Sec. 7. Section 469.10, Code Supplement 2007, is amended  
4 12 by adding the following new subsection:

4 13 NEW SUBSECTION. 3A. Of the moneys appropriated to the  
4 14 office and deposited in the fund, the board may make  
4 15 allocations for the purchase of private or public technical  
4 16 assistance needed to conduct due diligence activities, to  
4 17 facilitate a technical, scientific, or financial review  
4 18 relating to an application for financial assistance to the  
4 19 extent not financed by the applicant and if recommended by the  
4 20 due diligence committee, and to develop an Iowa energy  
4 21 independence plan, in amounts and in instances as approved by  
4 22 the due diligence committee.

4 23 Sec. 8. 2007 Iowa Acts, chapter 209, section 2, is amended  
4 24 to read as follows:

4 25 SEC. 2. IOWA POWER FUND. There is appropriated from the  
4 26 general fund of the state to the office of energy  
4 27 independence, if enacted by 2007 Iowa Acts, House File 918, or  
4 28 its successor, for the fiscal year beginning July 1, 2006, and  
4 29 ending June 30, 2007, the following amount, or so much thereof  
4 30 as is necessary, to be used for the purposes designated:

4 31 For deposit in the Iowa power fund, if enacted by 2007 Iowa  
4 32 Acts, House File 918, or its successor, to be used for  
4 33 awarding grants and making loans from the Iowa power fund, and  
4 34 for all other purposes specified in and consistent with the  
4 35 provisions of House File 918, or its successor:



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Senate File 2422 - Introduced continued

5 1 ..... \$ 24,670,000

5 2 1. Of the moneys appropriated to the office and deposited  
5 3 in the fund, the office shall utilize up to one and  
5 4 five-tenths percent of the amount appropriated from the fund  
5 5 for administrative purposes.

5 6 2. Of the moneys appropriated to the office and deposited  
5 7 in the fund, there shall be allocated two million five hundred  
5 8 thousand dollars to the department of economic development for  
5 9 deposit into the workforce training and economic development  
5 10 funds of the community colleges created pursuant to section  
5 11 260C.18A. Of the funds so deposited into the workforce  
5 12 training and economic development funds of the community  
5 13 colleges, two million five hundred thousand dollars shall be  
5 14 used each year in the development and expansion of energy  
5 15 industry areas and for the department's north American  
5 16 industrial classification system for targeted industry areas  
5 17 established pursuant to section 260C.18A.

5 18 2A. Of the moneys appropriated to the office and deposited  
5 19 in the fund, the board may allocate moneys for the purchase of  
5 20 private or public technical assistance needed to conduct due  
5 21 diligence activities, to facilitate a technical, scientific,  
5 22 or financial review relating to an application for financial  
5 23 assistance to the extent not financed by the applicant and if  
5 24 recommended by the due diligence committee, and to develop an  
5 25 Iowa energy independence plan.

5 26 3. Notwithstanding section 8.33, amounts appropriated  
5 27 pursuant to this section shall not revert but shall remain  
5 28 available for the purposes designated for the following fiscal  
5 29 year. Notwithstanding section 12C.7, subsection 2, interest  
5 30 or earnings on moneys in the funds shall be credited to the  
5 31 fund.

5 32 Sec. 9. APPLICABILITY. The section of this Act amending  
5 33 section 22.7, relating to an exception to the open records  
5 34 law, and enacting section 469.6, subsection 6, relating to  
5 35 board determination of confidentiality upon a request for



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Senate File 2422 - Introduced continued

6 1 records pursuant to chapter 22, shall apply to requests in  
6 2 relation to applications that are in process on the effective  
6 3 date of this Act.

6 4 Sec. 10. EFFECTIVE DATE. This Act, being deemed of  
6 5 immediate importance, takes effect upon enactment.

6 6 EXPLANATION

6 7 This bill relates to energy independence initiatives,  
6 8 specifying procedures applicable to applications for  
6 9 distributions from the Iowa power fund, and modifying  
6 10 provisions regarding authorized allocations from the fund.

6 11 The bill provides with reference to the duties of the Iowa  
6 12 power fund board that the board may direct moneys from the  
6 13 fund to facilitate a technical, scientific, or financial  
6 14 review relating to an application to the extent that such a  
6 15 review is not financed by an applicant and if utilizing the  
6 16 funds for this purpose is recommended by the due diligence  
6 17 committee. The bill states that beyond applicant financing of  
6 18 such a review if agreed to by an applicant and the board, no  
6 19 application fee for fund distribution applications will be  
6 20 imposed, and restricts allocations of the financing received  
6 21 to deposit in the fund for conducting the review. Utilization  
6 22 of fund moneys for this purpose, together with currently  
6 23 authorized expenditures by the board for the purchase of  
6 24 private or public technical assistance needed to conduct due  
6 25 diligence activities and to develop an Iowa energy  
6 26 independence plan, is added as an authorized allocation from  
6 27 amounts appropriated to the fund pursuant to Code section  
6 28 469.10. More generally, the bill provides that allocations of  
6 29 appropriated amounts may be made for all purposes specified in  
6 30 and consistent with the subchapter of the Code relating to the  
6 31 office of energy independence, the power fund board, the due  
6 32 diligence committee, the power fund, and related provisions.

6 33 The bill accomplishes the foregoing by amending Code  
6 34 section 469.6, relating to the duties of the Iowa power fund  
6 35 board, by amending Code section 469.10, subsection 1,



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Senate File 2422 - Introduced continued

7 1 regarding appropriations for the fiscal period beginning July  
7 2 1, 2008, and ending June 30, 2011, and amending the 2007 Iowa  
7 3 Acts for the one-year appropriation beginning July 1, 2006,  
7 4 and ending June 30, 2007.  
7 5 The bill also provides an exception from open records law  
7 6 provisions of Code chapter 22, for information possessed by  
7 7 the office of energy independence, the Iowa power fund board,  
7 8 and the due diligence committee associated with the office and  
7 9 the board relating to a prospective applicant with which the  
7 10 office, board, or committee is currently negotiating, or an  
7 11 award recipient, to the extent authorized by the board. In  
7 12 connection with this exception, the bill provides that all  
7 13 information contained in an application for financial  
7 14 assistance submitted to the board shall remain confidential  
7 15 while the board is reviewing an application, processing  
7 16 confidentiality requests, negotiating with an applicant, and  
7 17 preparing an application for consideration. The bill further  
7 18 provides that the board may release information for a  
7 19 technical review to a third party while protecting such  
7 20 information from public disclosure, shall consider a written  
7 21 request by an applicant or award recipient to keep certain  
7 22 details of an application, contract, or supporting materials  
7 23 confidential, and may honor that request if convinced that  
7 24 public disclosure may give an unfair advantage to competitors.  
7 25 In that event, the board will only make publicly available  
7 26 information not deemed confidential by the board, and shall  
7 27 release an explanation of why certain information is deemed  
7 28 confidential and a summary of the nature of the withheld  
7 29 information. Information determined confidential shall retain  
7 30 that status during and following administration of a contract  
7 31 resulting from a successful application. If a request for  
7 32 confidentiality is denied, an applicant may withdraw an  
7 33 application and supporting materials, and the board shall not  
7 34 retain a copy or release any material in response to an open  
7 35 records request. The bill directs the board by rule to



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Senate File 2422 - Introduced continued

8 1 develop a process for considering confidentiality requests,  
8 2 confers emergency rulemaking authority on the board, and  
8 3 requires the board to determine a reasonable time frame for  
8 4 maintaining the confidential status of materials deemed such,  
8 5 after which the board may reevaluate the determination of  
8 6 confidentiality. The bill also specifies criteria the board  
8 7 may use in making confidentiality determinations.  
8 8       Additionally, the bill increases the amount the office is  
8 9 authorized to utilize for administrative costs from amounts  
8 10 appropriated to the fund for a fiscal year from 1.5 percent to  
8 11 5 percent, and provides that specified payments received by  
8 12 the board shall be deposited in the fund.  
8 13       The bill takes effect upon enactment.  
8 14 LSB 6604SV 82  
8 15 rn/nh/8



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**Senate File 2423 - Introduced**

SENATE FILE  
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 2291)  
(SUCCESSOR TO SSB 3201)

Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved

Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

**A BILL FOR**

- 1 An Act concerning department of administrative services
- 2 operations.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5424SZ 82
- 5 ec/nh/5



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Senate File 2423 - Introduced continued

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1 1 Section 1. Section 8.6, Code Supplement 2007, is amended  
1 2 by adding the following new subsection:  
1 3 NEW SUBSECTION. 16. DESIGNATION OF SERVICES == FUNDING ==  
1 4 CUSTOMER COUNCILS.  
1 5 a. Establish a process by which the department, in  
1 6 consultation with the department of administrative services,  
1 7 shall determine which services provided by the department of  
1 8 administrative services shall be funded by an appropriation  
1 9 and which services shall be funded by the governmental entity  
1 10 receiving the service.  
1 11 b. Establish a process for determining whether the  
1 12 department of administrative services shall be the sole  
1 13 provider of a service for purposes of those services which the  
1 14 department determines under paragraph "a" are to be funded by  
1 15 the governmental entities receiving the service.  
1 16 c. Establish, by rule, a customer council responsible for  
1 17 overseeing the services provided solely by the department of  
1 18 administrative services. The rules adopted shall provide for  
1 19 all of the following:  
1 20 (1) The method of appointment of members to the council by  
1 21 the governmental entities required to receive the services.  
1 22 (2) The duties of the customer council which shall be as  
1 23 follows:  
1 24 (a) Annual review and approval of the department of  
1 25 administrative services' business plan regarding services  
1 26 provided solely by the department of administrative services.  
1 27 (b) Annual review and approval of the procedure for  
1 28 resolving complaints concerning services provided by the  
1 29 department of administrative services.  
1 30 (c) Annual review and approval of the procedure for  
1 31 setting rates for the services provided solely by the  
1 32 department of administrative services.  
1 33 (3) A process for receiving input from affected  
1 34 governmental entities as well as for a biennial review by the  
1 35 customer council of the determinations made by the department



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Senate File 2423 - Introduced continued

2 1 of which services are funded by an appropriation to the  
2 2 department of administrative services and which services are  
2 3 funded by the governmental entities receiving the service,  
2 4 including any recommendations as to whether the department of  
2 5 administrative services shall be the sole provider of a  
2 6 service funded by the governmental entities receiving the  
2 7 service. The department, in consultation with the department  
2 8 of administrative services, may change the determination of a  
2 9 service if it is determined that the change is in the best  
2 10 interests of those governmental entities receiving the  
2 11 service.

2 12 d. If a service to be provided may also be provided to the  
2 13 judicial branch and legislative branch, then the rules shall  
2 14 provide that the chief justice of the supreme court and the  
2 15 legislative council may, in their discretion, each appoint a  
2 16 member to the customer council.

2 17 Sec. 2. NEW SECTION. 8A.111 REPORTS REQUIRED.

2 18 The department shall provide all of the following reports:

2 19 1. An annual report of the department as required under  
2 20 section 7E.3, subsection 4.

2 21 2. Internal service fund service business plans and  
2 22 financial reports as required under section 8A.123, subsection  
2 23 5, paragraph "a", and an annual internal service fund  
2 24 expenditure report as required under section 8A.123,  
2 25 subsection 5, paragraph "b".

2 26 3. An annual report regarding total spending on technology  
2 27 as required under section 8A.204, subsection 3, paragraph "a".

2 28 4. An annual report of expenditures from the IowAccess  
2 29 revolving fund as provided in section 8A.224.

2 30 5. A technology audit of the electronic transmission  
2 31 system as required under section 8A.223.

2 32 6. An annual report on state purchases of recycled and  
2 33 soybean-based products as required under section 8A.315,  
2 34 subsection 1, paragraph "d".

2 35 7. An annual report on the status of capital projects as



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Senate File 2423 - Introduced continued

3 1 required under section 8A.321, subsection 11.  
3 2 8. An annual salary report as required under section  
3 3 8A.341, subsection 2.  
3 4 9. An annual average fuel economy standards compliance  
3 5 report as required under section 8A.362, subsection 4,  
3 6 paragraph "c".  
3 7 10. An annual report of the capitol planning commission as  
3 8 required under section 8A.373.  
3 9 11. A comprehensive annual financial report as required  
3 10 under section 8A.502, subsection 8.  
3 11 12. An annual report on the condition of affirmative  
3 12 action, diversity, and multicultural programs as provided  
3 13 under section 19B.5, subsection 2.  
3 14 13. An unpaid warrants report as required under section  
3 15 25.2, subsection 3, paragraph "b".  
3 16 14. A report on educational leave as provided under  
3 17 section 70A.25.  
3 18 15. A monthly report regarding the revitalize Iowa's sound  
3 19 economy fund as required under section 315.7.  
3 20 Sec. 3. Section 8A.202, subsection 2, paragraph e, Code  
3 21 2007, is amended by striking the paragraph.  
3 22 Sec. 4. Section 305.10, subsection 1, paragraph h, Code  
3 23 2007, is amended to read as follows:  
3 24 h. Prepare all mandated reports, newsletters, and  
3 25 publications for electronic distribution in accordance with  
3 26 government information policies, standards, and guidelines. A  
~~3 27 reference copy of all mandated reports, newsletters, and~~  
~~3 28 publications shall be located at an electronic repository for~~  
~~3 29 public access to be developed and maintained by the department~~  
~~3 30 of administrative services in consultation with the state~~  
~~3 31 librarian and the state archivist.~~  
3 32 Sec. 5. Section 8A.121, Code 2007, is repealed.  
3 33 EXPLANATION  
3 34 This bill concerns department of administrative services  
3 35 operations.



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Senate File 2423 - Introduced continued

4 1 The bill provides that the department of management, and  
4 2 not the department of administrative services, is responsible  
4 3 for determining which services provided by the department of  
4 4 administrative services shall be funded by an appropriation  
4 5 and which services will be funded by the government entities  
4 6 receiving the service. The bill requires the department of  
4 7 management to consult with the department of administrative  
4 8 services in making this determination. The bill also provides  
4 9 that the department of management is responsible for  
4 10 determining which services that will be funded by the  
4 11 government entities shall be solely provided by the department  
4 12 of administrative services. For those services solely  
4 13 provided by the department of administrative services, the  
4 14 bill provides for the department of management to establish a  
4 15 customer council responsible for reviewing the department of  
4 16 administrative services' business plan and setting the rates  
4 17 charged government entities regarding the services provided.  
4 18 Code section 8A.121, which provided that the department of  
4 19 administrative services is responsible for these duties, is  
4 20 repealed.

4 21 New Code section 8A.111 lists reports that the department  
4 22 of administrative services is required to prepare or produce  
4 23 under current law.

4 24 Code section 305.10, concerning agency records, is amended  
4 25 to eliminate the requirement that all mandated reports for  
4 26 each agency be located at an electronic repository for public  
4 27 access developed and maintained by the department of  
4 28 administrative services.

4 29 LSB 5424SZ 82

4 30 ec/nh/5



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## Senate Resolution 152 - Introduced

PAG LIN

S.R. \_\_\_\_\_ H.R. \_\_\_\_\_

1 1                                   SENATE RESOLUTION NO. \_\_\_\_

1 2                                   BY BEALL

1 3 A Resolution to honor the Meskwaki tribe members who

1 4     served as Code Talkers in North Africa during World

1 5     War II and to request that Congress and the President

1 6     of the United States honor all Code Talkers who served

1 7     in the United States armed forces.

1 8     WHEREAS, the languages of several Native American

1 9     tribes were developed for use as code during both

1 10    World War I and World War II and members of at least

1 11    18 tribes participated in the transmission of vital

1 12    information regarding the location of enemy troops and

1 13    numbers of enemy guns, including the tribes

1 14    Assiniboine, Cherokee, Cheyenne, Chippewa/Oneida,

1 15    Choctaw, Comanche, Hopi, Kiowa, Lakota and Dakota

1 16    Sioux, Menominee, Muscogee/Creek and Seminole, Navajo,

1 17    Osage, Pawnee, Sac and Fox/Meskwaki, and Yankton

1 18    Sioux; and

1 19     WHEREAS, this code was never broken and the Native

1 20    American Code Talkers who transmitted the messages are

1 21    credited with saving the lives of countless numbers of

1 22    American soldiers; and

1 23     WHEREAS, these Code Talkers worked under terrible

1 24    conditions, taking extreme risks to provide the

1 25    necessary military information for our military forces

1 26    and sworn to secrecy in the event they were captured;

1 27    and

1 28     WHEREAS, eight members of the Meskwaki tribe from

1 29    Tama County, including Frank Sanache, his brother

1 30    Willard Sanache, Dewey Youngbear, Edward Benson, Judie



**Iowa General Assembly  
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Senate Resolution 152 - Introduced continued

2 1 Wayne Wabaunasee, Mike Wayne Wabaunasee, Dewey  
2 2 Roberts, and Melvin Twin, served as scouts and Code  
2 3 Talkers for eight companies of their division in North  
2 4 Africa during World War II; and  
2 5       WHEREAS, the last of the Code Talkers from the  
2 6 Meskwaki tribe, Frank Sanache, who endured terrible  
2 7 hardships both while stationed in North Africa and  
2 8 after being captured by the Germans and held prisoner  
2 9 in a Nazi internment camp in Europe, died in August  
2 10 2004; and  
2 11       WHEREAS, Congress passed legislation in 2000  
2 12 authorizing the issuance of Congressional Medals of  
2 13 Honor to recognize the service of the Navajo Code  
2 14 Talkers, which were presented by the President of the  
2 15 United States in July of 2001, but members of other  
2 16 tribes, such as Frank Sanache and the other Meskwaki  
2 17 Code Talkers, did not receive the same recognition;  
2 18 and  
2 19       WHEREAS, it is fitting and proper that the valiant  
2 20 efforts of all Native American Code Talkers be  
2 21 recognized and honored; NOW THEREFORE,  
2 22       BE IT RESOLVED BY THE SENATE, That the Iowa Senate  
2 23 recognizes the bravery and dedicated service of the  
2 24 Meskwaki Code Talkers and expresses gratitude for the  
2 25 contribution these soldiers made to saving many  
2 26 American lives; and  
2 27       BE IT FURTHER RESOLVED, That the Iowa Senate  
2 28 requests and encourages Congress and the President of  
2 29 the United States to recognize the contributions,  
2 30 bravery, and dedicated service of all Code Talkers,



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3 1 including the eight soldiers from the Meskwaki tribe,  
3 2 in the same manner as the Navajo Code Talkers by  
3 3 awarding them the appropriate medals of honor; and  
3 4 BE IT FURTHER RESOLVED, That, upon adoption, copies  
3 5 of this Resolution be sent to the President and  
3 6 Majority and Minority Leaders of the United States  
3 7 Senate, the Speaker, Majority Leader, and Minority  
3 8 Leader of the United States House of Representatives,  
3 9 to the members of the Iowa congressional delegation,  
3 10 and to the President of the United States; and  
3 11 BE IT FURTHER RESOLVED, That, upon adoption, copies  
3 12 of this Resolution be sent to the families of Frank  
3 13 Sanache and the other Meskwaki tribe members who  
3 14 served as Code Talkers in World War II.  
3 15 LSB 6664SS 82  
3 16 rj/rj/14



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S.R. \_\_\_\_\_ H.R. \_\_\_\_\_

1 1 SENATE RESOLUTION NO.  
1 2 BY HORN, DVORSKY, HOGG, LUNDBY, BOLKCOM,  
1 3 SCHMITZ, RIELLY, HANCOCK, PUTNEY, and HAHN  
1 4 A Resolution honoring Kirkwood Community College's  
1 5 women's basketball team for winning the National  
1 6 Junior College Athletic Association Division II  
1 7 National Tournament.  
1 8 WHEREAS, the Kirkwood Community College women's  
1 9 basketball team, the Eagles, won its fourth National  
1 10 Junior College Athletic Association (NJCAA) National  
1 11 Tournament and second in two years on March 22, 2008;  
1 12 and  
1 13 WHEREAS, led by head coach Kim Muhl who, in his  
1 14 19th season as coach, was named the NJCAA Division II  
1 15 Coach of the Year; and  
1 16 WHEREAS, Eagles' player Lauren Thomas=Johnson was  
1 17 named the tournament's most valuable player, and  
1 18 Eagles' players Allie Lindemann and Breann Hill were  
1 19 named to the all=tournament team; and  
1 20 WHEREAS, in the national title game, the Kirkwood  
1 21 Eagles posted a 78=53 win over the Kankakee Community  
1 22 College Lady Cavaliers, for a season record of 31 wins  
1 23 and six losses; and  
1 24 WHEREAS, the extraordinary success of the Kirkwood  
1 25 Community College Eagles women's basketball team of  
1 26 2007=2008 is a source of pride of all Iowans; NOW  
1 27 THEREFORE,  
1 28 BE IT RESOLVED BY THE SENATE, That the Senate  
1 29 congratulates the Kirkwood Community College Eagles  
1 30 women's basketball team, head coach Muhl, and



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2 1 assistant coaches Joe Hruska and Megan Ripperton on  
2 2 their successful 2007=2008 basketball season and  
2 3 wishes them continued success in all their future  
2 4 endeavors.  
2 5 LSB 6669SS 82  
2 6 ak/nh/8.1



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S.R. \_\_\_\_\_ H.R. \_\_\_\_\_

1 1                                   SENATE RESOLUTION NO.  
1 2                   BY COMMITTEE ON RULES AND ADMINISTRATION  
1 3 A Senate Resolution deferring action on the confirmation  
1 4     of an appointment submitted by the Governor.  
1 5     BE IT RESOLVED BY THE SENATE, That the Senate  
1 6 defers consideration of the following appointment  
1 7 submitted by the Governor under the provisions of  
1 8 section 2.32, subsection 3:  
1 9 Director of Public Health                                   Thomas Newton  
1 10 LSB 6687SV 82  
1 11 rj/nh/5