



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

House Amendment 1415

PAG LIN

1 1 Amend House File 611 as follows:

1 2 #1. Page 5, by inserting after line 16 the

1 3 following:

1 4 <This paragraph "d" shall not be construed to

1 5 prohibit a school or school district from developing

1 6 and making available abstinence-based or

1 7 abstinence-only materials pursuant to the requirements

1 8 of section 256.9, subsection 54, and from offering an

1 9 abstinence-based or abstinence-only curriculum in

1 10 meeting the human growth and development requirements

1 11 of section 256.11.>

1 12

1 13

1 14

1 15 TYMESON of Madison

1 16 HF 611.504 82

1 17 kh/je/8097

1 18

1 19

1 20

1 21

1 22

1 23

1 24

1 25

1 26

1 27

1 28

1 29

1 30

1 31

1 32

1 33

1 34

1 35

1 36

1 37

1 38

1 39

1 40

1 41

1 42

1 43

1 44

1 45

1 46

1 47

1 48

1 49

1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

House Amendment 1416

PAG LIN

1 1 Amend the amendment, H=1412, to Senate File 131 as
1 2 follows:
1 3 #1. Page 1, line 23, by striking the word <orders>
1 4 and inserting the following: <order>.
1 5 #2. Page 2, line 3, by striking the word <orders>
1 6 and inserting the following: <order>.
1 7 #3. Page 2, by striking lines 9 and 10 and
1 8 inserting the following: <<publication of>>.
1 9
1 10
1 11
1 12 HUSER of Polk
1 13 SF 131.701 82
1 14 sc/gg/7938
1 15
1 16
1 17
1 18
1 19
1 20
1 21
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

House Amendment 1417

PAG LIN

10 MARGINS L
20 Amend the amendment, H=1408, to House File 801, as
30 follows:
40 #1. Page 1, line 2, by striking the figure <15>
50 and inserting the following: <11>.
60 #2. Page 1, by inserting after line 12 the
70 following:
80 <___. Page 1, line 13, by inserting after the word
90 <product> the following: <which is listed in the
00 rules>.>

10 MARGINS F
20
30
40
50 STRUYK of Pottawattamie
60 MARGINS F F
70 HF 801.502 82
80 da/je/7912

81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
00
01
02
03
04
05
06
07
08
09
10
11
12



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

House Amendment 1418

PAG LIN

1 1 Amend the amendment, H=1413, to House File 791 as
1 2 follows:
1 3 #1. Page 1, line 7, by striking the words <the
1 4 date of enactment of this Act> and inserting the
1 5 following: <July 1, 2007>.
1 6 #2. Page 1, by inserting after line 15 the
1 7 following:
1 8 <During the period of time from July 1, 2007,
1 9 through June 30, 2008, if a person who is twenty-one
1 10 years of age or younger receives a prescription for a
1 11 hearing aid from a licensed audiologist and does not
1 12 have coverage benefits for third-party payment or
1 13 prepayment for the hearing aid, the payor of last
1 14 resort for such coverage benefits shall be the medical
1 15 assistance program.>
1 16
1 17
1 18
1 19 JACOBS of Polk
1 20
1 21
1 22
1 23 UPMEYER of Hancock
1 24 HF 791.701 82
1 25 av/gg/7612
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

House Amendment 1419

PAG LIN

1 1 Amend House File 718 as follows:
1 2 #1. Page 3, lines 7 and 8, by striking the words
1 3 <The rules adopted shall provide that this chapter is>
1 4 and inserting the following: <This chapter shall be>.
1 5 #2. Page 10, line 3, by striking the word <seized>
1 6 and inserting the following: <forfeited>.
1 7
1 8
1 9
1 10 HUNTER of Polk
1 11 HF 718.201 82
1 12 pf/es/7786
1 13
1 14
1 15
1 16
1 17
1 18
1 19
1 20
1 21
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

House Amendment 1420

PAG LIN

1 1 Amend House Concurrent Resolution 8 as follows:
1 2 #1. Page 3, by inserting after line 12 the
1 3 following:
1 4 <BE IT FURTHER RESOLVED, That the federal farm bill
1 5 of 2007 include limitations on farm program payments;
1 6 and>.
1 7 #2. By renumbering as necessary.
1 8
1 9
1 10
1 11 MERTZ of Kossuth
1 12 HCR 8.701 82
1 13 da/gg/7911
1 14
1 15
1 16
1 17
1 18
1 19
1 20
1 21
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

House Amendment 1421

PAG LIN

1 1 Amend House File 863 as follows:
1 2 #1. Page 3, line 14, by striking the word <call>
1 3 and inserting the following: <persuasion poll or
1 4 political telephone solicitation>.
1 5
1 6
1 7
1 8 WESSEL-KROESCHELL of Story
1 9 HF 863.501 82
1 10 jr/je/6362
1 11
1 12
1 13
1 14
1 15
1 16
1 17
1 18
1 19
1 20
1 21
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

House Amendment 1422

PAG LIN

1 1 Amend House File 807 as follows:
1 2 #1. Page 7, lines 26 and 27, by striking the words
1 3 <three years> and inserting the following: <eighteen
1 4 months>.
1 5
1 6
1 7
1 8 PETTENGILL of Benton
1 9 HF 807.202 82
1 10 ec/es/7875
1 11
1 12
1 13
1 14
1 15
1 16
1 17
1 18
1 19
1 20
1 21
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

House Amendment 1423

PAG LIN

1 1 Amend House File 790 as follows:
1 2 #1. Page 4, by striking line 11, and inserting the
1 3 following: <programs, and economies of acquisition or
1 4 administration.>
1 5
1 6
1 7
1 8 PETTENGILL of Benton
1 9 HF 790.203 82
1 10 av/es/7605
1 11
1 12
1 13
1 14
1 15
1 16
1 17
1 18
1 19
1 20
1 21
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

House Amendment 1424

PAG LIN

1 1 Amend the amendment, H=1403, to House File 804 as
1 2 follows:
1 3 #1. Page 1, by striking lines 31 through 34.
1 4 #2. By renumbering as necessary.
1 5
1 6
1 7
1 8 BOAL of Polk
1 9
1 10
1 11
1 12 RAECKER of Polk
1 13 HF 804.702 82
1 14 kh/gg/8098
1 15
1 16
1 17
1 18
1 19
1 20
1 21
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

House Amendment 1425

PAG LIN

1 1 Amend the amendment, H=1082, to House File 459, as
1 2 follows:
1 3 #1. Page 1, by striking lines 7 through 9 and
1 4 inserting the following: <codes and safety codes by
1 5 an architect registered under chapter>.
1 6
1 7
1 8
1 9 RAECKER of Polk
1 10 HF 459.701 82
1 11 ak/gg/7440
1 12
1 13
1 14
1 15
1 16
1 17
1 18
1 19
1 20
1 21
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

House Amendment 1426

PAG LIN

1 1 Amend the amendment, H=1083, to House File 469, as
1 2 follows:
1 3 #1. Page 1, by striking lines 7 through 9 and
1 4 inserting the following: <compliant with state and
1 5 local fire codes and safety codes by an>.
1 6
1 7
1 8
1 9 RAECKER of Polk
1 10 HF 469.501 82
1 11 ak/je/7441
1 12
1 13
1 14
1 15
1 16
1 17
1 18
1 19
1 20
1 21
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007**

House Amendment 1427

PAG LIN

1 1 Amend House File 830 as follows:
 1 2 #1. Page 1, by striking line 1 and inserting the
 1 3 following:
 1 4 <Section 1. Section 26.2, subsection 1, Code 2007,
 1 5 is amended to read as follows:
 1 6 1. "Estimated total cost of a public improvement"
 1 7 or "estimated total cost" means the estimated total
 1 8 cost to the governmental entity to construct a public
 1 9 improvement, including cost of labor, materials,
 1 10 equipment, and supplies, but excluding the cost of
 1 11 architectural, landscape architectural, or engineering
 1 12 design services and inspection.
 1 13 Sec. 2. Section 26.3, subsections 1 and 2, Code
 1 14 2007, are>.
 1 15 #2. Page 1, by inserting after line 20 the
 1 16 following:
 1 17 <2. A governmental entity shall have an engineer
 1 18 licensed under chapter 542B, a landscape architect
 1 19 licensed under chapter 544B, or an architect
 1 20 registered under chapter 544A prepare plans and
 1 21 specifications, and calculate the estimated total cost
 1 22 of a proposed public improvement.
 1 23 Sec. ____ . Section 26.4, Code 2007, is amended to
 1 24 read as follows:
 1 25 26.4 EXEMPTIONS FROM COMPETITIVE BIDS AND
 1 26 QUOTATIONS.
 1 27 Architectural, landscape architectural, or
 1 28 engineering design services procured for a public
 1 29 improvement are not subject to sections 26.3 and
 1 30 26.14.>
 1 31 #3. Page 4, line 12, by inserting after the word
 1 32 <architect> the following: <, landscape architect,>.
 1 33 #4. Page 4, line 12, by inserting after the figure
 1 34 <542B> the following: <, 544B,>.
 1 35 #5. By renumbering as necessary.
 1 36
 1 37
 1 38
 1 39 ABDUL-SAMAD of Polk
 1 40 HF 830.501 82
 1 41 eg/je/7856
 1 42
 1 43
 1 44
 1 45
 1 46
 1 47
 1 48
 1 49
 1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

House Amendment 1428

PAG LIN

1 1 Amend House File 831 as follows:
1 2 #1. Page 28, by striking lines 8 and 9 and
1 3 inserting the following: <result from the making or
1 4 the use of the anatomical gift, if the gift is made in
1 5 good faith.>
1 6
1 7
1 8
1 9 SMITH of Marshall
1 10 HF 831.201 82
1 11 pf/es/7787
1 12
1 13
1 14
1 15
1 16
1 17
1 18
1 19
1 20
1 21
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

House File 868

HOUSE FILE
BY MAY

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

- 1 An Act relating to an infrastructure project tax credit program
- 2 for certain county fairs and providing a retroactive
- 3 applicability date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1359YH 82
- 6 mg/gg/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

House File 868 continued

PAG LIN

1 1 Section 1. NEW SECTION. 174.25 COUNTY FAIR PROJECT TAX
1 2 CREDIT.
1 3 1. a. An eligible fair may claim a tax credit equal to
1 4 the amount calculated under subsection 2 for an infrastructure
1 5 project involving the construction of new buildings or
1 6 improvements to existing land and buildings on the
1 7 fairgrounds. The infrastructure project shall have a minimum
1 8 cost of one hundred thousand dollars. The tax credit shall be
1 9 allowed against taxes imposed under chapter 422, divisions II,
1 10 III, and V, and under chapter 432.
1 11 b. For purposes of this section, "eligible fair" means an
1 12 organization that operates a county fair event that meets all
1 13 of the following:
1 14 (1) Is located in a county with a population of at least
1 15 fifteen thousand but not more than eighteen thousand and whose
1 16 county seat has a population of at least eleven thousand but
1 17 not more than fifteen thousand.
1 18 (2) Has an average annual attendance at the fair event
1 19 during the last three calendar years of at least one hundred
1 20 fifty thousand individuals.
1 21 (3) Has an infrastructure project involving the
1 22 construction of new buildings or improvements to land and
1 23 existing buildings that is underway at the fairgrounds where
1 24 the county fair event is held or contracts have been let for
1 25 such infrastructure project where construction will begin
1 26 within six months.
1 27 2. The amount of tax credit shall be calculated as
1 28 provided in this subsection as follows:
1 29 a. For the first tax year for which the tax credit is
1 30 claimed, determine the tax credit as follows:
1 31 (1) Calculate the average daily state sales tax collected
1 32 in the city nearest the fairgrounds where the eligible fair is
1 33 held during the base period multiplied by the number of days
1 34 of the county fair event beginning after the base period.
1 35 (2) Calculate the sum of the state sales tax collected in



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

House File 868 continued

2 1 the city nearest the fairgrounds during the time the county
2 2 fair event is held after the base period plus the state sales
2 3 tax collected during the county fair event held after the base
2 4 period.

2 5 (3) Subtract the amount computed under subparagraph (1)
2 6 from the amount computed under subparagraph (2). This is the
2 7 amount of the tax credit.

2 8 For purposes of the calculation in this paragraph "a",
2 9 "base period" means the two calendar quarters ending
2 10 immediately before the county fair event that is held in the
2 11 calendar year preceding the calendar year in which the tax
2 12 year for which the tax credit will first be claimed.

2 13 b. The tax credit computed in paragraph "a" shall be
2 14 allowed for up to four consecutive tax years. However, the
2 15 total amount of the tax credits for the eligible fair shall
2 16 not exceed the lesser of the following:

2 17 (1) The cost of the infrastructure project.

2 18 (2) One million six hundred thousand dollars.

2 19 3. Any credit in excess of the tax liability is not
2 20 refundable but the excess for the tax year may be credited to
2 21 the tax liability for the following ten tax years or until
2 22 depleted, whichever is earlier.

2 23 4. An individual may claim the tax credit allowed a
2 24 partnership, limited liability company, S corporation, estate,
2 25 or trust electing to have the income taxed directly to the
2 26 individual. The amount claimed by the individual shall be
2 27 based upon the pro rata share of the individual's earnings of
2 28 the partnership, limited liability company, S corporation,
2 29 estate, or trust.

2 30 5. a. To claim the tax credit, the eligible fair shall
2 31 file an application with the department of revenue on forms
2 32 approved by the director of revenue establishing its
2 33 eligibility, the total cost of the infrastructure project for
2 34 which the claim is made, and other information required by the
2 35 department.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

House File 868 continued

3 1 b. After verifying the eligibility for the tax credit, the
3 2 department of revenue shall issue a county fair project tax
3 3 credit certificate to be attached to the person's tax return.
3 4 The tax credit certificate shall contain the taxpayer's name,
3 5 address, tax identification number, the date of project
3 6 completion, the amount of credit, other information required
3 7 by the department of revenue, and a place for the name and tax
3 8 identification number of a transferee and the amount of the
3 9 tax credit being transferred.

3 10 6. a. Tax credit certificates issued under this section
3 11 may be transferred to any person or entity. Within ninety
3 12 days of transfer, the transferee must submit the transferred
3 13 tax credit certificate to the department of revenue along with
3 14 a statement containing the transferee's name, tax
3 15 identification number, and address, and the denomination that
3 16 each replacement tax credit certificate is to carry and any
3 17 other information required by the department of revenue.
3 18 Within thirty days of receiving the transferred tax credit
3 19 certificate and the transferee's statement, the department of
3 20 revenue shall issue one or more replacement tax credit
3 21 certificates to the transferee. Each replacement certificate
3 22 must contain the information required under subsection 5,
3 23 paragraph "b", that appeared on the transferred tax credit
3 24 certificate. Tax credit certificate amounts of less than the
3 25 minimum amount established by rule of the department shall not
3 26 be transferable. A tax credit shall not be claimed by a
3 27 transferee under this section until a replacement tax credit
3 28 certificate identifying the transferee as the proper holder
3 29 has been issued.

3 30 b. The transferee may use the amount of the tax credit
3 31 transferred against the taxes imposed under chapter 422,
3 32 divisions II, III, and V, and chapter 432 for any tax year the
3 33 original transferor could have claimed the tax credit. Any
3 34 consideration received for the transfer of the tax credit
3 35 shall not be included as income under chapter 422, divisions



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

House File 868 continued

4 1 II, III, and V. Any consideration paid for the transfer of
4 2 the tax credit shall not be deducted from income under chapter
4 3 422, divisions II, III, and V.

4 4 Sec. 2. NEW SECTION. 422.11T COUNTY FAIR PROJECT TAX
4 5 CREDIT.

4 6 The taxes imposed under this division, less the credits
4 7 allowed under sections 422.12 and 422.12B, shall be reduced by
4 8 a county fair project tax credit as provided in section
4 9 174.25.

4 10 Sec. 3. Section 422.33, Code 2007, is amended to read by
4 11 adding the following new subsection:

4 12 NEW SUBSECTION. 24. The taxes imposed under this division
4 13 shall be reduced by a county fair project tax credit as
4 14 provided in section 174.25.

4 15 Sec. 4. Section 422.60, Code 2007, is amended by adding
4 16 the following new subsection:

4 17 NEW SUBSECTION. 13. The taxes imposed under this division
4 18 shall be reduced by a county fair project tax credit as
4 19 provided in section 174.25.

4 20 Sec. 5. NEW SECTION. 432.12J COUNTY FAIR PROJECT TAX
4 21 CREDIT.

4 22 The taxes imposed under this chapter shall be reduced by a
4 23 county fair project tax credit as provided in section 174.25.

4 24 Sec. 6. RETROACTIVE APPLICABILITY DATE. This Act applies
4 25 retroactively to January 1, 2007, for tax years beginning on
4 26 or after that date.

4 27 EXPLANATION

4 28 This bill provides a tax credit for a fair organization
4 29 that operates a county fair located in a county with a
4 30 population of 15,000 to 18,000, where the county seat has a
4 31 population of 11,000 to 15,000, and the average annual
4 32 attendance at the county fair for the last three years has
4 33 been 150,000 people. To receive the tax credit the fair
4 34 organization must be or will be involved in the construction
4 35 of new buildings or improvements to land and existing



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

House File 868 continued

5 1 buildings at the fairgrounds.
5 2 The tax credit may be used to offset the tax liability
5 3 under the individual and corporate income taxes, franchise
5 4 tax, and insurance premium tax. The tax credit is
5 5 transferable. The tax credit is nonrefundable but may be
5 6 carried forward for up to 10 tax years or until used up.
5 7 The amount of the tax credit equals the excess of the state
5 8 sales tax collected at the fair plus at establishments in the
5 9 closest city to the fairgrounds over the average daily amount
5 10 collected at those same establishments multiplied by the
5 11 number of days of the county fair.
5 12 The amount of tax credit may be claimed for up to four tax
5 13 years. However, the total amount of tax credit for the fair
5 14 organization cannot exceed the cost of the infrastructure
5 15 project or \$1.6 million, whichever is the lesser.
5 16 The bill applies retroactively to January 1, 2007, for tax
5 17 years beginning on or after that date.
5 18 LSB 1359YH 82
5 19 mg:nh/gg/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

House File 869

HOUSE FILE
BY MAY

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

- 1 An Act making an appropriation for county fair infrastructure
- 2 improvements to certain qualified fairs which belong to the
- 3 association of Iowa fairs.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1358YH 82
- 6 rh/gg/14



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007**

House File 869 continued

PAG LIN

1 1 Section 1. APPROPRIATION == TREASURER OF STATE == COUNTY
 1 2 FAIRS. There is appropriated from the rebuild Iowa
 1 3 infrastructure fund to the office of treasurer of state for
 1 4 the fiscal year beginning July 1, 2007, and ending June 30,
 1 5 2008, the following amount, or so much thereof as is
 1 6 necessary, to be used for the purpose designated:
 1 7 For county fair infrastructure improvements for
 1 8 distribution in accordance with chapter 174 to qualified fairs
 1 9 which belong to the association of Iowa fairs that are located
 1 10 in a county with a population of between seventeen thousand
 1 11 two hundred residents and seventeen thousand five hundred
 1 12 residents:
 1 13 \$ 1,000,000
 1 14 Notwithstanding section 8.33, unencumbered or unobligated
 1 15 moneys remaining at the end of the fiscal year shall not
 1 16 revert but shall remain available for expenditure during the
 1 17 following fiscal year for purposes of county fair
 1 18 infrastructure improvements as provided in this section.
 1 19 EXPLANATION
 1 20 This bill appropriates \$1 million from the rebuild Iowa
 1 21 infrastructure fund to the office of the treasurer of state
 1 22 for county fair infrastructure improvements for distribution
 1 23 in accordance with Code chapter 174 to qualified fairs which
 1 24 belong to the association of Iowa fairs that are located in a
 1 25 county with a population of between 17,200 and 17,500
 1 26 residents. Any unencumbered or unobligated moneys remaining
 1 27 at the end of the fiscal year shall not revert to the rebuild
 1 28 Iowa infrastructure fund, but shall remain available for
 1 29 expenditure during the following fiscal year for purposes of
 1 30 county fair infrastructure improvements as provided in the
 1 31 bill.
 1 32 LSB 1358YH 82
 1 33 rh:nh/gg/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

House Resolution 30 - Introduced

PAG LIN

1 1 HOUSE RESOLUTION NO.
1 2 BY ALONS, BAUDLER, BOAL, CHAMBERS, DEYOE,
1 3 DOLECHECK, GIPP, GRASSLEY, HEATON, JACOBS,
1 4 KAUFMANN, LUKAN, MAY, PAULSEN, RASMUSSEN,
1 5 RAYHONS, ROBERTS, SANDS, SODERBERG, UPMEYER,
1 6 VAN ENGELENHOVEN, WATTS, and WORTHAN
1 7 A Resolution honoring the 132nd Fighter Wing of the
1 8 Iowa Air National Guard.
1 9 WHEREAS, the 132nd Fighter Wing of the Iowa Air
1 10 National Guard, stationed in Des Moines, Iowa,
1 11 distinguished itself by exceptionally meritorious
1 12 service during the period from September 1, 2004, to
1 13 August 31, 2006; and
1 14 WHEREAS, during this period the 132nd Fighter Wing
1 15 earned superlative ratings on its operational
1 16 readiness inspection from the Air Combat Command
1 17 Inspector General Team, with seventy-three percent of
1 18 the graded areas rated either outstanding or
1 19 excellent, resulting in an overall rating of
1 20 excellent, the best of any Air National Guard or Air
1 21 Force Reserve fighter unit during the past six years;
1 22 and
1 23 WHEREAS, 378 members of the Wing voluntarily
1 24 deployed for both aviation and expeditionary combat
1 25 support duties, and all of the tasked missions were
1 26 flown, providing invaluable support to coalition
1 27 ground forces; and
1 28 WHEREAS, members of all of the Wing's mission
1 29 support organizations have continued to supply
1 30 critical expertise in diverse disciplines in support



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007**

House Resolution 30 - Introduced continued

2 1 of the Global War on Terrorism; and
2 2 WHEREAS, the Wing accomplished an Air National
2 3 Guard first when it was selected as the 2006 Red Flag
2 4 core unit == its superior performance was heralded by
2 5 the Red Flag staff as "setting a new standard" for
2 6 future units; and
2 7 WHEREAS, in recognition of its ongoing dedication
2 8 to duty and its service to America, the 132nd Fighter
2 9 Wing has been awarded the United States Air Force
2 10 Outstanding Unit Award; and
2 11 WHEREAS, this award, created in 1954, is a
2 12 decoration of the United States Air Force awarded to
2 13 any command of the United States Air Force, including
2 14 a Reserve and Air National Guard command, which
2 15 performs exceptionally meritorious service,
2 16 accomplishes specific acts of outstanding achievement,
2 17 excels in combat operations against an armed enemy of
2 18 the United States, or conducts with distinction
2 19 military operations involving conflict with, or
2 20 exposure to, a hostile action by any opposing foreign
2 21 force; NOW THEREFORE,
2 22 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
2 23 That the House of Representatives honors the men and
2 24 women of the 132nd Fighter Wing of the Iowa Air
2 25 National Guard on receiving the Outstanding Unit Award
2 26 for their dedicated service to Iowa and the nation.
2 27 LSB 2330HH 82
2 28 jr:nh/je/5



Iowa General Assembly
 Daily Bills, Amendments & Study Bills
 March 21, 2007

House Study Bill 296

SENATE/HOUSE FILE
 BY (PROPOSED DEPARTMENT OF
 HUMAN SERVICES BILL)

Passed Senate, Date _____
 Vote: Ayes _____ Nays _____
 Approved

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to mental health, mental retardation,
 2 developmental disabilities, and brain injury services by
 3 revising and making appropriations, addressing county and
 4 state responsibilities for such services, revising property
 5 tax relief payment provisions, allowed growth, and other
 6 funding distribution requirements, revising county levy
 7 authority provisions for such services, and providing
 8 effective and applicability dates.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

10 TLSB 1278DP 82

11 jp/je/5



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007**

House Study Bill 296 continued

PAG LIN

1 1 DIVISION I

1 2 ALLOWED GROWTH FACTOR DISTRIBUTION PROVISIONS

1 3 Section 1. Section 331.438, subsection 1, paragraph b,

1 4 Code 2007, is amended by striking the paragraph.

1 5 Sec. 2. Section 331.438, subsection 2, Code 2007, is

1 6 amended to read as follows:

1 7 2. ~~a.~~ A state payment to a county for a fiscal year shall

1 8 consist of the sum of the state funding the county is eligible

1 9 to receive from the property tax relief fund in accordance

1 10 with section 426B.2 plus the county's portion of state funds

1 11 appropriated for the allowed growth factor adjustment

1 12 established by the general assembly under section 331.439,

1 13 subsection 3, and paid from the allowed growth funding pool in

1 14 accordance with section 426B.5.

1 15 ~~b. A county's portion of the allowed growth factor~~

~~1 16 adjustment appropriation for a fiscal year shall be determined~~

~~1 17 based upon the county's proportion of the state's general~~

~~1 18 population.~~

~~1 19 c. The department of human services shall provide for~~

~~1 20 payment of the amount due a county for the county's allowed~~

~~1 21 growth factor adjustment determined in accordance with this~~

~~1 22 subsection. The director of human services shall authorize~~

~~1 23 warrants payable to the county treasurer for the amounts due~~

~~1 24 and the warrants shall be mailed in January of each year. The~~

~~1 25 county treasurer shall credit the amount of the warrant to the~~

~~1 26 county's services fund created under section 331.424A.~~

~~1 27 d. Unless otherwise provided by law, in order to be~~

~~1 28 included in any distribution formula for the allowed growth~~

~~1 29 factor adjustment and to receive an allowed growth factor~~

~~1 30 adjustment payment, a county must levy seventy percent or more~~

~~1 31 of the maximum amount allowed for the county's services fund~~

~~1 32 for taxes due and payable in the fiscal year for which the~~

~~1 33 allowed growth factor adjustment is payable.~~

~~1 34 Sec. 3. Section 426B.5, subsection 1, Code 2007, is~~

~~1 35 amended to read as follows:~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

~~House Study Bill 296 continued~~

~~2 1 1. PER CAPITA EXPENDITURE TARGET ALLOWED GROWTH FUNDING~~
~~2 2 POOL.~~
~~2 3 a. A per capita expenditure target An allowed growth~~
~~2 4 funding pool is created in the property tax relief fund. The~~
~~2 5 pool shall consist of the moneys credited to the pool by law.~~
~~2 6 b. A statewide per capita expenditure target amount is~~
~~2 7 established. The statewide per capita expenditure target~~
~~2 8 amount shall be equal to the one-hundredth percentile of all~~
~~2 9 county per capita expenditures in the fiscal year beginning~~
~~2 10 July 1, 1997, and ending June 30, 1998.~~
~~2 11 e. b. Moneys available in the per capita expenditure~~
~~2 12 allowed growth funding pool for a fiscal year are appropriated~~
~~2 13 to the department of human services for distribution as~~
~~2 14 provided in this subsection.~~
~~2 15 c. The first twelve million dollars credited to the~~
~~2 16 funding pool shall be allocated to counties based upon the~~
~~2 17 county's relative proportion of the state's general~~
~~2 18 population.~~
~~2 19 d. (1) The amount in the funding pool remaining after the~~
~~2 20 allocation made in paragraph "c" shall be distributed~~
~~2 21 allocated to those counties that meet all of the following~~
~~2 22 eligibility requirements:~~
~~2 23 (1) (a) The county is levying the maximum amount allowed~~
~~2 24 for the county's mental health, mental retardation, and~~
~~2 25 developmental disabilities services fund under section~~
~~2 26 331.424A for the fiscal year in which the funding is~~
~~2 27 distributed.~~
~~2 28 (2) The county's per capita expenditure in the latest~~
~~2 29 fiscal year for which the actual expenditure information is~~
~~2 30 available is equal to or less than the statewide per capita~~
~~2 31 expenditure target amount.~~
~~2 32 (3) (b) In the latest fiscal year that commenced two~~
~~2 33 years prior to the fiscal year of distribution reported in~~
~~2 34 accordance with section 331.403, the county's mental health,~~
~~2 35 mental retardation, and developmental disabilities services~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

House Study Bill 296 continued

3 1 fund ending balance under generally accepted accounting
3 2 principles was equal to or less than twenty-five percent of
3 3 the county's actual gross expenditures for ~~the~~ that fiscal
3 4 year ~~that commenced two years prior to the fiscal year of~~
~~3 5 distribution.~~
3 6 ~~(4) The county is in compliance with the filing date~~
~~3 7 requirements under section 331.403.~~
3 8 ~~d.~~ (2) The distribution amount allocated to a county
3 9 ~~receives~~ from the moneys available in the pool under this
3 10 paragraph "d" shall be determined based upon the county's
3 11 proportion of the general population of the counties eligible
3 12 to receive moneys from the pool for that fiscal year.
3 13 ~~However, a county shall not receive moneys in excess of the~~
~~3 14 amount which would cause the county's per capita expenditure~~
~~3 15 to exceed the statewide per capita expenditure target.~~
3 16 e. In order to receive an allocation under this section, a
3 17 county must comply with the filing date requirements under
3 18 section 331.403. Moneys credited to the per capita
~~3 19 expenditure target allowed growth funding pool which remain~~
3 20 unobligated or unexpended at the close of a fiscal year shall
3 21 remain in the pool for distribution in the succeeding fiscal
3 22 year.
3 23 f. The most recent population estimates issued by the
3 24 United States bureau of the census shall be applied in
~~3 25 determining population for the purposes of this subsection.~~
3 26 ~~e.~~ g. The department of human services shall annually
3 27 calculate the amount of moneys due to eligible counties in
3 28 accordance with this subsection. The department shall
3 29 authorize the issuance of warrants payable to the county
3 30 treasurer for the amounts due and the warrants shall be issued
3 31 in January.
3 32 Sec. 4. Section 426B.5, subsection 2, Code 2007, is
3 33 amended by striking the subsection.
3 34 Sec. 5. Section 331.440A, Code 2007, is repealed.
3 35

DIVISION II



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007**

House Study Bill 296 continued

5	1		<u>0</u>
5	2	d. c. For expansion of services to persons with transfer	
5	3	to the department of public health to be used for the brain	
5	4	injury services program in accordance with the law enacted by	
5	5	the Eighty-first General Assembly, 2006 Session, as law	
5	6	providing for such expansion of services to commence in the	
5	7	fiscal year beginning July 1, 2006 section 135.22B:	
5	8 \$ 4,926,593	
5	9	If 2006 Iowa Acts, House File 2772, is enacted by the	
5	10	Eighty-first General Assembly, 2006 Session, the allocation	
5	11	made in this lettered paragraph shall be transferred to the	
5	12	Iowa department of public health to be used for the brain	
5	13	injury services program created pursuant to that Act.	
5	14	Sec. 7. 2006 Iowa Acts, chapter 1185, section 1, is	
5	15	amended by adding the following new subsections:	
5	16	NEW SUBSECTION. 3. The following formula amounts shall be	
5	17	utilized only to calculate preliminary distribution amounts	
5	18	for fiscal year 2007=2008 under this section by applying the	
5	19	indicated formula provisions to the formula amounts and	
5	20	producing a preliminary distribution total for each county:	
5	21	a. For calculation of a distribution amount for eligible	
5	22	counties from the allowed growth funding pool created in the	
5	23	property tax relief fund in accordance with the requirements	
5	24	in section 426B.5, subsection 1:	
5	25 \$ 69,725,124	
5	26	b. For calculation of a distribution amount for counties	
5	27	from the mental health and developmental disabilities (MH/DD)	
5	28	community services fund in accordance with the formula	
5	29	provided in the appropriation made for the MH/DD community	
5	30	services fund for the fiscal year beginning July 1, 2007:	
5	31 \$ 17,727,890	
5	32	NEW SUBSECTION. 4. After applying the applicable	
5	33	statutory distribution formulas to the amounts indicated in	
5	34	subsection 3 for purposes of producing preliminary	
5	35	distribution totals, the department of human services shall	



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

House Study Bill 296 continued

6 1 apply a withholding factor to adjust an eligible individual
6 2 county's preliminary distribution total. In order to be
6 3 eligible for a distribution under this section, a county must
6 4 be levying seventy percent or more of the maximum amount
6 5 allowed for the county's mental health, mental retardation,
6 6 and developmental disabilities services fund under section
6 7 331.424A for taxes due and payable in the fiscal year for
6 8 which the distribution is payable. An ending balance
6 9 percentage for each county shall be determined by expressing
6 10 the county's ending balance on a modified accrual basis under
6 11 generally accepted accounting principles for the fiscal year
6 12 beginning July 1, 2006, in the county's mental health, mental
6 13 retardation, and developmental disabilities services fund
6 14 created under section 331.424A, as a percentage of the
6 15 county's gross expenditures from that fund for that fiscal
6 16 year. If a county borrowed moneys for purposes of providing
6 17 services from the county's services fund on or before July 1,
6 18 2006, and the county's services fund ending balance for that
6 19 fiscal year includes the loan proceeds or an amount designated
6 20 in the county budget to service the loan for the borrowed
6 21 moneys, those amounts shall not be considered to be part of
6 22 the county's ending balance for purposes of calculating an
6 23 ending balance percentage under this subsection. The
6 24 withholding factor for a county shall be the following
6 25 applicable percent:
6 26 a. For an ending balance percentage of less than 5
6 27 percent, a withholding factor of 0 percent. In addition, a
6 28 county that is subject to this lettered paragraph shall
6 29 receive an inflation adjustment equal to 3 percent of the
6 30 gross expenditures reported for the county's services fund for
6 31 the fiscal year.
6 32 b. For an ending balance percentage of 5 or more but less
6 33 than 10 percent, a withholding factor of 0 percent. In
6 34 addition, a county that is subject to this lettered paragraph
6 35 shall receive an inflation adjustment equal to 2 percent of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

House Study Bill 296 continued

7 1 the gross expenditures reported for the county's services fund
7 2 for the fiscal year.

7 3 c. For an ending balance percentage of 10 or more but less
7 4 than 25 percent, a withholding factor of 25 percent. However,
7 5 for counties with an ending balance percentage of 10 or more
7 6 but less than 15 percent, the amount withheld shall be limited
7 7 to the amount by which the county's ending balance was in
7 8 excess of the ending balance percentage of 10 percent.

7 9 d. For an ending balance percentage of 25 percent or more,
7 10 a withholding percentage of 100 percent.

7 11 NEW SUBSECTION. 5. The total withholding amounts applied
7 12 pursuant to subsection 4 shall be equal to a withholding
7 13 target amount of \$7,664,576. If the department of human
7 14 services determines that the amount to be withheld in
7 15 accordance with subsection 4 is not equal to the target
7 16 withholding amount, the department shall adjust the
7 17 withholding factors listed in subsection 4 as necessary to
7 18 achieve the withholding target amount. However, in making
7 19 such adjustments to the withholding factors, the department
7 20 shall strive to minimize changes to the withholding factors
7 21 for those ending balance percentage ranges that are lower than
7 22 others and shall not adjust the zero withholding factor or the
7 23 inflation adjustment percentage specified in subsection 4,
7 24 paragraph "a".

7 25 DIVISION III

7 26 ALLOWED GROWTH FUNDING FOR FY 2008=2009

7 27 Sec. 8. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND
7 28 DEVELOPMENTAL DISABILITIES ALLOWED GROWTH FACTOR ALLOCATIONS
7 29 == FISCAL YEAR 2008=2009.

7 30 1. There is appropriated from the general fund of the
7 31 state to the department of human services for the fiscal year
7 32 beginning July 1, 2008, and ending June 30, 2009, the
7 33 following amount, or so much thereof as is necessary, to be
7 34 used for the purpose designated:

7 35 For distribution to counties of the county mental health,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007**

House Study Bill 296 continued

8 1 mental retardation, and developmental disabilities allowed
8 2 growth factor adjustment, as provided in this section in lieu
8 3 of the provisions of section 331.438, subsection 2, and
8 4 section 331.439, subsection 3, and chapter 426B:
8 5 \$ 89,045,297
8 6 2. The funding appropriated in this section is the allowed
8 7 growth factor adjustment for fiscal year 2008=2009, and is
8 8 allocated as follows:
8 9 a. For deposit in the allowed growth funding pool created
8 10 in the property tax relief fund and for distribution in
8 11 accordance with section 426B.5, subsection 1:
8 12 \$ 81,512,084
8 13 b. For transfer to the department of public health to be
8 14 used for the brain injury services program in accordance with
8 15 section 135.22B:
8 16 \$ 7,533,213
8 17 3. The following formula amounts shall be utilized only to
8 18 calculate preliminary distribution amounts for fiscal year
8 19 2008=2009 under this section by applying the indicated formula
8 20 provisions to the formula amounts and producing a preliminary
8 21 distribution total for each county:
8 22 a. For calculation of a distribution amount for eligible
8 23 counties from the allowed growth funding pool created in the
8 24 property tax relief fund in accordance with the requirements
8 25 in section 426B.5, subsection 1:
8 26 \$ 89,176,660
8 27 b. For calculation of a distribution amount for counties
8 28 from the mental health and developmental disabilities (MH/DD)
8 29 community services fund in accordance with the formula
8 30 provided in the appropriation made for the MH/DD community
8 31 services fund for the fiscal year beginning July 1, 2008:
8 32 \$ 17,727,890
8 33 4. After applying the applicable statutory distribution
8 34 formulas to the amounts indicated in subsection 3 for purposes
8 35 of producing preliminary distribution totals, the department
9 1 of human services shall apply a withholding factor to adjust
9 2 an eligible individual county's preliminary distribution
9 3 total. In order to be eligible for a distribution under this
9 4 section, a county must be levying seventy percent or more of
9 5 the maximum amount allowed for the county's mental health,
9 6 mental retardation, and developmental disabilities services
9 7 fund under section 331.424A for taxes due and payable in the
9 8 fiscal year for which the distribution is payable. An ending
9 9 balance percentage for each county shall be determined by
9 10 expressing the county's ending balance on a modified accrual
9 11 basis under generally accepted accounting principles for the
9 12 fiscal year beginning July 1, 2007, in the county's mental
9 13 health, mental retardation, and developmental disabilities
9 14 services fund created under section 331.424A, as a percentage
9 15 of the county's gross expenditures from that fund for that
9 16 fiscal year. If a county borrowed moneys for purposes of
9 17 providing services from the county's services fund on or
9 18 before July 1, 2007, and the county's services fund ending
9 19 balance for that fiscal year includes the loan proceeds or an
9 20 amount designated in the county budget to service the loan for
9 21 the borrowed moneys, those amounts shall not be considered to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

9 22 be part of the county's ending balance for purposes of
9 23 calculating an ending balance percentage under this
9 24 subsection. The withholding factor for a county shall be the
9 25 following applicable percent:
9 26 a. For an ending balance percentage of less than 5
9 27 percent, a withholding factor of 0 percent. In addition, a
9 28 county that is subject to this lettered paragraph shall
9 29 receive an inflation adjustment equal to 3 percent of the
9 30 gross expenditures reported for the county's services fund for
9 31 the fiscal year.
9 32 b. For an ending balance percentage of 5 or more but less
9 33 than 10 percent, a withholding factor of 0 percent. In
9 34 addition, a county that is subject to this lettered paragraph
9 35 shall receive an inflation adjustment equal to 2 percent of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

House Study Bill 296 continued

10 1 the gross expenditures reported for the county's services fund
10 2 for the fiscal year.

10 3 c. For an ending balance percentage of 10 or more but less
10 4 than 25 percent, a withholding factor of 25 percent. However,
10 5 for counties with an ending balance percentage of 10 or more
10 6 but less than 15 percent, the amount withheld shall be limited
10 7 to the amount by which the county's ending balance was in
10 8 excess of the ending balance percentage of 10 percent.

10 9 d. For an ending balance percentage of 25 percent or more,
10 10 a withholding percentage of 100 percent.

10 11 5. The total withholding amounts applied pursuant to
10 12 subsection 4 shall be equal to a withholding target amount of
10 13 \$7,664,576. If the department of human services determines
10 14 that the amount to be withheld in accordance with subsection 4
10 15 is not equal to the target withholding amount, the department
10 16 shall adjust the withholding factors listed in subsection 4 as
10 17 necessary to achieve the withholding target amount. However,
10 18 in making such adjustments to the withholding factors, the
10 19 department shall strive to minimize changes to the withholding
10 20 factors for those ending balance percentage ranges that are
10 21 lower than others and shall not adjust the zero withholding
10 22 factor or the inflation adjustment percentage specified in
10 23 subsection 4, paragraph "a".

10 24

DIVISION IV

10 25

CHILDREN'S SYSTEM DESIGN

10 26

Sec. 9. CHILDREN'S MENTAL HEALTH AND DISABILITY SERVICE

10 27

SYSTEM DESIGN == INITIAL IMPLEMENTATION. There is

10 28

appropriated from the general fund of the state to the

10 29

department of human services for the fiscal year beginning

10 30

July 1, 2007, and ending June 30, 2008, the following amount,

10 31

or so much thereof as is necessary, to be used for the

10 32

purposes designated:

10 33

For initial implementation of the children's mental health

10 34

and disability service system design approved by the mental

10 35

health, mental retardation, developmental disabilities, and



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007**

House Study Bill 296 continued

11 1 brain injury commission in fall 2006:
 11 2 \$ 200,000
 11 3 Sec. 10. COMMISSION MEMBERSHIP. The mental health, mental
 11 4 retardation, developmental disabilities, and brain injury
 11 5 commission shall review the existing commission membership
 11 6 requirements under Iowa law and develop a specific
 11 7 recommendation for revising the requirements to provide
 11 8 representation for the children's mental health and disability
 11 9 service system. In the review, the commission shall consider
 11 10 representation for education, mental health and disability
 11 11 services providers, services consumers and consumer parents
 11 12 and family members, and the juvenile justice and child welfare
 11 13 systems. The commission shall complete the review and provide
 11 14 a recommendation in the commission's annual report to the
 11 15 governor and general assembly submitted in 2007.

DIVISION V

COUNTY SERVICES FUND LEVY

11 18 Sec. 11. Section 331.424A, subsection 4, Code 2007, is
 11 19 amended to read as follows:

11 20 4. a. For the fiscal year beginning July 1, ~~1996~~ 2008,
 11 21 and for each subsequent fiscal year, the county shall certify
 11 22 a levy for payment of services. For each fiscal year, county
 11 23 revenues from taxes imposed by the county credited to the
 11 24 services fund shall ~~not exceed an amount equal to the amount~~
~~11 25 of base year expenditures for services as defined in section~~
~~11 26 331.438, less the amount of property tax relief to be received~~
~~11 27 pursuant to section 426B.2, in the fiscal year for which the~~
~~11 28 budget is certified be determined by applying the county's~~
 11 29 levy rate authorized in law to the assessed value of taxable
 11 30 property for that county. The county auditor and the board of
~~11 31 supervisors shall reduce the amount of the levy certified for~~
~~11 32 the services fund by the amount of property tax relief to be~~
~~11 33 received. The general assembly shall provide by law, for~~
 11 34 county services funds, a statewide minimum levy rate per
 11 35 thousand dollars of assessed value of taxable property. The



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

House Study Bill 296 continued

12 1 levy rate shall be an amount sufficient to raise statewide an
12 2 amount equal to the statewide total of base year expenditures
12 3 for services as defined in section 331.438, less the amount of
12 4 property tax relief payable to all counties pursuant to
12 5 section 426B.2, Code 2007, for the fiscal year beginning July
12 6 1, 2006. The statewide maximum levy rate shall be equal to
12 7 double the statewide minimum levy rate for the fiscal year. A
12 8 county's authorized levy rate for a fiscal year shall be an
12 9 amount certified by the board of supervisors that is not less
12 10 than the statewide minimum levy rate or more than the
12 11 statewide maximum levy rate applicable to that fiscal year. A
12 12 levy certified under this section is not subject to the appeal
12 13 provisions of section 331.426 or to any other provision in law
12 14 authorizing a county to exceed, increase, or appeal a property
12 15 tax levy limit.

12 16 b. Notwithstanding paragraph "a", for fiscal years
12 17 beginning July 1, 2008, July 1, 2009, and July 1, 2010, if a
12 18 county's certified services fund levy rate per thousand
12 19 dollars of assessed value of taxable property as of March 15,
12 20 2008, is less than the statewide minimum levy rate, the county
12 21 board of supervisors may annually certify an incremental
12 22 increase in the county's services fund levy rate as necessary
12 23 to fully implement at least the statewide minimum levy rate
12 24 effective for the fiscal year beginning July 1, 2011, and
12 25 subsequent fiscal years.

12 26 Sec. 12. EFFECTIVE DATE == APPLICABILITY. The section of
12 27 this division of this Act amending section 331.424A,
12 28 subsection 4, takes effect January 1, 2008, and is applicable
12 29 to taxes payable in the fiscal year beginning July 1, 2008,
12 30 and subsequent fiscal years.

12 31 DIVISION VI

12 32 STATE FUNDING CONSOLIDATION

12 33 Sec. 13. Section 225C.4, subsection 1, paragraph h, Code
12 34 2007, is amended to read as follows:

12 35 h. Administer state appropriations to the mental health



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

House Study Bill 296 continued

13 1 and ~~developmental disabilities community~~ disability services
13 2 state fund established by section ~~225C.7~~ 225C.9.
13 3 Sec. 14. NEW SECTION. 225C.9 MENTAL HEALTH AND
13 4 DISABILITY SERVICES STATE FUND == APPROPRIATION.
13 5 1. The mental health and disability services state fund is
13 6 established in the office of the treasurer of state under the
13 7 authority of the department, which shall consist of the
13 8 amounts appropriated to the fund by the general assembly for
13 9 each fiscal year. Moneys credited to the fund are not subject
13 10 to section 8.33 and shall not be transferred, used, or
13 11 appropriated except as provided by law. Before completion of
13 12 the department's budget estimate as required by section 8.23,
13 13 the department shall determine and include in the estimate the
13 14 amount which should be appropriated to the fund for the
13 15 forthcoming fiscal period in order to implement the purpose
13 16 stated in section 225C.1.
13 17 2. It is the intent of the general assembly that moneys
13 18 credited to the fund shall include the amounts that would
13 19 otherwise be appropriated for the following purposes:
13 20 a. Appropriations made for purposes of the mental health
13 21 and developmental disabilities community services fund as the
13 22 fund existed pursuant to section 225C.7, Code 2007.
13 23 b. Appropriations made to the property tax relief fund
13 24 under chapter 426B, Code 2007.
13 25 c. Appropriations made for purposes of allowed growth
13 26 factor adjustment as described in section 331.439, subsection
13 27 3, paragraph "b", Code 2007, and for purposes of the funding
13 28 pools created in section 426B.5, Code 2007.
13 29 d. Appropriations made for state case services and other
13 30 support as provided in section 331.440.
13 31 3. Moneys appropriated to the fund shall be appropriated
13 32 by the general assembly for allocation to counties for funding
13 33 of mental health, mental retardation, developmental
13 34 disabilities, and brain injury services on a case rate basis
13 35 for the persons for whom the county has a financial



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

House Study Bill 296 continued

14 1 responsibility to pay for the costs of services and other
14 2 support provided. The commission shall adopt rules for
14 3 distribution of the case rate funding. The rules shall
14 4 provide for adjustment to the case rate payment made to a
14 5 county based upon the dollars raised by the county's minimum
14 6 levy under section 331.424A.
14 7 4. a. There is appropriated from the general fund of the
14 8 state to the mental health and disability services state fund
14 9 on July 1 of each fiscal year, ninety-five million dollars.
14 10 b. There is appropriated from the mental health and
14 11 disability services state fund on July 1 of each fiscal year,
14 12 to the department of human services to supplement the medical
14 13 assistance appropriation, six million six hundred thousand
14 14 dollars to be used for the nonfederal share of the costs of
14 15 services provided to minors with mental retardation under the
14 16 medical assistance program to meet the requirements of section
14 17 249A.12, subsection 4. The appropriation in this subsection
14 18 shall be charged to the mental health and disability services
14 19 state fund prior to the distribution of moneys from the fund
14 20 to counties and the amount of moneys available for
14 21 distribution to counties shall be reduced accordingly.
14 22 Sec. 15. Section 230A.1, Code 2007, is amended to read as
14 23 follows:
14 24 230A.1 ESTABLISHMENT AND SUPPORT OF COMMUNITY MENTAL
14 25 HEALTH CENTERS.
14 26 1. A county or affiliated counties, by action of the board
14 27 or boards of supervisors, with approval of the administrator
14 28 of the division of mental health and disability services of
14 29 the department of human services, may establish a community
14 30 mental health center under this chapter to serve the county or
14 31 counties. This section does not limit the authority of the
14 32 board or boards of supervisors of any county or group of
14 33 counties to continue to expend money to support operation of
14 34 the center, and to form agreements with the board of
14 35 supervisors of any additional county for that county to join



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

House Study Bill 296 continued

15 1 in supporting and receiving services from or through the
15 2 center.

15 3 2. If a county has not established or is not affiliated
15 4 with a community mental health center under subsection 1, the
15 5 county shall expend a portion of the money received from the
15 6 state and credited to the county's services fund under section
15 7 331.424A to contract with a community mental health center to
15 8 provide outpatient mental health services to the county's
15 9 residents. If such a contractual relationship is unworkable
15 10 or undesirable, the mental health, mental retardation,
15 11 developmental disabilities, and brain injury commission may
15 12 waive the expenditure requirement. However, if the commission
15 13 waives the requirement, the county shall provide outpatient
15 14 mental health services to the county's residents through an
15 15 affiliation agreement, contract with a for-profit provider, or
15 16 other means, subject to the approval of the commission.

15 17 Sec. 16. Section 331.424A, subsection 3, Code 2007, is
15 18 amended to read as follows:

15 19 3. For the fiscal year beginning July 1, 1996, and
15 20 succeeding fiscal years, receipts from the state or federal
15 21 government for such services shall be credited to the services
15 22 fund, including moneys allotted to the county from the ~~state~~
15 23 ~~payment made pursuant to section 331.439 and moneys allotted~~
15 24 ~~to the county for property tax relief pursuant to section~~
15 25 ~~426B.1 mental health and disability services state fund~~
15 26 ~~created in section 225C.9.~~

15 27 Sec. 17. Section 331.438, subsection 1, unnumbered
15 28 paragraph 1, Code 2007, is amended to read as follows:

15 29 For the purposes of section 331.424A, this section, and
15 30 section 331.439, ~~and chapter 426B~~, unless the context
15 31 otherwise requires:

15 32 Sec. 18. Section 331.438, subsection 1, paragraph b, Code
15 33 2007, is amended by striking the paragraph.

15 34 Sec. 19. Section 331.438, subsection 1, paragraph e, Code
15 35 2007, is amended to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

House Study Bill 296 continued

16 1 e. "State payment" means the ~~payment~~ case rate payments
16 2 made by the state from the mental health and disability
16 3 services state fund created in section 225C.9 to a county
16 4 determined to be eligible for the ~~payment~~ payments in
16 5 accordance with section 331.439.
16 6 Sec. 20. Section 331.438, subsections 2 and 3, Code 2007,
16 7 are amended by striking the subsections.
16 8 Sec. 21. Section 331.439, subsection 1, unnumbered
16 9 paragraph 1, Code 2007, is amended to read as follows:
16 10 The state payment to eligible counties under this section
16 11 shall be made from the mental health and disability services
16 12 state fund as provided in ~~sections 331.438 and 426B.2~~ section
16 13 225C.9. A county is eligible for the state payment, ~~as~~
16 14 ~~defined in section 331.438,~~ for a fiscal year if the director
16 15 of human services, in consultation with the state commission,
16 16 determines for a specific fiscal year that all of the
16 17 following conditions are met:
16 18 Sec. 22. Section 331.439, subsection 3, paragraph c, Code
16 19 2007, is amended by striking the paragraph.
16 20 Sec. 23. Section 437A.8, subsection 4, paragraph d, Code
16 21 2007, is amended to read as follows:
16 22 d. Notwithstanding paragraph "a", a taxpayer who owns or
16 23 leases a new electric power generating plant and who has no
16 24 other operating property in the state of Iowa except for
16 25 operating property directly serving the new electric power
16 26 generating plant as described in section 437A.16 shall pay the
16 27 replacement generation tax associated with the allocation of
16 28 the local amount to the county treasurer of the county in
16 29 which the local amount is located and shall remit the
16 30 remaining replacement generation tax, if any, to the director
16 31 according to paragraph "a" for remittance of the tax to county
16 32 treasurers. The director shall notify each taxpayer on or
16 33 before August 31 following a tax year of its remaining
16 34 replacement generation tax to be remitted to the director.
16 35 All remaining replacement generation tax revenues received by



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

House Study Bill 296 continued

17 1 the director shall be deposited in the ~~property tax relief~~
~~17 2 fund created in section 426B.1 mental health and disability~~
17 3 services state fund created in section 225C.9, and shall be
17 4 distributed as provided in section ~~426B.2~~ 225C.9.
17 5 Sec. 24. Section 437A.15, subsection 3, paragraph f, Code
17 6 2007, is amended to read as follows:
17 7 f. Notwithstanding the provisions of this section, if a
17 8 taxpayer is a municipal utility or a municipal owner of an
17 9 electric power facility financed under the provisions of
17 10 chapter 28F or 476A, the assessed value, other than the local
17 11 amount, of a new electric power generating plant shall be
17 12 allocated to each taxing district in which the municipal
17 13 utility or municipal owner is serving customers and has
17 14 electric meters in operation in the ratio that the number of
17 15 operating electric meters of the municipal utility or
17 16 municipal owner located in the taxing district bears to the
17 17 total number of operating electric meters of the municipal
17 18 utility or municipal owner in the state as of January 1 of the
17 19 tax year. If the municipal utility or municipal owner of an
17 20 electric power facility financed under the provisions of
17 21 chapter 28F or 476A has a new electric power generating plant
17 22 but the municipal utility or municipal owner has no operating
17 23 electric meters in this state, the municipal utility or
17 24 municipal owner shall pay the replacement generation tax
17 25 associated with the new electric power generating plant
17 26 allocation of the local amount to the county treasurer of the
17 27 county in which the local amount is located and shall remit
17 28 the remaining replacement generation tax, if any, to the
17 29 director at the times contained in section 437A.8, subsection
17 30 4, for remittance of the tax to the county treasurers. All
17 31 remaining replacement generation tax revenues received by the
17 32 director shall be deposited in the ~~property tax relief fund~~
~~17 33 created in section 426B.1 mental health and disability~~
17 34 services state fund created in section 225C.9, and shall be
17 35 distributed as provided in section ~~426B.2~~ 225C.9.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007**

House Study Bill 296 continued

18 1 Sec. 25. Section 445.5, subsection 1, paragraph h, Code
18 2 2007, is amended by striking the paragraph.
18 3 Sec. 26. Section 225C.7, and chapter 426B, Code 2007, are
18 4 repealed.
18 5 Sec. 27. EFFECTIVE DATE. Except as otherwise provided,
18 6 this division of this Act takes effect July 1, 2009.
18 7 Sec. 28. STATE FUND == OTHER FUNDING STREAMS == EFFECTIVE
18 8 DATE. The mental health, mental retardation, developmental
18 9 disabilities, and brain injury commission shall consider
18 10 whether other state and federal funding streams used to pay
18 11 for mental health and disability services are appropriate to
18 12 also be included in the mental health and disability services
18 13 state fund created in section 225C.9, as enacted by this
18 14 division of this Act. The commission shall include a
18 15 recommendation for inclusion of any such funding streams in
18 16 the commission's annual report to the governor and general
18 17 assembly submitted pursuant to section 225C.8, subsection 1,
18 18 paragraph "h", for the fiscal year beginning July 1, 2007.
18 19 This section takes effect July 1, 2007.

DIVISION VII

CASE RATE IMPLEMENTATION

18 22 Sec. 29. IMPLEMENTATION COSTS. There is appropriated from
18 23 the general fund of the state to the department of human
18 24 services for the fiscal year beginning July 1, 2006, and
18 25 ending June 30, 2007, the following amount, or so much thereof
18 26 as is necessary, to be used for the purposes designated:
18 27 For the costs of implementing functional assessment tools
18 28 and establishing case rates for implementation beginning July
18 29 1, 2009:

18 30 \$ 200,000

18 31 Notwithstanding section 8.33, moneys appropriated in this
18 32 section that remain unencumbered or unobligated at the close
18 33 of the fiscal year shall not revert but shall remain available
18 34 for expenditure for the purposes designated until the close of
18 35 the succeeding fiscal year.

19 1 Sec. 30. EFFECTIVE DATE. This division of this Act, being
19 2 deemed of immediate importance, takes effect upon enactment.

DIVISION VIII

STATE MANDATES

19 5 Sec. 31. IMPLEMENTATION OF ACT. Section 25B.2, subsection
19 6 3, shall not apply to this Act.

EXPLANATION

19 8 This bill relates to mental health, mental retardation,
19 9 developmental disabilities, and brain injury (MH/MR/DD/BI)
19 10 services by revising and making appropriations, addressing
19 11 county and state responsibilities for the services, revising
19 12 property tax relief payment provisions, allowed growth, and
19 13 other funding distribution requirements, and revising county
19 14 levy authority provisions for such services. The bill is
19 15 organized into divisions.

19 16 ALLOWED GROWTH FACTOR DISTRIBUTION PROVISIONS == This
19 17 division revises the distribution provisions for the allowed
19 18 growth factor adjustment for county=administered MH/MR/DD
19 19 services. Under current law, there are two primary formula
19 20 provisions used to calculate the amount provided to a county:
19 21 "regular" allowed growth under Code section 331.438, and "per



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

19 22 capita" allowed growth under Code section 426B.5, subsection
19 23 1. In addition, there has been an allocation made for risk
19 24 pool funding under Code section 426B.5, subsection 2.

19 25 The bill combines the regular and per capita allowed growth
19 26 provisions by renaming the per capita expenditure target pool
19 27 under Code section 426B.5 as the allowed growth funding pool
19 28 and eliminates the risk pool. The incentive pool established
19 29 pursuant to 2006 Iowa Acts, chapter 1115 (HF 2780) is not
19 30 addressed by the bill. These funding pools are all part of
19 31 the property tax relief fund.

19 32 The first \$12 million in the allowed growth funding pool is
19 33 allocated based upon a county's proportion of the general
19 34 population of all counties in the state, just as is done for
19 35 regular allowed growth in current law.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007**

House Study Bill 296 continued

20 1 To be eligible for the remainder of the allowed growth
20 2 funding pool moneys, a county must levy the maximum amount
20 3 allowed for the county's services fund for the year of
20 4 distribution, the county must have met the requirement for
20 5 reporting of county expenditures for the previous fiscal year
20 6 by December 1, and the county's services fund ending balance
20 7 for the previous fiscal year must be less than 25 percent of
20 8 the county's gross expenditures from the fund for that fiscal
20 9 year. Funds are to be distributed based upon a county's
20 10 general population relative to the combined general population
20 11 of the eligible counties. The most recent population
20 12 estimates issued by the United States bureau of the census
20 13 shall be applied in determining population for purposes of
20 14 Code section 426B.5. The department of human services is
20 15 required to authorize issuance of the warrants in January.
20 16 The allowed growth distribution provisions under Code
20 17 section 331.438 and the per capita expenditure definition in
20 18 Code section 331.438, subsection 1, paragraph "b", are
20 19 stricken. Code section 331.440A, relating to an obsolete
20 20 MH/MR/DD services pilot, is repealed.
20 21 ALLOWED GROWTH FUNDING FOR FY 2007=2008 == This division
20 22 increases the existing appropriation for the allowed growth
20 23 adjustment factor distribution made in 2006 Iowa Acts, chapter
20 24 1185, and revises the distribution provisions to reflect the
20 25 changes made in the bill.
20 26 The overall appropriation is increased from approximately
20 27 \$43.3 million to approximately \$67 million. The bill revises
20 28 the allocations made of the overall appropriation to reflect
20 29 the changes made in the bill to eliminate the "regular"
20 30 allowed growth distribution and the risk pool, and to rename
20 31 the per capita expenditure target pool as the allowed growth
20 32 funding pool. The amounts allocated for the eliminated
20 33 provisions are included in the allocation for the allowed
20 34 growth funding pool. The language in the allocation for the
20 35 brain injury services program in the department of public



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

House Study Bill 296 continued

21 1 health is amended to reflect that the contingencies addressed
21 2 in the language did occur.

21 3 As has been the practice for a number of years, the
21 4 distribution provisions in the bill combine the allowed growth
21 5 funding pool allocation and the amount appropriated in other
21 6 legislation for the MH/DD community services fund and
21 7 withholds amounts that would otherwise apply under the formula
21 8 based upon the county ending balances at the close of the
21 9 preceding fiscal year. A county must be levying at least 70
21 10 percent of the maximum allowed for the county's services fund
21 11 in the distribution year in order to be eligible for a
21 12 distribution. A county with an ending balance of 25 percent
21 13 or more is subject to withholding of 100 percent. Other
21 14 graduations apply at ending balance percentages of 5 and 10
21 15 percent.

21 16 ALLOWED GROWTH FUNDING FOR FY 2008=2009 == This division
21 17 makes the allowed growth factor adjustment appropriation for
21 18 FY 2008=2009, two years in advance, as is required under Code
21 19 section 331.439. The distribution provisions are equivalent
21 20 to the distribution provisions for the previous fiscal year.

21 21 CHILDREN'S SYSTEM DESIGN == This division provides an
21 22 appropriation to DHS for implementation of the children's
21 23 system design approved by the MH/MR/DD/BI commission in fall
21 24 2006. In addition, the commission is directed to review the
21 25 commission membership requirements and make a specific
21 26 recommendation to revise those requirements in order to
21 27 provide for representation on the commission for the
21 28 children's system. The recommendation is required to be
21 29 included in the commission's annual report to the governor and
21 30 general assembly submitted in 2007.

21 31 COUNTY SERVICES FUND LEVY == This division addresses Code
21 32 section 331.424A, relating to the county MH/MR/DD services
21 33 fund, by revising the property tax levy authority requirements
21 34 for that fund. Current law limits the dollar amount that may
21 35 be raised for a county's services fund from property taxes to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

House Study Bill 296 continued

22 1 a base year expenditures amount identified by the county, as
22 2 reduced by property tax relief funding provided to the county
22 3 by the state. Effective commencing with the fiscal year
22 4 beginning July 1, 2008, the absolute dollar limit on services
22 5 fund levies would be replaced with a limitation on the levy
22 6 rate per \$1,000 of property value, within minimum and maximum
22 7 levy rates established by the state MH/MR/DD/BI commission.
22 8 If a county's levy rate for the services fund in effect as of
22 9 March 15, 2008, is less than the minimum levy rate established
22 10 by the state commission, the county may incrementally increase
22 11 the levy over the next three years in order to fully implement
22 12 at least the minimum levy rate by the fiscal year beginning
22 13 July 1, 2011. This division takes effect January 1, 2008, and
22 14 is applicable to taxes payable in the fiscal year beginning
22 15 July 1, 2008, and subsequent fiscal years.

22 16 STATE FUNDING CONSOLIDATION == This division consolidates
22 17 various state funding streams provided to counties for
22 18 MH/MR/DD services. Code section 225C.7, relating to the
22 19 mental health and developmental disabilities community
22 20 services fund, is repealed. A new mental health and
22 21 disability services state fund is established in new Code
22 22 section 225C.9. The standing appropriations for property tax
22 23 relief and for certain Medicaid costs in Code chapter 426B are
22 24 repealed and shifted to this new fund. Legislative intent is
22 25 stated for other federal and state funding streams to be
22 26 credited to the new fund. Under current law, the property tax
22 27 relief moneys are distributed to counties and used to reduce
22 28 property taxation for MI/DD/BI services. The bill provides
22 29 that moneys credited to the new fund are to be allocated to
22 30 counties on a case rate payment basis in accordance with
22 31 commission rules. The rules are to provide for an adjustment
22 32 to the case rate payment based upon a county's revenue from
22 33 the minimum levy for these services.

22 34 Code section 230A.1, relating to establishment and support
22 35 of community mental health centers, is amended to include a



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

House Study Bill 296 continued

23 1 variation of the authorization contained in current law in
23 2 Code section 225C.7, which is repealed by the division. The
23 3 authorization provides that if a county does not establish or
23 4 is not affiliated with a community mental health center, the
23 5 MH/MR/DD/BI commission may waive an expenditure requirement.
23 6 However, the county must then provide outpatient mental health
23 7 services through an affiliation agreement, contract with a
23 8 for-profit provider, or other means, subject to the approval
23 9 of the commission.

23 10 The division repeals the Code chapter 426B property tax
23 11 relief provisions and strikes Code chapter 331 provisions for
23 12 state payment of allowed growth funding to counties. The
23 13 division also provides conforming amendments to other Code
23 14 sections.

23 15 The commission is required to consider whether other
23 16 funding streams should be included in the new fund created in
23 17 the division and to include a recommendation to this end in
23 18 the commission's annual report to the governor and general
23 19 assembly for FY 2007=2008. This provision takes effect July
23 20 1, 2007, and the remainder of the division takes effect July
23 21 1, 2009.

23 22 CASE RATE IMPLEMENTATION == This division makes a fiscal
23 23 year 2006=2007 appropriation to DHS from the general fund of
23 24 the state. The appropriation is to be used for costs of
23 25 implementing functional assessment tools and implementing case
23 26 rates to take effect July 1, 2009. Unused moneys may be
23 27 carried to the next fiscal year. The division takes effect
23 28 upon enactment.

23 29 STATE MANDATES == This division addresses the state
23 30 mandates Act in Code chapter 25B. The bill may include a
23 31 state mandate as defined in Code section 25B.3. The bill
23 32 makes inapplicable Code section 25B.2, subsection 3, which
23 33 would relieve a political subdivision from complying with a
23 34 state mandate if funding for the cost of the state mandate is
23 35 not provided or specified. Therefore, political subdivisions



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007**

House Study Bill 296 continued

24 1 are required to comply with any state mandate included in the
24 2 bill.
24 3 LSB 1278DP 82
24 4 jp:nh/je/5.2



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

Senate Amendment 3142

PAG LIN

1 1 Amend Senate File 540 as follows:
1 2 #1. Page 14, line 3, by striking the figure
1 3 <635.11,>.
1 4 #2. Page 14, line 32, by striking the figure
1 5 <635.11,>.
1 6
1 7
1 8
1 9 LARRY NOBLE
1 10 SF 540.701 82
1 11 rh/gg/7839
1 12
1 13
1 14
1 15
1 16
1 17
1 18
1 19
1 20
1 21
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

Senate Amendment 3143

PAG LIN

1 1 Amend Senate Concurrent Resolution 4 as follows:
1 2 #1. Page 3, by inserting after line 12 the
1 3 following:
1 4 <BE IT FURTHER RESOLVED, That the federal farm bill
1 5 of 2007 include limitations on farm program payments;
1 6 and>.
1 7 #2. By renumbering as necessary.
1 8
1 9
1 10
1 11 DAVID JOHNSON
1 12
1 13
1 14
1 15 EUGENE S. FRAISE
1 16
1 17
1 18
1 19 JOHN P. KIBBIE
1 20
1 21
1 22
1 23 E. THURMAN GASKILL
1 24 SCR 4.701 82
1 25 da/gg/7909
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

Senate Amendment 3144

PAG LIN

1 1 Amend Senate File 520 as follows:
1 2 #1. Page 1, by inserting before line 1 the
1 3 following:
1 4 <Section 1. Section 714.16, subsection 2,
1 5 paragraph a, unnumbered paragraph 4, Code 2007, is
1 6 amended by striking the paragraph.>
1 7 #2. Page 1, by inserting after line 17 the
1 8 following:
1 9 <___. "Puffery" means a statement that
1 10 exaggerates, blusters, or boasts, but upon which no
1 11 reasonable consumer would rely when purchasing a
1 12 product.>
1 13 #3. Page 2, line 2, by inserting after the figure
1 14 <2> the following: <, paragraphs "b" through "d" and
1 15 "f" through "n".>
1 16 #4. Page 2, by striking lines 22 and 23 and
1 17 inserting the following:
1 18 <c. Conduct that constitutes puffery.
1 19 d. Insurance companies subject to Title XIII.
1 20 e. Federally insured depository institutions.
1 21 f. An individual licensed, certified, or
1 22 registered under chapter 148, 150A, 153, 542, 542B,
1 23 544A, 544B, or 544C, while engaged in the practice of
1 24 the profession for which the individual is licensed,
1 25 certified, or registered.
1 26 g. An attorney licensed to practice law in this
1 27 state while engaged in the practice of that
1 28 profession.>
1 29 #5. Page 2, line 31, by striking the word <five>
1 30 and inserting the following: <eight>.
1 31 #6. Page 3, by striking lines 6 through 11 and
1 32 inserting the following:
1 33 <1. A consumer who suffers an ascertainable loss
1 34 of money or property, real or personal, as the result
1 35 of a prohibited practice in violation of this chapter
1 36 may bring an action at law to recover actual economic
1 37 damages. The court may order>.
1 38 #7. Page 4, line 6, by inserting after the word
1 39 <finds> the following: <by a preponderance of clear,
1 40 convincing, and satisfactory evidence>.
1 41 #8. Page 4, line 9, by inserting after the word
1 42 <actual> the following: <economic>.
1 43 #9. Page 4, line 10, by inserting after the word
1 44 <actual> the following: <economic>.
1 45 #10. Page 5, line 19, by inserting before the word
1 46 <In> the following: <1.>
1 47 #11. Page 5, by inserting after line 26 the
1 48 following:
1 49 <2. Each plaintiff seeking to serve as a
1 50 representative party on behalf of a class shall



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007**

Senate Amendment 3144 continued

2 1 provide a sworn certification personally signed by
2 2 such plaintiff and filed with the petition that does
2 3 all of the following:
2 4 a. States that the plaintiff has reviewed the
2 5 petition and has authorized the filing of the
2 6 petition.
2 7 b. States that the plaintiff did not purchase the
2 8 merchandise that is the subject of the petition at the
2 9 direction of plaintiff's counsel or in order to
2 10 participate in any private action arising under this
2 11 chapter.
2 12 c. States that the plaintiff is willing to serve
2 13 as a representative party on behalf of a class
2 14 including providing testimony at deposition and trial,
2 15 if necessary.
2 16 d. Identifies any other action under this chapter
2 17 filed during the three-year period preceding the date
2 18 on which the certification is signed by the plaintiff
2 19 in which the plaintiff has sought to serve as a
2 20 representative party on behalf of a class.
2 21 3. The certification filed pursuant to subsection
2 22 2 shall not be construed to be a waiver of the
2 23 attorney-client privilege.
2 24 4. a. Not later than twenty days after the date
2 25 on which the petition is filed, the plaintiff or
2 26 plaintiffs shall cause to be published, in a newspaper
2 27 of general circulation in the county in which the
2 28 petition is filed, a notice advising members of the
2 29 purported class of all of the following:
2 30 (1) Of the pendency of the action, the claims
2 31 asserted therein, and the purported class period.
2 32 (2) That not later than sixty days after the date
2 33 on which the notice is published any member of the
2 34 purported class may move the court to appoint the
2 35 member to serve as lead plaintiff of the purported
2 36 class.
2 37 b. If more than one action on behalf of a class
2 38 asserting substantially the same claim or claims
2 39 arising under this chapter is filed, only the
2 40 plaintiff or plaintiffs in the first filed action
2 41 shall be required to cause notice to be published in
2 42 accordance with paragraph "a".
2 43 c. Any notices required by this subsection shall
2 44 be in addition to any notice required pursuant to the
2 45 rules of civil procedure.
2 46 5. a. Not later than ninety days after the date
2 47 on which a notice is published under subsection 4, the
2 48 court shall consider any motion made by a purported
2 49 class member in response to the notice, including any
2 50 motion by a class member who is not individually named



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007**

Senate Amendment 3144 continued

3 1 as a plaintiff in the petition or petitions, and shall
3 2 appoint as lead plaintiff the member or members of the
3 3 purported plaintiff class the court determines to be
3 4 most capable of adequately representing the interests
3 5 of class members, who shall be known as the most
3 6 adequate plaintiff.

3 7 b. If more than one action on behalf of a class
3 8 asserting substantially the same claim or claims
3 9 arising under this chapter has been filed and any
3 10 party has sought to consolidate those actions for
3 11 pretrial purposes or for trial, the court shall not
3 12 make a determination of the most adequate plaintiff
3 13 until after the decision on the motion to consolidate
3 14 is rendered. As soon as practicable after such
3 15 decision is rendered, the court shall appoint the most
3 16 adequate plaintiff as lead plaintiff for the
3 17 consolidated actions in accordance with this
3 18 paragraph.

3 19 c. (1) The court shall adopt a presumption that
3 20 the most adequate plaintiff in any private action
3 21 arising under this chapter is the person or group of
3 22 persons that meets all of the following requirements:

3 23 (a) Has either filed the petition or made a motion
3 24 in response to a notice required pursuant to
3 25 subsection 4.

3 26 (b) In the determination of the court, has the
3 27 largest financial interest in the relief sought by the
3 28 class.

3 29 (c) Otherwise satisfies the requirements of the
3 30 rules of civil procedure relating to class actions.

3 31 (2) The presumption regarding the most adequate
3 32 plaintiff described in subparagraph (1) may be
3 33 rebutted only upon proof by a member of the purported
3 34 plaintiff class of one of the following:

3 35 (a) The presumptively most adequate plaintiff will
3 36 not fairly and adequately protect the interests of the
3 37 class.

3 38 (b) The presumptively most adequate plaintiff is
3 39 subject to unique defenses that render such plaintiff
3 40 incapable of adequately representing the class.

3 41 d. For purposes of this subsection, discovery
3 42 relating to whether a member or members of the
3 43 purported plaintiff class is the most adequate
3 44 plaintiff may be conducted by a plaintiff only if the
3 45 plaintiff first demonstrates a reasonable basis for a
3 46 finding that the presumptively most adequate plaintiff
3 47 is incapable of adequately representing the class.

3 48 e. The most adequate plaintiff shall, subject to
3 49 the approval of the court, select and retain counsel
3 50 to represent the class.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

Senate Amendment 3144 continued

4 1 6. Except as the court may otherwise permit,
4 2 consistent with the purposes of this section, a person
4 3 who files a class action under this section may be a
4 4 lead plaintiff or an officer, director, or fiduciary
4 5 of a lead plaintiff, in no more than five class
4 6 actions brought as plaintiff class actions pursuant to
4 7 the federal or Iowa rules of civil procedure during
4 8 any three-year period.

4 9 7. Total attorney fees and expenses awarded by the
4 10 court to counsel for the plaintiff class shall not
4 11 exceed a reasonable percentage of the amount of any
4 12 damages and prejudgment interest actually paid to the
4 13 class.

4 14 8. Any proposed or final settlement agreement that
4 15 is published or otherwise disseminated to the class
4 16 shall include each of the following statements along
4 17 with a cover page summarizing the information
4 18 contained in such statements:

4 19 a. If reasonably subject to determination, the
4 20 amount of the settlement proposed to be distributed to
4 21 the parties to the action determined in the aggregate
4 22 and on an average per share basis. If the settlement
4 23 amount or average settlement amount per share to be
4 24 disclosed pursuant to this subsection is not
4 25 reasonably subject to determination at the time of the
4 26 publication or dissemination of the proposed or final
4 27 settlement agreement, the method by which the
4 28 settlement amount or average settlement amount per
4 29 share will be determined.

4 30 b. (1) If the settling parties agree on the
4 31 average settlement amount per share that would be
4 32 recoverable if the plaintiff prevailed on each claim
4 33 alleged under this chapter, a statement concerning the
4 34 average settlement amount per share.

4 35 (2) If the parties do not agree on the average
4 36 settlement amount per share that would be recoverable
4 37 if the plaintiff prevailed on each claim alleged under
4 38 this chapter, a statement from each settling party
4 39 concerning the issue or issues on which the parties
4 40 disagree.

4 41 c. If any of the settling parties or their counsel
4 42 intend to apply to the court for an award of attorney
4 43 fees or costs from any fund established as part of the
4 44 settlement, a statement indicating which parties or
4 45 counsel intend to make such an application, the amount
4 46 of fees and costs that will be sought including the
4 47 amount of such fees and costs determined on an average
4 48 per share basis, and a brief explanation supporting
4 49 the fees and costs sought. Such information shall be
4 50 clearly summarized on the cover page of any notice to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

Senate Amendment 3144 continued

5 1 a party of any proposed or final settlement agreement.
5 2 d. The name, telephone number, and address of one
5 3 or more representatives of counsel for the plaintiff
5 4 class who will be reasonably available to answer
5 5 questions from class members concerning any matter
5 6 contained in any notice of settlement published or
5 7 otherwise disseminated to the class.
5 8 e. A brief statement explaining the reasons why
5 9 the parties are proposing the settlement.
5 10 f. Such other information as may be required by
5 11 the court.
5 12 9. In any private action arising under this
5 13 chapter that is certified as a class action pursuant
5 14 to the rules of civil procedure, the court may require
5 15 an undertaking from the attorneys for the plaintiff
5 16 class, the plaintiff class, or both, or from the
5 17 attorneys for the defendant, the defendant, or both,
5 18 in such proportions and at such times as the court
5 19 determines are just and equitable, for the payment of
5 20 fees and expenses that may be awarded under this
5 21 section.
5 22 10. This section applies to each action arising
5 23 under this chapter that is brought as a class action
5 24 pursuant to the rules of civil procedure.>
5 25 #12. Title page, line 1, by striking the word
5 26 <creating> and inserting the following: <relating to
5 27 consumer frauds including the creation of>.
5 28 #13. By renumbering as necessary.
5 29
5 30
5 31
5 32 KEITH A. KREIMAN
5 33 SF 520.301 82
5 34 rh/cf/7901



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

Senate Amendment 3145

PAG LIN

1 1 Amend Senate File 540 as follows:
1 2 #1. Page 14, line 29, by striking the word <July>
1 3 and inserting the following: <September>.
1 4 #2. Page 14, line 30, by striking the figure <1>
1 5 and inserting the following: <30>.
1 6 #3. By renumbering as necessary.
1 7
1 8
1 9
1 10 LARRY NOBLE
1 11 SF 540.702 82
1 12 rh/gg/7563
1 13
1 14
1 15
1 16
1 17
1 18
1 19
1 20
1 21
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007**

Senate Amendment 3146

PAG LIN

1 1 Amend Senate File 518 as follows:
 1 2 #1. Page 5, line 7, by striking the word <exhibit>
 1 3 and inserting the following: <exhibit:>
 1 4 #2. Page 5, line 11, by striking the words <, or
 1 5 that fails to> and inserting the following: <; and>.
 1 6 #3. Page 5, line 12, by striking the word
 1 7 <exhibit>.
 1 8 #4. Page 5, line 29, by inserting after the words
 1 9 <acquire insurance> the following: <other than life
 1 10 insurance, life annuity, or accident and health
 1 11 insurance,>.
 1 12 #5. Page 11, by striking line 3 and inserting the
 1 13 following: <limitations or restrictions related to
 1 14 the pleading or proving of any>.
 1 15 #6. Page 11, by striking line 10 and inserting the
 1 16 following:
 1 17 <1. The form of all policies, and of applications,
 1 18 and of agreements or>.
 1 19 #7. Page 11, line 18, by inserting after the word
 1 20 <unnecessary> the following: <to achieve the purpose
 1 21 of this section>.
 1 22 #8. Page 11, line 27, by striking the word <for>
 1 23 and inserting the following: <and>.
 1 24 #9. Page 11, lines 29 and 30, by striking the
 1 25 words <and for> and inserting the following: <or>.
 1 26 #10. Page 11, line 31, by striking the word
 1 27 <rates> and inserting the following: <rates,>.
 1 28
 1 29
 1 30
 1 31 MATT McCOY
 1 32 SF 518.501 82
 1 33 av/je/7610
 1 34
 1 35
 1 36
 1 37
 1 38
 1 39
 1 40
 1 41
 1 42
 1 43
 1 44
 1 45
 1 46
 1 47
 1 48
 1 49
 1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

Senate Amendment 3147

PAG LIN

1 1 Amend Senate File 516 as follows:
1 2 #1. By striking page 2, line 33, through page 3,
1 3 line 6, and inserting the following:
1 4 <c. The provisions of this subsection shall be
1 5 implemented uniformly throughout the state. The
1 6 provisions of this subsection shall preempt any local
1 7 county or municipal ordinance regarding keg
1 8 registration or the sale of beer in kegs. In
1 9 addition, a county or municipality shall not adopt or
1 10 continue in effect an ordinance regarding keg
1 11 registration or the sale of beer in kegs.
1 12 d. The division shall establish by rule>.
1 13 #2. By renumbering as necessary.
1 14
1 15
1 16
1 17 MATT McCOY
1 18 SF 516.201 82
1 19 ec/es/7885

1 20
1 21
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

Senate Amendment 3148

PAG LIN

1 1 Amend Senate File 207 as follows:
1 2 #1. Page 1, line 9, by inserting after the word
1 3 <services> the following: <through an agreement
1 4 entered into under chapter 28E>.
1 5
1 6
1 7
1 8 THOMAS RIELLY
1 9
1 10
1 11
1 12 DAVID L. HARTSUCH
1 13 SF 207.201 82
1 14 ec/es/7876
1 15
1 16
1 17
1 18
1 19
1 20
1 21
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

Senate Amendment 3149

PAG LIN

1 1 Amend Senate File 530 as follows:
1 2 #1. Page 1, by inserting before line 1 the
1 3 following:
1 4 <Section 1. Section 543B.60A, subsection 5, Code
1 5 2007, is amended to read as follows:
1 6 5. This section does not address relationships
1 7 between a broker and the broker associates or
1 8 salespersons licensed under, employed by, or otherwise
1 9 associated with the broker in a real estate brokerage
1 10 agency in this state or another state or foreign
1 11 country.
1 12 Sec. 2. Section 543B.60A, Code 2007, is amended by
1 13 adding the following new subsection:
1 14 NEW SUBSECTION. 5A. This section does not address
1 15 contractual relationships between a broker licensed
1 16 under this chapter and a relocation service holding a
1 17 valid real estate license in this state or another
1 18 state or foreign country.>
1 19 #2. By renumbering as necessary.
1 20
1 21
1 22
1 23 PAT WARD
1 24 SF 530.201 82
1 25 rn/es/7264
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

Senate File 562

SENATE FILE
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 1336)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved

A BILL FOR

1 An Act relating to and making appropriations to the department of
2 cultural affairs, the department of economic development,
3 certain board of regents institutions, the department of
4 workforce development, the Iowa finance authority, and the
5 public employment relations board, and related matters.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 1128SV 82
8 tm/je/5



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007**

Senate File 562 continued

PAG LIN

1 1 Section 1. DEPARTMENT OF CULTURAL AFFAIRS. There is
 1 2 appropriated from the general fund of the state to the
 1 3 department of cultural affairs for the fiscal year beginning
 1 4 July 1, 2007, and ending June 30, 2008, the following amounts,
 1 5 or so much thereof as is necessary, to be used for the
 1 6 purposes designated:

1 7 1. ADMINISTRATION

1 8 For salaries, support, maintenance, miscellaneous purposes,
 1 9 and for not more than the following full-time equivalent
 1 10 positions:

1 11	\$	245,101
1 12	FTEs	2.35

1 13 The department of cultural affairs shall coordinate
 1 14 activities with the tourism office of the department of
 1 15 economic development to promote attendance at the state
 1 16 historical building and at this state's historic sites.

1 17 2. COMMUNITY CULTURAL GRANTS

1 18 For planning and programming for the community cultural
 1 19 grants program established under section 303.3:

1 20	\$	299,240
------------	----	---------

1 21 3. HISTORICAL DIVISION

1 22 For salaries, support, maintenance, miscellaneous purposes,
 1 23 and for not more than the following full-time equivalent
 1 24 positions:

1 25	\$	3,442,865
1 26	FTEs	58.08

1 27 From the moneys appropriated under this subsection, the
 1 28 department shall use \$50,000 for purposes of administering
 1 29 chapter 404A.

1 30 4. HISTORIC SITES

1 31 For salaries, support, maintenance, miscellaneous purposes,
 1 32 and for not more than the following full-time equivalent
 1 33 positions:

1 34	\$	554,166
1 35	FTEs	8.25



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007**

Senate File 562 continued

2 1 5. ARTS DIVISION
 2 2 For salaries, support, maintenance, miscellaneous purposes,
 2 3 including funds to match federal grants and for not more than
 2 4 the following full-time equivalent positions:
 2 5 \$ 1,207,611
 2 6 FTEs 11.12
 2 7 6. GREAT PLACES
 2 8 For salaries, support, maintenance, miscellaneous purposes,
 2 9 and for not more than the following full-time equivalent
 2 10 positions:
 2 11 \$ 305,794
 2 12 FTEs 3.00
 2 13 7. ARCHIVE IOWA GOVERNORS' RECORDS
 2 14 For archiving the records of Iowa governors and for not
 2 15 more than the following full-time equivalent position:
 2 16 \$ 77,348
 2 17 FTEs 0.97
 2 18 8. RECORDS CENTER RENT
 2 19 For payment of rent for the state records center:
 2 20 \$ 185,768
 2 21 Sec. 2. GOALS AND ACCOUNTABILITY == ECONOMIC DEVELOPMENT.
 2 22 1. The goals for the department of economic development
 2 23 shall be to expand and stimulate the state economy, increase
 2 24 the wealth of Iowans, and increase the population of the
 2 25 state.
 2 26 2. To achieve the goals in subsection 1, the department of
 2 27 economic development shall do all of the following:
 2 28 a. Concentrate its efforts on programs and activities that
 2 29 result in commercially viable products and services.
 2 30 b. Adopt practices and services consistent with free
 2 31 market, private sector philosophies.
 2 32 c. Ensure economic growth and development throughout the
 2 33 state.
 2 34 Sec. 3. DEPARTMENT OF ECONOMIC DEVELOPMENT. There is
 2 35 appropriated from the general fund of the state to the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007**

Senate File 562 continued

3 1 department of economic development for the fiscal year
 3 2 beginning July 1, 2007, and ending June 30, 2008, the
 3 3 following amounts, or so much thereof as is necessary, to be
 3 4 used for the purposes designated:

3 5 1. ADMINISTRATION DIVISION

3 6 a. General administration

3 7 For salaries, support, maintenance, miscellaneous purposes,
 3 8 programs, for transfer to the Iowa state commission grant
 3 9 program, and for not more than the following full-time
 3 10 equivalent positions:

3 11	\$	2,044,529
3 12	FTEs	27.75

3 13 b. The department shall work with businesses and
 3 14 communities to continually improve the economic development
 3 15 climate along with the economic well-being and quality of life
 3 16 for Iowans. The administration division shall coordinate with
 3 17 other state agencies ensuring that all state departments are
 3 18 attentive to the needs of an entrepreneurial culture.

3 19 2. BUSINESS DEVELOPMENT DIVISION

3 20 a. Business development operations

3 21 For business development operations and programs, the film
 3 22 office, international trade, export assistance, workforce
 3 23 recruitment, the partner state program, for transfer to the
 3 24 strategic investment fund, for transfer to the value-added
 3 25 agricultural products and processes financial assistance fund,
 3 26 salaries, support, maintenance, miscellaneous purposes, and
 3 27 for not more than the following full-time equivalent
 3 28 positions:

3 29	\$	6,426,146
3 30	FTEs	61.00

3 31 b. The department shall establish a strong and aggressive
 3 32 marketing image to showcase Iowa's workforce, existing
 3 33 industry, and potential. A priority shall be placed on
 3 34 recruiting new businesses, business expansion, and retaining
 3 35 existing Iowa businesses. Emphasis shall also be placed on



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

Senate File 562 continued

4 1 entrepreneurial development through helping to secure capital
4 2 for entrepreneurs, and developing networks and a business
4 3 climate conducive to entrepreneurs and small business.
4 4 c. A business creating jobs with economic development
4 5 assistance through moneys appropriated in this subsection
4 6 shall be subject to contract provisions stating that new and
4 7 retained jobs shall be filled by individuals who are citizens
4 8 of the United States who reside within the United States, or
4 9 any person authorized to work in the United States pursuant to
4 10 federal law, including legal resident aliens in the United
4 11 States. Any vendor who receives such public moneys shall
4 12 adhere to such contract provisions and provide periodic
4 13 assurances as the state shall require, that the jobs are
4 14 filled solely by citizens of the United States who reside
4 15 within the United States, or any person authorized to work in
4 16 the United States pursuant to federal law, including legal
4 17 resident aliens in the United States.
4 18 d. From the moneys appropriated in this subsection, the
4 19 department may provide financial assistance in the form of a
4 20 grant to a community economic development entity for
4 21 conducting a local workforce recruitment effort designed to
4 22 recruit former citizens of the state and former students at
4 23 colleges and universities in the state to meet the needs of
4 24 local employers.
4 25 e. From the moneys appropriated under this subsection, the
4 26 department may provide financial assistance to early-stage
4 27 industry companies being established by women entrepreneurs.
4 28 f. From the moneys appropriated under this subsection, the
4 29 department may provide financial assistance in the form of
4 30 grants, loans, or forgivable loans for advanced research and
4 31 commercialization projects involving value-added agriculture,
4 32 advanced technology, or biotechnology.
4 33 g. The department shall commission a study to analyze the
4 34 tax structures and economic development incentives and
4 35 financing on a comparative basis between Iowa and states



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007**

Senate File 562 continued

5 1 bordering Iowa.

5 2 h. Notwithstanding section 8.33, moneys appropriated in

5 3 this subsection that remain unencumbered or unobligated at the

5 4 close of the fiscal year shall not revert but shall remain

5 5 available for expenditure for the purposes designated until

5 6 the close of the succeeding fiscal year.

5 7 3. COMMUNITY DEVELOPMENT DIVISION

5 8 a. Community development programs

5 9 For salaries, support, maintenance, miscellaneous purposes,

5 10 community economic development programs, tourism operations,

5 11 community assistance, the mainstreet and rural mainstreet

5 12 programs, the school-to-career program, the community

5 13 development block grant, and housing and shelter-related

5 14 programs and for not more than the following full-time

5 15 equivalent positions:

5 16	\$	6,422,654
5 17	FTEs	58.26

5 18 b. The department shall encourage development of

5 19 communities and quality of life to foster economic growth.

5 20 The department shall prepare communities for future growth and

5 21 development through development, expansion, and modernization

5 22 of infrastructure.

5 23 c. The department shall develop public-private

5 24 partnerships with Iowa businesses in the tourism industry,

5 25 Iowa tour groups, Iowa tourism organizations, and political

5 26 subdivisions in this state to assist in the development of

5 27 advertising efforts. The department shall, to the fullest

5 28 extent possible, develop cooperative efforts for advertising

5 29 with contributions from other sources.

5 30 d. From the moneys appropriated in this subsection, the

5 31 department shall use at least \$1,046,000 for purposes of the

5 32 main street and rural main street programs.

5 33 e. From the moneys appropriated in this subsection, the

5 34 department shall use at least \$3,794,443 for purposes of

5 35 tourism operations.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

Senate File 562 continued

6 1 f. Notwithstanding section 8.33, moneys appropriated in
6 2 this subsection that remain unencumbered or unobligated at the
6 3 close of the fiscal year shall not revert to any fund but
6 4 shall remain available for expenditure for the designated
6 5 purposes during the succeeding fiscal year.

6 6 4. For allocating moneys for the world food prize:
6 7 \$ 750,000

6 8 By January 1, 2008, the entity receiving moneys allocated
6 9 for the world food prize under this subsection shall submit a
6 10 written report to the chairpersons and ranking members of the
6 11 joint appropriations subcommittee on economic development
6 12 regarding the expenditure of moneys received from the state.
6 13 The report shall include an itemization of expenditures of
6 14 moneys received from the state during the fiscal year
6 15 beginning July 1, 2007, and ending June 30, 2008, and an
6 16 itemization of expenditures of moneys received from the state
6 17 during the fiscal year beginning July 1, 2008, and ending June
6 18 30, 2009, as well as all projected expenditures of such moneys
6 19 during the fiscal year beginning July 1, 2008, and ending June
6 20 30, 2009.

6 21 Sec. 4. VISION IOWA PROGRAM == FTE AUTHORIZATION. For
6 22 purposes of administrative duties associated with the vision
6 23 Iowa program, the department of economic development is
6 24 authorized an additional 2.25 full-time equivalent positions
6 25 above those otherwise authorized in this Act.

6 26 Sec. 5. RURAL COMMUNITY 2000 PROGRAM. There is
6 27 appropriated from loan repayments on loans made under the
6 28 former rural community 2000 program, sections 15.281 through
6 29 15.288, Code 2001, to the department of economic development
6 30 for the fiscal year beginning July 1, 2007, and ending June
6 31 30, 2008, any funds available in the rural community 2000
6 32 fund. Moneys appropriated under this section shall be used
6 33 for providing financial assistance to Iowa's councils of
6 34 governments that provide technical and planning assistance to
6 35 local governments.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007**

Senate File 562 continued

7 1 Sec. 6. INSURANCE ECONOMIC DEVELOPMENT. From the moneys
7 2 collected by the division of insurance in excess of the
7 3 anticipated gross revenues under section 505.7, subsection 3,
7 4 during the fiscal year beginning July 1, 2007, \$100,000 shall
7 5 be transferred to the department of economic development for
7 6 insurance economic development and international insurance
7 7 economic development.

7 8 Sec. 7. COMMUNITY DEVELOPMENT LOAN FUND. Notwithstanding
7 9 section 15E.120, subsection 5, there is appropriated from the
7 10 Iowa community development loan fund all the moneys available
7 11 during the fiscal year beginning July 1, 2007, and ending June
7 12 30, 2008, to the department of economic development for the
7 13 community development program to be used by the department for
7 14 the purposes of the program.

7 15 Sec. 8. WORKFORCE DEVELOPMENT FUND. There is appropriated
7 16 from the workforce development fund account created in section
7 17 15.342A, to the workforce development fund created in section
7 18 15.343, for the fiscal year beginning July 1, 2007, and ending
7 19 June 30, 2008, the following amount, for the purposes of the
7 20 workforce development fund, and for not more than the
7 21 following full-time equivalent positions:

7 22	\$ 4,000,000
7 23	FTEs 4.00

7 24 Sec. 9. WORKFORCE DEVELOPMENT ADMINISTRATION. From funds
7 25 appropriated or transferred to or receipts credited to the
7 26 workforce development fund created in section 15.343, up to
7 27 \$400,000 for the fiscal year beginning July 1, 2007, and
7 28 ending June 30, 2008, may be used for the administration of
7 29 workforce development activities including salaries, support,
7 30 maintenance, and miscellaneous purposes and for not more than
7 31 4.00 full-time equivalent positions.

7 32 Sec. 10. JOB TRAINING FUND. Notwithstanding section
7 33 15.251, all remaining moneys in the job training fund on July
7 34 1, 2007, and any moneys appropriated or credited to the fund
7 35 during the fiscal year beginning July 1, 2007, shall be



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007**

Senate File 562 continued

8 1 transferred to the workforce development fund established
 8 2 pursuant to section 15.343.

8 3 Sec. 11. IOWA FINANCE AUTHORITY. There is appropriated
 8 4 from the general fund of the state to the Iowa finance
 8 5 authority for the fiscal year beginning July 1, 2007, and
 8 6 ending June 30, 2008, the following amount, or so much thereof
 8 7 as is necessary, to be used for the purpose designated:
 8 8 For the entrepreneurs with disabilities program:
 8 9 \$ 200,000

8 10 Sec. 12. IOWA STATE UNIVERSITY.

8 11 1. There is appropriated from the general fund of the
 8 12 state to the Iowa state university of science and technology
 8 13 for the fiscal year beginning July 1, 2007, and ending June
 8 14 30, 2008, the following amount, or so much thereof as is
 8 15 necessary, to be used for small business development centers,
 8 16 the science and technology research park, the institute for
 8 17 physical research and technology, and for not more than the
 8 18 following full-time equivalent positions:
 8 19 \$ 2,713,557
 8 20 FTEs 56.63

8 21 2. Of the moneys appropriated in subsection 1, Iowa state
 8 22 university shall allocate at least \$900,000 for purposes of
 8 23 funding small business development centers. Iowa state
 8 24 university may allocate moneys appropriated in subsection 1 to
 8 25 the various small business development centers in any manner
 8 26 necessary to achieve the purposes of this subsection.

8 27 3. Iowa state university of science and technology shall
 8 28 do all of the following:

8 29 a. Direct expenditures for research toward projects that
 8 30 will provide economic stimulus for Iowa.

8 31 b. Provide emphasis to providing services to Iowa-based
 8 32 companies.

8 33 4. It is the intent of the general assembly that the
 8 34 industrial incentive program focus on Iowa industrial sectors
 8 35 and seek contributions and in-kind donations from businesses,
 9 1 industrial foundations, and trade associations and that moneys
 9 2 for the institute for physical research and technology
 9 3 industrial incentive program shall only be allocated for
 9 4 projects which are matched by private sector moneys for
 9 5 directed contract research or for nondirected research. The
 9 6 match required of small businesses as defined in section
 9 7 15.102, subsection 4, for directed contract research or for
 9 8 nondirected research shall be \$1 for each \$3 of state funds.
 9 9 The match required for other businesses for directed contract
 9 10 research or for nondirected research shall be \$1 for each \$1
 9 11 of state funds. The match required of industrial foundations
 9 12 or trade associations shall be \$1 for each \$1 of state funds.

9 13 Iowa state university of science and technology shall
 9 14 report annually to the joint appropriations subcommittee on
 9 15 economic development and the legislative services agency the
 9 16 total amount of private contributions, the proportion of
 9 17 contributions from small businesses and other businesses, and
 9 18 the proportion for directed contract research and nondirected
 9 19 research of benefit to Iowa businesses and industrial sectors.

9 20 Notwithstanding section 8.33, moneys appropriated in this
 9 21 section that remain unencumbered or unobligated at the close



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

9 22 of the fiscal year shall not revert but shall remain available
9 23 for expenditure for the purposes designated until the close of
9 24 the succeeding fiscal year.

9 25 Sec. 13. UNIVERSITY OF IOWA.

9 26 1. There is appropriated from the general fund of the
9 27 state to the state university of Iowa for the fiscal year
9 28 beginning July 1, 2007, and ending June 30, 2008, the
9 29 following amount, or so much thereof as is necessary, to be
9 30 used for the state university of Iowa research park and for
9 31 the advanced drug development program at the Oakdale research
9 32 park, including salaries, support, maintenance, equipment,
9 33 miscellaneous purposes, and for not more than the following
9 34 full-time equivalent positions:

9 35 \$ 247,005



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007**

Senate File 562 continued

10 1 FTEs 6.00
 10 2 2. The state university of Iowa shall do all of the
 10 3 following:
 10 4 a. Direct expenditures for research toward projects that
 10 5 will provide economic stimulus for Iowa.
 10 6 b. Provide emphasis to providing services to Iowa-based
 10 7 companies.
 10 8 3. Notwithstanding section 8.33, moneys appropriated in
 10 9 this section that remain unencumbered or unobligated at the
 10 10 close of the fiscal year shall not revert but shall remain
 10 11 available for expenditure for the purposes designated until
 10 12 the close of the succeeding fiscal year.
 10 13 Sec. 14. UNIVERSITY OF NORTHERN IOWA.
 10 14 1. There is appropriated from the general fund of the
 10 15 state to the university of northern Iowa for the fiscal year
 10 16 beginning July 1, 2007, and ending June 30, 2008, the
 10 17 following amount, or so much thereof as is necessary, to be
 10 18 used for the metal casting institute, for the myentrenet
 10 19 internet application, and for the institute of decision
 10 20 making, including salaries, support, maintenance,
 10 21 miscellaneous purposes, and for not more than the following
 10 22 full-time equivalent positions:
 10 23 \$ 661,291
 10 24 FTEs 6.75
 10 25 2. The university of northern Iowa shall do all of the
 10 26 following:
 10 27 a. Direct expenditures for research toward projects that
 10 28 will provide economic stimulus for Iowa.
 10 29 b. Provide emphasis to providing services to Iowa-based
 10 30 companies.
 10 31 3. From the moneys appropriated in this section, the
 10 32 university of northern Iowa shall use at least \$300,000 for
 10 33 purposes of expanding the service area of the myentrenet
 10 34 internet application.
 10 35 4. Notwithstanding section 8.33, moneys appropriated in



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007**

Senate File 562 continued

11 1 this section that remain unencumbered or unobligated at the
11 2 close of the fiscal year shall not revert but shall remain
11 3 available for expenditure for the purposes designated until
11 4 the close of the succeeding fiscal year.

11 5 Sec. 15. BOARD OF REGENTS REPORT. The state board of
11 6 regents shall submit a report on the progress of regents
11 7 institutions in meeting the strategic plan for technology
11 8 transfer and economic development to the secretary of the
11 9 senate, the chief clerk of the house of representatives, and
11 10 the legislative services agency by January 15, 2008.

11 11 Sec. 16. DEPARTMENT OF WORKFORCE DEVELOPMENT.

11 12 1. There is appropriated from the general fund of the
11 13 state to the department of workforce development for the
11 14 fiscal year beginning July 1, 2007, and ending June 30, 2008,
11 15 the following amount, or so much thereof as is necessary, for
11 16 the division of labor services, the division of workers'
11 17 compensation, the workforce development state and regional
11 18 boards, new Iowans centers, salaries, support, maintenance,
11 19 and miscellaneous purposes and for not more than the following
11 20 full-time equivalent positions:

11 21	\$ 6,096,762
11 22	FTEs 96.45

11 23 Of the moneys appropriated in this subsection, the
11 24 department shall allocate \$225,000 for purposes of reducing
11 25 the backlog of cases before the commissioner of workers'
11 26 compensation and for increasing support for the voluntary
11 27 compliance program.

11 28 Of the moneys appropriated in this subsection, the
11 29 department shall allocate at least \$528,000 for purposes of
11 30 increasing the number of occupational safety and health
11 31 inspectors.

11 32 2. There is appropriated from the general fund of the
11 33 state to the department of workforce development for the
11 34 fiscal year beginning July 1, 2007, and ending June 30, 2008,
11 35 the following amount, or so much thereof as is necessary, to



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007**

Senate File 562 continued

12 1 be used for the purpose designated:
 12 2 For the operation of field offices and for not more than
 12 3 the following full-time equivalent positions:
 12 4 \$ 6,951,014
 12 5 FTEs 86.04
 12 6 3. From the contractor registration fees, the division of
 12 7 labor services shall reimburse the department of inspections
 12 8 and appeals for all costs associated with hearings under
 12 9 chapter 91C, relating to contractor registration.
 12 10 4. The division of workers' compensation shall continue
 12 11 charging a \$65 filing fee for workers' compensation cases.
 12 12 The filing fee shall be paid by the petitioner of a claim.
 12 13 However, the fee can be taxed as a cost and paid by the losing
 12 14 party, except in cases where it would impose an undue hardship
 12 15 or be unjust under the circumstances. The moneys generated by
 12 16 the filing fee allowed under this subsection are appropriated
 12 17 to the department of workforce development to be used for
 12 18 purposes of administering the division of workers'
 12 19 compensation.
 12 20 5. The department of workforce development shall maintain
 12 21 new Iowans centers that offer one-stop services to deal with
 12 22 the multiple issues related to immigration and employment.
 12 23 The centers shall be designed to support workers, businesses,
 12 24 and communities with information, referrals, job placement
 12 25 assistance, translation, language training, resettlement, as
 12 26 well as technical and legal assistance on such issues as forms
 12 27 and documentation. Through the coordination of local, state,
 12 28 and federal service providers, and through the development of
 12 29 partnerships with public, private, and nonprofit entities with
 12 30 established records of international service, these centers
 12 31 shall seek to provide a seamless service delivery system for
 12 32 new Iowans.
 12 33 6. Notwithstanding section 8.33, moneys appropriated in
 12 34 this section that remain unencumbered or unobligated at the
 12 35 close of the fiscal year shall not revert but shall remain



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007**

Senate File 562 continued

13 1 available for expenditure for the purposes designated until
13 2 the close of the succeeding fiscal year.

13 3 Sec. 17. ACCOUNTABILITY == AUDIT.

13 4 1. The department of workforce development shall establish
13 5 accountability measures for all subcontractors. By January
13 6 15, 2008, the department shall submit a written report to the
13 7 chairpersons and ranking members of the joint appropriations
13 8 subcommittee on economic development which shall include a
13 9 list of contracts held by the department and accountability
13 10 measures in effect for each contract.

13 11 2. The auditor of state shall annually conduct an audit of
13 12 the department of workforce development and shall report the
13 13 findings of such annual audit, including the accountability of
13 14 programs of the department, to the chairpersons and ranking
13 15 members of the joint appropriations subcommittee on economic
13 16 development. The department shall pay for the costs
13 17 associated with the audit.

13 18 3. The legislative services agency shall conduct an annual
13 19 review of salaries paid to employees of entities organized
13 20 under chapter 28E and salaries paid under a contract with the
13 21 department of workforce development. The legislative services
13 22 agency shall report its findings to the chairpersons and
13 23 ranking members of the joint appropriations subcommittee on
13 24 economic development.

13 25 Sec. 18. EMPLOYMENT SECURITY CONTINGENCY FUND. There is
13 26 appropriated from the special employment security contingency
13 27 fund to the department of workforce development for the fiscal
13 28 year beginning July 1, 2007, and ending June 30, 2008, the
13 29 following amounts, or so much thereof as is necessary, for the
13 30 purposes designated:

13 31 For the division of workers' compensation, salaries,
13 32 support, maintenance, and miscellaneous purposes:
13 33 \$ 471,000

13 34 Any remaining additional penalty and interest revenue may
13 35 be allocated and used to accomplish the mission of the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007**

Senate File 562 continued

14 1 department.

14 2 Sec. 19. UNEMPLOYMENT COMPENSATION RESERVE FUND.

14 3 Notwithstanding section 96.9, subsection 8, paragraph "e",

14 4 there is appropriated from interest earned on the unemployment

14 5 compensation reserve fund to the department of workforce

14 6 development for the fiscal year beginning July 1, 2007, and

14 7 ending June 30, 2008, the following amount for the operation

14 8 of field offices:

14 9 \$ 5,700,000

14 10 Sec. 20. PUBLIC EMPLOYMENT RELATIONS BOARD. There is

14 11 appropriated from the general fund of the state to the public

14 12 employment relations board for the fiscal year beginning July

14 13 1, 2007, and ending June 30, 2008, the following amount, or so

14 14 much thereof as is necessary, for the purposes designated:

14 15 For salaries, support, maintenance, miscellaneous purposes,

14 16 and for not more than the following full-time equivalent

14 17 positions:

14 18 \$ 1,170,486

14 19 FTEs 11.00

14 20 Sec. 21. VALUE-ADDED AGRICULTURAL PRODUCTS AND PROCESSES

14 21 FINANCIAL ASSISTANCE FUND MONEYS. The office of renewable

14 22 fuels and coproducts may apply to the department of economic

14 23 development for moneys in the value-added agricultural

14 24 products and processes financial assistance fund for deposit

14 25 in the renewable fuels and coproducts fund created in section

14 26 159A.7.

14 27 Sec. 22. IOWA FINANCE AUTHORITY AUDIT. The auditor of

14 28 state is requested to review the audit of the Iowa finance

14 29 authority performed by the auditor hired by the authority.

14 30 Sec. 23. APPLICATION FOR DEPARTMENT OF ECONOMIC

14 31 DEVELOPMENT MONEYS. For the fiscal year beginning July 1,

14 32 2007, any entity that was specifically identified in 2001 Iowa

14 33 Acts, chapter 188, to receive funding from the department of

14 34 economic development, excluding any entity identified to

14 35 receive a direct appropriation beginning July 1, 2007, may



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

Senate File 562 continued

15 1 apply to the department for assistance through the appropriate
15 2 program. The department shall provide application criteria
15 3 necessary to implement this section.

15 4 Sec. 24. SHELTER ASSISTANCE FUND. In providing moneys
15 5 from the shelter assistance fund to homeless shelter programs
15 6 in the fiscal year beginning July 1, 2007, and ending June 30,
15 7 2008, the department of economic development shall explore the
15 8 potential of allocating moneys to homeless shelter programs
15 9 based in part on their ability to move their clients toward
15 10 self-sufficiency.

15 11 Sec. 25. UNEMPLOYMENT COMPENSATION PROGRAM.
15 12 Notwithstanding section 96.9, subsection 4, paragraph "a",
15 13 moneys credited to the state by the secretary of the treasury
15 14 of the United States pursuant to section 903 of the Social
15 15 Security Act shall be appropriated to the department of
15 16 workforce development and shall be used by the department for
15 17 the administration of the unemployment compensation program
15 18 only. This appropriation shall not apply to any fiscal year
15 19 beginning after December 31, 2007.

15 20 Sec. 26. STATE EMPLOYEE TELECOMMUTING == POLICY
15 21 DEVELOPMENT == IMPLEMENTATION.

15 22 1. The director of a department or state agency to which
15 23 appropriations are made pursuant to the provisions of this Act
15 24 shall assess the extent to which job classifications or
15 25 individual employment positions with the department or agency
15 26 might be effectively performed from an employee's residence or
15 27 other remote location through telecommuting, thereby
15 28 increasing office space within the department or agency and
15 29 reducing administrative costs. The assessment shall include
15 30 an estimate of the number of department or agency employees
15 31 whose job responsibilities could be effectively performed on a
15 32 telecommuting basis, projected costs of establishing and
15 33 maintaining work stations at an employee's residence or other
15 34 remote location and providing telecommuter support,
15 35 anticipated savings to the department or agency through a



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007**

Senate File 562 continued

16 1 reduction in the office-based workforce, and anticipated time
16 2 and cost savings to telecommuting employees. A report
16 3 summarizing the assessment shall be submitted to the director
16 4 of the department of administrative services, and the members
16 5 of the general assembly, by November 1, 2007.

16 6 2. Based on the assessment conducted pursuant to
16 7 subsection 1, the director shall develop a telecommuter
16 8 employment policy for the department or agency and a timeline
16 9 for initial policy implementation and plans for expanding the
16 10 number of telecommuting employees. Specific office-based
16 11 workforce reduction percentages shall be left to the
16 12 discretion of the director, but the director shall implement a
16 13 policy transferring some number of office-based employees to
16 14 telecommuter status by January 1, 2008. The director shall
16 15 report to the director of the department of administrative
16 16 services and the members of the general assembly on an annual
16 17 basis beginning January 1, 2009, the number of telecommuting
16 18 employees, cost savings achieved by the department or agency,
16 19 and plans for continued transfer of office-based employees to
16 20 telecommuter status.

16 21 EXPLANATION

16 22 This bill makes appropriations and transfers from the
16 23 general fund of the state to the department of cultural
16 24 affairs, the department of economic development, the
16 25 university of Iowa, the university of northern Iowa, Iowa
16 26 state university, the department of workforce development,
16 27 Iowa finance authority, and the public employment relations
16 28 board for the 2007=2008 fiscal year.

16 29 The bill provides that the goals for the department of
16 30 economic development shall be to expand and stimulate the
16 31 state economy, increase the wealth of Iowans, and increase the
16 32 population of the state.

16 33 The bill appropriates from loan repayments on loans under
16 34 the former rural community 2000 program to the department of
16 35 economic development moneys for providing financial assistance



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

Senate File 562 continued

17 1 to Iowa's councils of governments that provide technical and
17 2 planning assistance to local governments.

17 3 The bill transfers moneys collected by the division of
17 4 insurance in excess of the anticipated gross revenues to the
17 5 department of economic development for purposes of insurance
17 6 economic development and international insurance economic
17 7 development.

17 8 The bill appropriates moneys from the Iowa community
17 9 development loan fund to the department of economic
17 10 development for purposes of the community development program.

17 11 The bill appropriates moneys from the workforce development
17 12 fund account to the workforce development fund.

17 13 The bill provides that moneys appropriated or transferred
17 14 to or receipts credited to the workforce development fund may
17 15 be used for administration of workforce development
17 16 activities.

17 17 The bill provides that all moneys remaining in the job
17 18 training fund on July 1, 2007, and any moneys appropriated or
17 19 credited to the fund during the fiscal year beginning July 1,
17 20 2007, shall be transferred to the workforce development fund.

17 21 The bill requires the state board of regents to submit a
17 22 report on the progress of regents institutions in meeting the
17 23 strategic plan for technology transfer and economic
17 24 development.

17 25 The bill requires the department of workforce development
17 26 to establish accountability measures for all subcontractors.
17 27 The bill requires the auditor of state to annually conduct an
17 28 audit of the department of workforce development. The bill
17 29 requires the legislative services agency to conduct an annual
17 30 review of salaries paid to employees of entities organized
17 31 under chapter 28E and salaries paid under a contract with the
17 32 department of workforce development.

17 33 The bill appropriates moneys from the special employment
17 34 security contingency fund to the department of workforce
17 35 development for the division of workers' compensation.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

Senate File 562 continued

18 1 The bill appropriates interest earned on the unemployment
18 2 compensation reserve fund to the department of workforce
18 3 development for the operation of field offices.

18 4 The bill allows the office of renewable fuels and
18 5 coproducts to apply to the department of economic development
18 6 for moneys in the value-added agricultural products and
18 7 processes financial assistance fund for deposit in the
18 8 renewable fuels and coproducts fund.

18 9 The bill requests the auditor of state to review the audit
18 10 of the Iowa finance authority performed by the auditor hired
18 11 by the authority.

18 12 The bill provides that, for the fiscal year beginning July
18 13 1, 2007, any entity that was specifically identified in 2001
18 14 Iowa Acts, chapter 188, to receive funding from the department
18 15 of economic development, excluding any entity identified to
18 16 receive a direct appropriation beginning July 1, 2007, may
18 17 apply to the department for assistance through the appropriate
18 18 program.

18 19 The bill provides that, in providing moneys from the
18 20 shelter assistance fund to homeless shelter programs, the
18 21 department of economic development shall explore the potential
18 22 of allocating moneys to programs based in part on their
18 23 ability to move their clients toward self-sufficiency.

18 24 The bill appropriates moneys from moneys credited to the
18 25 state by the secretary of the treasury of the United States
18 26 pursuant to the Social Security Act to the department of
18 27 workforce development for the administration of the
18 28 unemployment compensation program only.

18 29 The bill requires each department or state agency receiving
18 30 appropriations in the bill to file a report with the
18 31 department of administrative services and the general assembly
18 32 regarding an assessment of the telecommuting possibilities for
18 33 the department or state agency. Based on the assessment, the
18 34 bill requires an implementation plan to be developed. The
18 35 bill provides an annual reporting requirement regarding

19 1 telecommuter issues.

19 2 LSB 1128SV 82

19 3 tm:mg/je/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

Senate File 563

SENATE FILE
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 1337)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to and making appropriations to the judicial
- 2 branch.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 1132SV 82
- 5 jm/je/5



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007**

Senate File 563 continued

PAG LIN

1 1 Section 1. JUDICIAL BRANCH.

1 2 1. There is appropriated from the general fund of the

1 3 state to the judicial branch for the fiscal year beginning

1 4 July 1, 2007, and ending June 30, 2008, the following amount,

1 5 or so much thereof as is necessary, to be used for the

1 6 purposes designated:

1 7 For salaries of supreme court justices, appellate court

1 8 judges, district court judges, district associate judges,

1 9 judicial magistrates and staff, state court administrator,

1 10 clerk of the supreme court, district court administrators,

1 11 clerks of the district court, juvenile court officers, board

1 12 of law examiners and board of examiners of shorthand reporters

1 13 and judicial qualifications commission, receipt and

1 14 disbursement of child support payments, reimbursement of the

1 15 auditor of state for expenses incurred in completing audits of

1 16 the offices of the clerks of the district court during the

1 17 fiscal year beginning July 1, 2007, and maintenance,

1 18 equipment, and miscellaneous purposes:

1 19 \$123,974,074

1 20 Of the amount appropriated in this subsection, \$736,664

1 21 shall be used to implement the children's justice initiative.

1 22 The following additional court employees are authorized for

1 23 implementation of the children's justice initiative: two

1 24 court reporters, one and one-half full-time equivalent court

1 25 attendants, four juvenile court officers, and two juvenile

1 26 court technicians. Notwithstanding the district associate

1 27 judgeship apportionment formula in section 602.6301, two

1 28 additional district associate judgeships are authorized for

1 29 implementation of the initiative, with one district associate

1 30 judgeship allocated to the fourth judicial district and one

1 31 district associate judgeship allocated to election district 5B

1 32 of the fifth judicial district.

1 33 2. The judicial branch, except for purposes of internal

1 34 processing, shall use the current state budget system, the

1 35 state payroll system, and the Iowa finance and accounting



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

Senate File 563 continued

2 1 system in administration of programs and payments for
2 2 services, and shall not duplicate the state payroll,
2 3 accounting, and budgeting systems.

2 4 3. The judicial branch shall submit monthly financial
2 5 statements to the legislative services agency and the
2 6 department of management containing all appropriated accounts
2 7 in the same manner as provided in the monthly financial status
2 8 reports and personal services usage reports of the department
2 9 of administrative services. The monthly financial statements
2 10 shall include a comparison of the dollars and percentage spent
2 11 of budgeted versus actual revenues and expenditures on a
2 12 cumulative basis for full-time equivalent positions and
2 13 dollars.

2 14 4. The judicial branch shall focus efforts upon the
2 15 collection of delinquent fines, penalties, court costs, fees,
2 16 surcharges, or similar amounts.

2 17 5. It is the intent of the general assembly that the
2 18 offices of the clerks of the district court operate in all 99
2 19 counties and be accessible to the public as much as is
2 20 reasonably possible in order to address the relative needs of
2 21 the citizens of each county.

2 22 6. The judicial branch shall continue studying the best
2 23 practices and efficiencies of each judicial district. In
2 24 identifying the most efficient judicial districts and the
2 25 districts using best practices, the judicial branch shall
2 26 consider the average cost to the judicial branch for
2 27 processing each classification of criminal offense or civil
2 28 action and the overall number of cases filed. In addition,
2 29 and as part of the best practices and efficiencies study, the
2 30 judicial branch shall study the number of judicial officers
2 31 needed throughout the state to manage current caseloads and
2 32 anticipated caseloads in the future, and shall make
2 33 recommendations, if any, as to changes in judgeship and
2 34 magistrate apportionment formulas in sections 602.6201,
2 35 602.6301, and 602.6401. The judicial branch shall file a



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

Senate File 563 continued

3 1 report regarding the study made, recommendations presented,
3 2 and actions taken pursuant to this subsection with the
3 3 co=chairpersons and ranking members of the joint
3 4 appropriations subcommittee on the justice system and to the
3 5 legislative services agency by January 1, 2008.

3 6 7. In addition to the requirements for transfers under
3 7 section 8.39, the judicial branch shall not change the
3 8 appropriations from the amounts appropriated to the judicial
3 9 branch in this Act, unless notice of the revisions is given
3 10 prior to their effective date to the legislative services
3 11 agency. The notice shall include information on the branch's
3 12 rationale for making the changes and details concerning the
3 13 workload and performance measures upon which the changes are
3 14 based.

3 15 8. The judicial branch shall submit a semiannual update to
3 16 the legislative services agency specifying the amounts of
3 17 fines, surcharges, and court costs collected using the Iowa
3 18 court information system since the last report. The judicial
3 19 branch shall continue to facilitate the sharing of vital
3 20 sentencing and other information with other state departments
3 21 and governmental agencies involved in the criminal justice
3 22 system through the Iowa court information system.

3 23 9. The judicial branch shall provide a report to the
3 24 general assembly by January 1, 2008, concerning the amounts
3 25 received and expended from the enhanced court collections fund
3 26 created in section 602.1304 and the court technology and
3 27 modernization fund created in section 602.8108, subsection 7,
3 28 during the fiscal year beginning July 1, 2006, and ending June
3 29 30, 2007, and the plans for expenditures from each fund during
3 30 the fiscal year beginning July 1, 2007, and ending June 30,
3 31 2008. A copy of the report shall be provided to the
3 32 legislative services agency.

3 33 Sec. 2. JUDICIAL RETIREMENT FUND.

3 34 1. There is appropriated from the general fund of the
3 35 state to the judicial retirement fund for the fiscal year



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007**

Senate File 563 continued

4 1 beginning July 1, 2007, and ending June 30, 2008, the
 4 2 following amount, or so much thereof as is necessary, to be
 4 3 used for the purpose designated:
 4 4 Notwithstanding section 602.9104, for the state's
 4 5 contribution to the judicial retirement fund in the amount of
 4 6 22.5 percent of the basic salaries of the judges covered under
 4 7 chapter 602, article 9:
 4 8 \$ 3,450,963

4 9 2. There is appropriated from the revolving fund
 4 10 created in section 602.1302 to the judicial retirement
 4 11 fund for the fiscal year beginning July 1, 2007, and
 4 12 ending June 30, 2008, the following amount, or so much
 4 13 thereof as is necessary, to be used for the purposes
 4 14 designated:

4 15 As part of the state's contribution to the judicial
 4 16 retirement fund in accordance with the conditions
 4 17 specified in subsection 1:
 4 18 \$ 2,000,000

4 19 Sec. 3. POSTING OF REPORTS IN ELECTRONIC FORMAT ==
 4 20 LEGISLATIVE SERVICES AGENCY. All reports or copies of reports
 4 21 required to be provided by the judicial branch for fiscal year
 4 22 2007=2008 to the legislative services agency shall be provided
 4 23 in an electronic format. The legislative services agency
 4 24 shall post the reports on its internet website and shall
 4 25 notify by electronic means all the members of the joint
 4 26 appropriations subcommittee on the justice system when a
 4 27 report is posted. Upon request, copies of the reports may be
 4 28 mailed to members of the joint appropriations subcommittee on
 4 29 the justice system.

EXPLANATION

4 31 This bill makes appropriations for FY 2007=2008 to the
 4 32 judicial branch.

4 33 The bill makes an appropriation from the general fund of
 4 34 the state and the jury and witness fees revolving fund created
 4 35 in Code section 602.1302 to the judicial retirement fund.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007**

Senate File 563 continued

5 1 The bill authorizes additional court employees and judicial
5 2 officers for the children's justice initiative.
5 3 LSB 1132SV 82
5 4 jm:jp/je/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

Senate Resolution 26 - Introduced

PAG LIN

1 1 SENATE RESOLUTION NO.
1 2 BY RAGAN
1 3 A Resolution commemorating the life and service of
1 4 Command Sergeant Major Galen Kittleson of Toeterville,
1 5 Iowa.
1 6 WHEREAS, Iowa and the nation lost a remarkable man
1 7 on May 4, 2006, with the passing of Command Sergeant
1 8 Major Galen Kittleson; and
1 9 WHEREAS, Command Sergeant Major Kittleson is
1 10 remembered as a warrior, a liberator, and a patriot;
1 11 and
1 12 WHEREAS, Command Sergeant Major Kittleson's
1 13 military service spanned four decades and active
1 14 participation in World War II, Korea, and Vietnam; and
1 15 WHEREAS, Command Sergeant Major Kittleson was the
1 16 only person to serve as an Alamo Scout in World War II
1 17 and later as a Green Beret; and
1 18 WHEREAS, Command Sergeant Major Kittleson received
1 19 three Silver Stars, three Bronze Stars, and the Purple
1 20 Heart; and
1 21 WHEREAS, Command Sergeant Major Kittleson helped
1 22 free 511 prisoners who were on the Bataan Death March
1 23 in the Philippines during World War II; and
1 24 WHEREAS, Command Sergeant Major Kittleson formed
1 25 the Boy Scout troop the Alamo Scouts of St. Ansgar,
1 26 Iowa, in 1982, naming the unit after the group that
1 27 was the forerunner to the U.S. Army Special Forces;
1 28 and
1 29 WHEREAS, unlike the old barracks ballad where "old
1 30 soldiers never die, they just fade away", the life,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

Senate Resolution 26 - Introduced continued

2 1 exploits, and service of Command Sergeant Major
2 2 Kittleson will be remembered for generations to come;
2 3 and
2 4 WHEREAS, the life of Command Sergeant Major
2 5 Kittleson can be summed up in the words of his son who
2 6 said: "A poor farmer's son from Iowa, Kittleson
2 7 traveled far from his roots, finding courage and
2 8 faith. And in doing so he earned the love of his
2 9 family and the respect and gratitude of a nation.";
2 10 and
2 11 WHEREAS, Command Sergeant Major Kittleson was the
2 12 subject of Charles W. Sasser's book, "Raider"; NOW
2 13 THEREFORE,
2 14 BE IT RESOLVED BY THE SENATE, That the Senate notes
2 15 with sorrow the passing of Command Sergeant Major
2 16 Galen Kittleson and honors his decades of dedicated
2 17 service to his community, his country, and his family.
2 18 LSB 2483SS 82
2 19 jr:nh/gg/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

Senate Study Bill 1341

SENATE FILE
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON BOLKCOM)

Passed Senate, Date _____
Vote: Ayes _____ Nays _____
Approved

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to certain tax incentives by requiring data
2 collection, modifying requirements for city and county
3 budgets, and creating a reporting committee.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1342XC 82
6 tm/je/5



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

Senate Study Bill 1341 continued

PAG LIN

1 1 Section 1. Section 15.335, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 6. The department of revenue shall
1 4 develop a system for collecting data related to tax credits of
1 5 five thousand dollars or more claimed pursuant to this
1 6 section. The data collected shall include the name of the
1 7 taxpayer claiming the credit, the amount of the tax credit
1 8 claimed, the research activities for which the tax credit is
1 9 based, and any new jobs created or capital expenditures made
1 10 as a result of the research activities for which a tax credit
1 11 is claimed.

1 12 Sec. 2. Section 331.434, subsection 1, Code 2007, is
1 13 amended to read as follows:

1 14 1. The budget shall show the amount required for each
1 15 class of proposed expenditures, a comparison of the amounts
1 16 proposed to be expended with the amounts expended for like
1 17 purposes for the two preceding years, the revenues from
1 18 sources other than property taxation, a tax increment
1 19 financing budget including information required under section
1 20 384.16 for each urban renewal area established by the county,
1 21 and the amount to be raised by property taxation, in the
1 22 detail and form prescribed by the director of the department
1 23 of management.

1 24 Sec. 3. Section 384.16, subsection 1, Code 2007, is
1 25 amended by adding the following new paragraph:

1 26 NEW PARAGRAPH. d. A tax increment financing budget for
1 27 each urban renewal area established by the city.

1 28 Sec. 4. Section 384.16, subsection 1, unnumbered paragraph
1 29 2, Code 2007, is amended to read as follows:

1 30 A budget must show comparisons between the estimated
1 31 expenditures in each program in the following year, the latest
1 32 estimated expenditures in each program in the current year,
1 33 and the actual expenditures in each program from the annual
1 34 report as provided in section 384.22, or as corrected by a
1 35 subsequent audit report. Wherever practicable, as provided in



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007

Senate Study Bill 1341 continued

2 1 rules of the committee, a budget, including the tax increment
2 2 financing budget, must show comparisons between the levels of
2 3 service provided by each program as estimated for the
2 4 following year, and actual levels of service provided by each
2 5 program during the two preceding years. Wherever practicable,
2 6 the tax increment financing budget shall include estimated and
2 7 actual tax increment financing revenues and all estimated and
2 8 actual expenditures of the revenues, proceeds from debt and
2 9 all estimated and actual expenditures of the debt proceeds,
2 10 and identification of any entity receiving a direct rebate of
2 11 taxes funded by tax increment financing revenues.

2 12 Sec. 5. INDUSTRIAL NEW JOBS TRAINING TAX INCENTIVES
2 13 REPORTING COMMITTEE. An industrial new jobs training tax
2 14 incentives reporting committee shall be formed consisting of
2 15 two representatives of the department of economic development,
2 16 two representatives of community colleges, and two
2 17 representatives of the department of revenue. One of the
2 18 representatives of the department of revenue shall serve as
2 19 the chairperson of the committee. The committee shall study
2 20 the reporting of information related to tax incentives
2 21 received pursuant to chapter 260E. By December 31, 2007, the
2 22 committee shall submit a written report to the general
2 23 assembly which shall include but not be limited to a proposed
2 24 system for collecting data for tax incentives received
2 25 pursuant to chapter 260E. The system shall collect data
2 26 including but not limited to the recipient of tax incentives
2 27 and the aggregate amount of tax incentives received under an
2 28 agreement pursuant to chapter 260E.

2 29 EXPLANATION

2 30 This bill relates to certain tax incentives by requiring
2 31 data collection modifying requirements for city and county
2 32 budgets, and creating a reporting committee.

2 33 Currently, a research activities tax credit is allowed
2 34 under the high quality job creation program. The bill
2 35 requires the department of revenue to develop a system for



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2007**

Senate Study Bill 1341 continued

3 1 collecting data related to tax credits of \$5,000 or more
3 2 claimed under the program.
3 3 The bill requires cities and counties to include as part of
3 4 their annual budgeting procedure a tax increment financing
3 5 budget. The bill provides that the tax increment financing
3 6 budget, wherever practicable, shall include estimated and
3 7 actual tax increment financing revenues and all estimated and
3 8 actual expenditures of the revenues, proceeds from debt and
3 9 all of the expenditure of debt proceeds, and identification of
3 10 any entity receiving a direct tax increment financing rebate
3 11 of taxes. The bill requires the tax increment financing
3 12 budget, wherever practicable to show comparisons between the
3 13 levels of service provided by each program as estimated for
3 14 the following year, and actual levels of service provided by
3 15 each program during the two preceding years.
3 16 The bill requires an industrial new jobs training tax
3 17 incentives reporting committee to be formed consisting of two
3 18 representatives of the department of economic development, two
3 19 representatives of community colleges, and two representatives
3 20 of the department of revenue. The bill requires the committee
3 21 to study the reporting of information related to tax
3 22 incentives received pursuant to Code chapter 260E. By
3 23 December 31, 2007, the bill requires the committee to submit a
3 24 written report to the general assembly which shall include but
3 25 not be limited to a proposed system for collecting data for
3 26 tax incentives received pursuant to Code chapter 260E.
3 27 LSB 1342XC 82
3 28 tm:sc/je/5